



**LOVELAND PLANNING COMMISSION MEETING
AGENDA**

**Monday, June 10, 2013
500 E. 3rd Street – Council Chambers
Loveland, CO 80537**

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, GENDER, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMODATIONS TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2523 OR TDD 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. REPORTS:

a. Citizen Reports

This is time for citizens to address the Commission on matters not on the published agenda.

b. Staff Matters

Welcome Kimber Kreutzer, new Planning Commission Secretary

c. Committee Reports

d. Commission Comments

IV. APPROVAL OF MINUTES

Review and approval of the May 13, 2013 meeting minutes

V. CONSENT AGENDA:

The consent agenda includes items for which no discussion is anticipated. However, any Commissioner, staff member or citizen may request removal of an item from the consent agenda for discussion. Items removed from the consent agenda will be heard at the beginning of the regular agenda.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption by the Planning Commission and acceptance by the Applicant of the staff recommendation for those items.

1. Vacation of Rights-of-Way, Millennium SW 5th Subdivision

This is a public hearing item to consider a request to vacate public rights-of-way within the Millennium SW Fifth Subdivision. The vacation includes Oberon Drive and a portion of Janus Drive which are located at the NE quadrant of 1st Street and Sculptor Drive in SE Loveland. This

request by Loveland Midtown Development is a component of their effort to replat and develop 75 single family residential lots in a portion of the Falcon Brook development. This is a legislative action; the Planning Commission will forward its recommendation to the City Council for final action.

2. Extension Request: Anderson First Subdivision Preliminary Plat

This is a request for a 2-year extension of the Preliminary Plat for the Anderson First Subdivision. This property consists of 89 acres located at the NE quadrant of the intersection of Hwy. 287 and Hwy. 60 at the extreme south end of Loveland. The Preliminary Plat was approved in 2010 in association with a Preliminary Development Plan for the Ridge at Thompson Valley PUD. The Planning Commission has final authority on this matter.

VI. REGULAR AGENDA

3. Dakota Glen PUD: Preliminary Development Plan Amendment

This is the continuation of a public hearing item to consider a proposed amendment to the Preliminary Development Plan (PDP) for the Dakota Glen PUD. Dakota Glen is a developing single family residential neighborhood in SW Loveland; it is zoned Planned Unit Development (PUD). The amendment would modify permitted uses in the PUD to allow the construction of an above ground public utility facility and natural gas pipeline proposed by Xcel Energy. The proposed regulator station and 16" pipeline are part of a regional project that will replace an existing pipeline from the Wyoming border to Westminster, Colorado. Since the May 13th meeting, a consensus has been reached by neighborhood residents and Xcel Energy regarding the regulator station and associated landscaping. The Planning Commission's responsibility is to conduct a quasi-judicial public hearing and forward a recommendation on this application to the City Council for final action.

4. Airpark North Addition: Zoning Ordinance Amendment

This is a public hearing to consider a request to amend the Airpark North zoning ordinance. This 94-acre property zoned Developing Industrial is located immediately north of the Fort Collins-Loveland airport. It was annexed into the City in 1987. At the time, the City Council placed a condition on the zoning ordinance which requires the Planning Commission to approve a master plan for the property prior to development. The property owner, Curt Burgener, is seeking to amend this requirement to allow an interim storage use on the property prior to the approval of a master plan and final development. The Planning Commission's responsibility is to conduct a quasi-judicial public hearing and forward a recommendation on this application to the City Council for final action.

5. Gateway PUD: General Development Plan Amendment

This is a public hearing item to consider a proposed amendment to the Gateway General Development Plan requested by McWhinney Real Estate Services to allow for an increase in the maximum number of residential units within the Plan area and to allow a density increase from 16 units per acre to 22 units per acre on parcel A-1. This parcel is located on Hahn's Peak Road and includes a lot that is vacant and suitable for multi-family development. The Planning Commission's responsibility is to conduct a quasi-judicial public hearing and forward a recommendation on this application to the City Council for final action.

VII. ADJOURNMENT

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
May 13, 2013

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on May 13, 2013 at 6:30 p.m. Members present: Chairman Meyers; Vice-Chair Middleton; and Commissioners Massaro, Molloy, Dowding, Krenning and Prior. City Staff present: Bob Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Community Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Current Planning Manager Mr. Paulsen** said there were no staff matters to report but wanted to remind the Commission that the next scheduled meeting for May 27, 2013 is canceled due to the Memorial Holiday.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

Commissioner Dowding stated that she recently had to opportunity to sit at the corner of the new Kum-and-Go facility that was recently opened on Hwy 34. She said that the wall that was built out front was beautiful and thanked those who constructed it for a job well done.

Chair Meyers shared that he had been asked to attend a study session with the City Council on May 28th to discuss a possible ban on fracking in Loveland. He was asked by the Mayor to get a consensus from the Commission regarding their position on a fracking ban. **Commissioner Dowding** stated that she believes there are sufficient safeguards in place and that a ban is not necessary. **Commissioner Prior** agreed and stated he is also against a ban. **Commissioner Molloy** said that the 1,000 foot setback was his concern. **Commissioner Massaro** expressed concern in regards to information that supports health issues that accompany fracking, along with home value questions that surround it. He would like to investigate a possible ban. **Commissioner Middleton** stated he has concerns regarding the current standards being used for fracking from an air and water quality perspective; however, he does not outright support a ban. **Commissioner Krenning** had no comment. **Chair Meyers** indicated that he will not support a ban because he feels it would be a losing legal battle with the State of Colorado.

APPROVAL OF THE MINUTES

Commissioner Molloy abstained from voting as he did not attend the April 22nd meeting. **Commissioner Middleton** made a motion to approve the April 22, 2013 meeting minutes. Upon a second from **Commissioner Dowding**, the minutes were unanimously adopted.

REGULAR AGENDA

1. Amendment to Dakota Glen PUD

This is a public hearing item to consider a proposed amendment to the Preliminary Development Plan (PDP) for the Dakota Glen PUD. The amendment would modify permitted uses in the PUD to allow the construction of an above ground public utility facility and natural gas pipeline that is part of regional project to replace an existing pipeline from the Wyoming border to Westminster, Colorado. The Planning Commission's responsibility is to conduct a quasi-judicial public hearing and forward a recommendation on this application to the City Council for final action.

Commissioner Dowding recused herself from this discussion, indicating that she was in the notice area of this item and participated in the neighborhood meeting.

Kerri Burchett, Principal Planner with the Current Planning Division, provided a summary of the major amendment and presented a slide illustrating the affected area of the Dakota Glen PUD. She stated that the applicant for this amendment is Public Service Company of Colorado (PSCo) and they are requesting to amend the PUD to add a use of an above ground public utility facility. She explained that the goal is to develop a new station for an underground pipeline that would go through the open space area of the PUD. This is a small part of a much larger Xcel state project to install 77 miles of new pipeline. The Regulator Station Site is necessary to control the flow of gas between a 16" line and a smaller line and will be located and accessed off 14th St. SW. The site will sit on approximately ½ acre with a 528 square foot control house. There will be two areas of above ground pipes with less than 380 square feet each, and would be a permanent lease situation between PSCo and the Dakota Glen HOA. The major concern from the neighborhood occupants is the aesthetics of the proposed building and pipes. A comparative slide was shown to explain the revised drawing of the site after the neighborhood meeting. The new drawing addressed the concerns of the neighborhood by modifying the color of the building, and adding a decorative, metal, 6' fence around the above ground pipes. **Ms. Burchett** went on to say that the Current Planning Staff was recommending the approval of the PUD Amendment with conditions. Planning Commission action is a recommendation to City Council and the project is scheduled for the June 18th City Council hearing, which will be the final action to approve or deny the project. Finally, she pointed out to the Commission that they each had a packet in front of them containing letters from Dakota Glen residents.

Ms. Burchett introduced the applicant of the amendment request, **Mr. Randy Blank, PSCo Project Manager/Engineer**. **Mr. Blank** stated he has a 27 year history with Xcel Energy and is very familiar with the gas system in Northern Colorado. He thanked the Commissioner's for allowing him to present the amendment proposal. The goal of Xcel is to provide safe, reliable, gas service to the Front Range, which includes the entire city of Loveland. Currently there are 21,414 miles of natural gas distribution pipeline and 2,100 Regulator Stations; 230 of which are located in Northern Colorado. Xcel is in the process of replacing 95 miles of 1920's and 1930's transmission pipe between Westminster, CO and the Wyoming border. Xcel has held 8 public meetings between February 2012 and April 2013 to discuss the impact of this project on the community. In addition to the meetings, Xcel notified impacted neighborhoods via email, door hangers, website updates, public service announcements, and direct mailings. Xcel and Dakota Glen land owners worked together to develop the needed easements for this pipeline. The purpose of this Regulator Station is to make a tie between the new 16" line and an existing 6" line that runs east and west at 14th St. SW. The line serves the southwest part of Loveland and feeds up to Estes Park. The 16" line will have a slightly higher pressure than the 6" line, creating the need to regulate the pressure. Mr. Blank points out that Xcel meets or exceeds federal standards, state standards, and safety requirements, and has had no incidents of intentional damage in above ground pipes in over 20 years. In response to aesthetics concerns, PSCo began working with the Dakota Glen HOA. PSCo agreed to add a screen around the pipes and to restore the landscaping at the Regulator site. There will be no disruption to the wetlands or wildlife, and dust concerns have been addressed. It is the opinion of PSCo that property values will not be impacted since the facility was designed to blend with the PUD, and is far enough away from the actual home sites. Construction time frame for this project is 4-6 weeks and will begin in the fall of 2013.

Vice-Chair Middleton asked **Mr. Blank** engineering questions in order to clear the air on some of the concerns.

Q1) Where is the nearest fire hydrant to the facility?

A1) The nearest ones are in the Blackbird Knolls subdivision.

Q2) What is the pressure in the 16" line?

A2) The 16" pipeline is rated to 1020 psi, and the 6" line is a maximum 960 psi, but operates at an average of 400-700 psi.

Q3) Will there be a blow valve on the regulator?

A3) There is no blow down valve, but there are 2 regulators with monitors to prevent a buildup of pressure. It is a closed system.

Q4) What noise, if any, is associated with the regulators?

A4) The regulators will be wide open and will emit very little, if any, noise.

Q5) Where are the other Regulator Stations?

A5) The closest stations are the Berthoud Control Station and a new one to be built at 8th Street.

Q6) What, if any, alternatives are available if the Commission does not approve this amendment?

A6) There are not many, if any, alternatives to this Regulator Station.

Commissioner Prior addressed Mr. Blank and Mr. Dan Tekavec, Project Manager at PSCo with questions.

Q7) Why did the new pipeline take a different alignment from Taft to Wilson?

A7) The location was chosen because Taft Avenue is a congested, busy corridor. Wilson has a wider right of way.

Q8) Is the existing infrastructure on Taft and SW 14th a regulator site?

A8) No, it's basically valve set.

Q9) Is power needed at the new Regulator Site?

A9) No electrical power will be needed.

Q10) What other sites were considered for this project?

A10) Original plans were to route the regulator to the middle of subdivision of Blackbird Knolls but we determined it was better to detour to the open space, west of Blackbird Knolls.

Commissioner Molloy addresses Ms. Burchett, and Mr. Tekavec, with questions.

Q11) Are there any plans for additional housing development in this area, or will it remain open space?

A11) **Ms. Burchett** stated there are no other development activities planned for this area and pointed out that it is preserved open space.

Q12) Can the infrastructure be placed below grade?

A12) **Mr. Tekavec** explained that the infrastructure has been pushed down as low as it possibly can be and will need to be placed above ground in order to be operated safely.

Public Comments

Mr. Clint Black, 942 Prism Cactus Circle, Loveland, CO. He stated that he thinks Xcel is a great company and believes this is a safe project, but indicated that he would prefer that Xcel put the pipes in a vault for access.

Mr. John Conger, 1023 Prism Cactus Circle, Loveland, CO, indicated that he feels like he represents his community well. He thinks the photos showing the simulation of the proposed Regulator Station are distorted and do not show the houses in the surrounding area. He believes the Regulator Station will have a negative impact on property values in Dakota Glen since its location is at the entrance of the development. He is concerned that the original notice sent out from Xcel in November 2012 did not mention above ground pipes. Finally, he feels that the financial "windfall" that the HOA got from the sale of the easement wasn't divided equitably.

Mr. Dale Roberts, 3448 Peruvian Torch Drive, Loveland, CO, communicated that he had aesthetic and financial concerns about the Regulator Station. Most residents moved to Dakota Glen because of the open space and surrounding area. He asked what other locations were considered for the Regulator Station, and asked if the Fire Station site looked into and why it wasn't the chosen site? Can any other amendments be added at will for the Dakota Glen PUC or will it have to be brought before the Commission again? **Commissioner Middleton** asked **Mr. Roberts** why he thinks the site at the SW corner of Wilson would be a better location considering that it is much closer to homes than the proposed site. **Mr. Roberts** conceded that neighbors there wouldn't like it in their neighborhood either.

Ms. Jeanice Prohs, 3411 Angora Drive, Loveland, CO. **Ms. Prohs** said she and her family moved to Dakota Glen in March. She was attracted to the neighborhood because of its open space. She expressed concerns regarding aesthetics and safety.

Mr. Scott Bray, 2586 Eldorado Springs Drive, Loveland, CO. **Mr. Bray** is the developer of Dakota Glen. He wanted to clarify the timeframe as to when Xcel and PSCo contacted him. He said in 2011 he was contacted to help minimize the impact the Regulator Station would have on the homes and open space area. It was a period of over 9 months before negotiations began; he believes around the summer of 2012. He said he had very few negotiation powers from the beginning. He does not believe the underground pipeline would have any impact on the open space. **Mr. Bray** expressed that he worked hard to communicate with the homeowners.

Linda Chalcraft, 3461 Peruvian Torch Drive, Loveland, CO. **Ms. Chalcraft** moved into her new home in Dakota Glen two weeks ago. She insisted that she was never told of Xcel's plans to build the Regulator Station during the time her home was being constructed. She also said she has concerns about vandalism.

Commission Comments

Mr. Blank and Mr. Tekavec addressed questions put forth at the Public Hearing.

Mr. Tekavec explained that the reason vaults are no longer used by PSCo/Xcel is because the vaults are in a confined area, and in the event there is a leak, the gas can build up in higher concentrations and be dangerous for maintenance workers.

Ms. Burchett answered the question regarding the easement and what else could be built there if the amendment is approved. She explained that if anything new is built in the PUD, it must go through the hearing process, regardless if it is a major or minor amendment. Like other amendments, it would also require a public hearing, either at a Planning Commission meeting or a City Council meeting.

Mr. Tekavec told the Commission that alternate locations for the Regulator Station were considered, including the NE corner of Wilson/14th St. SW. The decision to place the station in the Dakota Glen open space area was made ultimately because it is preferable to a more heavily developed site.

Mr. Bray explained to the Commission that when the aesthetic options for the Regulator Station were discussed, it was agreed to by the HOA and PSCo that the site had to match the Dakota Glen architectural standards. He also went on to say that the dead trees that line 14th St. will be replaced by PSCo.

Commissioner Massaro asked **Mr. Blank** what his is experience with vandalism at other sites. **Mr. Blank** responded that there are 230 Regulator Stations in Northern Colorado. There is some occasional tagging (graffiti) on the buildings, but no major vandalism. He stated that the site would not be electronically monitored; however, a technician does visit the site at least once a week, so any problems would be found and reported quickly.

Commissioner Krenning asked if there was a landscaping plan in place and was it addressed as a condition to the amendment? He went on to say that the original site had no fence in the simulation photos and that it seems as the fence may draw more attention to the facilities. He questioned whether the pipes can be camouflaged by trees or shrubs instead of a fence.

Ms. Burchett explained to **Mr. Krenning** that the plans to hide the pipes were mostly discussed between PSCo and Mr. Bray. Specifics on how to modify the site was not discussed in detail at the neighborhood meeting beyond an agreement that the aesthetics of the site needed to be addressed.

Commissioner Krenning commented he was not sure if the Commission could rule on something that is uncertain at this point. He stated the fence might not be the best option and indicated that he would like the Commission to delay a decision for two weeks in order to find a better solution.

Bob Massaro commented that he did not think that the homeowners of Dakota Glen had full input on decisions about the aesthetics of the site.

Commissioner Molloy stated that it appears the landscape plan is missing from the project packet.

Ms. Burchett responded that this is a preliminary plan and it might be absent of some details. She noted that plans to replace the trees that have died and other landscape details are available on sheet 4 and 8 in the packet.

Chair Meyers noted that there was a condition that a letter of approval from the HOA was to be sent to Planning and asked **Mr. Bray** if that was completed? **Ms. Burchett** confirmed that Planning did get the letter from **Mr. Bray**.

Commissioner Krenning asked to hear from homeowners and wanted to know what aesthetic choice they would approve if the Commission approves the amendment.

Mr. Conger responded to the question and said he would like the site look like it was intended. He would like it to blend in with the open space as much as possible.

Commissioner Massaro commented that the homeowners have not had a clear voice in how the site should look from an aesthetics perspective.

Commissioner Molloy conceded that it won't be possible to move the Regulator Site to an alternate location. He also said that he cannot envision what the finished site will look like based on the simulation images.

Commissioner Krenning felt that the Commissioners are unsure what the conditions are and felt that this amendment is being rushed through. He asked to see this amendment continued and indicated that he would not vote to approve as it is.

Commissioner Prior agreed that the amendment approval needs to be delayed and said the final plan must be one that the homeowners will approve.

Vice-Chair Middleton indicated that he will not approve the amendment as presented.

Chair Meyers stated that he agrees that the pipes will need to be placed in the Dakota Ridge PUC. He said the Commission has the ability to make an impact on the aesthetics of the Regulation Station. He agreed the amendment approval needs to be continued until a solid plan can be developed.

Vice-Chair Middleton made a motion to approve the PUD amendment subject to the condition listed in Section 9 as amended on the record. Upon a second by **Commissioner Massaro** the amendment did not pass. **Chair Meyers** was not comfortable with approving the amendment as it stands and would rather see it continued. The motion is unanimously denied.

Chair Meyers asked if continuing this amendment would interrupt the Xcel project plan. **Mr. Blank** responded that a one month delay is not ideal, but that Xcel is willing to work with the Commission to ensure homeowners are happy with the end result.

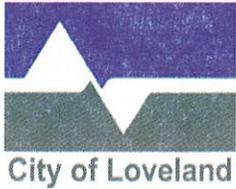
Commissioner Krenning made a motion to continue the meeting on June 10, 2013. Upon a second by **Vice-Chair Middleton** the motion was unanimously adopted.

ADJOURNMENT

Chair Meyers, made a motion to adjourn. Upon a second by **Commissioner Krenning**, the motion was unanimously adopted.

Approved by: _____
Buddy Meyers, Planning Commission Chairman

Kimber Kreutzer, Planning Commission Secretary



Planning Commission Staff Report

June 10, 2013

Agenda #: Consent Agenda - 1
Title: Millennium SW Fifth Subdivision Vacation (PZ #13-00060)
Applicant: Loveland Midtown Development, Inc.
Request: **Vacation of public rights-of-way**
Location: Northeast corner of E. 5th Street and Sculptor Drive.
Existing Zoning: P-59 - Millennium Addition
Proposed Use: Future single-family residential development
Staff Planner: Troy Bliss

Staff Recommendation

Subject to additional evidence presented at the public hearing, City staff recommends the following motion:

Recommended Motions:

1. Move to make the findings listed in Section VIII of the Planning Commission staff report dated June 10, 2013 and, based on those findings, recommend that City Council approve the requested vacation of public rights-of-way subject to the condition listed in Section IX of the report, as amended on the record.

Summary of Analysis

This is a public hearing to consider a request for vacating public rights-of-way within the Millennium SW Fifth Subdivision. The rights-of-way to be vacated include Oberon Drive and a portion of Janus Drive. These are public streets that were platted and dedicated with the Millennium SW Fifth Subdivision and are also tied to a Final Development Plan known as Falcon Brook. Only the southeastern third of this 36-acre project has been developed. The subject portion of this site has segments of utilities installed within Oberon Drive and Janus Drive but the streets were never paved and no buildings were ever constructed.

In conjunction with the vacation request, the applicant is seeking to re-subdivide the property and amend the final development plan to include a 75-lot detached single-family residential development referred to as the Millennium SW Sixteenth Subdivision/Tulip Creek. The current location of Oberon Drive and Janus Drive do not fit within the newly designed subdivision. Consequently, there is the need to vacate these rights-of-way and reestablish them in a different location and alignment elsewhere on the site. Additionally, a minimal amount of utility removal and relocation will need to occur.

I. SUMMARY

The applicant proposes to vacate Oberon Drive and a portion of Janus Drive within the Millennium SW Fifth Subdivision. These streets to be vacated are illustrated on **Attachment 1**, which is the corresponding legal description and exhibit to the vacation request. Further, please refer to **Attachment 2** that places these streets into context of the currently platted subdivision. The Millennium SW Fifth Subdivision was predominantly envisioned as a multi-family residential development, approved in conjunction with the Falcon Brook Final Development Plan. Only a portion of this project was constructed.

Loveland Midtown Development, Inc. has acquired the property and is proposing to re-plat approximately 21 acres of the Millennium SW Fifth Subdivision for future development of 75 single family residential lots (**Attachment 4**). (Please take note that this application is under City review and has not received approval at this time.) In order to accommodate this new subdivision design, the current alignment of Oberon Drive and portion of Janus Drive need to be vacated. These streets will however be rededicated for necessary utility installations and public access through the proposed re-platted subdivision. There are also some existing utilities that will need to be removed and relocated. Agencies outside of the City which provide utility services including Century Link, Comcast, and Xcel Energy have all provided responses to this vacation request, indicating that there are no concerns (**Attachment 3**).

II. ATTACHMENTS

1. Vacation of Right-of-Way Legal Description and Exhibit
2. Millennium SW Fifth Subdivision
3. Utility response letters
4. Millennium SW Sixteenth Subdivision/Tulip Creek – for reference purposes only

III. VICINITY MAP



IV. SITE DATA

ACREAGE OF SITE: APPROXIMATELY 2.2 ACRES (AREA OF RIGHT-OF-WAY
..... TO BE VACATED)

PROPERTY ZONING / USE P-59 MILLENNIUM ADDITION

EXISTING ZONING / USE - NORTH UNINCORPORATED LARIMER COUNTY / VACANT
UNDEVELOPED PROPERTY

EXISTING ZONING / USE - SOUTH P-59 MILLENNIUM ADDITION / MULTI-FAMILY
RESIDENTIAL (FALCON BROOK)

EXISTING ZONING / USE - EAST UNINCORPORATED LARIMER COUNTY / VACANT
UNDEVELOPED PROPERTY

EXISTING ZONING / USE - WEST P-59 MILLENNIUM ADDITION / VACANT UNDEVELOPED
PORTION OF STONE CREEK - SINGLE FAMILY
RESIDENTIAL

V. KEY ISSUES

There are no key issues regarding this vacation request. All City Divisions and all applicable outside City utility providers have no objection to the vacation of Oberon Drive and a portion of Janus Drive. The City is however requiring that the Millennium SW Sixteenth Subdivision/Tulip Creek re-plat be approved and recorded prior to the vacation taking effect so that new rights-of-way will be dedicated for public use, including the ability to re-route utilities.

VI. BACKGROUND

The subject property was annexed in 2001 as the Millennium Addition zoned Planned Unit Development (P-59). It is located within Parcel D of the Millennium General Development Plan which represents the southernmost boundary of the Millennium Addition. This general area of the Millennium Addition is designated for a variety of residential type uses.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** An affidavit was received from Chris Messersmith, on behalf of the applicant, certifying that written notice was mailed to all surface owners abutting the right-of-way to be vacated and notices were posted in a prominent location on the perimeter on May 16, 2013. In addition, a notice was published in the Reporter Herald on May 25, 2013.
- B. **Neighborhood Response:** A neighborhood meeting is not required in conjunction with an application to vacate public right-of-way. However, all surface owners and all owners of easements or right-of-way abutting the right-of-way to be vacated are notified of the application. Further, at least 50% of such owners must be party to the application. Given these requirements and the configuration of the property, only 1 owner was notified of the application beyond the applicant. No neighborhood response has been received at the time this staff report was prepared.

VIII. FINDINGS AND ANALYSIS

Chapter 16.36, Section 16.36.010.B

1. *That no land adjoining any right-of-way to be vacated is left without an established public or private right-of-way or easement connecting said land with another reestablished public or private right-of-way:*

In order to comply with this provision of the Municipal Code, the City must require that the vacation not take effect until a corresponding re-plat of the Millennium SW Fifth Subdivision (aka Millennium SW Sixteenth Subdivision) is approved and recorded. This will establish a connecting public right-of-way.

2. *That the right-of-way or easement to be vacated is no longer necessary for the public use and convenience.*

In conjunction with a corresponding application to re-plat the Millennium SW Fifth Subdivision, the current location of Oberon Drive and a portion of Janus Drive are no longer necessary for public use. These streets will be relocated based upon a proposed new subdivision design to provide public use and convenience.

Development Review Team Analysis

Current Planning

The right-of-way to be vacated currently serves no purpose for vehicle and pedestrian accessibility since this portion of the Millennium SW Fifth Subdivision has not been developed. Beyond some limited utilities that exist within the right-of-way which are proposed to be removed and relocated, there is no public benefit keeping Oberon Drive and a portion of Janus Drive in their current configuration.

Transportation Development Review

The proposed right-of-way vacation will not create a negative impact upon the City's public streets. A new and revised plat will dedicate the appropriate rights-of-way for the public streets within this subdivision.

Fire

The proposed right-of-way vacation will not create a negative impact upon the City's ability provide emergency service.

Water/Wastewater

The subject area to be vacated is the City's current service area for both water and wastewater. There are existing water and wastewater utilities within the area to be vacated. The department is in the process of reviewing a concurrent plat (Millennium SW Sixteenth Subdivision) that dedicates right-of-way and easements over these utilities. The Department requests that the vacation ordinance would be contingent to approval of the final plat for the Millennium SW Sixteenth Subdivision. If so, the Department would find that:

*The existing ROW to be vacated does not impact the existing water and wastewater utility configuration within and adjacent to this development.

*The existing ROW to be vacated is no longer necessary for public use and convenience.

Stormwater

The existing street right-of-way, to be vacated, is no longer used to convey Stormwater and thus is not necessary for the public use and conveyance of Stormwater.

Power

An underground two-phase conductor in conduit is located along the western right-of-way of Janus Drive and crosses Oberon Drive in the right-of-way to be vacated. The right-of-way to be vacated is no longer necessary for the public use and convenience provided that a new right-of-way covering the same area is dedicated at the same time as the vacation of the existing right-of-way.

IX. RECOMMENDED CONDITION

The following conditions are recommended by City Staff.

Current Planning

1. This vacation shall not take effect until the Millennium SW Sixteenth Subdivision Final Plat (being a re-plat of the Millennium SW Fifth Subdivision) is approved and recorded.

PROPERTY DESCRIPTION

Oberon Drive and a Portion of Janus Drive Right-of-Way Vacation

A strip of land previously dedicated as Right of Way for Oberon Drive and Janus Drive by the Millennium SW Fifth Subdivision plat, recorded June 6, 2004 as Reception No. 2004-0052515 of the Records of Larimer County and being located in the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Seventeen (17) Township Five North (T.5N.), Range Sixty-nine West (R.69W.), Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado, said strip of land herein vacated as Right of Way more particularly described as follows:

COMMENCING at the Center South Sixteenth corner of said Section 17 and assuming the South line of Northwest Quarter of the Southeast Quarter of said Section 17 to bear North 89°38'56" East with all other bearings contained herein relative thereto;
THENCE North 89°38'56" East along the South line of Northwest Quarter of the Southeast Quarter of said Section 17 a distance of 289.10 feet to the intersection of the center line of Janus Drive and the South line of Northwest Quarter of the Southeast Quarter of said Section 17;
THENCE North 00°36'22" East along the center line of said Janus Drive a distance of 69.61 feet to the South line of said Millennium SW Fifth Subdivision;
THENCE North 00°36'22" East continuing along the center line of said Janus Drive a distance of 231.55 feet to a Point of Curvature on said center line;
THENCE along the arc of a curve concave to the Southeast a distance of 92.36 feet, said curve has a Radius of 170.00 feet, a Delta of 31°07'43" and is subtended by a Chord bearing North 16°10'14" East a distance of 91.23 feet to the intersection of the centerlines of Oberon Drive and Janus Drive;
THENCE North 58°15'54" West along the center line of said Oberon Drive a distance of 25.00 feet to the beginning point of a curve non-tangent to this course and to the **POINT OF BEGINNING**;

THENCE along the arc of a curve concave to the Southeast a distance of 37.37 feet, said curve has a Radius of 195.00 feet, a Delta of 10°58'50" and is subtended by a Chord bearing South 26°14'41" West a distance of 37.31 feet to the cusp of a curve concave to the Southwest, the radius point of said curve concave to the Southwest bears North 69°14'44" West a distance of 15.00 feet;
THENCE along the arc of a curve concave to the Southwest a distance of 20.69 feet, said curve has a Radius of 15.00 feet, a Delta of 79°01'10" and is subtended by a Chord bearing North 18°45'19" West a distance of 19.09 feet to a Point of Tangency;
THENCE North 58°15'54" West a distance of 120.36 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northeast a distance of 193.30 feet, said curve has a Radius of 190.00 feet, a Delta of 58°17'27" and is subtended by a Chord bearing North 29°07'11" West a distance of 185.07 feet to a Point of Tangency;
THENCE North 00°01'33" East a distance of 433.66 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Southeast a distance of 300.69 feet, said curve has a Radius of 190.00 feet, a Delta of 90°40'33" and is subtended by a Chord bearing North 45°21'50" East a distance of 270.28 feet to a Point of Tangency;
THENCE South 89°17'54" East a distance of 374.92 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northwest a distance of 42.97 feet, said curve has a Radius of 167.00 feet, a Delta of 14°44'34" and is subtended by a Chord bearing North 83°19'49" East a distance of 42.85 feet to a Point of Reverse Curvature;
THENCE along the arc of a curve concave to the Southwest a distance of 158.49 feet, said curve has a Radius of 76.00 feet, a Delta of 119°29'03" and is subtended by a Chord bearing South 44°17'56" East a distance of 131.29 feet to a Point of Reverse Curvature;
THENCE along the arc of a curve concave to the Southeast a distance of 42.97 feet, said curve has a Radius of 167.00 feet, a Delta of 14°44'29" and is subtended by a Chord bearing South 08°04'21" West a distance of 42.85 feet to a Point of Tangency;
THENCE South 00°42'06" West a distance of 204.03 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northwest a distance of 150.76 feet, said curve has a Radius of 195.00 feet, a Delta of 44°17'54" and is subtended by a Chord bearing South 22°51'03" West a distance of 147.04 feet to a Point of Tangency;

S.L. 4-26-13
Skt 1 of 2

THENCE South 45°00'00" West a distance of 13.00 feet;
 THENCE North 45°00'00" West along a line crossing the Janus Drive Right of Way a distance of 50.00 feet;
 THENCE North 45°00'00" East a distance of 13.00 feet to a Point of Curvature;
 THENCE along the arc of a curve concave to the Northwest a distance of 112.11 feet, said curve has a Radius of 145.00 feet, a Delta of 44°17'54" and is subtended by a Chord bearing North 22°51'03" East a distance of 109.34 feet to a Point of Tangency;
 THENCE North 00°42'06" East a distance of 265.86 feet to a Point of Curvature;
 THENCE along the arc of a curve concave to the Southwest a distance of 28.27 feet, said curve has a Radius of 18.00 feet, a Delta of 90°00'00" and is subtended by a Chord bearing North 44°17'54" West a distance of 25.46 feet to a Point of Tangency;
 THENCE North 89°17'54" West a distance of 436.76 feet to a Point of Curvature;
 THENCE along the arc of a curve concave to the Southeast a distance of 221.56 feet, said curve has a Radius of 140.00 feet, a Delta of 90°40'33" and is subtended by a Chord bearing South 45°21'50" West a distance of 199.15 feet to a Point of Tangency;
 THENCE South 00°01'33" West a distance of 433.66 feet to a Point of Curvature;
 THENCE along the arc of a curve concave to the Northeast a distance of 142.43 feet, said curve has a Radius of 140.00 feet, a Delta of 58°17'27" and is subtended by a Chord bearing South 29°07'11" East a distance of 136.37 feet to a Point of Tangency;
 THENCE South 58°15'54" East a distance of 120.36 feet to a Point of Curvature;
 THENCE along the arc of a curve concave to the Northwest a distance of 20.69 feet, said curve has a Radius of 15.00 feet, a Delta of 79°01'09" and is subtended by a Chord bearing North 82°13'31" East a distance of 19.09 feet to the cusp of a curve concave to the Southeast, the radius point of said curve concave to the Southeast bears South 52°46'28" East a distance of 195.00 feet;
 THENCE along the arc of a curve concave to the Southeast a distance of 37.37 feet, said curve has a Radius of 195.00 feet, a Delta of 10°58'50" and is subtended by a Chord bearing South 37°13'32" West a distance of 37.31 feet to the **POINT OF BEGINNING** .

Said described parcel of land contains 96,865 sq. ft. or 2.224 acres, more or less.

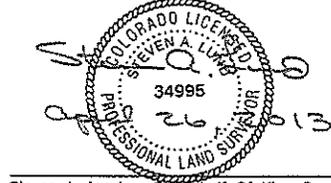
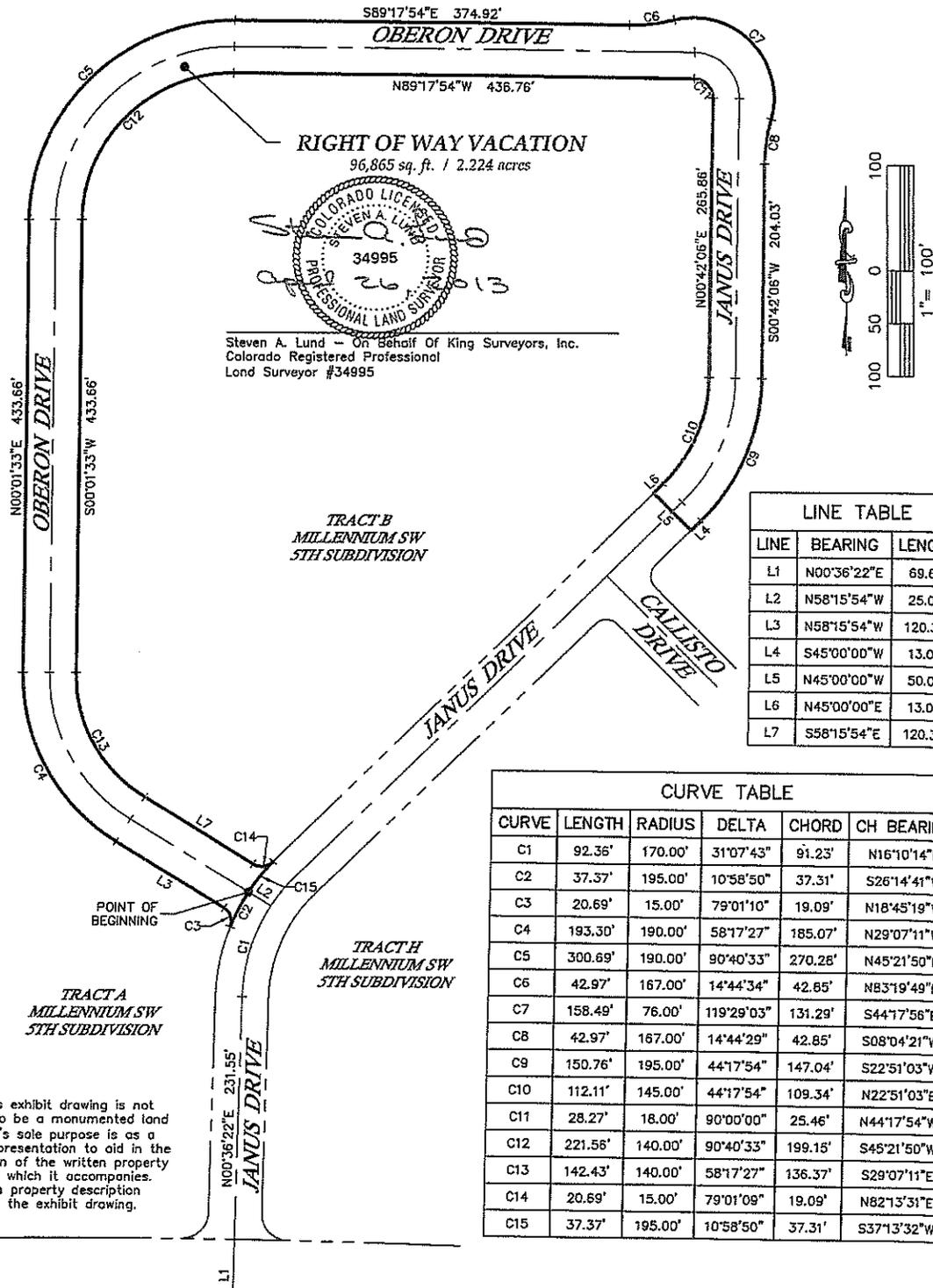
SURVEYOR'S CERTIFICATE

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

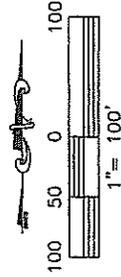


Steven A. Lund – on Behalf of King Surveyors, Inc.
 Colorado Registered Professional
 Land Surveyor #34995

KING SURVEYORS, INC.
 650 Garden Drive
 Windsor, Colorado 80550
 (970) 686-5011



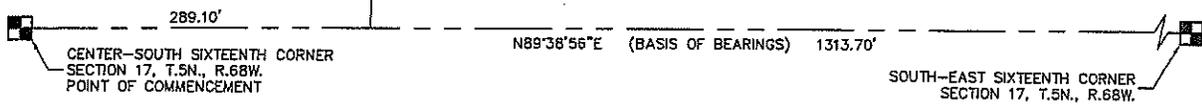
Steven A. Lund - On Behalf Of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #34995



LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°36'22"E	69.61'
L2	N58°15'54"W	25.00'
L3	N58°15'54"W	120.36'
L4	S45°00'00"W	13.00'
L5	N45°00'00"W	50.00'
L6	N45°00'00"E	13.00'
L7	S58°15'54"E	120.36'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	92.36'	170.00'	31°07'43"	91.23'	N16°10'14"E
C2	37.37'	195.00'	10°58'50"	37.31'	S26°14'41"W
C3	20.69'	15.00'	79°01'10"	19.09'	N18°45'19"W
C4	193.30'	190.00'	58°17'27"	185.07'	N29°07'11"W
C5	300.69'	190.00'	90°40'33"	270.28'	N45°21'50"E
C6	42.97'	167.00'	14°44'34"	42.85'	N83°19'49"E
C7	158.49'	76.00'	119°29'03"	131.29'	S44°17'56"E
C8	42.97'	167.00'	14°44'29"	42.85'	S08°04'21"W
C9	150.76'	195.00'	44°17'54"	147.04'	S22°51'03"W
C10	112.11'	145.00'	44°17'54"	109.34'	N22°51'03"E
C11	28.27'	18.00'	90°00'00"	25.46'	N44°17'54"W
C12	221.56'	140.00'	90°40'33"	199.15'	S45°21'50"W
C13	142.43'	140.00'	58°17'27"	136.37'	S29°07'11"E
C14	20.69'	15.00'	79°01'09"	19.09'	N82°13'31"E
C15	37.37'	195.00'	10°58'50"	37.31'	S37°13'32"W

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.



KING SURVEYORS, INC.
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
www.kingsurveyors.com

PROJECT NO: 2012664
DATE: 4/2/2013
CLIENT: COLORADO CIVIL GROUP
DWG: 2012664EXH
DRAWN: CSK CHECKED: SAL

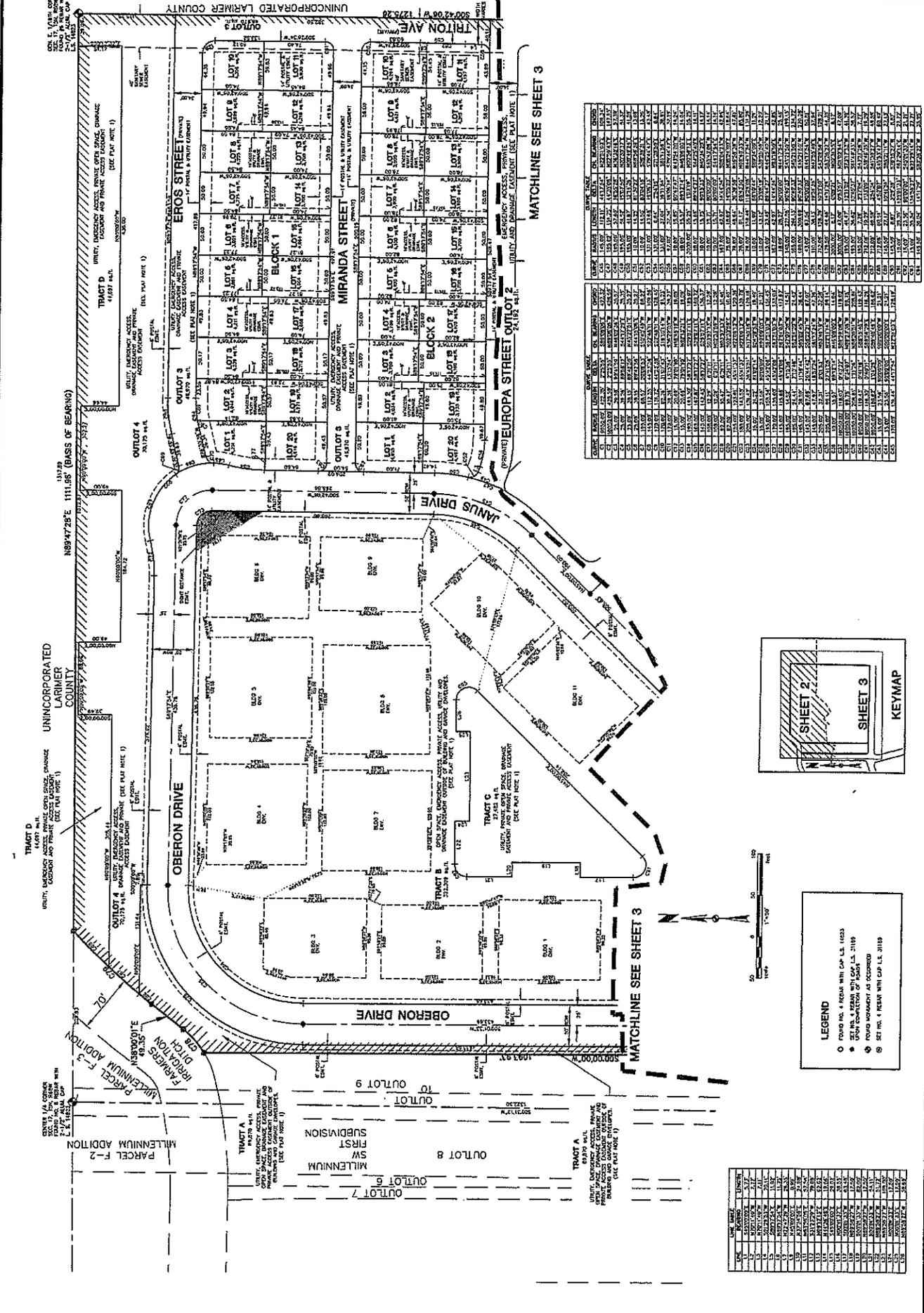
MILLENNIUM SW FIFTH SUBDIVISION

PLAT

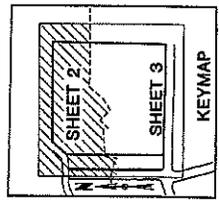


TST INC.
Consulting Engineers
10000 West Loop South
Houston, Texas 77042
Tel: 281-469-1000
Fax: 281-469-1001
www.tstinc.com

DATE: APRIL, 2008
SHEET: 1-508



TRACT	AREA	PERCENTAGE	AREA	PERCENTAGE	AREA	PERCENTAGE	AREA	PERCENTAGE
TRACT A	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
TRACT B	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
TRACT C	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
TRACT D	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00



- LEGEND**
- POINT NO. 1 FROM WPI CAP L.S. 1023
 - POINT NO. 2 FROM WPI CAP L.S. 1119
 - ⊙ POINT NO. 3 FROM WPI CAP L.S. 1119
 - ⊙ POINT NO. 4 FROM WPI CAP L.S. 1119

TRACT	AREA	PERCENTAGE	AREA	PERCENTAGE	AREA	PERCENTAGE	AREA	PERCENTAGE
TRACT A	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
TRACT B	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
TRACT C	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00
TRACT D	1.00	100.00	1.00	100.00	1.00	100.00	1.00	100.00



Consulting Engineers
10000 W. 11th Ave. # 200
Denver, CO 80202
Tel: 303-751-2227
Fax: 303-751-2228
www.tsi-engineers.com

DATE: APRIL, 2004
SHEET NO. 3 OF 3

LOT	AREA	PERCENT	ACRES	AREA	PERCENT	ACRES
LOT 1	1.00	100.00	0.0000	1.00	100.00	0.0000
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LOT 95	1.00	100.00	0.0000	1.00	100.00	0.0000
LOT 96	1.00	100.00	0.0000	1.00	100.00	0.0000
LOT 97	1.00	100.00	0.0000	1.00	100.00	0.0000
LOT 98	1.00	100.00	0.0000	1.00	100.00	0.0000
LOT 99	1.00	100.00	0.0000	1.00	100.00	0.0000
LOT 100	1.00	100.00	0.0000	1.00	100.00	0.0000

MATCHLINE SEE SHEET 2

EUROPA STREET

TRITON AVE

CALLISTO DRIVE

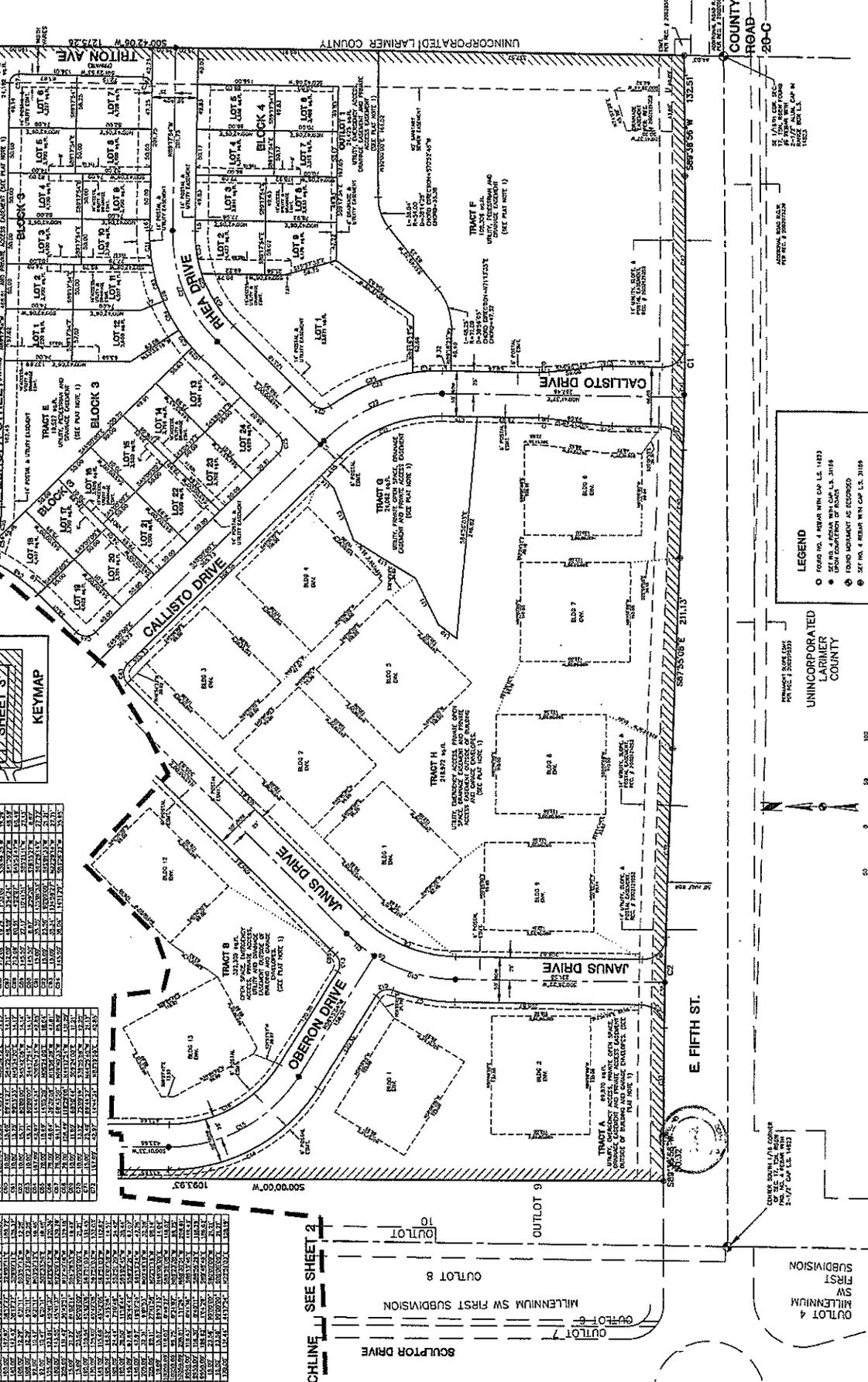
JANUS DRIVE

OBERON DRIVE

E. FIFTH ST.

SCULPTOR DRIVE

MATCHLINE SEE SHEET 3



KEYMAP

SHEET 2

SHEET 3

UNINCORPORATED LARIMER COUNTY

LEGEND

ROAD NO. 4 REAR WITH CAP L.S. 1423

SEE REG. 4 RECORD WITH CAP L.S. 3119

UNID. GOVERNMENT OF ROAD

ROAD NUMBER AS RECORDED

SEE REG. 4 REAR WITH CAP L.S. 3119

COVER DOWN L/SR CORNER

FOR REG. 4 REAR WITH

1-1/2" CAP L.S. 1423

UNINCORPORATED LARIMER COUNTY

UNINCORPORATED LARIMER COUNTY

UNINCORPORATED LARIMER COUNTY

OUTLOT 7

OUTLOT 8

OUTLOT 9

OUTLOT 10

OUTLOT 11

OUTLOT 12

OUTLOT 13

OUTLOT 14

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OUT

C Messersmith

From: Garcia, Jason [Jason.Garcia@CenturyLink.com]
Sent: Tuesday, April 30, 2013 10:47 AM
To: Chris Messersmith
Subject: RE: 0029.0001.00 TCS, City of Loveland Development Project

Chris,
We have no issues vacating the easement since we have no facilities in the easement.
Thanks,
Jason

From: Chris Messersmith [<mailto:cmessersmith@ccginc.us>]
Sent: Tuesday, April 30, 2013 8:28 AM
To: Garcia, Jason; Speer, Terry
Cc: 'Blaine Rappe'
Subject: 0029.0001.00 TCS, City of Loveland Development Project

Hi Terry & Jason,

I wanted to follow up with you from my email on Monday, April 22nd regarding the right-of-way vacation request associated with the Millennium SW 16th Subdivision that is being processed as the Tulip Creek Subdivision. The City has reviewed the submittal package and is ready to move it forward through the process.

The City will place conditions on the vacation requiring that the associated subdivision be approved and recorded prior to the vacation taking affect. This is basically to assure the public rights-of-way (along with utility easements) will be established in-lieu of those being vacated. The plat will have the easements necessary to accommodate your facilities. The City has asked me to follow up with you and see if the vacation is acceptable to you. Could you provide me with a response that you do not have an issue with this right-of-way vacation. If you do have an issue or would like to discuss this further, would you please give me a call.

Thanks for your help,

Chris

CCG

Chris E. Messersmith, P.E.
Colorado Civil Group, Inc.
1413 West 29th Street
Loveland, CO 80538
www.ccginc.us

p: 970.278.0029 x 103
c: 970.980.5497
cmessersmith@ccginc.us

From: Chris Messersmith [<mailto:cmessersmith@ccginc.us>]
Sent: Monday, April 22, 2013 11:45 AM
To: 'Blair, Bill'; 'steve.roth@xcelenergy.com'; 'Caivano Jr, Rocky'; 'terry.speer@centurylink.com'; 'Garcia, Jason'

Cc: 'Blaine Rappe'

Subject: 0029.0001.00 TCS, City of Loveland Development Project

We have submitted a right-of-way vacation request to the City of Loveland associated with the Millennium SW 16th Subdivision that is being processed as the Tulip Creek Subdivision. The City has asked me to follow up with the following agencies to determine if additional information is required:

- Century Link
- Comcast
- Xcel Energy

I have attached a copy of the Site Plan that was part of the submittal package. Please let me know if you have any questions or need additional information.

Thank you,

Chris

CCG

Chris E. Messersmith, P.E.
Colorado Civil Group, Inc.
1413 West 29th Street
Loveland, CO 80538
www.ccginc.us

p: 970.278.0029 x 103

c: 970.980.5497

cmessersmith@ccginc.us

C Messersmith

From: Blair, Bill [Bill_Blair@cable.comcast.com]
Sent: Tuesday, April 30, 2013 9:56 AM
Cc: brappe@lovelandcommercial.com; Chris Messersmith (cmessersmith@ccginc.us)
Subject: RE: City of Loveland Development Project

Comcast accepts the vacation of Right of Way.

Bill

Bill Blair | Construction Coordinator | Greeley | Larimer Cnty | Loveland | NOMA
Comcast Corporation | 1582 W 1st ST | Loveland | CO | 80537
Cell# 720 490-3891
Bill_Blair@cable.comcast.com

From: EPlan-Planning [<mailto:eplan-planning@cityofloveland.org>]
Sent: Friday, April 19, 2013 3:54 PM
To: Blair, Bill; Gloria Hice-Idler (Gloria.Hice-Idler@DOT.STATE.CO.US); James Boxrud (James.N.Boxrud@usps.gov); Michael Cook (mtcook@ltwd.org); Scott Rowley (rowleys@prpa.org); Skip Armatoski (skip.armatoski@thompsonschoools.org); Steve Roth (steve.roth@xcelenergy.com); Terry Farrill (tfarrill@aol.com); Terry Speer (terry.speer@centurylink.com); Tim Stanton (TStanton@PVREA.com)
Cc: Troy Bliss; brappe@lovelandcommercial.com; Chris Messersmith (cmessersmith@ccginc.us)
Subject: City of Loveland Development Project

Attention: External Agency Reviewer

The following Development Application has been submitted to the City of Loveland for review and approval.

Application Name: Right-of-Way Vacation for Millennium SW 16th Subdivision
Application Type: Vacation
Project Number: 13-00060
Comments Due By: 4/25/13
Owner's Representative: Blain Rappe
Owner's Representative Email: brappe@lovelandcommercial.com

Attached to this email are the following PDFs

Application

Vicinity Map

Plat

There may be additional information (plans, reports, construction drawings) with the Applicant's submittal; however this email is limited to the above information due to email file size limitations. The City has notified the Applicant that it is their responsibility to provide specific External Agencies with any additional materials you may require for your project review.

Please review the included information. If you provide service to this application, please email any comments by the Comment Due Date to the Applicant indicated above.

Thank you for your cooperation,

**Current Planning
Development Services Department
City of Loveland**



1901 East Horsetooth Road
Fort Collins, Colorado 80525

Tuesday, April 30, 2013

**Re: Millennium SW 16th Subdivision – Right-of-Way Vacation
Project No: 0029.0001.00**

Mr. Chris E Messersmith,

Per our conversation and review of the proposed replat Xcel Energy does not have any issues with vacating right-of-ways to include Oberon Drive and portions of Janus Drive that were dedicated with Millennium SW 5th Subdivision plat, recorded June 6, 2004 as Reception No. 2004-0052515.

Sincerely,
Xcel Energy

A handwritten signature in black ink, appearing to read 'Rocky Caivano Jr.', written in a cursive style.

Rocky Caivano Jr



Development Services Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

MEMORANDUM

JUNE 10, 2013

To: Loveland Planning Commission
From: Bob Paulsen, Current Planning Manager
Subject: Preliminary Plat Extension Request of Ridge at Thompson Valley

Mr. Clay Vanice has submitted a written request for a two-year extension of the Preliminary Plat and Preliminary Development Plan for the Ridge at Thompson Valley. Mr. Vanice is the asset manager for Mariner Real Estate Management, and representative to the Managing Member of 2010-1 RADC/CADC Property XI, LLC. The LLC is the new owner of this 89.35-acre property located in the northeast quadrant of South Lincoln Avenue (State Hwy. 287) and South 42nd Street (State Hwy. 60). The property is zoned Planned Unit Development (PUD). In February of 2010, the Preliminary Plat (**Attachment 3**) and Preliminary Development Plan (**Attachment 4**) were approved by the City for 152 units of single family housing that includes a mix of product types and lot sizes.

Section 16.20.020 of the subdivision code indicates that Preliminary Plats shall be valid for one year. A Final Plat must be submitted to the City within this one year time period or the application is deemed withdrawn unless an extension to the Preliminary Plat is granted by the Planning Commission. With PUD zoning, a Preliminary Development Plan (PDP) is processed at the same time as the Preliminary Plat. The PDP is also valid for one year following approval. The PDP can be extended by the Current Planning Manager. It is customary for the Current Planning Manager to extend a PDP for the same length of time that the Planning Commission extends a Preliminary Plat. When a Preliminary Plat or Preliminary Development Plan expires, a new application must be filed and all application fees paid.

Mr. Vanice, working with local real estate broker John Baker (Cassidy Turley Colorado), cite intervening factors in justifying the delay for this request. According to Mr. Vanice, the most important of factor is that the property underwent a lengthy and contentious foreclosure process in 2012, with the LLC (that he represents) assuming ownership in late February of 2013. Since taking ownership, the LLC has been in communication with staff regarding the extension (**see Attachment 1**). The previous owner of this property, KDR, had been in occasional communication with Brian Burson of the Planning Division since 2011 regarding the need to extend the Preliminary Plat and the Preliminary Development Plan; however, KDR never submitted a written extension request (**see Attachment 2**).

Planning staff has no objection to this request. The applicant has indicated that the approved development plans for the property are in line with current and anticipated market demands, and the applicant anticipates that a Final Plat and Final Development Plan will be submitted within the

requested extension period. Planning staff believes that it will serve no practical purpose to require a re-submittal of the approved applications. If the Planning Commission approves an extension request for the Preliminary Plat, staff would look favorably on extending the Preliminary Development Plan for the same time period. If an extension request is denied by the Planning Commission, staff will not entertain an extension of the Preliminary Development Plan.

If an extension is approved, the applicant will be required to submit a Final Plat and Final Development Plan within the specified extension period or a re-application of the Preliminary Plant and Preliminary Development Plan will be necessary. These final documents must be accompanied by Public Improvement Construction Plans (infrastructure plans) that are consistent with City's current standards at the time of submittal.

RECOMMENDED MOTION

Move to approve the request for a two-year extension of the Preliminary Plat of the Anderson First Subdivision to June 10, 2015.

ATTACHMENTS:

1. Letter of Request from Clay Vanice
2. Email chain between Planning staff and John Baker concerning the preliminary plat extension
3. Preliminary Plat for Anderson First Subdivision (approved on Jan 25, 2010)
4. Portions of the Preliminary Development Plan for The Ridge at Thompson Valley PUD (approved on February 1, 2010)

2010-1 RADC/CADC Property XI, LLC

Date: March 17, 2013

To: Bob Paulsen
City of Loveland – Planning Manager

From: Clay Vanice
Asset Manager
Representative for Managing Member of 2010-1 RADC/CADC Property XI, LLC
Mariner Real Estate Management

Re: #Ridge at Thompson Valley – Request for PUD Preliminary Development Plan and Preliminary Subdivision Plat.

Dear Bob:

Thank you for meeting with John Baker and me (via phone) last Friday regarding the approvals for our property located at the north east corner of Highway 287 and 42nd Street SE (Colorado Highway 60).

Please consider this our official request for an extension of the PUD Preliminary Development Plan and Preliminary Subdivision Plat. We realize that this request is somewhat after the fact. However, we believe the circumstances, once fully considered, will allow you to extend the approvals for this property. We respectfully request a two year extension.

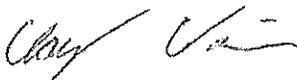
As you are aware, we own this property through a lengthy and contentious foreclosure process. The previous owner, KDR, was in discussions regarding the extension with Brian Burson during this time but the extension was never officially requested. We discovered the need to make the request in early February but could not do so at that time because we did not own the property. After we took title to the property in late February we began attempting to contact Brian. He was out on medical leave and our calls seem to have fallen in the crack so to speak. We understand this as the development business has increased with a simultaneous decrease in planning staff.

I am attaching the email correspondence between our real estate agent, John Baker, and Brian Burson which supports the above assertions. I am also attaching a copy of our Confirmation Deed which shows our title to the property.

We understand that there is a meeting scheduled for June 10, 2013 that we may be able to have our request heard. If there is any additional information that you need from us to make that happen please let me know.

Again, thank you for your time and consideration in this matter.

Sincerely,



Clay Vanice

Robert Paulsen

From: Clay Vanice <clay.vanice@mariner-re.com>
Sent: Friday, May 17, 2013 12:59 PM
To: Robert Paulsen
Cc: John Baker (jbaker@ctfuller.com); Chris Martin (CMartin@CohenFinancial.com)
Subject: Ridge at Thompson Valley
Attachments: 20130517144756898.pdf; Attachments.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Bob,

Per our discussion last Friday please find the attached letter requesting extension of the PUD Preliminary Development Plan and Preliminary Subdivision Plat.

Please let me know if you have any questions or need additional information.

Thanks

Clay Vanice, CCIM
Asset Manager
Mariner Real Estate Management, LLC
4601 College Blvd, Suite 300
Leawood, KS 66211
Office: 816-285-3873
Mobile: 913-461-5528
Fax: 913-647-9725
www.mariner-re.com

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John Baker

From: Brian Burson <Brian.Burson@cityofloveland.org>
Sent: Tuesday, February 05, 2013 3:13 PM
To: John Baker
Subject: RE: KDR Development LLC Property at the intersection of Hwy 287 and 42nd St

John:

I'm not sure of the limits of information you are seeking, so I will give you the "complete info".

KDR owns 2 separate properties at/near the NE corner of Hwy 287 and 42nd St SE. These are indicated in the Larimer County Assessors records as Parcel # 9536300028 (parcel #1); and the larger, "reverse L-shaped" Parcel # 9536400018 (parcel #2). The City of Loveland has approved a zoning of E-Employment Center on most of parcel # 1, as well as part of the "west leg" of parcel #2. As part of this E zoning, the City has also approved a Concept Master Plan for this area zoned E. This zoning and the Concept Plan will continue to be valid and binding unless approved otherwise by the City, at the request by the owner. A copy of the Concept Plan can be obtained from our office.

The remaining portion of parcel #2 is zoned "Anderson 1st Subdivision PUD (P-#97)" and is subject to the preliminary subdivision plat and PUD Preliminary Development Plan approved by the City in February 2010. City code stipulates that the preliminary subdivision plat and PUD Preliminary Development Plan are only valid for 1 year following their approval, unless extensions are requested by the owner and granted by the City. A 1 year extension has been previously granted for the plat and plan, but no application for final plat and PUD Final Development Plan have been submitted to the City to date. We are in process of allowing KDR to request another extension (if they still own the property). KDR has not confirmed to us that they wish to request another extension. This decision is made by the Planning Commission and it has not been presented to them yet. If a written request is rec'd, we hope to have it on the Planning Commission agenda before the end of March. If it is not approved by the Planning Commission, the plat and PUD plan will automatically become null and void. If an extension is granted, the developer will have until the end of that time to submit to the City complete applications for the final plat and PUD Final Development Plan. If not submitted, the City approval becomes null and void. A copy of the PUD Preliminary Development Plan can be obtained from our office, or from the City web-site.

We have already passed the technical deadline for submitting the extension request; however, we are extending a grace period to KDR to get their request to us. If KDR is no longer the legal owner, they may not request the extensions, and the current owner must submit the request instead. Otherwise, the plat and plans will become null and void. If the bank is now the owner, and they wish to preserve the existing preliminary development rights on the property, they need to provide the documentation of their ownership and submit their written request.

Hope this helps. Let me know if you have any questions.

Thanks.

Brian Burson
Senior City Planner
Current Planning Division
City of Loveland, CO
(970) 962-2557
brian.burson@cityofloveland.org

PC ATTACHMENT 2

-----Original Message-----

From: John Baker [mailto:jbaker@ctfuller.com]

Sent: Tuesday, February 05, 2013 1:42 PM

To: Brian Burson

Subject: Re: KDR Development LLC Property at the intersection of Hwy 287 and 42nd St

Brian

Sorry about that. It is the property on the far south side of the city.

John

Sent from my iPhone

Please excuse the typos

On Feb 5, 2013, at 12:20 PM, "Brian Burson"

<Brian.Burson@cityofloveland.org<mailto:Brian.Burson@cityofloveland.org>> wrote:

John:

Please confirm which intersection you are referring to:

a. the property at the NE corner of Hwy 287 and 42nd St SE – on the far south edge of the City; or, b. Hwy 287 and E. 42nd St – which of course would be on the north side of the City. Please confirm.

Thanks.

Brian Burson

Brian Burson

Senior City Planner

Current Planning Division

City of Loveland, CO

(970) 962-2557

brian.burson@cityofloveland.org<mailto:brian.burson@cityofloveland.org>

From: John Baker [mailto:jbaker@ctfuller.com]

Sent: Tuesday, February 05, 2013 11:23 AM

To: Brian Burson

Subject: KDR Development LLC Property at the intersection of Hwy 287 and 42nd St

Brian,

I have been asked by the lender on this property (maybe the owner by now) to determine the status of any submittals that may have been made on this property. Can you help me with this?

Thanks

John

John Baker

PC ATTACHMENT 2

Broker Associate

Cassidy Turley Colorado
772 Whalers Way, Suite 200
Fort Collins, CO 80525

T 970.776.3900

C 772.473.1932 F 970.267.7419

John.Baker@cassidyturley.com<mailto:John.Baker@cassidyturley.com>

www.cassidyturley.com/colorado<http://www.cassidyturley.com/colorado>

<image001.jpg>

If you need to send me a file larger than 5M please use this link<http://www.cassidyturley.com/sendthisfile>

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Any transactional information contained in this electronic transmission constitutes a conceptual outline only of the possible terms and conditions of such transaction and is not intended to form a binding agreement. Unless otherwise explicitly set forth in electronic communications between the parties, no transactional terms shall be binding upon such parties until a written agreement in non-electronic form is fully executed and delivered by an authorized representative of both parties.

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CONFIRMATION DEED

(CRS §38-38-502)

Public Trustee's Foreclosure Sale No. 2012-0442

THIS DEED is made February 27, 2013 between Deborah A. Morgan as the Public Trustee in and for the County of Larimer, State of Colorado, grantor and 2010-1 RAD/CADC Property XI, a Delaware limited liability company, grantee, the holder of the certificate of purchase whose legal address is 4601 College Boulevard, Suite 300, Leawood, KS 66211, by virtue of an assignment from 2010-1 RAD/CADC Venture, LLC, a Delaware limited liability company whose legal address is c/o Polsinelli Shughart PC, 1515 Wynkoop Street, Suite 600, Denver, CO 80202.

WHEREAS, the Grantor(s) described below did convey to the public trustee, in trust, the property hereinafter described to secure the payment of the indebtedness provided in said deed of trust:

Original Grantor(s)	KDR Development LLC, a Delaware limited liability company
Original Beneficiary(ies)	New Frontier Bank
Current Holder of Evidence of Debt	2010-1 RAD/CADC Venture, LLC, a Delaware limited liability company
Date of Deed of Trust	August 15, 2006
County of Recording	Larimer
Recording Date of Deed of Trust	August 17, 2006
Recording Information (Reception Number)	2006-0062521

WHEREAS, a violation was made in certain of the terms and covenants of said deed of trust as shown by the notice of election and demand for sale filed with the Public Trustee; the said property was advertised for public sale at the place and in the manner provided by law and by said deed of trust; combined notice of sale and right to cure and redeem was given as required by law; said property was sold according to said combined notice; and a certificate of purchase thereof was made and recorded in the office of said county Clerk and Recorder; and

WHEREAS, all periods of redemption have expired.

NOW, THEREFORE, the Public Trustee, pursuant to the power and authority vested by law and by the said deed of trust, confirms the foreclosure sale and sells and conveys to grantee the following described property located in the County of Larimer, State of Colorado, to wit:

THE PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO, TOGETHER WITH ALL RIGHTS, EASEMENTS, APPURTENANCES, ROYALTIES, MINERAL RIGHTS, OIL AND GAS RIGHTS, ALL WATER AND RIPARIAN RIGHTS, DITCHES, AND WATER STOCK, AND ALL EXISTING AND FUTURE IMPROVEMENTS, STRUCTURES, FIXTURES, AND REPLACEMENTS THAT MAY NOW, OR AT ANY TIME IN THE FUTURE, BE PART OF THE REAL ESTATE DESCRIBED,

TOGETHER WITH ALL THE RIGHT, TITLE AND INTEREST IN AND TO ANY AND ALL EXISTING OR FUTURE LEASES, SUBLEASES, AND ANY OTHER WRITTEN OR VERBAL AGREEMENTS FOR THE USE AND OCCUPANCY OF ANY PORTION OF THE PROPERTY, INCLUDING ANY, EXTENSIONS, RENEWALS, MODIFICATIONS OR SUBSTITUTIONS OF SUCH AGREEMENTS (ALL REFERRED TO AS "LEASES") AND RENTS, ISSUES AND PROFITS (ALL REFERRED TO AS "RENTS").

Also known by street and number as: foreclosing using legal description only, Loveland, CO 80537

THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.

To have and to hold the same, with all appurtenances, forever.

Executed on: February 27, 2013

Deborah A. Morgan, Public Trustee in and for the County of Larimer, State of Colorado



By: Deborah A. Morgan, Public Trustee

When Recorded Return to: Larimer County Public Trustee



Exhibit A

20120442

Parcel I:

The West Half of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 36, Township 8 North, Range 69 West of the 6th P.M., less and except the West Half of the Southeast Quarter of the Southwest Quarter of Section 36, Township 8 North, Range 69 West of the 6th P.M., in the City of Loveland, County of Larimer, State of Colorado.

Parcel II:

The West Half of the Southeast Quarter of the Southwest Quarter of Section 36, Township 8 North, Range 69 West of the 6th P.M., in the City of Loveland, County of Larimer, State of Colorado.

Parcel III:

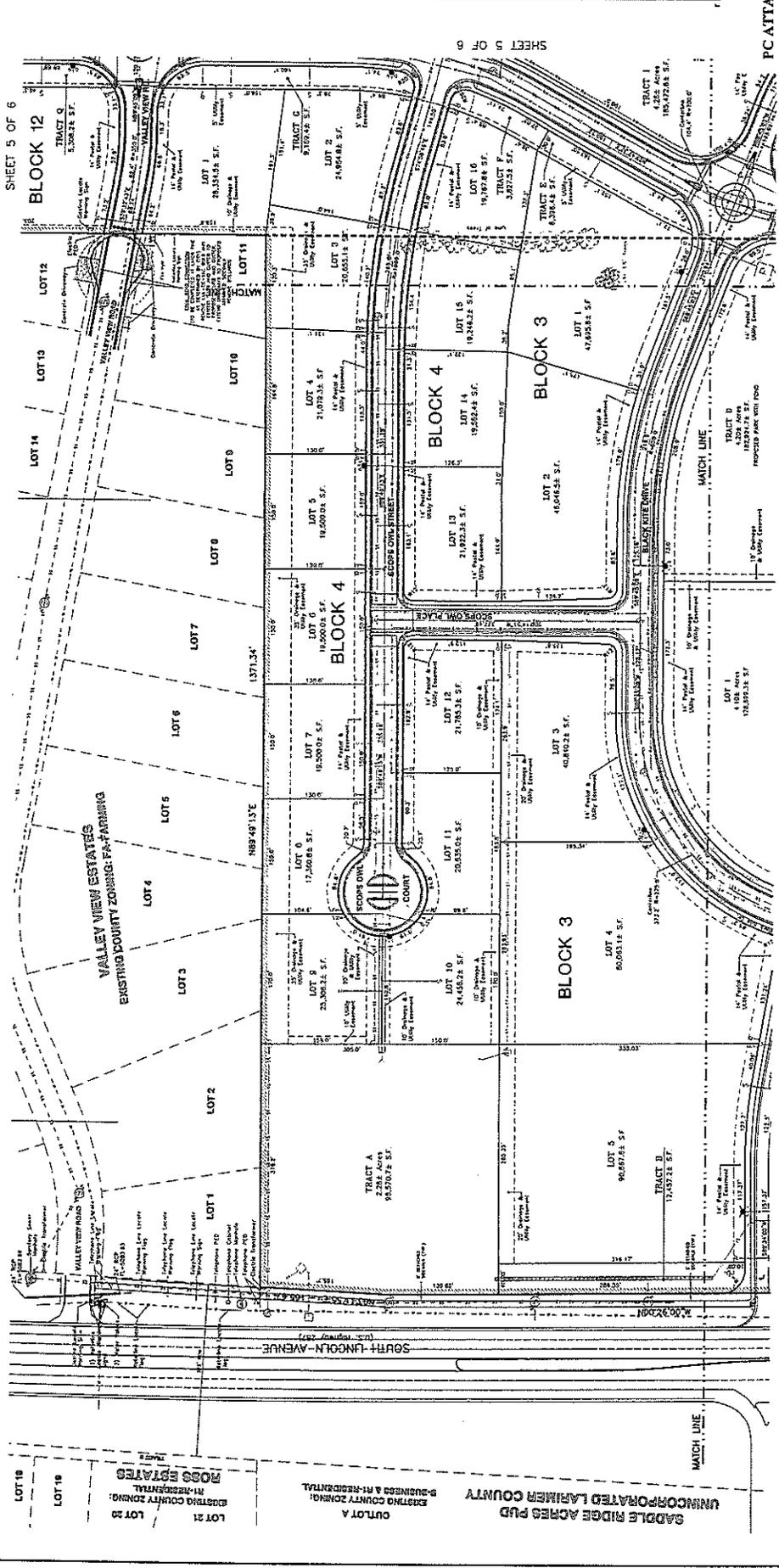
The East Eight (8) Acres of the Southwest Quarter of the Southwest Quarter of Section 36, Township 8 North, Range 69 West of the 6th P.M.;
EXCEPT that portion conveyed to The Department of Highways, State of Colorado by Deed recorded February 3, 1936 in Book 101 at Page 410,
County of Larimer, State of Colorado.

PRELIMINARY PLAT FOR ANDERSON 1ST SUBDIVISION

BEING A SUBDIVISION OF ALL OF ANDERSON ADDITION TO THE CITY OF LOVELAND, SITUATE IN THE SOUTH HALF OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M. AND A PORTION OF THE NORTH HALF OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



SCALE: 1"=60'
DATE: 2017



SHEET 5 OF 6

SHEET 6 OF 6

SHEET 3 OF 6

PC ATTACHMENT 3

STATE OF COLORADO
COUNTY OF LARIMER
CITY OF LOVELAND
PLAT NO. 101-0715
DATE: 2017

INTERMILL LAND SURVEYING, INC.
100 NORTH CEDARWOOD AVENUE
LOVELAND, COLORADO 80537
TEL: 970-686-0214 / FAX: 970-686-3115

KOR DEVELOPMENT, LLC

PROJECT TITLE: PRELIMINARY PLAT FOR ANDERSON 1ST SUBDIVISION

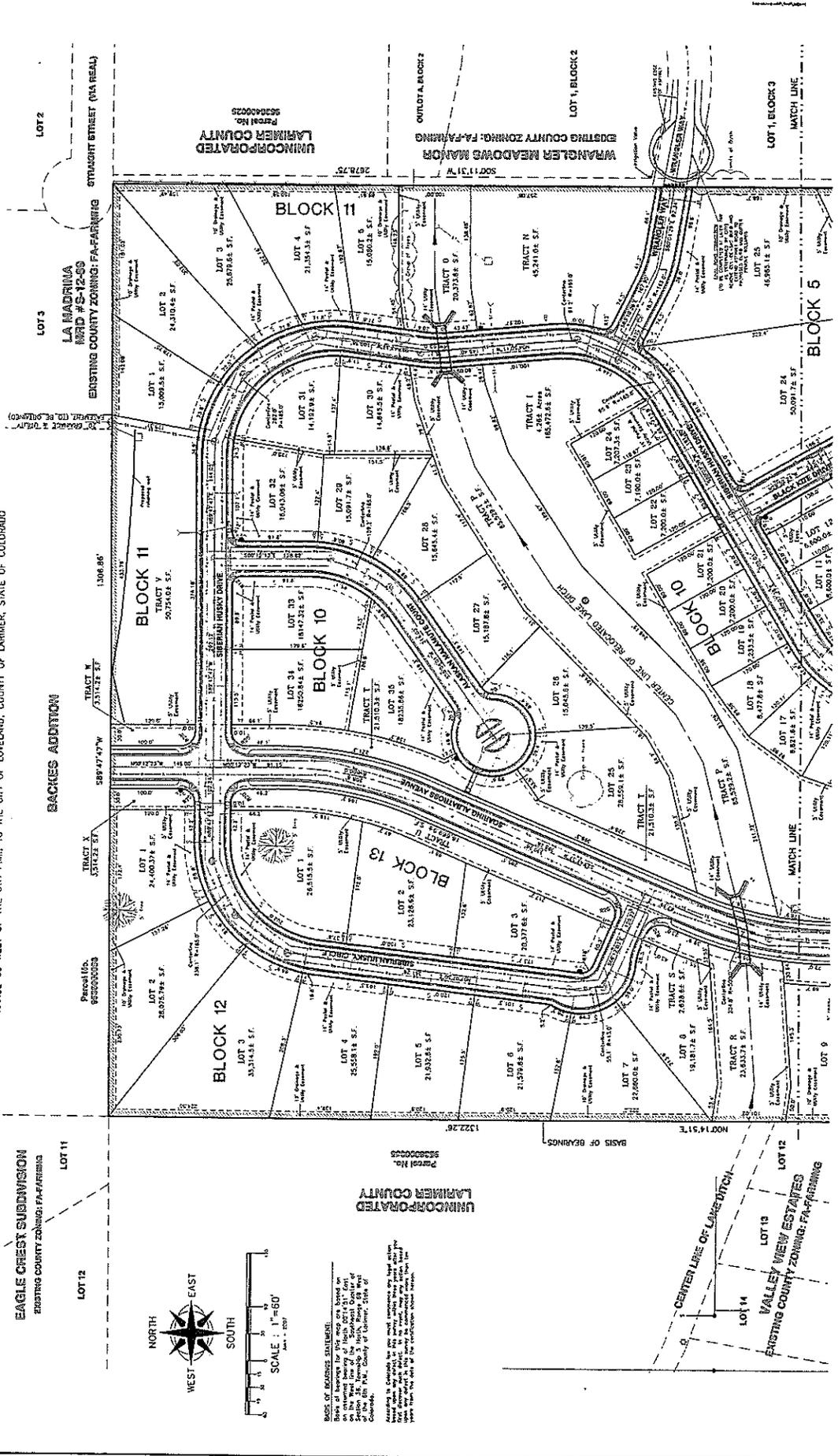
SHEET NO: 2

DATE OF SHEET: 6

PROJECT NO.: P-01-0715

ANDERSON 1ST SUBDIVISION

BEING A SUBDIVISION OF ALL OF ANDERSON ADDITION TO THE CITY OF LOVELAND, SITING IN THE SOUTH HALF OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M. AND A PORTION OF THE NORTH HALF OF THE NORTH HALF OF SECTION 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



EAGLE CREST SUBDIVISION
EXISTING COUNTY ZONING: FA-FARMING

LOT 11
LOT 12



SCALE: 1"=60'
JAN. 1, 2007

BASE OF BEARINGS STATEMENT:
Basis of bearings for this map are based on the true meridian of the 1st Standard Meridian of the 1st Principal Meridian of the 6th Range of the 5th Township of the 1st Range of the 5th Township of Larimer County, Colorado.

According to Computations the most accurate of these values have been used in this map. The bearings and distances have been measured and the subdivision closed.

UNINCORPORATED
LARIMER COUNTY
Parcel No. 552000005

CENTER LINE OF LAKE UTICH
VALLEY VIEW ESTATES
EXISTING COUNTY ZONING: FA-FARMING

SEE SHEET 5 OF 6

PC ATTACHMENT 3

INTERMILL LAND SURVEYING, INC.
1301 NORTH CLOSTRAL AVENUE
LOVELAND, COLORADO 80538
PHONE: (303) 666-0244 / FAX: (303) 666-0242

DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: [Date]

PROJECT FILE: [Number]
PROJECT NAME: [Name]

DATE: [Date]
SCALE: [Scale]

NO. OF SHEETS: [Number]
SHEET NO.: [Number]

KDR DEVELOPMENT, LLC

PRELIMINARY PLAT FOR

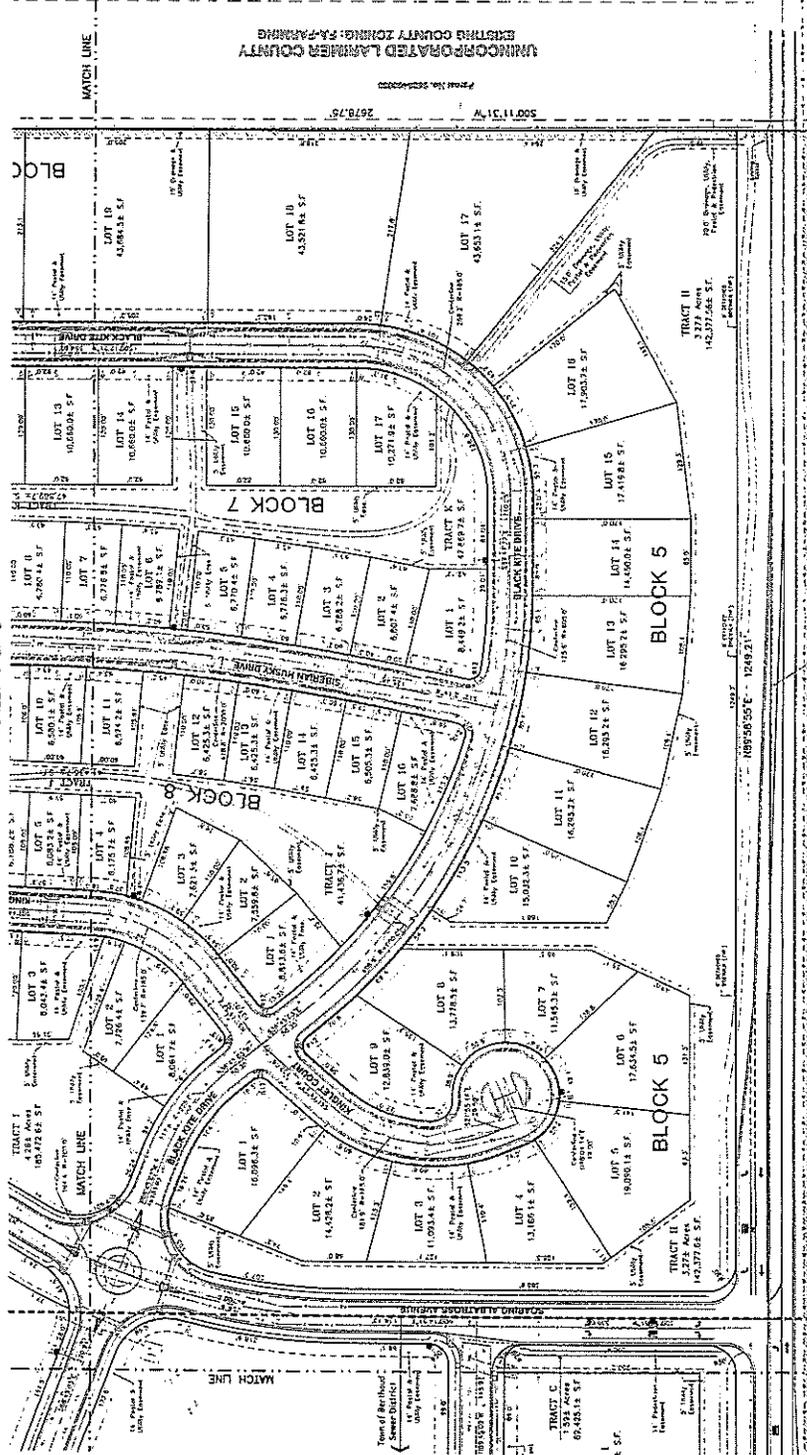
ANDERSON 1ST SUBDIVISION

BEING A SUBDIVISION OF ALL OF ANDERSON ADDITION TO THE CITY OF LOVELAND, SITUATE IN THE SOUTH HALF OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M. AND A PORTION OF THE NORTH HALF OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



SCALE: 1" = 60'

SHEET 5 OF 6



SHEET 3 OF 6

BASE OF RECORDS ATTACHED:
Plans of bearing for this plat are based on an assumed
bearing of 100 degrees 00' 00" for the line between the
Sovereign County of Larimer, State of Colorado, and
the City of Loveland, County of Larimer, State of Colorado,
at the 6th P.M., Range 69 West of the 6th P.M.,
Township 5 North, Range 69
West of the 6th P.M.,
According to Section 1, the plat is assumed to be true unless
shown otherwise.
According to Section 1, the plat is assumed to be true unless
shown otherwise.
According to Section 1, the plat is assumed to be true unless
shown otherwise.

INTERMILL LAND SURVEYING, INC.
 1000 N. 10TH ST., SUITE 100, DENVER, CO 80202
 PHONE: (303) 733-1111 FAX: (303) 733-1111
 WWW: WWW.INTERMILL.COM

PREPARED BY: [Signature]
 DATE: 10/15/2014
 PROJECT NO: ANDERSON 1ST SUBDIVISION

KDR DEVELOPMENT, LLC
 1000 N. 10TH ST., SUITE 100, DENVER, CO 80202
 PHONE: (303) 733-1111 FAX: (303) 733-1111
 WWW: WWW.INTERMILL.COM

PREPARED FOR: ANDERSON 1ST SUBDIVISION
 PROJECT NO: ANDERSON 1ST SUBDIVISION

SHEET NO: 5
 TOTAL SHEETS: 6
 DATE: 10/15/2014

'THE RIDGE AT THOMPSON VALLEY PLANNED UNIT DEVELOPMENT' PRELIMINARY DEVELOPMENT PLAN

FOR THE ANDERSON ADDITION PLANNED UNIT DEVELOPMENT, AMENDMENT NO. 1, BEING A PLANNED UNIT DEVELOPMENT OF A PORTION OF ANDERSON ADDITION,
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

A. DEVELOPING TO REGULATORY REQUIREMENTS

None

B. LANDSCAPING, INFRASTRUCTURE, AND SCHEDULING

None

C. PERFORMANCE STANDARDS

None

D. DESIGN STANDARDS

None

E. DEVELOPMENT GEOMETRICS AND DIMENSIONS

None

F. GENERAL PERFORMANCE STANDARDS

None

G. ACCESS, CIRCULATION AND PARKING

None

H. UTILITIES

None

I. SIGNAGE

None

J. OTHER

None

K. CONCLUSIONS

None

L. REVISIONS

None

M. NOTES

None

N. REFERENCES

None

O. APPENDICES

None

P. SIGNATURES

None

Q. EXHIBITS

None

R. OTHER

None

S. COMMENTS

None

T. ADDITIONAL INFORMATION

None

U. OTHER

None

V. NOTES

None

W. REFERENCES

None

X. APPENDICES

None

Y. SIGNATURES

None

Z. EXHIBITS

None

AA. OTHER

None

BB. COMMENTS

None

CC. ADDITIONAL INFORMATION

None

DD. OTHER

None

EE. NOTES

None

FF. REFERENCES

None

GG. APPENDICES

None

HH. SIGNATURES

None

II. EXHIBITS

None

JJ. OTHER

None

KK. COMMENTS

None

LL. ADDITIONAL INFORMATION

None

MM. OTHER

None

NN. NOTES

None

OO. REFERENCES

None

PP. APPENDICES

None

E. DEVELOPMENT GEOMETRICS AND DIMENSIONS

None

F. GENERAL PERFORMANCE STANDARDS

None

G. ACCESS, CIRCULATION AND PARKING

None

H. UTILITIES

None

I. SIGNAGE

None

J. OTHER

None

K. CONCLUSIONS

None

L. REVISIONS

None

M. NOTES

None

N. REFERENCES

None

O. APPENDICES

None

P. SIGNATURES

None

Q. EXHIBITS

None

R. OTHER

None

S. COMMENTS

None

T. ADDITIONAL INFORMATION

None

U. OTHER

None

V. NOTES

None

W. REFERENCES

None

X. APPENDICES

None

Y. SIGNATURES

None

Z. EXHIBITS

None

AA. OTHER

None

BB. COMMENTS

None

CC. ADDITIONAL INFORMATION

None

DD. OTHER

None

EE. NOTES

None

FF. REFERENCES

None

GG. APPENDICES

None

HH. SIGNATURES

None

II. EXHIBITS

None

JJ. OTHER

None

KK. COMMENTS

None

LL. ADDITIONAL INFORMATION

None

MM. OTHER

None

NN. NOTES

None

OO. REFERENCES

None

PP. APPENDICES

None

QQ. SIGNATURES

None

RR. EXHIBITS

None

SS. OTHER

None

TT. COMMENTS

None

E. DEVELOPMENT GEOMETRICS AND DIMENSIONS

None

F. GENERAL PERFORMANCE STANDARDS

None

G. ACCESS, CIRCULATION AND PARKING

None

H. UTILITIES

None

I. SIGNAGE

None

J. OTHER

None

K. CONCLUSIONS

None

L. REVISIONS

None

M. NOTES

None

N. REFERENCES

None

O. APPENDICES

None

P. SIGNATURES

None

Q. EXHIBITS

None

R. OTHER

None

S. COMMENTS

None

T. ADDITIONAL INFORMATION

None

U. OTHER

None

V. NOTES

None

W. REFERENCES

None

X. APPENDICES

None

Y. SIGNATURES

None

Z. EXHIBITS

None

AA. OTHER

None

BB. COMMENTS

None

CC. ADDITIONAL INFORMATION

None

DD. OTHER

None

EE. NOTES

None

FF. REFERENCES

None

GG. APPENDICES

None

HH. SIGNATURES

None

II. EXHIBITS

None

JJ. OTHER

None

KK. COMMENTS

None

LL. ADDITIONAL INFORMATION

None

MM. OTHER

None

NN. NOTES

None

OO. REFERENCES

None

PP. APPENDICES

None

QQ. SIGNATURES

None

RR. EXHIBITS

None

SS. OTHER

None

TT. COMMENTS

None

E. DEVELOPMENT GEOMETRICS AND DIMENSIONS

None

F. GENERAL PERFORMANCE STANDARDS

None

G. ACCESS, CIRCULATION AND PARKING

None

H. UTILITIES

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I. SIGNAGE

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J. OTHER

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K. CONCLUSIONS

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L. REVISIONS

None

M. NOTES

None

N. REFERENCES

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O. APPENDICES

None

P. SIGNATURES

None

Q. EXHIBITS

None

R. OTHER

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S. COMMENTS

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T. ADDITIONAL INFORMATION

None

U. OTHER

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V. NOTES

None

W. REFERENCES

None

X. APPENDICES

None

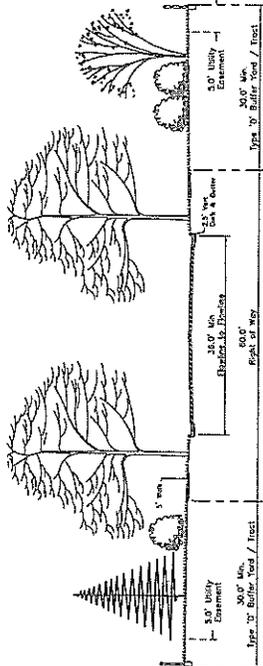
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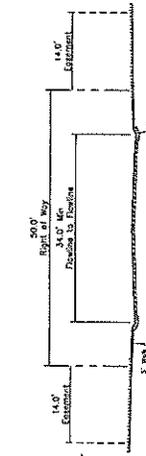
Z. EXHIBITS

'THE RIDGE AT THOMPSON VALLEY PLANNED UNIT DEVELOPMENT' PRELIMINARY DEVELOPMENT PLAN

FOR THE ANDERSON ADDITION PLANNED UNIT DEVELOPMENT; AMENDMENT NO. 1, BEING A PLANNED UNIT DEVELOPMENT OF A PORTION OF ANDERSON ADDITION,
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



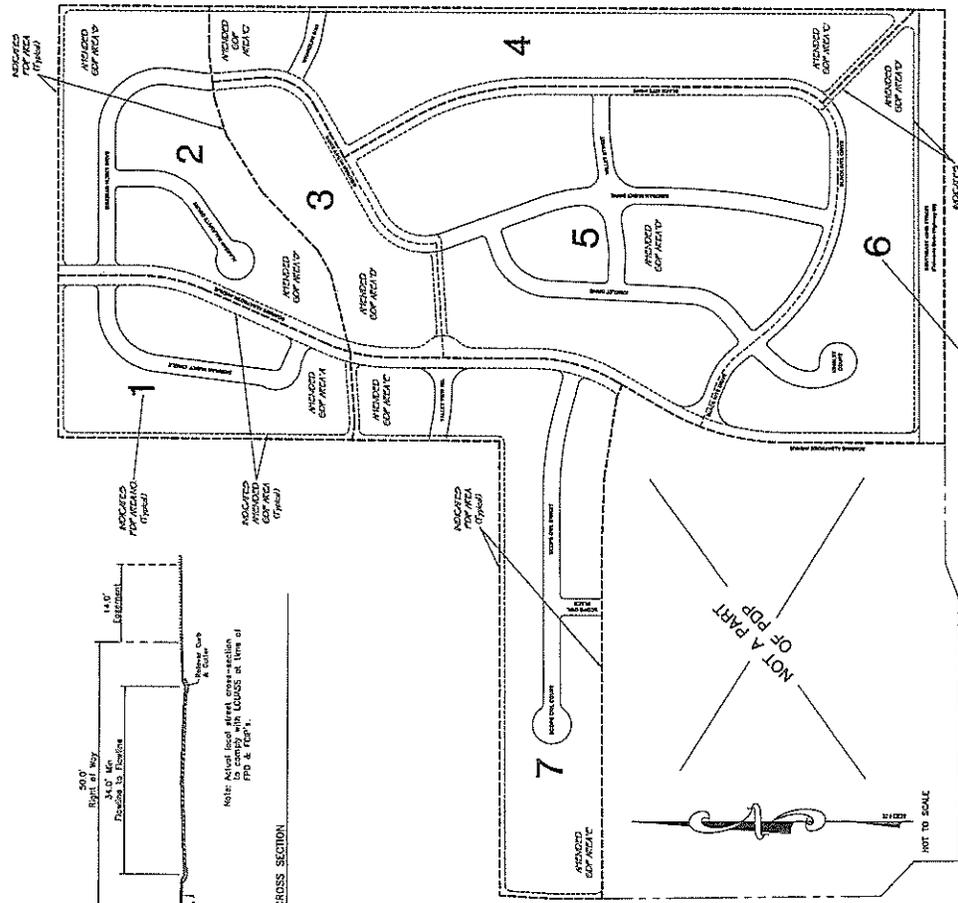
MAJOR COLLECTOR STREET CROSS SECTION (W-51)
NOTE: Actual local street cross-section to comply with LOCALS at time of PDP & PDP-A.



LOCAL STREET CROSS SECTION (W-52)
NOTE: Actual local street cross-section to comply with LOCALS at time of PDP & PDP-A.

CDP AREA	TRP AREA	USE	LOT SIZE (MAXIMUM AREA)	LOTE BLOCKS AND TRACES INCLUDED	GROSS AREA (ACRES)	NET AREA (ACRES) EXCLUDING INTERNAL ROWS	PERCENTAGE OF GROSS AREA	PERMITS/ACRE	UNITS
A	1	SP LARGE LOT	18,182 SF, 35,318 SF, 24,516 SF	Lots 1-3, Block 13	8,504 Acres	6,894 Acres	1.22/1.00	1.22/1.00	9.4
B	2	SP LARGE LOT	14,194 SF, 26,512 SF, 17,112 SF	Lots 25-28, Block 10 Lots 1-2, Block 11	11,904 Acres	9,354 Acres	1.34/1.71	1.34/1.71	23.8
C	4	SP ESTIRE	43,322 SF, 26,512 SF, 45,184 SF	Lots 17-20, Block 5	12,334 Acres	9,334 Acres	0.75/0.98	0.75/0.98	8.4
D	5	SP PFRD	7,188 SF, 7,812 SF, 8,034 SF, 8,264 SF, 8,494 SF	Lots 15-24, Block 10	5,814 Acres	4,814 Acres	1.77/1.0	1.77/1.0	54.0
E	6	SP LARGE LOT	11,024 SF, 11,024 SF, 11,024 SF, 11,024 SF	Lots 1-16, Block 8 Lots 1-16, Block 9 Lots 1-14, Block 10	18,414 Acres	9,814 Acres	3.20/4.14	3.20/4.14	29
F	7	SP LARGE LOT	9,254 SF, 11,024 SF, 10,452 SF, 12,212 SF	Lots 1-17, Block 5 Lots 1-18, Block 5	5,884 Acres	3,314 Acres	2.48/4.17	2.48/4.17	14
G	8	SP LARGE LOT	17,312 SF, 22,534 SF, 22,534 SF	Lots 1-16, Block 4 Lots 1-16, Block 12	14,114 Acres	11,704 Acres	1.20/1.45	1.20/1.45	20.9
H	9	ROW	---	SOUTHEAST 47RD STREET (Cn. 50th Highway 60)	2,474 Acres	---	---	---	---
TOTAL(S)					69,254 Acres	64,954 Acres	1.70/2.37	1.70/2.37	132

SP: Indicates Percentage of Open Space to Gross Area
 Original CDP Area A Allocated Units = 11 / PDP Actual Units = 11 (PDP Area 1)
 Original CDP Area B Allocated Units = 13 / PDP Actual Units = 13 (PDP Area 2)
 Original CDP Area C Allocated Units = 13 / PDP Actual Units = 9 (PDP Area 3)
 Original CDP Area D Allocated Units = 13 / PDP Actual Units = 17 (PDP Area 4)
 Original CDP Area E Allocated Units = 13 / PDP Actual Units = 17 (PDP Area 5)
 TOTAL UNITS 132



AM. GDP / PDP COMPARISON PLAN
 NOT TO SCALE
 DATE: 03/24/2014
 DRAWN BY: JG/AS
 CHECKED BY: JG/AS
 PROJECT NO.: P-04-8728
 SHEET NO.: 3
 NO. OF SHEETS: 20

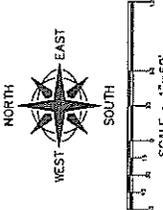
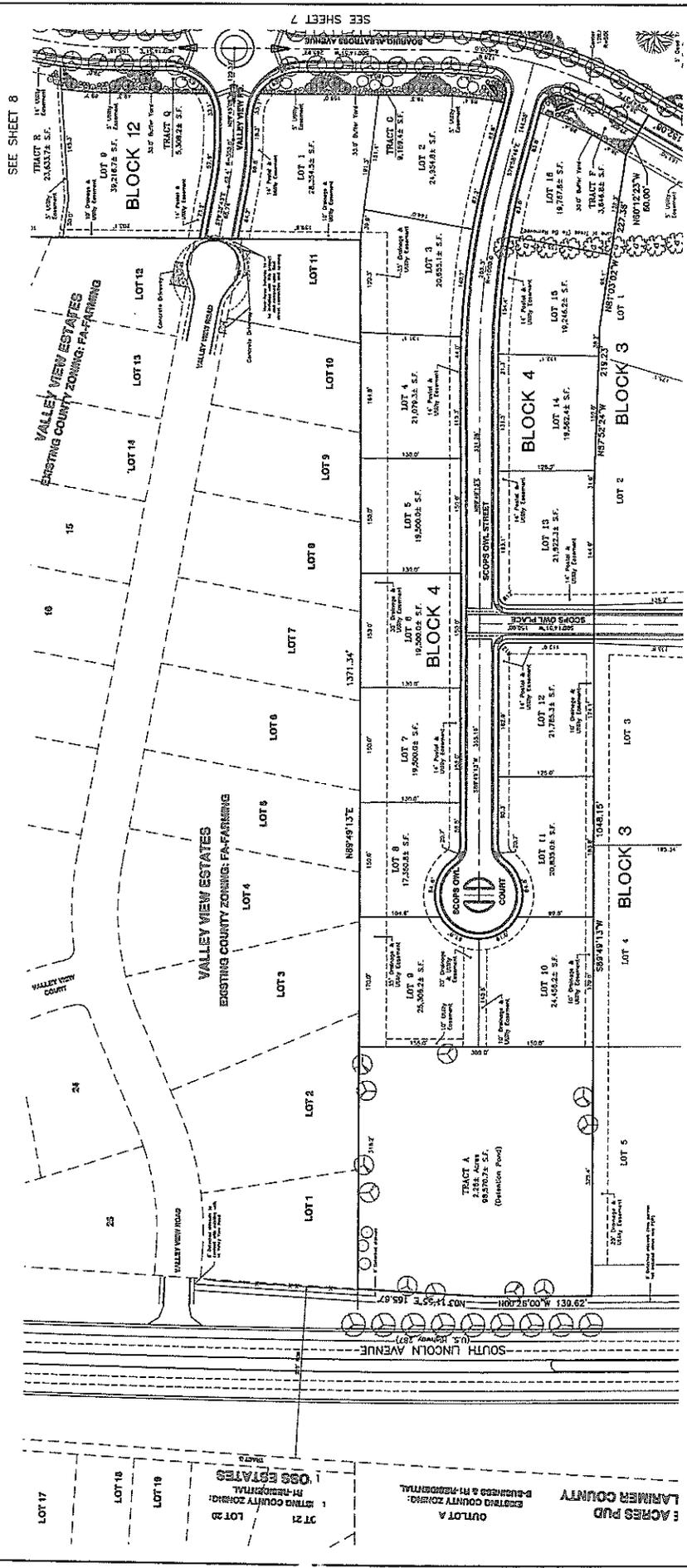
INTERMILL LAND SURVEYING, INC.
 1001 NORTH UNIVERSITY AVENUE
 LOVELAND, COLORADO 80537
 TEL: (970) 440-0818 / FAX: (970) 434-2175

DATE: 03/24/2014
 DRAWN BY: JG/AS
 CHECKED BY: JG/AS
 PROJECT NO.: P-04-8728
 SHEET NO.: 3
 NO. OF SHEETS: 20

PC ATTACHMENT 4
 KORI DEVELOPMENT, LLC
 1001 NORTH UNIVERSITY AVENUE, SUITE 101
 LOVELAND, COLORADO 80537

'THE RIDGE AT THOMPSON VALLEY PLANNED UNIT DEVELOPMENT' PRELIMINARY DEVELOPMENT PLAN

FOR THE ANDERSON ADDITION PLANNED UNIT DEVELOPMENT, AMENDMENT NO. 1, BEING A PLANNED UNIT DEVELOPMENT OF A PORTION OF ANDERSON ADDITION,
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



LANDSCAPING AS SHOWN ON SHEETS 2-8 IS
FOR INFORMATION ONLY AND DOES NOT
NOT EXCEED THE FINAL LOCATION OF TREES
AND PLANTS TO BE PLANTED. LANDSCAPING
MAY BE MODIFIED AND ADJUSTED
BASED ON FIELD CONDITIONS AND LOCAL
REGULATIONS.

BASED ON SURVEYING INFORMATION
PROVIDED BY THE SURVEYOR. THIS PLAN IS
BASED ON THE SURVEY OF THE PROPERTY
LOCATED AT THE CORNER OF THE
WEST OF THE 6th P.M.E. COUNTY OF LARIMER,
STATE OF COLORADO. THE SURVEY IS
BASED ON THE SURVEY OF THE PROPERTY
LOCATED AT THE CORNER OF THE
WEST OF THE 6th P.M.E. COUNTY OF LARIMER,
STATE OF COLORADO.

INTERMILL LAND SURVEYING, INC.
1331 NORTH CLAYTON AVENUE
LOVELAND, COLORADO 80538
TEL: (970) 444-0171 FAX: (970) 444-0171

DATE: JUNE 1, 2007
BY: [Signature]
CHECKED BY: [Signature]
SCALE: 1" = 60'
PROJECT NO.: [Number]

DATE: JUNE 1, 2007
BY: [Signature]
CHECKED BY: [Signature]
SCALE: 1" = 60'
PROJECT NO.: [Number]

PROJECT FILE: THE RIDGE AT THOMPSON VALLEY
PLANNED UNIT DEVELOPMENT
PRELIMINARY DEVELOPMENT PLAN

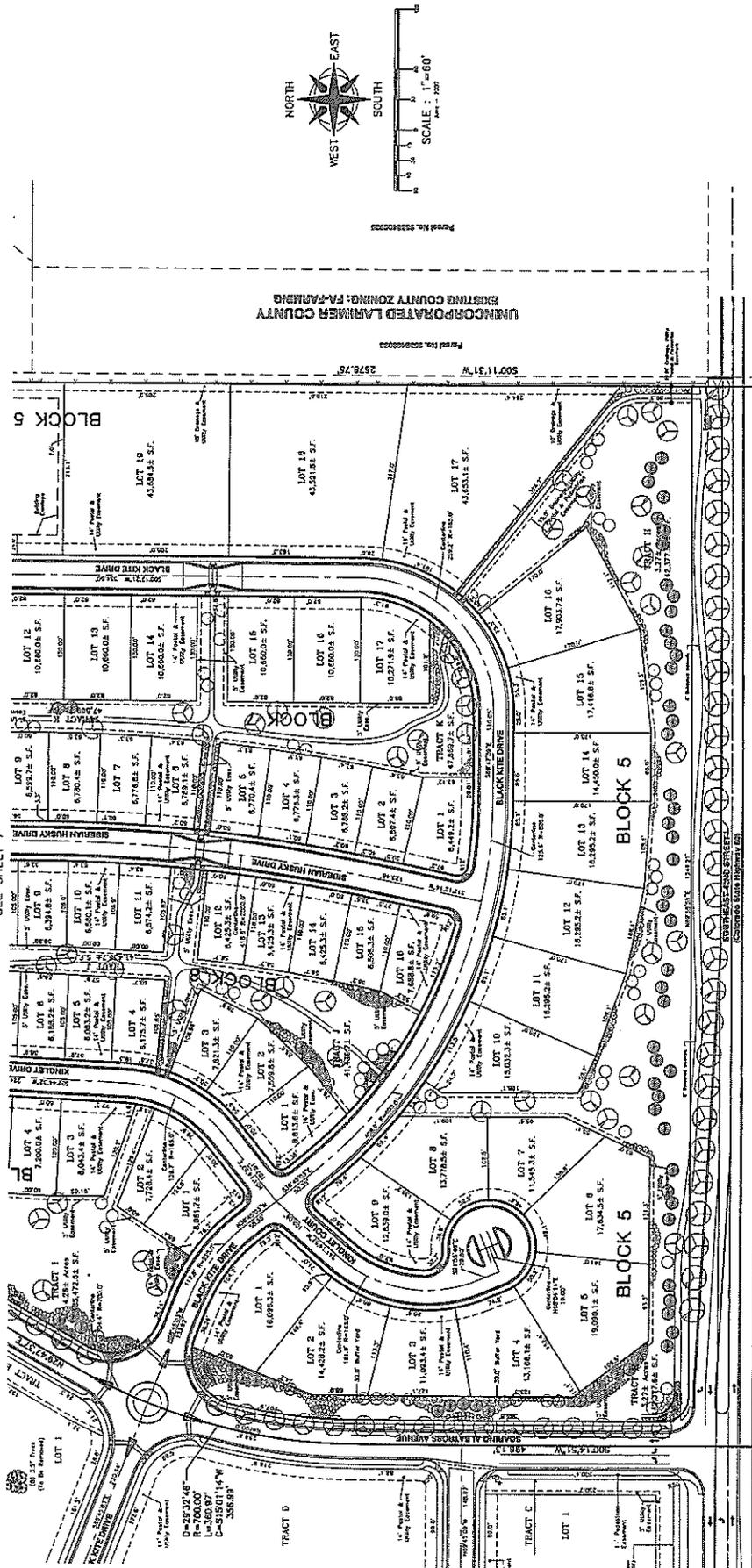
SHEET NO. 6
NO. OF SHEETS 20
PROJECT NO. P-04-8725

PC ATTACHMENT 4
PDP PLAN - WEST CENTRAL PORTION

'THE RIDGE AT THOMPSON VALLEY PLANNED UNIT DEVELOPMENT' PRELIMINARY DEVELOPMENT PLAN

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TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

SEE SHEET 7



UNINCORPORATED LARIMER COUNTY
EXISTING COUNTY ZONING: FA-FARMING
Parcel No. 0082800000
2678.75
5007 11 31' W
Parcel No. 0082800000
1309.43
889 56 55' W
UNINCORPORATED LARIMER COUNTY
Parcel No. 0082800000
EXISTING COUNTY ZONING: FA-FARMING

UNINCORPORATED LARIMER COUNTY
Parcel No. 0082800000
EXISTING COUNTY ZONING: FA-FARMING
PDP PLAN - SOUTHEAST PORTION
PC ATTACHMENT 4

DATE: 04/11/2022
BY: [Signature]
SCALE: 1"=60'
PROJECT TITLE: THE RIDGE AT THOMPSON VALLEY PLANNED UNIT DEVELOPMENT
PROJECT NO.: P-04-0723
SHEET NO.: 6
NO. OF SHEETS: 20

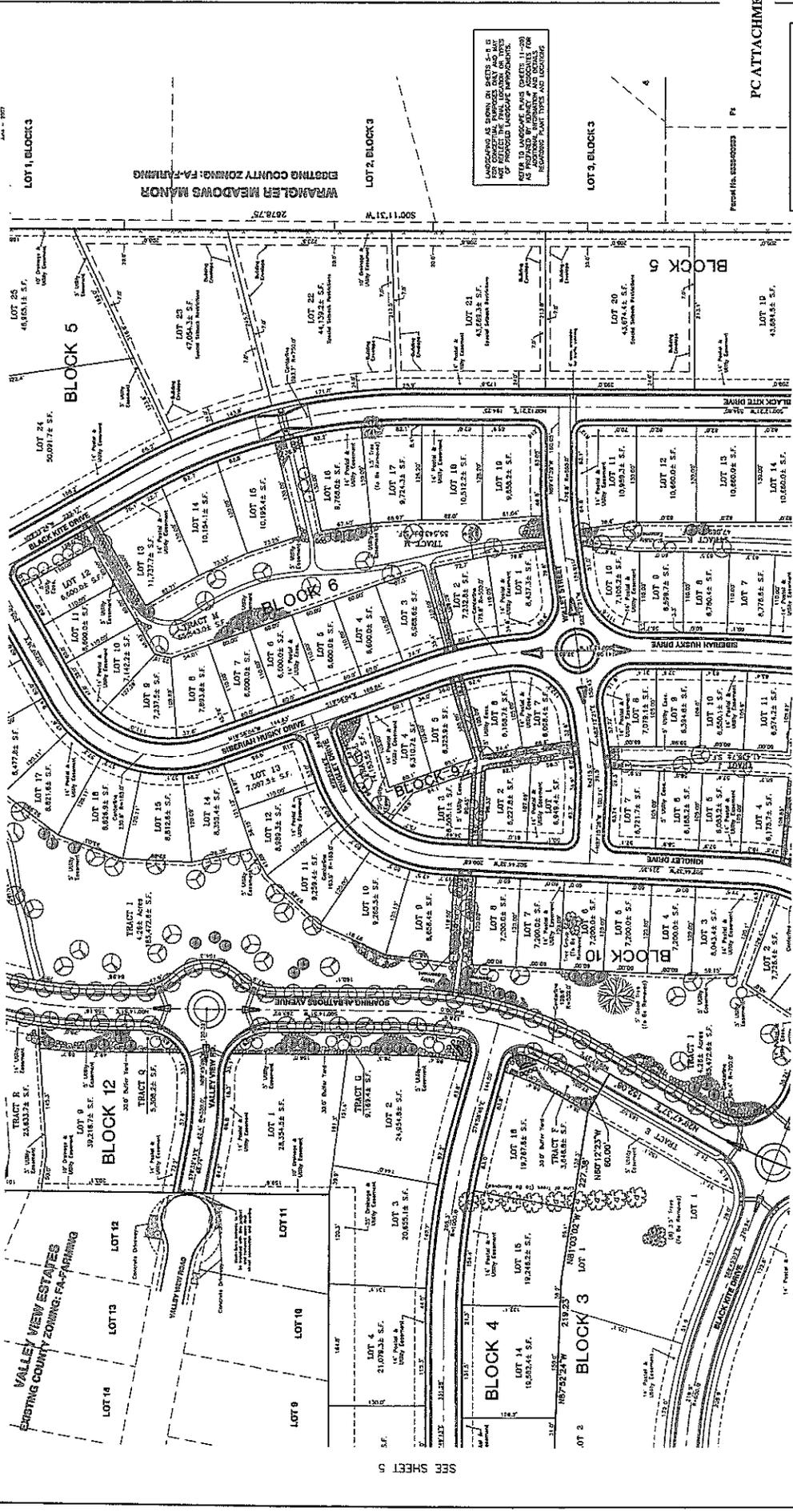
INTERMILL LAND SURVEYING, INC.
1301 NORTH CEDAR AVENUE
LOVELAND, COLORADO 80537
TEL: 970-455-8775
FAX: 970-455-8775
OWNER: MDR DEVELOPMENT, LLC
1427 East Green Road
Aurora, Colorado 80011
DATE: 04/11/2022
BY: [Signature]
SCALE: 1"=60'
PROJECT TITLE: THE RIDGE AT THOMPSON VALLEY PLANNED UNIT DEVELOPMENT
PROJECT NO.: P-04-0723
SHEET NO.: 6
NO. OF SHEETS: 20

UNINCORPORATED LARIMER COUNTY
Parcel No. 0082800000
EXISTING COUNTY ZONING: FA-FARMING
PDP PLAN - SOUTHEAST PORTION
PC ATTACHMENT 4

'THE RIDGE AT THOMPSON VALLEY PLANNED UNIT DEVELOPMENT' PRELIMINARY DEVELOPMENT PLAN

FOR THE ANDERSON ADDITION PLANNED UNIT DEVELOPMENT, AMENDMENT NO. 1, BEING A PLANNED UNIT DEVELOPMENT OF A PORTION OF ANDERSON ADDITION,
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

STATE OF COLORADO
COUNTY OF LARIMER
CITY OF LOVELAND



PC ATTACHMENT 4

PDP PLAN - EAST CENTRAL PORTION

DATE: 04/20/2021	BY: JLD	DATE: 04/20/2021	BY: JLD
SCALE: 1"=100'	DATE: 04/20/2021	SCALE: 1"=100'	DATE: 04/20/2021
PROJECT TITLE: THE RIDGE AT THOMPSON VALLEY PLANNED UNIT DEVELOPMENT	CLIENT: KDR DEVELOPMENT, LLC	PROJECT TITLE: THE RIDGE AT THOMPSON VALLEY PLANNED UNIT DEVELOPMENT	CLIENT: KDR DEVELOPMENT, LLC
SHEET NO. 7	PROJECT NO. P-04-0725	SHEET NO. 7	PROJECT NO. P-04-0725

INTERMILL LAND SURVEYING, INC.
1301 MAIN STREET, JENNER, COLORADO 80127
PH: 303-441-4011 / FAX: 303-441-4015

Noting to Colorado: No part of this plan, or any part of the same, shall be used for any purpose other than that for which it was prepared, and no part of this plan shall be used for any purpose other than that for which it was prepared.



**Development Services
Current Planning**

500 East Third Street, Suite 310 • Loveland, CO 80537
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

Planning Commission Staff Report

June 10, 2013

Agenda #: Regular Agenda - 3
Title: Dakota Glen PUD First Amendment
Applicant: Public Service Company of Colorado, Dan Tekavec
Request: **Preliminary Development Plan Amendment**
Location: North of 14th Street SW and west of South Wilson Avenue.
Existing Zoning: Planned Unit Development
Staff Planner: Kerri Burchett

Staff Recommendation

APPROVAL of the PUD Amendment.

Recommended Motion:

Move to make the findings listed in Section VIII of the Planning Commission staff report dated May 13, 2013 and, based on those findings, recommend that City Council approve the Dakota Glen PUD First Amendment, subject to the conditions listed in Section III of the staff report dated June 10, 2013, as amended on the record.

Summary of Analysis

This is a continuation of a public hearing from May 13, 2013 to consider an amendment to the Dakota Glen PUD Preliminary Development Plan (PDP). The amendment would modify the permitted uses in the PUD to allow the construction of an aboveground public utility facility and natural gas pipeline within the PUD boundaries. The applicant, Public Service Company of Colorado (PSCo), is proposing to construct a new regulator station on 14th Street SW and install a 16-inch high pressure gas pipeline through the PUD's private open space. The regulator station would consist of a 528 square foot structure that would house controls for the flow of gas from higher to lower pressures; the facilities would also include two adjacent areas with aboveground pipelines.

At the May 13, 2013 public hearing, the Planning Commission continued the request to allow PSCo an opportunity to meet with the residents of the Dakota Glen neighborhood and attempt to reach a consensus on the screening of the facility. A neighborhood meeting was held on May 20th and a consensus was reached on all previously unresolved items including the color of the control house, fencing and landscaping/berming around the facility.

Staff believes that with the imposition of the revised conditions of approval in Section III of this report, all key issues have been resolved.

I. ATTACHMENTS

1. Dakota Glen PUD Amendment Preliminary Development Plan
2. Weed Management and Revegetation Plan (Attachment 6 to the ESAR). The full report is available online on the City's Current Planning homepage at www.cityofloveland.org
3. Letters from surrounding property owners (previously handed out at the May 13, 2013 Planning Commission hearing)
4. May 13, 2013 Planning Commission report with attachments 1-6

II. SUMMARY

This item is a continuation of a public hearing held on May 13, 2013 for the consideration of an amendment to the Dakota Glen PUD Preliminary Development Plan (PDP). The amendment would modify the permitted uses in the PUD to allow the construction of an aboveground public utility facility and natural gas pipeline. The applicant, Public Service Company of Colorado (PSCo), is proposing to construct a new regulator station on 14th Street SW and install a 16-inch high pressure gas pipeline through the PUD's private open space. The regulator station would consist of a 528 square foot structure that would house controls for the flow of gas from higher to lower pressures; two adjacent areas with aboveground pipelines would also be included with the regulator station.

At the Planning Commission hearing on May 13, 2013, residents of the Dakota Glen PUD voiced opposition to the facility, citing concerns with the views and aesthetics of the facility, declining property values and a belief that there were better options for the location of the facility. At the hearing, the Planning Commission indicated that the location of the facility seemed appropriate based on the constraints of the surrounding area and continued the hearing to June 10, 2013 to allow PSCo and the residents an opportunity to meet and resolve concerns with the aesthetics and screening of the facility.

A neighborhood meeting was held on May 20, 2013 at 2:00 p.m. in the City's Service Center. 15 residents along with city staff, the applicant and their consultant team attended the meeting. The intent of the meeting was to reach a consensus on the following items:

- Color of the Control House
- Fencing of the Facility
- Landscape Screening and Berming

At the meeting, PSCo presented different options for the above items along with a photo simulation showing the view of the facility from inside the Dakota Glen Subdivision. At the conclusion of the meeting, a consensus with the neighborhood was reached in regards to the color, fencing and landscaping and berming. The following details the resolution for each item discussed. Revised PDP drawings are included as Attachment 1 to this report.

A. Color of the Control House

The control house, as presented at the May 13, 2013 Planning Commission hearing, was to be painted teal blue with cream trim to match the existing pump house in the subdivision. PSCo presented an alternative beige color to the neighborhood to blend the facility with the surrounding homes and natural environment. Given the option, those present at the neighborhood meeting preferred the color of the facility to match the color of the pump house. The color of the control house in the revised PDP drawings has therefore remained the same to reflect a blue teal with cream trim.

Consensus Reached: blue teal with cream trim to match the existing pump house

B. Fencing of the Aboveground Pipes

Two photo simulations were presented to the neighborhood: one showing a 6 foot decorative fence surrounding the aboveground pipes, as provided at the May 13, 2013 Planning Commission hearing, and one without fencing. With the inclusion of additional landscaping and berming to aid in screening the facility, the neighborhood preferred no fencing on the site. The revised PDP reflects no fencing of the facility, as shown in Figure 1, below.

Consensus Reached: no fencing of the aboveground pipes

Figure 1. Photo Simulation of Regulator Station



Existing Environment



Photo Simulation of Proposed Environment

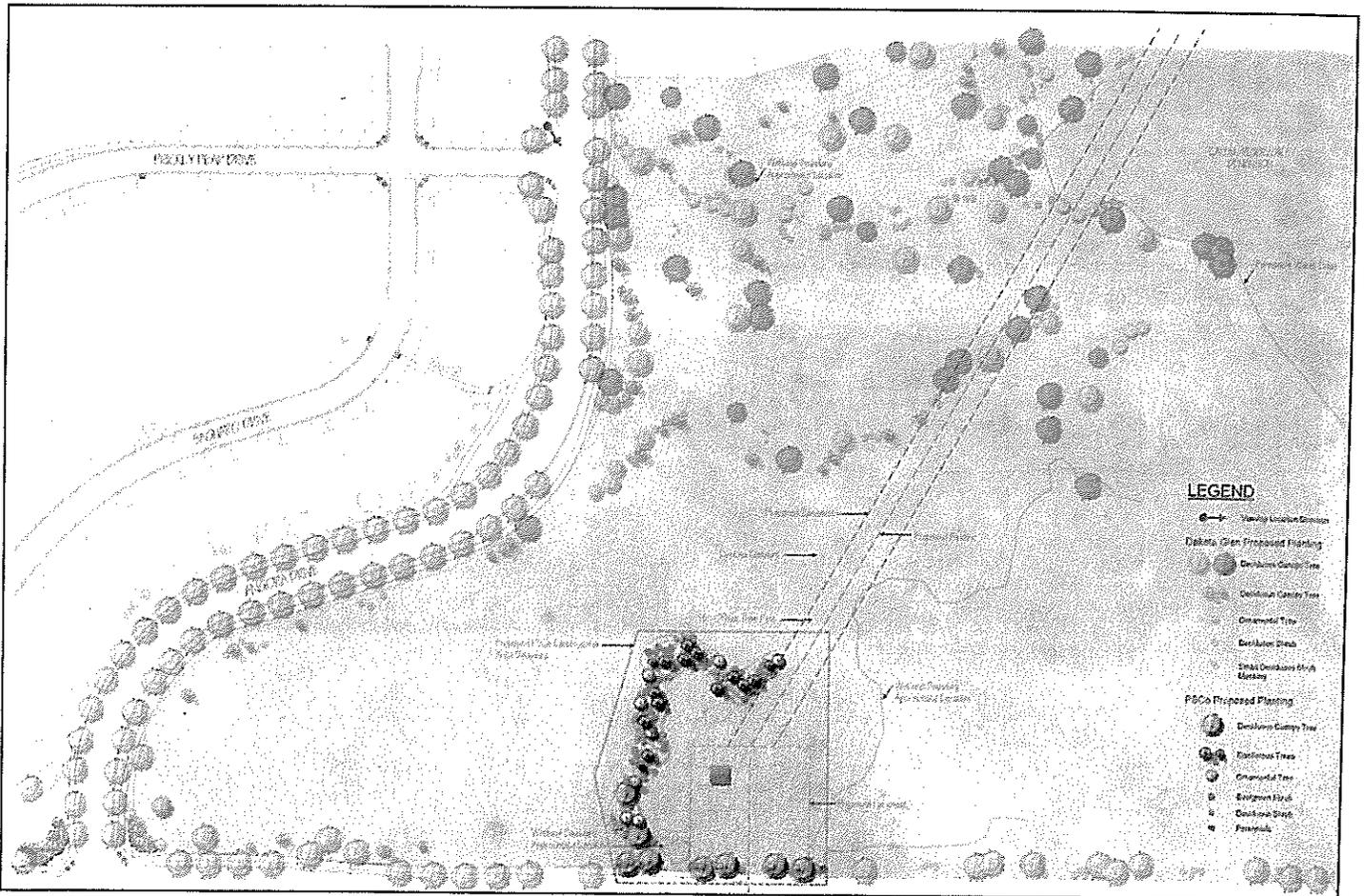
C. Landscape Screening & Berming

The majority of the discussion at the neighborhood meeting centered around the use of berms and landscaping to screen the regulator station. A landscape plan was displayed that showed a 2 to 3 foot meandering berm with a variety of coniferous trees and shrub plantings. The berm was located northwest of the facility, in the HOA open space. The residents asked for the berm to extend further to the east, approximately 15 feet from the underground pipeline, and be planted with 8 foot evergreens and spruces. PSCo agreed to both the extension of the berm, as reflected in Figure 2, below, and the 8-foot planting size.

As the berm and plantings were located outside of PSCo's lease area for the facility, the residents expressed concerns over the replacement of the plantings should they not live. The warrantee period with the landscape nursery extends 1 year from time of planting. At the meeting, PSCo agreed to replace any dying or dead plant material for a period of 4 years from the time of the installation, which satisfied the neighborhood's concerns (see Condition 9). PSCo also agreed to replace the dead trees on 14th Street SW and add coniferous shrubs to add in screening along the road. A revised landscape plan is shown in Figure 2, below, and included on Sheet 16 in Attachment 1.

Consensus Reached: berms and coniferous plantings to the north and west of the facility, 8-foot planting size for trees, replacement of dead plant material and additional shrubs on 14th Street SW, PSCo to guarantee plant materials for a 4 year period.

Figure 2. Planting Plan



III. RECOMMENDED CONDITIONS

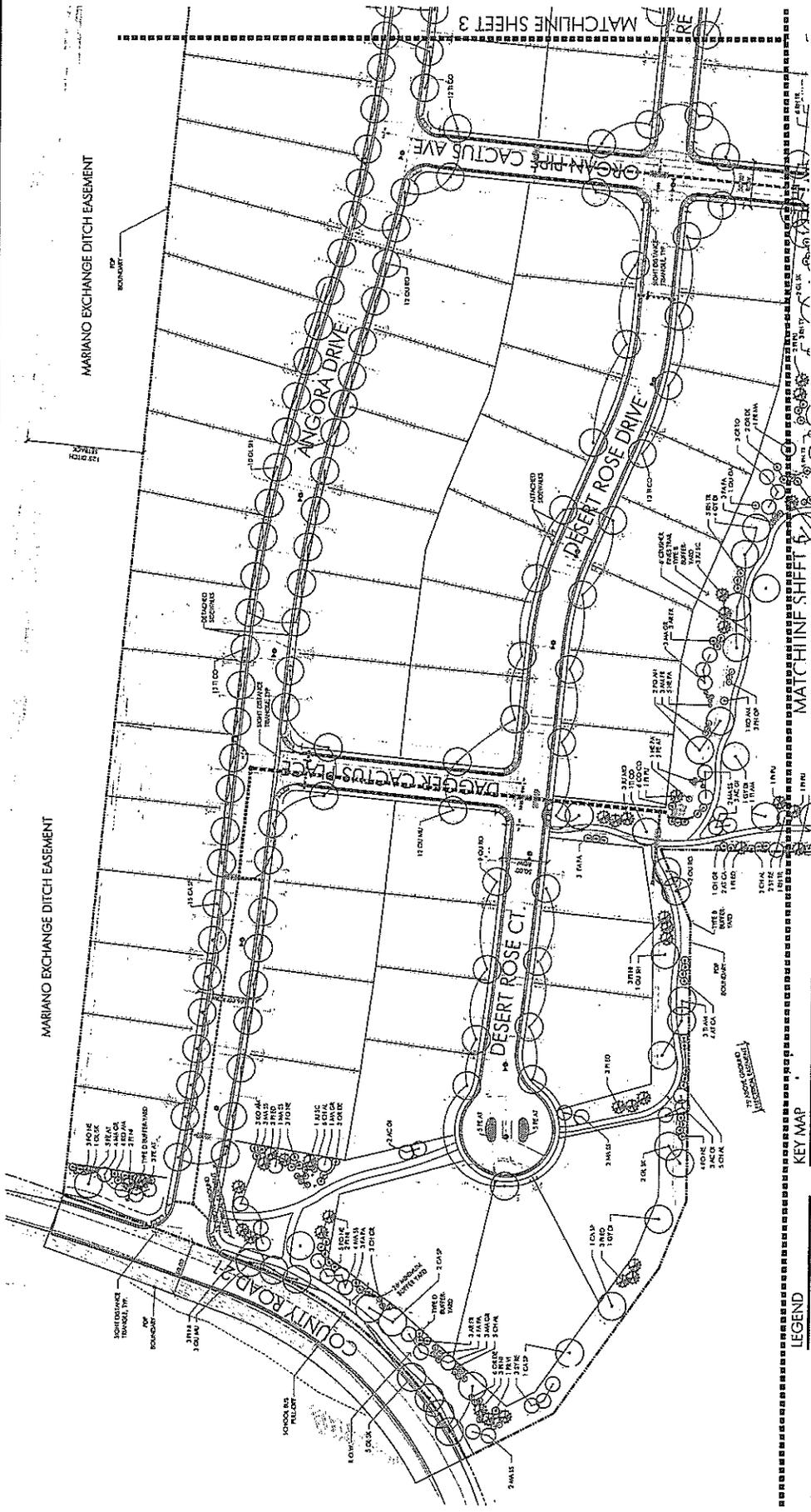
New conditions resulting from the neighborhood meeting are shown in **Bold** text.

Current Planning

1. All wetlands located adjacent to the permanent and temporary easements for the regulator station and associated pipelines shall be flagged or marked by a qualified biologist prior to the occurrence of any construction activities on the site to ensure that these features will not be disturbed during construction activities.
2. No construction shall occur in areas located outside of the project easements secured by Public Service as designated in the PDP Amendment.
3. Public Service shall implement and comply with the Weed Management and Revegetation Plan included as Attachment 6 to the Environmentally Sensitive Areas Report dated March, 2013. All areas associated with the construction of the underground pipeline shall be revegetated and shall be monitored by Public Service to ensure revegetation is successful.
4. During construction, Public Service shall implement dust control measures such as water application to disturbed areas, erosion control techniques and revegetation of ground disturbance following construction with a drought-tolerant seed mixture. Water shall be used daily, or as needed, for dust suppression and soil compaction.
5. Prior to any construction activities occurring on the site, a raptor nest survey shall be completed and submitted to the Current Planning Division. Public Service shall observe all applicable Colorado Division of Wildlife buffers and timing restrictions based on the results of the raptor nest survey.
6. **Prior to any construction activities occurring on the site, all plantings and berms within the PSCo landscape boundary, as identified on page 16 of the PDP, shall be either installed or financially secured with the City in the amount of 110% of the costs for installation.**
7. **All coniferous trees shown within the PSCo landscape boundary, as identified on page 16 of the PDP, shall be a minimum of 8 feet in height at the time of planting. All other plantings shall comply with the minimize planting size in the City's Site Development Performance Standards.**
8. **Prior to approval of the final development plan, a letter of approval from the Dakota Glen PUD Home Owners Association approving all landscaping, screening and berming around the facility, shall be submitted to the Current Planning Division.**
9. **All dead or dying plant material within the PSCo landscape boundary, as identified on page 16 of the PDP, shall be the responsibility of Public Service of Colorado to replace for a time period of 4 years after the date of initial installation.**

Fire

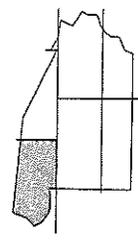
10. During project construction, the project manager or designee shall inform Loveland Fire Rescue Authority of any anticipated interruption of fire hydrant service or emergency vehicle access to properties, at least 48 hours in advance of the anticipated interruption of service or access.



SITE / LANDSCAPE PLAN
 NORTH 0 25' 50 100'
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO
 THE DESIGN, INC. 1183 CHERRYCREST BLVD. FT. COCKS

SHEET 3 OF 10
 APRIL 3, 2017 PC ATTACHMENT I

KEY MAP

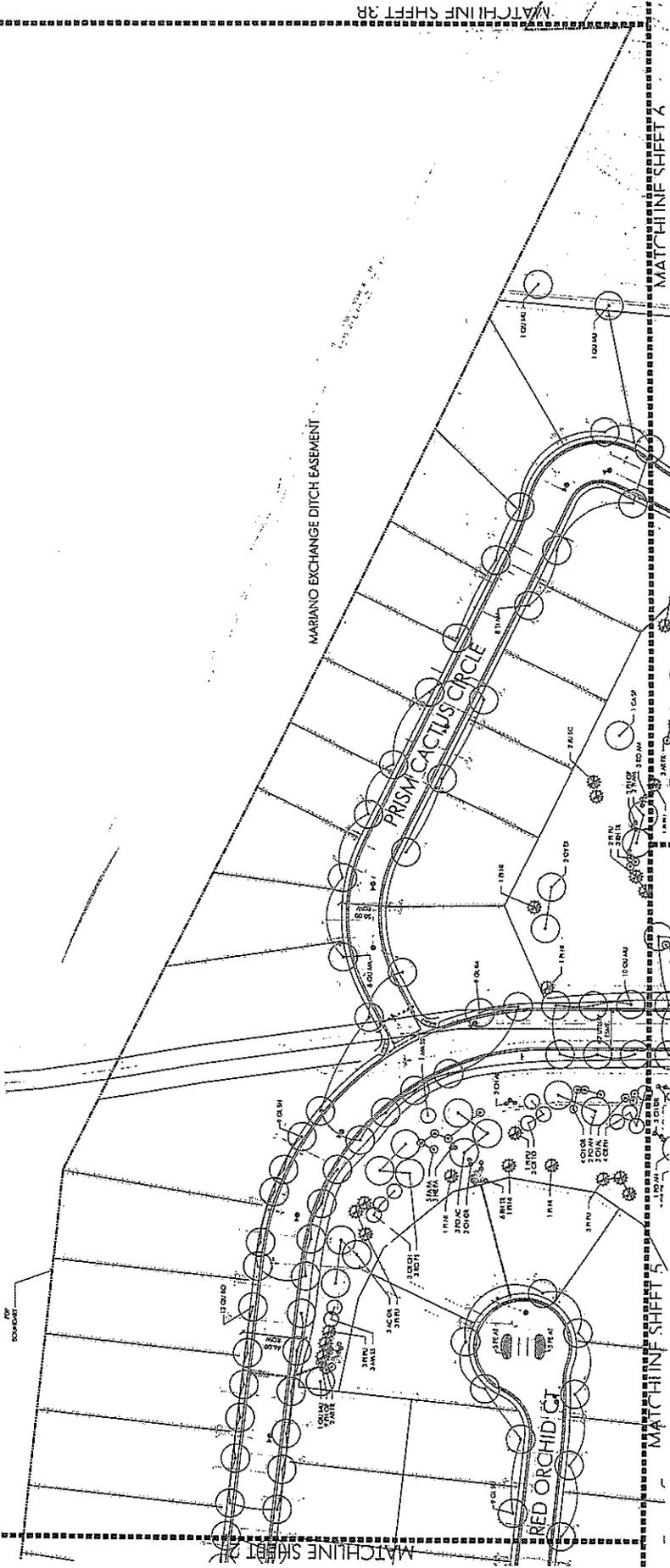


LEGEND

- DECIDUOUS CANOPY TREE
- ORNAMENTAL TREE
- CONIFEROUS TREE
- SHRUB BED
- IRRIGATED TURF
- NATIVE GRASS
- TRANSITION SEED
- DRY LAND SEED

SHEET 3A

MARIANO EXCHANGE DITCH EASEMENT



MATCHLINE SHEET 3B

MATCHLINE SHEET 2

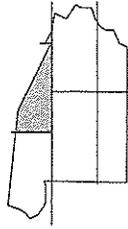
MATCHLINE SHEET 5

SHEET 3B

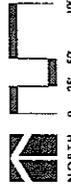
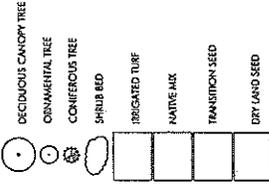
MATCHLINE SHEET 3A

MATCHLINE SHEET 6

KEY MAP



LEGEND



SITE / LANDSCAPE PLAN

DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

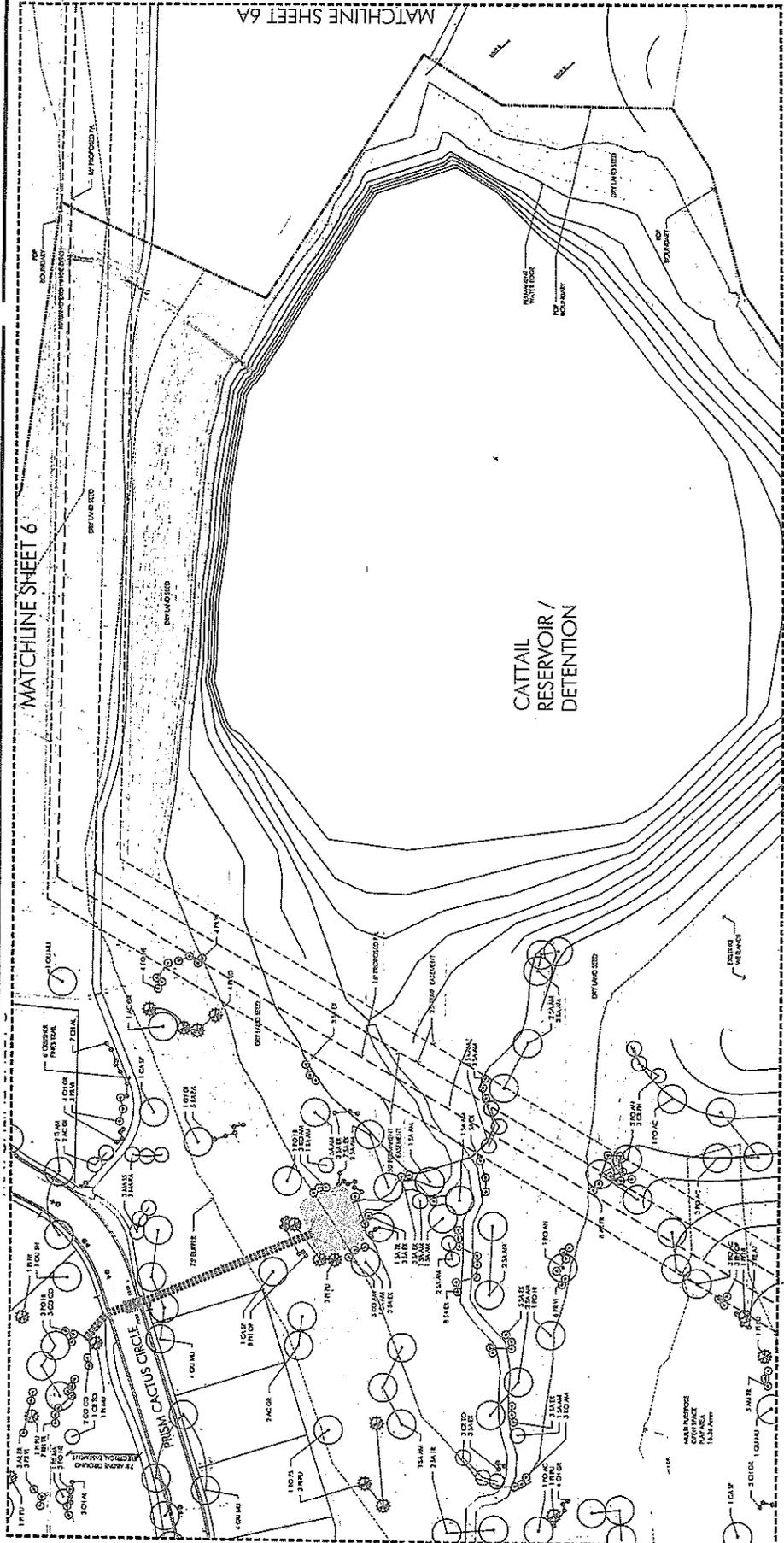
PC COUNTY, COLORADO

SHEET 4 OF
APRIL 9, 2011 PC ATTACHMENT 1

MATCHLINE SHEET 6

MATCHLINE SHEET 6A

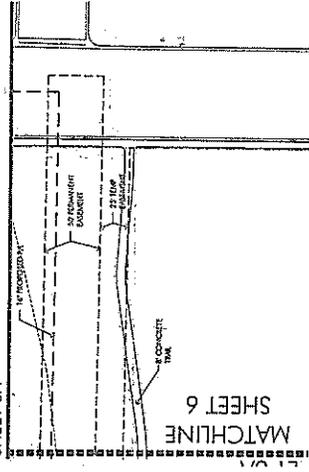
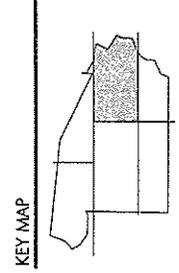
CATTAIL
RESERVOIR /
DETENTION



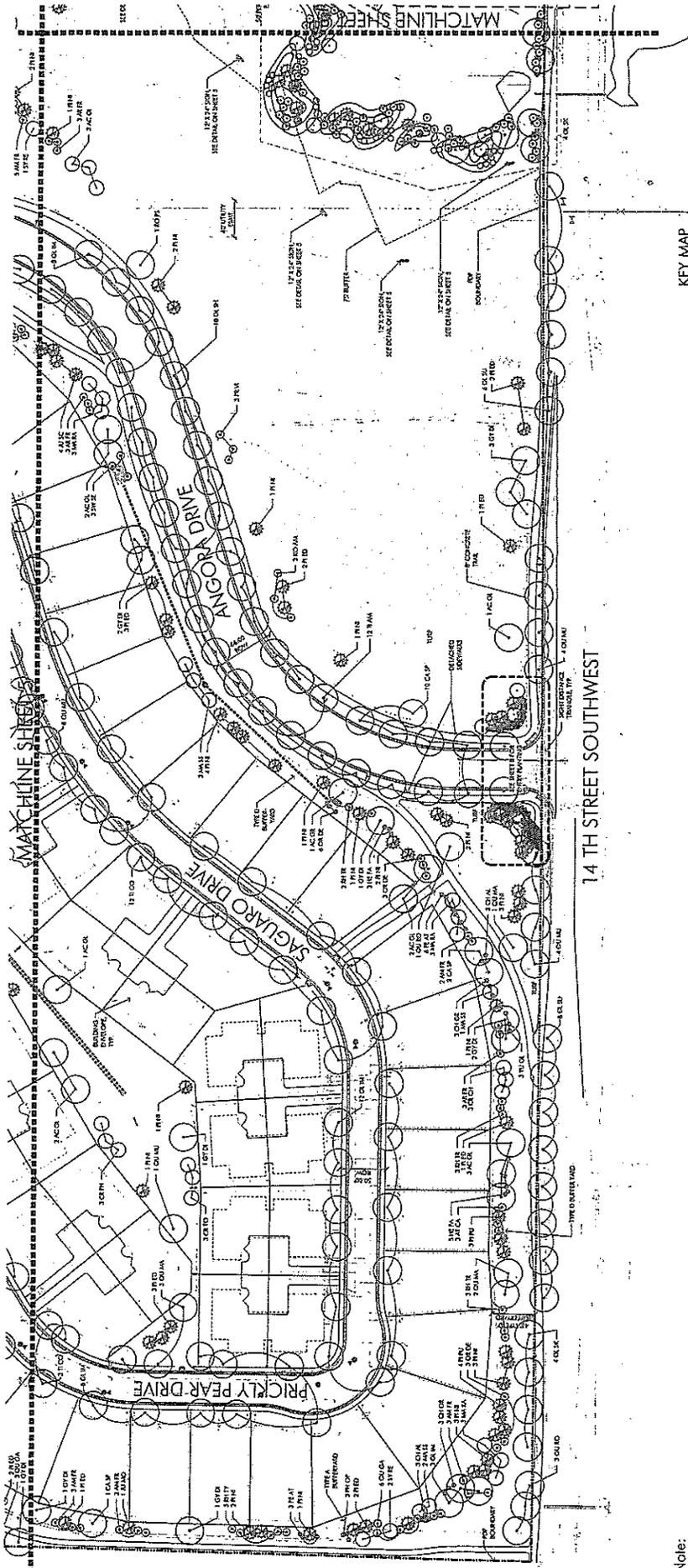
SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO
 3745 DELSON, INC. • 1100 CHASSER DR. • FT. COLLINS, CO

SHEET 6 OF 1
 APRIL 9, 2011 PC ATTACHMENT 1

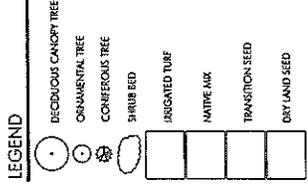
- LEGEND**
- DECIDUOUS CANOPY TREE
 - ORNAMENTAL TREE
 - CONIFEROUS TREE
 - SHRUB BED
 - IRRIGATED TURF
 - NATIVE MIX
 - TRANSITION SEED
 - DRY LAND SEED



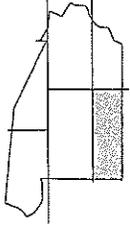
Note:
 Development other than walls are prohibited within the 75 foot buffer.



Note:
Development other than noted are prohibited within the 75 foot buffer.



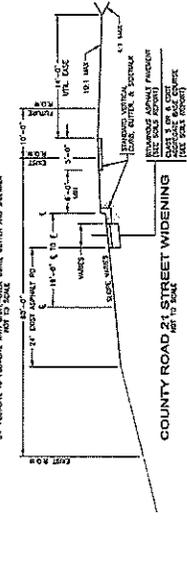
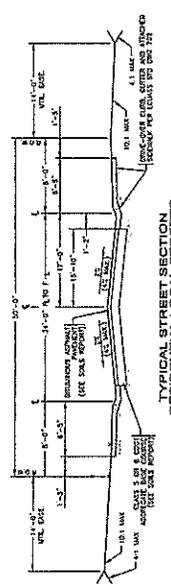
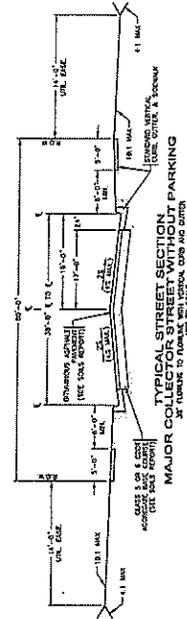
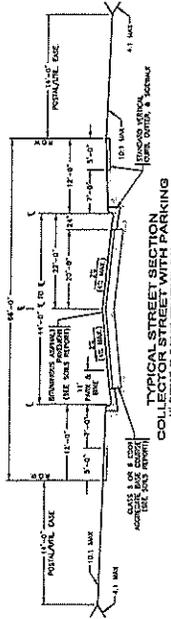
KEY MAP



NORTH 0 25 50 100

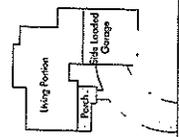
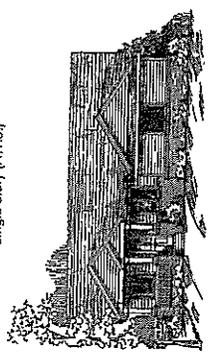
SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO
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SHEET 7 OF 1
 APRIL 9, 2011 PC ATTACHMENT 1

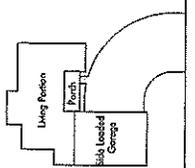
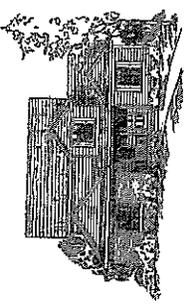


TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE A (side loaded garage)

Single Story (N.T.S.)

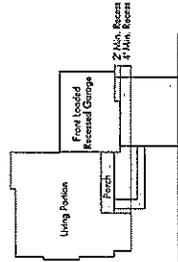
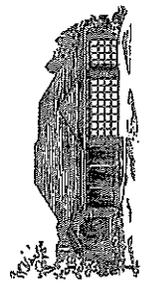


Two Story (N.T.S.)

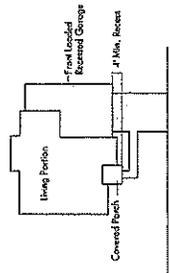
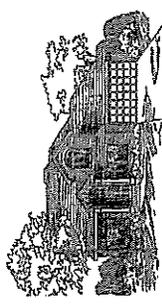


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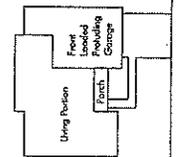
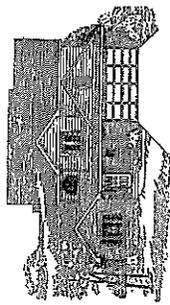


Two Story (N.T.S.)

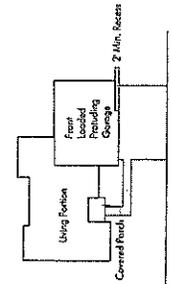
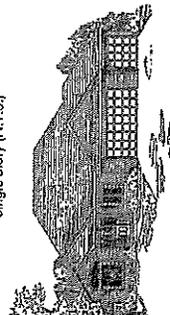


TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE C (protruding garage)

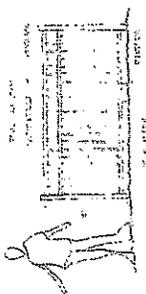
Two Story (N.T.S.)



Single Story (N.T.S.)



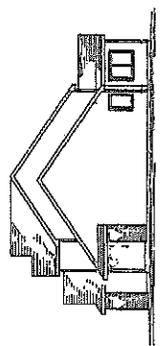
TYPICAL STEEL FENCE
SCALE: 1/2" = 1'-0"



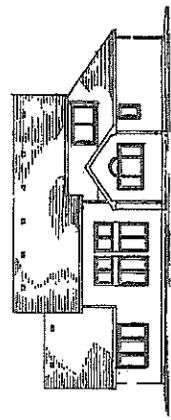
TYPICAL CEDAR FENCE
SCALE: 1/2" = 1'-0"



Typical Side Elevation (N.T.S.)



Typical Rear Elevation (N.T.S.)



Note: These elevations are hypothetical. Some variations will occur with the development of each property.

ARCHITECTURAL ELEVATIONS
DAKOTA GLEN FINAL DEVELOPMENT PLAN
FIRST AMENDMENT
LOVELAND, COLORADO
BY: DESIGN, INC. 11425 OVERSIDE DR



Existing Environment



Photographic Simulation

Parameter	Control House	Alongground Pipelines	Boiler
Use	Control the flow of gas from 16-inch to lower pressures as the gas is used for the 16-inch transmission pipelines to smaller lateral and distribution pipelines.	Transmission of natural gas.	Entrance Gate
Quantity	1	2	2
Height	~12 ft (similar roof pitch to existing pump house)	Height: 10 ft of aboveground pipe structures are 7 ft, 11 ft, and 14 ft. Pipe heights are 6 ft, 2 ft, and 4 ft, 1.4 ft.	3.5 ft
Length	24 ft	17 ft, 11 ft	N/A
Width	22 ft	18 ft, 6.5 ft	N/A
Site	528 sq ft	6.5-inch-diameter pipeline footprints are 305 square ft; 71.5 (377.5 sq ft total)	6.5 ft diameter
Architectural Design	Similar in character to existing pump house located north of the gas regulator station site.	Painted steel	N/A
Exterior Materials	Walls: Soft tan concrete block Windows: Orange Glass block/metal louvers Roof: Metal shingles	Painted steel	Painted steel
Color	Walls: Tan brick, or similar to match hue of existing pump house Trim: Cream, to match hue of existing pump house Roof: Warm grey, to match hue of existing pump house	Mediumweight tan	Mediumweight tan

Disclaimer: Detailed design drawings to be submitted with building permit applications. Design drawings will substantially comply with the details included on this drawing. See Sheet 7 and 8 for Landscape Plan.

XCEL PLANNED UNIT DEVELOPMENT (4 OF 5)

DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

BY: DESIGN, INC. • 1001 CHANDLER DRIVE • FT. COLLINS, CO

SHEET 14 OF 17
MAY 6, 2013 PC ATTACHMENT 1

Larimer 2013—16" West Main Natural Gas Pipeline Replacement Project

Weed Management and Revegetation Plan

Draft

August 2012

Prepared for:



Public Service Company of Colorado
1123 West 3rd Avenue, Denver, Colorado 80223

Prepared by:



Tetra Tech EC, Inc.
1099 18th Street, Suite 580, Denver, Colorado 80202

Contents

	Page
1. Introduction	1
1.1 Weed Management.....	1
1.2 Site Description	2
1.2.1 Ecoregional Setting	2
1.2.2 Vegetation and Noxious Weeds	3
1.3 Colorado Noxious Weed List.....	5
1.4 Larimer County Weed List.....	7
2. Weed Management Guidelines	8
2.1 Field Reconnaissance Weed Identification.....	8
2.2 Pre-Construction Survey Goals and Protocol.....	8
2.3 Pre-/Post-Disturbance Weed Treatment	9
2.4 Construction Practices	9
2.5 Post-Construction Monitoring	9
3. Weed Control	10
4. Revegetation	10
4.1 Principles for Successful Revegetation	11
4.2 Pre-Construction Vegetation Survey	11
4.3 Conservation of Topsoil.....	11
4.4 Best Management Practices	12
4.5 Soil Preparation.....	12
4.6 Plant Material Selection.....	13
4.7 Planting Seed	14
5. Implementation Schedule	15
6. References	15

Appendices

Appendix A: Noxious Weed Profiles

Tables

Table 1:	Colorado Noxious Weed List.....	5
Table 2:	Noxious and Troublesome Weeds Regulated by Larimer County.....	7
Table 3:	Noxious Weeds Identified during the Field Reconnaissance.....	8
Table 4:	Recommended Seed Mix for Project Revegetation in the High Plains/Shortgrass Prairie Environment.....	13
Table 5:	Weed Management and Revegetation Implementation Schedule.....	15

Figures

Figure 1:	Preferred and Alternative Routes Overview Map	17
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1. Introduction

As part of its West Main Natural Gas Pipeline Replacement Project, PSCo is proposing to construct, operate, and maintain approximately 5.1 miles of replacement 16-inch high-pressure natural gas pipeline in unincorporated Larimer County, Colorado. The 16-inch high-pressure replacement natural gas pipeline project is referred to as the Larimer 2013 Project (Project) and is located in Larimer County, Colorado.

The proposed Project is a system upgrade that would replace the existing 83-year-old, 8-inch natural gas transmission pipeline with a new high-pressure 16-inch natural gas pipeline to continue providing reliable, safe natural gas service for PSCo's current and new customers along the Colorado Front Range. The overall West Main Natural Gas Pipeline Replacement Project includes several counties and several incorporated communities, replacing approximately 77 miles of 95 miles of high pressure natural gas transmission pipeline between Westminster, Colorado, and the Colorado–Wyoming border.

The existing pipeline cannot reliably keep up with growing system demand to deliver natural gas and would be decommissioned in place as the new replacement pipeline is put into service. Like the existing 8-inch natural gas pipeline, the new 16-inch natural gas pipeline would be buried underground. The natural gas pipeline is proposed to be located in private rights-of-way (ROWs); county, state, and city roadway ROWs; and city and county public lands using a combination of existing and new easements. The final alignment of the natural gas pipeline is subject to negotiation with individual landowners.

Figure 1 shows the proposed and alternative routes, as well as the Project area in Larimer County, as of August 2012. It is assumed that weed management and revegetation will occur on all lands directly disturbed by the construction of this Project. This Weed Management and Revegetation Plan is intended as a guide for integrated weed management for the pre- and post-construction periods of this Project.

1.1 Weed Management

Noxious weeds are defined in the Colorado Revised Statutes (CRS 35-5.5):

"Noxious weed" means an alien plant or parts of an alien plant that have been designated by rule as being noxious or has been declared a noxious weed by a local advisory board, and meets one or more of the following criteria:

- (a) Aggressively invades or is detrimental to economic crops or native plant communities;*
- (b) Is poisonous to livestock;*
- (c) Is a carrier of detrimental insects, diseases, or parasites;*

(d) The direct or indirect effect of the presence of this plant is detrimental to the environmentally sound management of natural or agricultural ecosystems.

Noxious weeds have become one of the most important issues for owners and managers of agricultural and open space lands. Weeds can cause economic losses to agriculture in both croplands and rangelands. They can also crowd out native vegetation and generally provide lower quality wildlife habitats than native vegetation.

In recognition of the economic and ecological effects of noxious weeds, the General Assembly of the State of Colorado passed the Colorado Noxious Weed Act in 2003 (35-5.5 CRS). This act requires landowners to control noxious weeds on their properties. The act also requires each county to develop a noxious weed management plan and list of noxious weeds that must be managed on all lands in the county.

The following basic actions will be taken by PSCo to comply with the Colorado Noxious Weed Act and are described in further detail in this management plan:

- Survey for weed infestations before and after ground-disturbing activities are undertaken
- Use of appropriate construction practices to minimize noxious weed infestations
- Revegetation of disturbed areas
- Monitoring of disturbed areas
- Treatment of new infestations

1.2 Site Description

1.2.1 Ecoregional Setting

The Project area is completely situated in the High Plains Level III Ecoregion. The High Plains Ecoregion includes four Level IV ecoregions. The Project area lies within two of the Level IV ecoregions, the Flat to Rolling Plains (25d) and the Front Range Fans (25i). The following subsections describe the ecoregional setting as provided in *Ecoregions of Colorado* (Chapman et al. 2006).

1.2.1.1 Front Range Fans

The Front Range Fans (25L) Ecoregion covers the entirety of the Project area. The Front Range Fans ecoregion flanks the northern Front Range of the Southern Rockies in Colorado. Streams tend to be cooler than in other High Plains (25) regions and contain many Front Range aquatic species. The soils of the region have more outwash gravels than regions farther east, and they occupy old terraces, benches, and alluvial fans. The soils are formed from materials weathered from arkosic sedimentary rock, gravelly alluvium, and redbed shales and sandstone. Some soils have a high shrink-swell potential. Annual precipitation ranges from approximately 14 to 18 inches.

Typical plants include shortgrass and mixed grass prairie: blue grama (*Chondrosium gracile*), needle-and-thread (*Hesperostipa comata*), western wheatgrass (*Pascopyrum smithii*), buffalograss (*Buchloë dactyloides*), junegrass (*Koeleria macrantha*), and little bluestem (*Schizachyrium scoparium*). Big bluestem (*Andropogon gerardii*) is scattered in low concentrations throughout the region. Riparian areas contain cottonwood/shrub/herbaceous species. Land use is changing from mostly cropland and rangeland to more extensive urban development. Development has led to an increase in man-made lakes and gravel pits dotting the region.

1.2.2 Vegetation and Noxious Weeds

Six basic vegetation types were observed during the field review: shortgrass/mixed grass prairie, agricultural lands, riparian, palustrine emergent wetlands, disturbed/developed, and noxious weeds. These vegetation types, and common plant species observed within them, are described below.

1.2.2.1 Shortgrass/Mixed Grass Prairie

A mosaic of shortgrass and mixed grass prairie would be the dominant native ecosystem type in the Project area under natural conditions. Shortgrass and mixed grass prairie species were observed in only a few low-quality patches, often interspersed with, or surrounded by, development. No areas of high-quality unfragmented shortgrass/mixed grass prairie were observed within the Project area.

Typical shortgrass/mixed grass prairie species observed during the field review included buffalograss, blue grama, western wheatgrass, sand dropseed (*Sporobolus cryptandrus*), alkali sacaton (*Sporobolus airoides*), little bluestem, and sideoats grama (*Bouteloua curtipendula*).

1.2.2.2 Agricultural Lands

Agricultural lands, one of the most common land uses observed in the Project area, included row crops, corn, winter wheat, hay/alfalfa, and grazing lands. Agricultural lands in the Project area are located mostly peripheral to the metropolitan areas of Fort Collins, Loveland, Berthoud, Longmont, Boulder, and Louisville. Non-native grass species, originally planted for grazing or landscaping, were observed throughout the Project area and were dominated by smooth brome (*Bromopsis inermis*).

1.2.2.3 Riparian

Riparian zones are defined as the interface between a running water feature, such as a stream or river, and the surrounding landscape. Riparian vegetation types occur in the study area adjacent to the Cache la Poudre River, Big Thompson River, Little Thompson River, St. Vrain Creek, Dry Creek, Left Hand Creek, Boulder Creek, and, to a lesser extent, some of the ditches, especially the Highland ditch, Rough and Ready ditch, and the Boulder and Whiterock ditch. Native tree and shrub vegetation observed in riparian areas included plains cottonwood (*Populus deltoides*), peach-leaved willow (*Salix amygdaloides*), and coyote

willow (*Salix exigua*). Non-native tree and shrub species observed in riparian areas included Russian-olive (*Elaeagnus angustifolia*), crack willow (*Salix fragilis*), and Siberian elm (*Ulmus pumila*). Common herbaceous plants observed in riparian areas included reed canarygrass (*Phalaris arundinacea*), smartweed (*Polygonum* spp.), rushes (*Juncus* spp.), spikerushes (*Eleocharis* spp.), broad-leaved cattail (*Typha latifolia*), narrow leaved cattail (*Typha angustifolia*), softstem bulrush (*Schoenoplectus acutus*), three-square (*Schoenoplectus pungens*), cockle-bur (*Xanthium strumarium*), and barnyard grass (*Echinochloa crus-galli*).

1.2.2.4 Palustrine Emergent Wetlands

Palustrine emergent wetlands (PEM) are scattered throughout the Project area, either adjacent to streams or ditches or as isolated bodies such as ponds or stormwater retention basins. PEM sometimes overlaps with riparian areas. Wetlands in the Project area are dominated by broad-leaved cattail, narrow-leaved cattail, barnyard grass, reed canarygrass, softstem bulrush, three-square, coyote willow, arctic rush (*Juncus arcticus*), alkali bulrush (*Bolboschoenus maritimus*), and creeping spikerush (*Eleocharis palustris*). Russian olive, peach-leaved willow, and plains cottonwood also occur in some wetlands. Weed species are not abundant, but Canada thistle (*Breca arvensis*) and teasel (*Dipsacus sylvestris*) were noted in or around some of the observed wetlands.

1.2.2.5 Disturbed/Developed

Disturbed/developed lands are one of the most common land uses in the Project area. Disturbed or developed areas include roadside ROWs, "old fields" where active agriculture is no longer occurring, as well as residential, commercial, and industrial settings. Most disturbed/developed areas are not excessively weedy and are dominated by common reclamation grasses such as smooth brome, intermediate wheatgrass (*Thinopyrum intermedium*), crested wheatgrass (*Agropyron desertorum*), orchard grass (*Dactylis glomerata*), and Kentucky bluegrass (*Poa pratensis*), as well as the common pasture forb, alfalfa (*Medicago sativa*).

Weeds are often a small to moderate component in the vegetation of disturbed areas. Recently disturbed roadsides are the most common areas with weedy vegetation. Weedy species include dandelion (*Taraxacum officinale*), kochia (*Kochia scoparia*), whitetop (*Cardaria* spp.), diffuse knapweed (*Acosta diffusa*), mullein (*Verbascum thapsus*), chickory (*Cichorium intybus*), and filaree (*Erodium cicutarium*).

1.2.2.6 Noxious Weeds

Noxious weeds in the Project area were identified during the field reconnaissance that was performed in accordance with the requirements in the Colorado Noxious Weed Act from March 25 to April 2, 2012 (Tetra Tech 2012). Noxious weed species are present, but not abundant, throughout the Project area, particularly in recently disturbed areas, such as near roadways or disturbed riparian areas. Observations are further discussed in Section 2.1.

1.3 Colorado Noxious Weed List

The state of Colorado has designated three types of noxious weeds that require management actions (CDOA 2011b):

- *Colorado List A species are designated by the Commissioner for eradication.*
- *List B weed species are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local governments, and other interested parties, develops and implements state noxious weed management plans designed to stop the continued spread of these species.*
- *List C weed species are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local governments, and other interested parties, will develop and implement state noxious weed management plans designed to support the efforts of local governing bodies to facilitate more effective integrated weed management on private and public lands. The goal of such plans will not be to stop the continued spread of these species but to provide additional education, research, and biological control resources to jurisdictions that choose to require management of List C species.*

The state listed noxious weed species are summarized in Table 1.

Table 1:
 Colorado Noxious Weed List

List	Common Name	Scientific Name
Colorado List A	African rue	<i>Peganum harmala</i>
	Camelthorn	<i>Athagi pseudalhagi</i>
	Common crupina	<i>Crupina vulgaris</i>
	Cypress spurge	<i>Euphorbia cyparissias</i>
	Dyer's woad	<i>Isatis tinctoria</i>
	Giant salvinia	<i>Salvinia molesta</i>
	Hydrilla	<i>Hydrilla verticillata</i>
	Meadow knapweed	<i>Centaurea pratensis</i>
	Mediterranean sage	<i>Salvia aethiopsis</i>
	Medusahead	<i>Taeniatherum caput-medusae</i>
	Myrtle spurge	<i>Euphorbia myrsinites</i>
	Orange hawkweed	<i>Hieracium aurantiacum</i>
	Purple loosestrife	<i>Lythrum salicaria</i>
	Rush skeletonweed	<i>Chondrilla juncea</i>
	Sericea lespedeza	<i>Lespedeza cuneata</i>
	Squarrose knapweed	<i>Centaurea virgata</i>
	Tansy ragwort	<i>Senecio jacobaea</i>
	Yellow starthistle	<i>Centaurea solstitialis</i>
Colorado List B	Absinth wormwood	<i>Artemisia absinthium</i>
	Black henbane	<i>Hyoscyamus niger</i>
	Bouncingbet	<i>Saponaria officinalis</i>
	Bull thistle	<i>Cirsium vulgare</i>

Table 1:
 Colorado Noxious Weed List

List	Common Name	Scientific Name
	Canada thistle	<i>Breca arvensis (Cirsium arvense)</i>
	Chinese clematis	<i>Clematis orientalis</i>
	Common tansy	<i>Tanacetum vulgare</i>
	Common teasel	<i>Dipsacus fullonum</i>
	Corn chamomile	<i>Anthemis arvensis</i>
	Cutleaf teasel	<i>Dipsacus laciniatus</i>
	Dalmatian toadflax	<i>Linaria genistifolia ssp. damatica (L. dalmatica)</i>
	Dame's rocket	<i>Hesperis matronalis</i>
	Diffuse knapweed	<i>Acosta diffusa (Centaurea diffusa)</i>
	Eurasian watermilfoil	<i>Myriophyllum spicatum</i>
	Hoary cress	<i>Cardaria draba</i>
	Houndstongue	<i>Cynoglossum officinale</i>
	Leafy spurge	<i>Euphorbia esula</i>
	Mayweed chamomile	<i>Anthemis cotula</i>
	Moth mullein	<i>Verbascum blattaria</i>
	Musk thistle	<i>Carduus nutans</i>
	Oxeye daisy	<i>Chrysanthemum leucanthemum</i>
	Perennial pepperweed	<i>Lepidium latifolium</i>
	Plumeless thistle	<i>Carduus acanthoides</i>
	Quackgrass	<i>Elytrigia repens</i>
	Redstem filaree	<i>Erodium cicutarium</i>
	Russian knapweed	<i>Acroptilon repens</i>
	Russian-olive	<i>Elaeagnus angustifolia</i>
	Salt cedar	<i>Tamarix chinensis, T. parviflora, and T. ramosissima</i>
	Scentless chamomile	<i>Matricaria perforata</i>
	Scotch thistle	<i>Onopordum acanthium, and O. tauricum</i>
	Spotted knapweed	<i>Centaurea maculosa</i>
	Spurred anoda	<i>Anoda cristata</i>
	Sulfur cinquefoil	<i>Potentilla recta</i>
	Venice mallow	<i>Hibiscus trionum</i>
	Wild caraway	<i>Carum carvi</i>
	Yellow nutsedge	<i>Cyperus esculentus</i>
	Yellow toadflax	<i>Linaria vulgaris</i>
Colorado List C	Chicory	<i>Cichorium intybus</i>
	Common burdock	<i>Arctium minus</i>
	Common mullein	<i>Verbascum thapsus</i>
	Common St. Johnswort	<i>Hypericum perforatum</i>
	Downy brome	<i>Bromus tectorum</i>
	Field bindweed	<i>Convolvulus arvensis</i>
	Halogeton	<i>Halogeton glomeratus</i>
	Johnsongrass	<i>Sorghum halepense</i>

Table 1:
Colorado Noxious Weed List

List	Common Name	Scientific Name
	Jointed goatgrass	<i>Aegilops cylindrica</i>
	Perennial sowthistle	<i>Sonchus arvensis</i>
	Poison hemlock	<i>Conium maculatum</i>
	Puncturevine	<i>Tribulus terrestris</i>
	Velvetleaf	<i>Abutilon theophrasti</i>
	Wild proso millet	<i>Panicum miliaceum</i>

Source: Colorado Department of Agriculture (2011a)

1.4 Larimer County Weed List

The Larimer County Code (Chapter 30, Article III) provides guidance for managing noxious weeds and identifies the county list of noxious weeds. Noxious weeds and "watch list" weeds identified by Larimer County are listed in Table 2.

Table 2:
Noxious and Troublesome Weeds Regulated by Larimer County

Regulated Name	Scientific Name
Bull thistle	(<i>Cirsium vulgare</i>)
Canada Thistle	(<i>Cirsium arvense</i>)
Common Teasel	(<i>Dipsacus fullonum</i>)
Dalmatian Toadflax	(<i>Linaria genistifolia</i>)
Diffuse Knapweed	(<i>Centaurea diffusa</i>)
Hoary Alyssum	(<i>Berteroa incana</i>)
Hoary Cress	(<i>Cardaria draba</i>)
Houndstongue	(<i>Cynoglossum officinale</i>)
Leafy Spurge	(<i>Euphorbia esula</i>)
Musk Thistle	(<i>Carduus nutans</i>)
Perennial Pepperweed or Tall Whitetop	(<i>Lepidium latifolium</i>)
Russian Knapweed	(<i>Acroptilon repens</i>)
Scotch Thistle	(<i>Onopordum acanthium</i>)
Spotted Knapweed	<i>Centaurea maculosa</i>
Tamarisk	(<i>Tamarix ramosissima, parviflora</i>)
Yellow Toadflax	(<i>Linaria vulgaris</i>)

Source: Larimer County (2012)

2. Weed Management Guidelines

The following guidelines were developed to limit the extent of effects and potential for dispersal and establishment of noxious weeds. The guidelines should be implemented as part of construction and maintenance activities associated with the Project.

2.1 Field Reconnaissance Weed Identification

During the field reconnaissance (Tetra Tech 2012), the survey team identified several state listed and non-listed weed species. Table 3 lists the noxious weeds identified during the field review in Larimer County. The noxious weeds were identified based on the Colorado Noxious Weed Act. Noxious weed species are present but not abundant throughout the Project area, particularly in recently disturbed areas, such as near roadways or disturbed riparian areas.

Table 3:
 Noxious Weeds Identified during the Field Reconnaissance

Weed List (A, B, or C)	Common Name	Scientific Name	Observed in Larimer County
List B Weeds	Canada Thistle	<i>Breea arvensis</i>	X
	Diffuse Knapweed	<i>Acosta diffusa</i>	X
	Musk Thistle	<i>Carduus nutans</i>	X
	Russian-Olive	<i>Elaeagnus angustifolia</i>	X
	Whitetop, Hoary Cress	<i>Cardaria draba</i>	X
List C Weeds	Chickory	<i>Cichorium intybus</i>	X
	Common Mullein	<i>Verbascum thapsus</i>	X
	Downy Brome—Cheatgrass	<i>Bromus tectorum</i>	X
	Field Bindweed	<i>Convolvulus arvensis</i>	X
	Puncturevine (Goatheads)	<i>Tribulus terrestris</i>	X
	Redstem Filaree	<i>Erodium cicutarium</i>	X
Not Listed	Kochia	<i>Kochia scoparia</i>	X

2.2 Pre-Construction Survey Goals and Protocol

Most of the Project consists of constructing a 16-inch natural gas pipeline. The Project would need to make several crossings of surface water bodies, including the Cache la Poudre River, Dry Creek, and the Little Thompson River. Numerous other streams, irrigation ditches/canals, and wetlands would also need to be crossed. At this time, it is planned that the crossings would involve boring underneath the waterways or wetlands and avoiding trenching through them. In non-wetland areas or waterways, construction of the pipeline route would involve open trenching. The goals of a pre-construction survey would be to identify and map the presence of state and county listed noxious weeds, delineate the extent of infestations, and identify potential noxious weed sources adjacent to the Project ROW. Survey protocol would involve use of a Trimble GeoXT GPS receiver with accuracy of 1 to

5 meters to map the locations of weed infestations along the ROW. The survey would be conducted by a biologist with experience in mapping Colorado listed noxious weeds. Data would be collected in two ways: in situations where fewer than 25 stems of a given species are documented to be present in an area, only point data would be recorded with the GPS unit. In situations where more than 25 stems of a given species are documented to be present in an area, a polygon would be mapped with the GPS and the acreage for that species should be derived.

2.3 Pre-/Post-Disturbance Weed Treatment

Appendix A (Noxious Weed Profiles) provides species-specific biology and general control methods for species that must be managed in accordance with Colorado state weed law. Actual control methods would be selected by the individuals conducting the treatments based on the species to be controlled, the location of the infestations (for example, near a riparian area), and the individuals' experience with the types of treatments that are most effective in the local area.

2.4 Construction Practices

Bare ground represents an open ecological niche that allows for the establishment of undesirable species such as noxious weeds. It is important to limit disturbance footprints associated with construction activities to the extent possible to minimize opportunities for noxious weed invasion.

Clearing or blading should only occur in the minimum area needed for safe and efficient construction. Construction activities should avoid areas where noxious weeds are established to the extent possible.

All heavy equipment used during construction should be washed prior to use in the site area to ensure that weed seed from a different region is not transported into the Project area.

Washing of equipment within the Project area is not recommended. Onsite washing of equipment increases the chance of weed seed dispersal by drainage of water across and potentially offsite. Instead, accumulations of mud should be knocked off equipment. This method promotes containment of weed seeds on the work site, where it can be monitored and treated, if necessary.

2.5 Post-Construction Monitoring

The post-construction pipeline route should be monitored for noxious weeds during the first growing season following the construction process. The goal of monitoring will be to detect any infestations as soon as possible while they are still small to make recommendations for effective treatment. Monitoring should take place for at least one growing season following construction. A weed monitoring report should be written at the end of this first full growing season after completion of construction to help collect results and refocus strategy for any further weed control that may be necessary. This report should be shared with the Larimer and Boulder County weed management programs to ensure proper coordination of weed control efforts.

3. Weed Control

A number of management strategies are available for control of noxious weeds. The methods described in this weed management plan include mechanical, biological, chemical, and cultural control methods. Mechanical methods typically include means such as hand-pulling, digging, and mowing. Biological controls may include application of select insects into an infestation, and grazing by livestock. Chemical control methods typically rely on selective and non-selective herbicides. The type of herbicides would vary depending on the weed species to be controlled. Cultural control methods include establishment of competitive vegetation. Selection of a control method or combination of methods should consider the life history of the species, the extent of infestation, and potential environmental effects from the treatment.

Attempts to eradicate noxious weeds will likely be unsuccessful if the initial disturbance that allowed the species to become established is still occurring in the area. Treatments will also be unsuccessful if other locally established populations of noxious weeds are not controlled. Attempts to control noxious species may also be unsuccessful if there is not an active revegetation program or if there are not viable populations of native species to recolonize the area. Treatment of one noxious species may open up new habitat for other noxious species if native species are not reestablished. For these reasons, successful, complete, and timely implementation of the revegetation program will be a critical element to successful management of noxious weeds within the Project ROW and adjacent lands.

Any treatments to noxious weeds should be carefully documented at the time of the treatment. Detailed notes should be collected to map areas sprayed, log spray dates, and document time and money spent on the weed management program. Species-specific control methods for noxious weeds identified in the initial site reconnaissance are provided as Appendix A to this document.

4. Revegetation

The purpose of revegetation should include the re-establishment of existing soil contours to the extent possible and to reestablish vegetation that is removed during construction. By reestablishing native vegetation, the potential for soil erosion will be reduced and wildlife habitats will be repaired/re-created.

Disturbed areas should be recontoured and revegetated as soon as practical, using approved seed mixtures and techniques. Disturbance areas would be re-seeded using approved, certified weed-free seed. Other materials used as part of revegetation, such as hay mulch, manure, or fill material, should also come from certified weed-free sources. Additional details on revegetation are provided in the following subsections.

4.1 Principles for Successful Revegetation

The following principles should be applied to all sites where revegetation would be undertaken:

- Minimize disturbed areas. The larger the disturbed area, the more effort is required to reclaim, monitor, and maintain it. More disturbance means a greater area is primed for noxious weed invasion.
- Salvage and stabilize existing topsoil to use in reclamation. Plant reestablishment can be difficult without the use of expensive soil amendments if topsoil has not been salvaged.
- Use plant species that can be established and survive in the reclaimed environment. Native plant species currently established onsite are often the best plant choices, although availability of seed or nursery stock can be challenging.
- Control noxious weeds and other undesirable species. These plants can out-compete the desired species if not properly controlled, especially if they are already established on site.
- Monitor the site. Monitoring is needed to determine whether reclamation has been successful and whether noxious weed invasions require additional reclamation activities.
- Maintain the site. Maintenance is simply acting on any problems or concerns noted during monitoring. For example, controlling weeds, maintaining erosion control structures, planting additional container stock, or applying more native seed could be maintenance activities.

4.2 Pre-Construction Vegetation Survey

The sole purpose of a pre-construction vegetation survey would be to establish a baseline understanding of species diversity and percent ground cover in areas likely to be disturbed by pipeline construction or other ancillary infrastructure. The results of the survey will allow for the creation of legitimate revegetation goals at the conclusion of the Project in terms of the reestablishment of disturbed areas with appropriate species diversity, abundance, and ground cover percentage.

An average goal for revegetation is 80 percent ground cover on all disturbed areas within 2 years of the end of construction. This percentage may have to be adjusted after an evaluation of data from the pre-construction monitoring. If monitoring identifies any situations that are preventing attainment of the cover goal, such as weed infestations, poor plant vigor and survival, or other factors, corrective actions would be developed and implemented.

4.3 Conservation of Topsoil

Some areas that would be disturbed by this Project may not currently have topsoil in place (for example, around the perimeter of existing parking areas and road shoulders). Other areas that would be disturbed currently do have topsoil in place. In those areas where topsoil would otherwise be lost, it should be stripped and stockpiled for reclamation. If the topsoil stockpiles would not be replaced within 6 months, a cover crop of upland grasses should be planted on the stockpiled soils for stabilization purposes.

In those areas where topsoil is currently at approximately its post-construction final contours, construction crews should minimize the amount of disturbance. An example of such an area includes portions of the ROW that should be returned to native vegetation after construction. Of particular concern is mixing of topsoil with subsoil through unnecessary grading or other soil disturbance.

4.4 Best Management Practices

Best management practices (BMPs) have been developed for use during grading and construction to minimize erosion. These BMPs would be implemented and maintained to the extent that they are applicable during the reclamation phase of the Project. The BMPs include:

- Stabilize exposed soil surfaces and reduce flow velocities.
- Use silt fences and hay bales to stabilize streams and ditches in or adjacent to the ROW. The silt fence would be staked and placed on the downgradient side of the hay bales.
- Following completion of construction, stabilize and revegetate exposed areas and remove the silt fencing.
- Inspect soil erosion control measures (rip-rap stones, silt fence, or hay bales, etc.) after each rain event for damage from washouts or siltation and implement corrective measures to ensure adequate function is maintained.
- Clean sediment traps and basins and remove sediment as necessary from silt fences, stone outlet structures, and hay bales when material accumulates.
- Place soil stockpiles in well-drained areas with adequate temporary soil erosion and sediment control measures and at least 50 feet from wetlands and watercourses.
- Following completion of work, loosen and level compacted soils by scarifying, harrowing, disking, or other approved methods.
- Re-grade all disturbed areas and, where appropriate, re-seed with approved native vegetation to provide proper drainage, stabilize soils, and reduce erosion. During dry weather conditions, spray water over construction access roads to minimize creation of dust.

4.5 Soil Preparation

Disturbed soil should be re-contoured as close as possible to pre-construction contours. Where topsoil has been removed and stockpiled, it should be redistributed over the re-contoured subsoil. Areas that have been compacted by repeated equipment traffic should be ripped to allow water penetration and successful plant regrowth. If suitable topsoil is not available, or if it is poor quality, additional topsoil or other soil amendments may need to be brought on to the site. BMPs, as specified in Section 4.4, would be maintained or reinstalled as needed to ensure they remain functional through the reclamation phase of the Project.

4.6 Plant Material Selection

This Project lies within the High Plains Level III ecoregion, so grasses, forbs, and shrubs adapted to shortgrass prairie environments are recommended for the revegetation efforts. Grasses are likely to make up a significant proportion of the overall plant material for the revegetation process. Grasses should preferably be drill seeded, but they may be broadcast-seeded as necessary. A recommended reclamation seed mixture for high plains/shortgrass prairie environments is provided in Table 4. This seed mix was adapted from a high plains/shortgrass prairie seed mix suggested by Pawnee Butte Seed (Pawnee Butte Seed 2011) and using the reference Plants for Western Land Reclamation (DeAgüero 1994). All seed must be certified weed free.

Table 4:
 Recommended Seed Mix for Project Revegetation in the High Plains/Shortgrass Prairie Environment

Seed Mix	Common Name	Scientific Name	Percent of Mix ¹
Grass Seed	Blue grama	<i>Chondrosom gracile</i>	23
	Buffalograss	<i>Buchloë dactyloides</i>	10
	Green needlegrass	<i>Stipa viridula</i>	20
	Sideoats grama(W)	<i>Bouteloua curtipendula</i>	20
	Western wheatgrass	<i>Pascopyrum smithii</i>	25
	Sand dropseed	<i>Sporobolus cryptandrus</i>	25
Forb-Shrub Mix	Perennial gaillardia	<i>Gaillardia aristata</i>	5
	Gayfeather	<i>Liatrix punctata</i>	10
	Plains coreopsis	<i>Coreopsis tinctoria</i>	5
	Purple prairie clover	<i>Dalea purpurea</i>	10
	Prairie sunflower	<i>Helianthus petiolaris</i>	10
	Scarlet globemallow	<i>Sphaeralcea coccinea</i>	5
	Northern sweetvetch	<i>Hedysarum boreale</i>	5
	Greenthread	<i>Thelesperma filifolium</i>	5
	Prairie coneflower	<i>Ratibida columnifera</i>	10
	Rubber rabbitbrush	<i>Chrysothamnus nauseosus</i>	15
	Winterfat	<i>Krascheninnikovia lanata</i>	10
	Fringed sage	<i>Artemisia frigida</i>	10

¹ Application rates would be determined following verification of seed purity and germination rates as published by the selected seed supplier.

In addition to a mix of warm and cool season grasses, the recommended species includes a mix of native forbs and shrubs for improved habitat and aesthetic qualities, increased biodiversity, enhanced soil stability and survivability in the reclaimed plant community. The grass and shrub species recommended in Table 4 were all observed in the Project area during site reconnaissance. These species are all native to the eastern high plains of Colorado. The average period of time for these shrubs to establish, mature, and flower may be as much as 3 to 4 years from planting (Monsen et al. 2004). Restriction of grazing in revegetated areas will increase the chance of successful plantings.

The recommended overall proportions for the revegetation seed mix would be approximately 75 percent of the volume in grasses, 15 percent in forbs, and 10 percent in shrubs. All of the species listed in Table 4 should be commercially available from seed supply companies in northeastern Colorado.

4.7 Planting Seed

The preferred seed planting times are spring and fall. Actual seeding dates will depend on soil conditions. Planting should not occur when equipment would significantly compact or otherwise disturb the soil because of excessive soil moisture. Although spring and fall are the recommended times for seeding, it is important to establish a desirable vegetation cover as soon as possible after construction is complete to prevent establishment and spread of noxious weeds. In such instances, seed may be planted in the summer months.

Drill seeding is the recommended seeding method. Any seed drill used should be fitted with seed boxes that can accommodate the chosen species. A good fit is particularly important for fluffy or irregular seed shapes, or when a wide variety of seed sizes is included in the seed mix. To the extent possible, drill seeding will be along the contour.

Broadcast seeding may also be used, although the seeding rate would need to be doubled to account for seed loss and poorer soil-seed contact. Broadcast seeding may be accomplished with hand-held or vehicle-mounted equipment. Any site where broadcast seeding is used should be dragged or raked to improve contact between seed and soil.

Various types of mulch may be used to improve retention of soil moisture and plant establishment, especially where seed is broadcast. Certified weed-free straw is the preferred mulch material. Hydro-mulching may also be appropriate on steeper cut-and-fill slopes. The need for mulch should be determined during reclamation, based on slope, soil moisture availability, and other site conditions.

The use of fertilizer before, during, or after planting and seeding is not recommended, except in cases where little or no topsoil is available as a planting medium. The use of fertilizer tends to favor growth and spread of non-native plant species and noxious weeds over native species. The native plant species recommended for use in reclamation are adapted to natural levels of soil nutrients. Even when topsoil is sparse or lacking, the preferred action should be to import topsoil, rather than trying to amend the soil on site with fertilizers.

Irrigation would generally not be used on sites that are seeded. The native plant species selected for use on this Project are adapted to the natural precipitation regime of northeastern Colorado. In the event of a prolonged drought, PSCo may consider the use of supplemental irrigation to aid plant establishment and survival in seeded areas. The source of irrigation water is yet to be determined.

5. Implementation Schedule

The recommended weed management and revegetation implementation schedule is provided in Table 5. It is important to understand that weed management should continue throughout the construction process and beyond to obtain the very best results possible. Revegetation should be accomplished as soon after completion of construction as possible and should be monitored for success.

Table 5:
Weed Management and Revegetation Implementation Schedule

Task	Timing
Pre-Construction Weed Survey and Mapping	During the growing season prior to construction. Timeframe: August 2012, (depending on the final project layout being available)
Top Soil Stockpiling	Stockpile topsoil in areas that would only be temporarily disturbed during construction. Timeframe: throughout 2013.
Cover Crop on Topsoil Stockpile	Not necessary assuming rapid replacement of topsoils over trenched areas/disturbed areas.
Recontouring and Replacement of Topsoils	As soon as possible following completion of construction. Timeframe: summer 2013.
Drill and Broadcast Seeding	As soon as possible following completion of construction, recontouring, and topsoil replacement. Timeframe: fall 2013, spring 2014.
Post-Construction Weed Monitoring	The first growing season following completion of construction. Timeframe: late summer 2013.
Revegetation Monitoring	The first growing season following completion of construction. Timeframe: spring 2014.

6. References

- CDOA (Colorado Department of Agriculture). 2011a. Noxious Weed Management Program. Colorado Noxious Weed List. <http://www.colorado.gov/cs/Satellite?c=Page&cid=1174084048733&pagename=Agriculture-Main%2FCDAGLayout>. Accessed January 14, 2011.
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May 8, 2013

05-13-13P02:40 RCVD

Fran & Bettie Boruff
3430 Red Orchid Court
Loveland, CO 80537

05-13-13P02:40 RCVD

City of Loveland Planning Commission
500 East Third Street
Loveland, CO 80537

Dear Commissioners:

We appreciate and thank you for the opportunity to address the Xcel Energy Estes Park Regulator Station proposal to be constructed and operated on the South Entrance to The Dakota Glen Subdivision.

We have lived in Colorado for over 35 years and have gained an appreciation for a good neighborhood, openness, natural habitat and wildlife. We looked for over three years in the Loveland area and in several sub-divisions before finding Dakota Glen. In addition to the type of homes and size of lots, we were so impressed with the open space along 14th St. and the beautiful entrance with excellent landscaping.

We just recently purchased our home here and were completely unaware that Excel Energy has proposed to construct an industrial complex near the entrance to our subdivision. This will not only obstruct our southern views, affect negatively our landscape on the south, but also devalue our property.

Michael Carroll, Dakota Glen Subdivision home owner, sent a letter to the Commissioners dated April 30 with several excellent and well thought out ideas and recommendations. We have read through all his information and greatly appreciate the hours he has spent in his investigation and research. We feel totally confident in his recommendations.

We strongly object to constructing this industrial complex on the south entrance to The Dakota Glen Subdivision. Thank you for your time and would appreciate your support in protecting the Dakota Glen Homeowners.

Sincerely,
Fran and Bettie Boruff



Kerri Burchett

From: Erick Prohs <eprohs@gmail.com>
Sent: Monday, May 13, 2013 2:52 PM
To: Kerri Burchett
Subject: Proposed Xcel Energy Regulator Station along 14th Street

Hello Kerri,

We recently purchased a home in the Dakota Glen subdivision and it has come to our attention that there are plans to allow Xcel Energy to construct the Estes Park Regulator Station in our neighborhood. It is my understanding that there is a meeting tonight to vote on the final approval. We were told that we could email you comments on this proposal that you would share with the planning commissioners. Please find our comments below:

Dear Commissioners:

We appreciate the opportunity to comment on Xcel Energy's proposal to construct, operate, and maintain the Estes Park Regulator Station in the Dakota Glen neighborhood.

Ironically enough, we recently moved from Estes Park to the City of Loveland. We looked at homes in many neighborhoods in town before deciding on having a home built in the Dakota Glen subdivision. One of our main requirements was finding an area with open space and preserved natural areas. At no point in time did the developer's realtor ever mention the fact that the developer was negotiating with Xcel Energy to sell land that would be used to construct an unsightly industrial facility at the entrance of the subdivision. Had we known this was the case, there is a strong likelihood that we would have chosen to buy or build elsewhere.

It is almost certain that this project will negatively impact the property values in the area. I for one would not and do not want to look at an unsightly industrial building in my backyard. Would you?

We along with all the other residents of the Dakota Glen subdivision ask that you please support us in moving this facility to a more appropriate location.

Kind regards,

Erick and Jeanice Prohs
3411 Angora Drive, Loveland, CO 80537

Kerri Burchett

From: Barb <barbarabrekke@comcast.net>
Sent: Monday, May 13, 2013 12:26 PM
To: Kerri Burchett
Subject: Excel proposal: Estes Park Regulator Station

942 Prism Cactus Circle
Loveland, CO. 80537
May 13, 2013

City of Loveland Planning Commission
500 East Third Street
Loveland, CO. 80537

Dear Commissioners:

I am writing to you in regards to Excel Energy's proposal to "construct, operate, and maintain the Estes Park Regulator Station" in Dakota Glen's open space area.

I strongly believe that this proposal must be denied. I also totally agree with the objections and reasons which Mr. Michael Carroll spoke of in his letter to you which was dated May 3, 2013. I will not be redundant in siting all of that to you.

Please, please seriously consider the negative impact this station would have on the beautiful subdivision which I live in. Please deny this zoning change and proposal. Thank you.

Respectfully Yours,
Barbara Brekke

Kerri Burchett

From: Shirley Eubanks <sjeubanks09@yahoo.com>
Sent: Monday, May 13, 2013 1:48 PM
To: Kerri Burchett
Subject: Dakota Glen Subdivision

Kerri:

If you would be as kind as to include my letter with all other letters being presented to the City of Loveland meeting on May 13, 2013 pertaining to the above mentioned subdivision in Loveland.

My husband and I will not be able to attend the meeting as he is fighting cancer and I am his full-time caregiver. But we wanted to submit our concern for the proposal by Xcel Energy for a 'regulator station' just outside our 'door'. We have lived in Loveland since 1992, leaving for a short time to enjoy full-time RVing. We decided to return to Loveland for our duration of life. Knowing the area very well, we decided on Dakota Glen for a variety of reasons. Being our last home to purchase, we were confident in the value of the home and resale. With such a structure as Xcel is proposing, it will affect the value of all the homes. It was important for us to have a place that was peaceful with a view for my husband to enjoy with his illness....that will definitely be affected with such a structure. We have a lot of wild life in the area that use the open space and aspen tree area...that will be affected. These sound like minor things to the 'average' person, but trust me, when your days of life are limited and you make a big decision for all the right reasons at this stage of life and something such as what Xcel is proposing occurs, one feels sure the wrong decision was made, but cannot be redone. Please consider all input that has been shared.

Sincerely,
Shirley Eubanks



Planning Commission Staff Report

May 13, 2013

Agenda #: Regular Agenda - 1
Title: Dakota Glen PUD First Amendment
Applicant: Public Service Company of Colorado, Dan Tekavec
Request: **Preliminary Development Plan Amendment**
Location: North of 14th Street SW and west of South Wilson Avenue.
Existing Zoning: Planned Unit Development
Staff Planner: Kerri Burchett

Staff Recommendation

APPROVAL of the PUD Amendment.

Recommended Motion:

Move to make the findings listed in Section VIII of the Planning Commission staff report dated May 13, 2013 and, based on those findings, recommend that City Council approve the Dakota Glen PUD First Amendment, subject to the conditions listed in Section IX, as amended on the record.

Summary of Analysis

This is a public hearing to consider an amendment to the Dakota Glen PUD Preliminary Development Plan (PDP). The amendment would modify the permitted uses in the PUD to allow the construction of an aboveground public utility facility and natural gas pipeline within the PUD boundaries. The applicant, Public Service Company of Colorado (PSCo), is proposing to construct a new regulator station on 14th Street SW and a 16-inch high pressure gas pipeline through the PUD's private open space. The regulator station would consist of a 528 square foot structure that would house controls for the flow of gas from higher to lower pressures and two areas with aboveground pipelines.

The PUD Amendment is part of a larger statewide Xcel Energy project to modernize its natural gas infrastructure. The complete project would replace approximately 77 miles of transmission pipeline between Westminster, Colorado and the Wyoming border with a 16 inch high pressure gas line. PSCo has indicated that the replacement project is necessary to improve service reliability, maintain safety of the system and meet future needs for natural gas.

Staff believes that all key issues have been resolved based on City Code and standards. At the neighborhood meeting, concerns were voiced regarding impacts of the facility on the wetlands and wildlife, aesthetics of the regulator station, location of the underground pipelines, impacts on property values, and construction timing. PSCo representatives provided responses to the concerns at the meeting (see Section VII.B in the staff report) and conditions of approval have been added by staff to address neighborhood concerns.

I. SUMMARY

The application is for an amendment to the Dakota Glen PUD Preliminary Development Plan (PDP). The PUD is approximately 85 acres in size and is located north of 14th Street SW and west of South Wilson Avenue (see vicinity map on page 4). The PUD was designed as a low density residential development consisting of 205 single family attached and detached units. The applicant, Public Service of Colorado (PSCo), is requesting to modify the permitted uses established in the PUD and construct an aboveground public utility facility on 14th Street SW and a natural gas pipeline within the PUD's private open space area (see Figure 1 below).

The PUD Amendment is part of a larger statewide Xcel Energy project referred to as the West Main Natural Gas Pipeline Replacement Project. In an effort to modernize its natural gas infrastructure, PSCo is replacing approximately 77 miles of transmission pipeline between Westminster, Colorado and the Wyoming border. PSCo has indicated that the replacement project is necessary to improve service reliability, maintain safety of the system and meet future needs for natural gas. In Loveland, the complete project includes the construction of 2 regulator stations and a new 16 inch high pressure natural gas line located primarily along Wilson Avenue and West 29th Street. The new line would replace the existing natural gas line in Taft Avenue. The majority of the pipeline would be located within the Wilson Avenue and 29th Street rights-of-way or in adjacent public utility easements. PSCo has a franchise agreement with the City that permits the installation of pipelines in City rights-of-way and public utility easements without public preview. The construction drawings for those portions of the pipeline are being reviewed and approved at an administrative level.

There are three components of the natural gas pipeline replacement project that require public review. The first component is the aboveground regulator station within the Dakota Glen PUD. The regulator station requires an amendment to the PUD as the use of an aboveground public utility facility was not identified as a permitted use. This is a major amendment to the PUD and therefore requires City Council approval. The other two public review components of the project are being processed as special reviews. This includes a second regulator station located on Wilson Avenue, south of Eisenhower Boulevard, on property that is zoned B Developing Business and a small area of underground pipeline and a temporary staging area located in a DR Developing Resource zone district, adjacent to the Dakota Glen PUD. Both the aboveground regulator station and the underground pipeline are listed as special reviews in their applicable zone districts

The proposed regulator station in the Dakota Glen PUD is referred to as the Estes Park Regulator Station. The regulator station is necessary to control the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines. The pipeline route enters the PUD near the intersection of 14th Street SW and Angora Drive, approximately 2,000 feet west of the intersection of 14th Street SW and Wilson Avenue. The pipeline then exits the regulator station and heads to the northeast through the open space within the Dakota Glen PUD. North of the cattail reservoir/detention pond, the pipeline turns due east toward Wilson Avenue leaving the PUD boundary and would continue north on Wilson Avenue.

Figure 2: Photographic Simulation of Regulator Station



Existing Environment



Photo Simulation

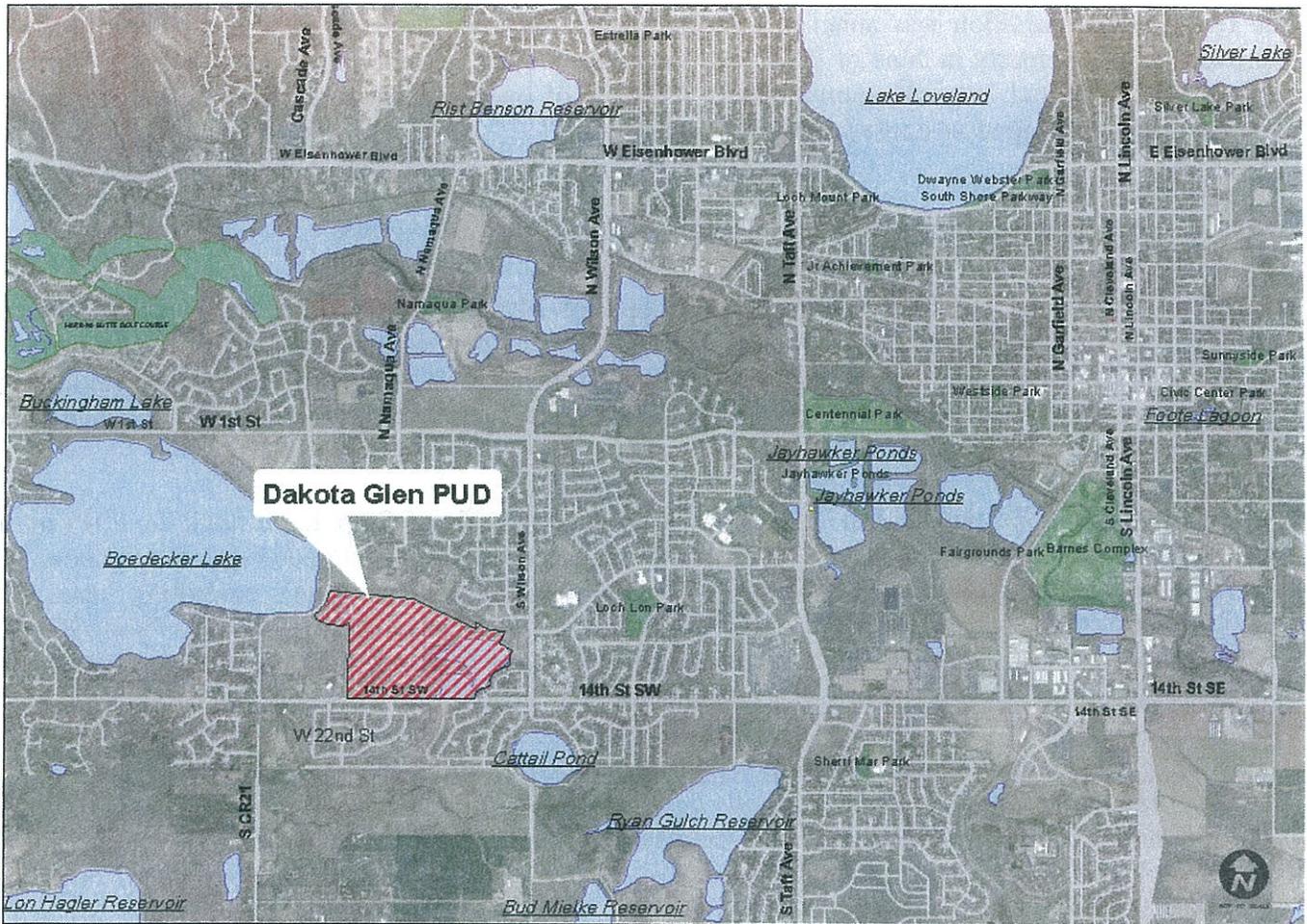
II. KEY ISSUES

City staff believes that all key issues have been addressed in the development proposal and through the recommended conditions of approval. At the neighborhood meeting, concerns were voiced regarding environmental and wildlife impacts, aesthetics of the regulator station, location of the underground pipelines, impacts on property values, and construction timing. PSCo representatives provided responses to the concerns at the meeting (see Section VII.B in the staff report). They indicated that there will be no impacts on the adjacent wetlands and that the Army Corps has reviewed and approved their proposed pipeline location (see Attachment 3). In terms of the aesthetics of the regulator station, after the neighborhood meeting, PSCo met with Scott Bray, developer of Dakota Glen and the President of the Dakota Glen Homeowners Association, and agreed to add decorative fencing around the aboveground pipelines, matching the style of the fencing permitted in the PUD, and modify the colors of the control house to mimic the existing pumphouse in the subdivision. A letter of approval from the Dakota Glen Homeowners Association, is included as Attachment 4. City staff has evaluated the proposal in context with the comments received at the neighborhood meeting and believes that the regulator station and pipeline location will be is compatible with the neighborhood.

III. ATTACHMENTS

1. Project Narrative provided by Applicant
2. Excerpts from the Environmentally Sensitive Areas Report. The full report is available online on the City's Current Planning homepage at www.cityofloveland.org.
3. Letter from Army Corps of Engineers
4. Letter of Approval from Dakota Glen Homeowners Association
5. Letters from surrounding property owners
6. Dakota Glen PUD Amendment Preliminary Development Plan

IV. VICINITY MAP



V. SITE DATA

ACREAGE OF SITE GROSS	84.6 AC
MASTER PLAN DESIGNATION	LOW DENSITY RESIDENTIAL
EXISTING ZONING	PLANNED UNIT DEVELOPMENT
EXISTING USE	LOW DENSITY RESIDENTIAL
EXIST ADJ ZONING & USE - NORTH.....	COUNTY FA / SINGLE FAMILY RESIDENTIAL
EXIST ADJ ZONING & USE - SOUTH	R1 / SINGLE FAMILY RESIDENTIAL
EXIST ADJ ZONING & USE - WEST.....	B BUSINESS / CHARTER SCHOOL & COUNTY FA / VACANT
EXIST ADJ ZONING & USE - EAST.....	R2 TWO FAMILY RESIDENTIAL / RESIDENTIAL
UTILITY SERVICE	CITY OF LOVELAND

VI. BACKGROUND

The Dakota Glen Addition was annexed into the City in October 2006. A final subdivision plat was approved for the property in June of 2008 and was subsequently amended in August of 2010. The plat created 205 residential lots and approximately 65 acres of open space/natural areas. The property is currently being developed as single family residences.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. Notification:** An affidavit was received from Phil Mazur with Western States Land Services certifying that written notice was mailed to all property owners within 1,000 feet of the property on April 9, 2013 and notices were posted in a prominent location on the perimeter of the site at least 15 days prior to the date of the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on April 27, 2013.
- B. Neighborhood Response:** A neighborhood meeting was held at 5:30 p.m. on April 24, 2013 in the Gertrude Scott meeting room at the City library. The meeting was attended by 15 neighbors and interested parties along with City staff, the applicant and the applicant's consulting team. The following question/concerns were raised at the meeting. The response provided by Public Service representatives is shown in italics. After the neighborhood meeting, staff has received 2 letters of objections from surrounding property owners (see Attachment 5).
- Location of the Regulator Station: Why is the regulator station proposed in Dakota Glen?
A regulator station needs to generally be located in the area around Wilson and 14th Street SW. There is a 6-inch high pressure line existing in 14th Street SW that will tie into the proposed 16-inch line. The regulator station is needed to regulate (lower) the pressure between the two lines. The station was originally proposed at the northeast corner of Wilson and 14th Street SW however due to public comments, PSCo decided to move the station to the west. On the south side of 14th Street SW, in the Blackbird Knolls Subdivision, the area available for the station was encumbered by wetlands. The current location in Dakota Glen is outside of the wetlands and was selected for the station. PSCo has secured easements for the station from the Dakota Glen Homeowners Association.
 - Environmental Impacts: The line is proposed to go through wetlands and under the lake. How will this affect the environment and wildlife in the area? How will dust associated with the construction be controlled?
The underground pipeline will be bored underneath the wetlands and lake. No disturbance to the wetlands or lake will occur. PSCo has completed geotechnical borings to guarantee that the line will be outside of the wetlands. The line will be bored at least 15 feet underneath the sensitive areas. The pipeline location has been reviewed and approved by the Army Corps of Engineers.

Wildlife in the area is being monitored to ensure minimal disruption. The pipeline construction along the ditch will take approximately 1 week to complete. In terms of dust mitigation, water trucks will be on site to make sure dust control is implemented.

Excerpts from the Environmentally Sensitive Areas Report (ESAR) including the letter from the Army Corps has been included as Attachments 2 and 3 to this report. The complete ESAR is available on the City's Current Planning homepage at www.cityofloveland.org.

- Aesthetics of the Control House and Aboveground Pipes. Can the aboveground pipes be contained in a building or placed underground? Can the building be made more attractive?
There are certain regulations by CDOT that require the aboveground pipes to be accessible and therefore the pipelines cannot be placed inside a building. PSCo is committed to working with the neighborhood to enhance or screen the facility. PSCo would be willing to agree to a condition of approval with regards to working with the neighborhood on the design and screening if a resolution on the aesthetics cannot be achieved before the Planning Commission hearing.
- Safety Measures of the Facility
PSCo has taken every reasonable measure to protect aboveground piping from hazards. There will be two 6-inch barriers (bollards) installed at the access off of 14th Street SW and a chain gate for access control. Heavy piping will be used above ground for additional integrity.
- Construction Timing: How long with the project take?
The construction timing for the underground pipeline in Dakota Glen is estimated at approximately 2 weeks. The regulator station will be constructed separately at a different time. The entire project including the regulator station is estimated to be around 4-6 weeks.
- Declining Property Values
Several members of the neighborhood voiced concerns that their property values would decline based on the location of the regulator station. PSCo did not provide a response, however Scott Bray, the developer of Dakota Glen, stated that based on his experience, he did not believe that property values would be affected by the station.

VIII. FINDINGS AND ANALYSIS

In this section of the report, the applicable findings contained in the Municipal Code and the Comprehensive Master Plan are specified in italic print followed by the staff analysis as to whether the findings are met by the submitted application.

A. City Utilities and Services

- 1. Loveland Municipal Code**
 - a. Section 18.41.050.E.2:**

(i) *Development permitted by the PDP will not have negative impacts on City utilities. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*

(ii) *Whether development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities.*

- b. **Chapter 16.41:** *A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made in accordance with Section 16.41.100 for fire protection and emergency rescue services, Section 16.41.120 for water facilities and services, Section 16.41.130 for wastewater facilities and services, Section 16.41.140 for storm drainage facilities, and Section 16.41.150 for power.*

Fire Protection and Emergency Rescue Services (Section 16.41.100)

Fire protection and emergency rescue service (ERS) shall be deemed to be adequate and available for a proposed development if such services for the development meet or exceed the applicable adopted level of service provided in Appendix A, and: (1) Adequate fire protection services and ERS are currently in place or will be in place prior to issuance of a building permit for the development; or (2) Provision of adequate fire protection service and ERS are a condition of the development application approval and are guaranteed to be provided at or before the approval of a final plat or issuance of the first building permit for the proposed development; or (3) Facilities necessary for providing adequate fire protection services and ERS are under construction and will be available at the time that the impacts of the proposed development will occur, or (4) Provision of fire protection service and ERS are guaranteed by an executed and enforceable development agreement which ensures that such service will be in place at the time that the impacts of the proposed development will occur.

Fire Prevention: Staff believes that this finding can be met based on the following facts:

- The project will comply with the requirements in the ACF Ordinance for response distance requirements for Loveland Fire Rescue Authority jurisdiction. (The first-due responding engine company varies with location.)
- The proposed development will not negatively impact fire protection for the subject development or surrounding properties.

Water Facilities and Services (Section 16.41.120)

Water facilities and services shall be deemed to be adequate and available for a proposed development if such facilities and services for the development meet or exceed the applicable adopted level of service provided in Appendix A, at the end of this Chapter, and: (1) A supply of raw water adequate to serve the projected needs of the proposed development is owned or controlled by the city and such water supply is or will be available for use by the proposed development prior to the issuance of the first building permit within the proposed development;

and (2) Sufficient raw water storage capacity, including on-site and off-site capacity, is available to serve the proposed development and such capacity is or will be available for use by the proposed development prior to the issuance of the first building permit within the proposed development; and (3) Sufficient water treatment capacity is available or, through new capacity improvements will be made available, to ensure a supply of potable water to the proposed development ; and (4) Sufficient water main capacity will be available or, through new capacity improvements will be made available, to serve the proposed development prior to the issuance of the first building permit within the proposed development.

Wastewater Facilities and Services (Section 16.41.130)

Wastewater facilities and services shall be deemed to be adequate and available for a proposed development if such facilities and service meet or exceed the applicable adopted level of service provided in Appendix A, at the end of this chapter, and: (1) The city of Loveland's central wastewater system or the central wastewater system of a sanitary sewer district is capable of connection to the proposed development; and (2) Sufficient wastewater treatment capacity is available or, through construction of new capacity improvements will be made available, to treat wastes generated by the proposed development prior to the issuance of the first building permit within the proposed development; and (3) Sufficient wastewater trunk line capacity is available and, where required, lift station capacity is available to serve the proposed development prior to the issuance of the first building permit within the proposed development.

Water/Wastewater: Staff believes that this finding can be met based on the following facts:

- This development is situated within the boundaries of, and accommodated by, the City's water and wastewater master plans. It is also located within the City's current service areas for Water and Wastewater.
- The proposed development will not negatively impact City water and wastewater facilities.

Stormwater Facilities (Section 16.41.140)

Stormwater facilities shall be deemed to be adequate and available for a proposed development if the development meets or exceeds the applicable adopted level of service provided in Appendix A, at the end of this chapter, and: (1) The proposed development meets all applicable requirements contained in the stormwater master plan, including the stormwater criteria manual; and (2) The proposed development provides for adequate major drainageways to convey stormwater flows from a one hundred year storm event which will minimize property damage; and (3) The proposed development meets all applicable drainage requirements of the city of Loveland.

Stormwater: Staff believes that this finding can be met based on the following facts:

- The development will not negatively impact City storm drainage utilities and will comply with the Adequate Community Services ordinance outlined in the Loveland Municipal Code, Section 16.41.140.
- No irrigation ditches traverse the site.
- No natural drainage courses/open channels traverse the site.

Power (Section 16.41.150)

Power facilities shall be deemed to be adequate and available for a proposed development if the development meets or exceeds the applicable adopted level of service provided in Appendix A, at the end of this chapter, and the proposed development will obtain utility services from the city through a system meeting all engineering and design standards applicable to the utility.

Power: Staff believes that this finding can be met based on the following facts:

- Three-phase underground power is available in a vault located along the south side of 14th Street SW.
- The existing underground feeder is an available and adequate source for electric distribution for the proposed development. No negative impacts on the City's electric system are foreseen. The proposed development meets the criteria for level of service outlined in the ACF ordinance.

B. Transportation

1. Section 18.41.050.E.2:

- a. *Development permitted by the PDP will not have negative impacts on traffic in the area. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*
- b. *Whether development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities.*

2. Section 16.41.110: *A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made for transportation facilities in accordance with Chapter 16.41 of the Loveland Municipal Code.*

Transportation Engineering Division: Section 16.41.110 of the Municipal Code (the ACF ordinance) requires a proposed PDP to comply with **one** of the following five standards in order for a positive determination of adequacy to be made:

Transportation facilities shall be deemed to be adequate and available for a proposed development if the development meets or exceeds the applicable adopted level of service provided in Section 4.5 of the Larimer County Urban Area Street Standards, which may be amended by resolution, and: (1) All transportation facilities are currently in place or will be in place prior to issuance of a building permit for the development; or (2) Provision of transportation facilities are a condition of the development approval and are guaranteed to be provided at or before the approval of a final plat or issuance of the first building permit for the proposed development; or (3) Transportation facilities are under construction and will be available at the time that the impacts of the proposed development will occur; or (4) Provision of transportation facilities needed to achieve the adopted

level of service are guaranteed by an executed and enforceable development agreement which ensures that such facilities will be in place at the time that the impacts of the proposed development will occur; or (5) Transportation facilities needed to achieve the adopted level of service are included in the capital improvements program (CIP): and (a.) The CIP contains a financially feasible funding system from available revenue sources which are adequate to fund the streets required to serve the proposed development, and (b.) The transportation facilities are likely to be constructed and available at the time that the impacts of the proposed development will occur, or at the time the city extends the transportation facilities to provided a logical link to the project.

Transportation Engineering: Staff believes that this finding can be met based on the following facts:

- The 16-inch natural gas pipeline replacement project falls under the “Insignificant Traffic Impact Development” definition within the Larimer County Urban Area Street Standards (LCUASS) and complies with the criteria set forth in the LCUASS and the ACF Ordinance for traffic.
- The proposal will not adversely impact any existing City infrastructure. A positive determination of adequacy for transportation facilities for the proposed PDP Amendment has been made under the provisions of item 1, above.

C. Land Use

1. Loveland Comprehensive Master Plan

Section 4.1 -Growth Management Plan

(iii) *Whether the PDP discourages leapfrog, scattered-site, and flagpole development.*

(iv) *Whether the PDP encourages infill development.*

(vi) *Whether the PDP is contiguous to other land that is already receiving public services.*

(vii) *Whether the PDP is at least 1/6 contiguous with existing development, as defined in Section 4.1 GM:3(D-1) of the Comprehensive Master Plan.*

2. Section 18.41.050.E.2:

The PDP conforms to the intent and objectives of Title 18 with regard to Planned Unit Developments and any applicable area plan.

Current Planning: Staff believes that this finding can be met based on the following facts:

C.1 The property has received approval of a preliminary and final development plan for single family residential uses. This application is for an amendment to the PDP to permit an aboveground public utility facility within the open space on 14th Street SW. Findings related to growth management policies are not applicable to the amendment request.

C.2 An objective of a planned unit development as provided in Section 18.41.020.E is to: *Encourage a more efficient use of lands and of public services or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes.* Public Service has indicated that the pipeline replacement project is necessary to improve service reliability, maintain

safety of the system and meet future needs for natural gas. PSCo will also be modernizing the natural gas infrastructure that is currently 84 years old.

3. **Section 18.41.050.E.2:** *Development permitted in the PDP Amendment will not have detrimental impacts on property that is in sufficient proximity to the PDP to be affected by it. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*

Current Planning: Staff believes that this finding can be met based on the following facts:

- The proposed development of the regulator station will not negatively impact traffic in the area or city utilities, as indicated in the analysis in Finding A.1, above.
 - The location of the proposed regulator station is situated in the PUD private open space along 14th Street SW. The nearest residential property is approximately 200 feet from the station, on the south side of 14th Street SW. Based on the location, the Division believes that the construction of the regulator station will not have detrimental impacts on the surrounding neighborhood.
 - The proposed building materials and colors will be compatible with the surrounding neighborhood and match the colors on the existing pumphouse. PSCo has worked with the Scott Bray, the developer and president of the Dakota Glen Homeowners Association, to reach an agreement on the site improvements, including the installation of a decorative fence around the south, east and west sides of the pipelines (see photo simulation in Figure 2). PSCo and the Homeowners Association explored options to provide landscape screening around the facility, but due to the difficulties that the Association has experienced with keeping landscaping healthy and alive in the very dry environment along 14th Street SW, a 5 foot decorative fence was selected as the desired screening option.
4. **Section 18.41.050.E.2:** *Development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by:*
 - a. *Incorporating natural physical features into the PDP design and providing sufficient open spaces considering the type and intensity of proposed land uses.*
 - b. *Incorporating site planning techniques that will foster the implementation of the Loveland Comprehensive Master Plan.*
 - c. *Incorporating physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.*
 - d. *Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.*

Current Planning: Staff believes that this finding can be met based on the following facts:

- 4.a. The regulator station would be placed in the PUD open space on 14th Street SW, outside and to the west of the delineated wetland boundaries. PSCo has secured a permanent easement on 0.52 acres of land for the regulator station along with 2.3 acres of permanent easement and 1.11 acres of temporary easement for the pipeline alignment. The regulator station site consists of a two areas of less than 380 square feet each of aboveground pipes and a 528 square foot control house structure. The finding for providing sufficient open space is not applicable to the development of the station requested in the PDP amendment.
 - 4.b. The Comprehensive Master Plan does not address the provision of non-city utilities in the community. Therefore, the finding regarding site planning techniques in reference to the City's Comprehensive Plan is not applicable to the PDP Amendment request.
 - 4.c. The design standards proposed for the control house, including building materials, roof pitch and colors are designed to match the existing pumphouse in the subdivision and be compatible with residential structures in the neighborhood.
 - 4.d. Vehicular access to the site will be from 14th Street SW. Auto and bicycle parking, pedestrian circulation and street furniture is not applicable to the request. The architecture of the control house was designed to be compatible with the existing pumphouse and has been approved by the Dakota Glen Homeowners Association (see Attachment 4).
5. **Section 18.41.050.E.2:** *The PDP complies with applicable land use and development regulations in effect as of the date that the GDP was approved and any land use and development regulations adopted by the City after that date if the Planning Division and Planning Commission expressly find that compliance with such regulations is necessary to protect public health, safety, and welfare.*

Current Planning: Staff believes that this finding is not applicable to the proposal:

- The Dakota Glen PUD was approved as a non-phased PDP, which means that the PDP was approved as the zoning document and there was not a general development plan (GDP) established. The finding that the PDP complies with the GDP on file is not applicable to this proposal. The PDP amendment was reviewed based on current standards and regulations.

D. Environmental Impacts:

1. **Section 18.41.050.E.2:** *The PDP incorporates environmentally sensitive areas, including but not limited to wetlands and wildlife corridors, into the project design. "Environmentally sensitive areas" are defined in Section 18.41.110 as: slopes in excess of 20%; floodplain; soils classified as having high water table; soils classified as highly erodible, subject to erosion or highly acidic; land incapable of meeting percolation requirements, land formerly used for land fill operations or hazardous industrial use; fault areas; stream corridors; estuaries; mature stands of vegetation; aquifer recharge and discharge areas; habitat for wildlife; and other areas possessing environmental characteristics similar to those listed above.*

Current Planning: Staff believes that this finding can be met based on the following facts:

- An environmentally sensitive areas report (ESAR) was submitted and reviewed with the PDP Amendment. Excerpts of the ESAR are included as Attachment 2 to this report. The entire ESAR is available on the City's Current Planning Division homepage at www.cityofloveland.org.

The project site is located adjacent to and partially within the City's designated Site 51 natural areas. The ratings table for this area lists a medium enhancement potential. The ESAR evaluated the site based on the City's established criteria. The following is an excerpt from the ESAR concerning the assessment of potential impacts of the proposed development.

The Study Area has been partially developed for residential use. Open areas surrounding the lake and wetlands have been landscaped. The proposed Project would avoid impacts to wetlands and potential sensitive or T&E animal and plant species. Prairie dogs are not present in the Study Area, and other wildlife was not observed during site biological reconnaissance, or field surveys. The role of the area as a north/south wildlife linkage would not be affected. Mature vegetation would not be disturbed and therefore, adverse effects to songbirds are not expected. No adverse effects to water birds are indicated because the lake and wetlands would not be disturbed by the proposed Project.

- The entire West Main Natural Gas Pipeline Replacement Project has been reviewed by the Army Corps of Engineers, who determined that based on the proposed pipeline location, a Department of Army Permit was not required (see Attachment 3).
- Conditions of approval are recommended by City staff to address environmental concerns voiced by the neighborhood. These conditions are also recommended in the ESAR to mitigate impacts resulting from the pipeline construction.

IX. RECOMMENDED CONDITIONS

Current Planning

1. All wetlands located adjacent to the permanent and temporary easements for the regulator station and associated pipelines shall be flagged or marked by a qualified biologist prior to the occurrence of any construction activities on the site to ensure that these features will not be disturbed during construction activities.
2. No construction shall occur in areas located outside of the project easements secured by Public Service as designated in the PDP Amendment.
3. Public Service shall implement and comply with the Weed Management and Revegetation Plan included as Attachment 7 to the Environmentally Sensitive Areas Report dated March, 2013. All

areas associated with the construction of the underground pipeline shall be revegetated and shall be monitored by Public Service to ensure revegetation is successful.

4. During construction, Public Service shall implement dust control measures such as water application to disturbed areas, erosion control techniques and revegetation of ground disturbance following construction with a drought-tolerant seed mixture. Water shall be used daily, or as needed, for dust suppression and soil compaction.
5. Prior to any construction activities occurring on the site, a raptor nest survey shall be completed and submitted to the Current Planning Division. Public Service shall observe all applicable Colorado Division of Wildlife buffers and timing restrictions based on the results of the raptor nest survey.

Fire

6. During project construction, the project manager or designee shall inform Loveland Fire Rescue Authority of any anticipated interruption of fire hydrant service or emergency vehicle access to properties, at least 48 hours in advance of the anticipated interruption of service or access.

2013—16” West Main Natural Gas Pipeline Replacement Project— Dakota Glen PUD First Amendment

Project and Legal Description

Prepared for the City of Loveland

Revised April 2013

Prepared for:



Public Service Company of Colorado 1123 West 3rd Ave., Denver, CO 80223

Prepared by:



Tetra Tech, Inc., 1099 18th St., Suite 580, Denver, CO 80202

Introduction

Public Service Company of Colorado (PSCo), an Xcel Energy company, is requesting a Planned Unit Development (PUD) Amendment as described in the City of Loveland Land Use Code Chapter 18.41. The Larimer 2013—16" West Main Natural Gas Pipeline Replacement Project (proposed Project) involves the construction, operation, and maintenance of a 16-inch high-pressure replacement natural gas transmission pipeline. The proposed Project encompasses Larimer, Weld, and Boulder counties and several incorporated communities and is approximately 77 miles long. An overview map showing all portions of the West Main Natural Gas Pipeline Replacement Project throughout Larimer County is included on the Project website: <http://www.xcelenergywestmainpipeline.com/west_main/route-maps/route-maps.html>. The existing 84 year old natural gas pipelines have reached the ends of their service lives, require safety upgrades, and cannot reliably keep up with growing system demand to deliver natural gas. The proposed Project would provide high-pressure transmission of natural gas with limited distribution systems taps as needed. It would provide an important link to future system upgrades for northern Colorado Front Range communities and would ensure more reliable natural gas delivery to customers in light of growing natural gas demand.

The proposed Project includes necessary pipeline and above-ground facilities located on private property within the Dakota Glen PUD in the city of Loveland. As part of its West Main Natural Gas Pipeline Replacement Project, PSCo is proposing to construct, operate, and maintain one new regulator station, referred to as the Estes Park Regulator Station, in the Dakota Glen PUD. Regulator stations control the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines that serve the local community.

The preferred pipeline route enters the Dakota Glen PUD in the city of Loveland near the intersection of 14th Street Southwest (SW) and Angora Drive, approximately 2,000 feet west of the intersection of 14th Street SW and Wilson Avenue (CR17) at the Estes Park Regulator Station (see Sheet 12). The pipeline exits the Estes Park Regulator Station and heads to the northeast through undeveloped open land within the Dakota Glen PUD. North of the cattail reservoir/detention pond, the pipeline turns due east toward Wilson Avenue leaving the PUD boundary and continues north on Wilson Avenue.

A photographic simulation of the proposed Estes Park Regulator Station is provided in Sheet 14. The appearance of the control house has been designed to be similar to architectural characteristics of the existing pumphouse on the northwest side of the cattail reservoir/detention pond within the Dakota Glen PUD. The control house and aboveground piping would be painted beige to blend with the surrounding landscape.

This application requests approval specifically for the proposed Estes Park Regulator Station and pipeline within the Dakota Glen PUD boundary associated with the proposed Project. The proposed Project is an important part of PSCo's service plan to upgrade the existing natural gas transmission system along the northern Colorado Front Range with new natural gas pipelines that meet current safety, service, capacity, and reliability requirements while also meeting the increasing demand for natural gas in Larimer County, including the city of Loveland. The upgrade would involve replacing the existing 84-year-old, 8-inch natural gas transmission pipeline with a new high-pressure 16-inch pipeline to continue providing reliable, safe natural gas service.

Applicant Information

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Location and Legal Description

The Estes Park Regulator Station and pipeline within the Dakota Glen PUD boundary is located in Larimer County within the municipal limits of the city of Loveland. The Project area subject to this PUD is located in the Dakota Glen Subdivision near the intersection of 14th Street SW and Angora Drive, approximately 2,000 feet west of the intersection of 14th Street SW and Wilson Avenue (CR17) and the undeveloped open land near the cattail reservoir/detention pond. PSCo has obtained a permanent easement on 0.516 acres of land for this regulator station, and 2.323 acres of permanent easement and 1.114 acres of temporary easement for the pipeline alignment within the Dakota Glen PUD.

Purpose and Need

PSCo currently operates the natural gas supply for most of Larimer County including the city of Loveland. The purpose of the proposed Project is to reliably maintain delivery of natural gas to area customers. The proposed Project is an important part of PSCo's service plan to

meet growing natural gas demand in the area because the existing natural gas pipeline cannot meet load requirements at peak demand. The proposed natural gas pipeline upgrade would address safety, service reliability, and capacity concerns for the benefit of commercial and residential customers along the northern Colorado Front Range. Regulator stations are required to control the rate of gas flow and/or pressure through the station and maintain the desired pressure or flow level in the distribution system.

Project Construction Activities

The permanent ROW for operation and maintenance of the Project would be 50 feet. An additional temporary ROW needed for construction activities would be 25 feet.

Construction activities for the West Main Natural Gas Pipeline Replacement Project are proposed to begin approximately May 1, 2013, and operation of the replacement facility would begin during the fall/winter season of 2013.

In open trench areas, major activities involved in Project construction would include surveying, best management practice (BMP) installation, vegetation clearing, staging materials, pipeline trenching, pipeline installation and welding, pressure-testing, backfilling the pipeline trench, cleanup, re-grading the surface, revegetation, and revegetation monitoring. Surface disturbance would be limited to the permanent ROW and the temporary construction ROW and would include boring locations and modifications to regulator stations. Construction activities would be sequenced and likely would occur simultaneously in multiple locations. The pipeline trench would be approximately 72 inches deep with a width of approximately 24 to 36 inches. The new pipeline would sit approximately 48 inches below the final grade. Site restoration would occur according to the provisions of the Stormwater Management Plan (SWMP), which was provided to the City of Loveland on March 22, 2013. Temporary fencing would be utilized around the bore pits and trenches as needed to prevent public access and maximize safety.

Regulator station construction could run concurrently with natural gas pipeline construction. Surface disturbance associated with the Estes Park Regulator Station would be limited to the 0.516 acre permanent easement of the regulator station.

PSCo proposes to use boring techniques, as feasible, to avoid surface disturbance to wetlands, trails, and driveways. Boring techniques would involve drilling construction of the pipeline under these surface features. In wet areas, the natural gas pipeline would be weighted for stability to ensure that the pipeline remained securely in place during periods when soil might be saturated. All wetlands associated with the Dakota Glen PUD will be bored. As described in the Environmentally Sensitive Areas Report (ESAR) submitted under separate cover, the proposed Project would not affect mature stands of vegetation. A wetland delineation report was prepared for the proposed Project located within the PUD, and is

provided in Attachment 2 of the ESAR. The proposed regulator station is located in an area that is higher than the surrounding wetlands primarily located to the east and would therefore not impact wetlands. The proposed pipeline crosses one wetland located along the western portion of the lake. The proposed pipeline would avoid effects to this wetland through the use of boring techniques. The locations of the boring entry/exit locations are shown in Sheet 12. As documented in the agency correspondence included in Attachment 3 of the ESAR, the U.S. Army Corps of Engineers has indicated that a wetland permit (per the Clean Water Act) would not be required. The construction BMPs and site mitigation measures would protect potential impacts to adjacent wetlands during construction and operation of the Project as described in Section IV of the ESAR. As discussed in Section IV.2 of the ESAR, BMPs would be implemented as described in Attachment 6 of the ESAR to minimize or mitigate soil erosion and to revegetate any areas disturbed during construction of the proposed Project. PSCo also would follow the Weed Management and Revegetation Plan provided in Attachment 7 of the ESAR. The Plan includes a preconstruction survey for noxious weeds and follow-up monitoring to ensure revegetation is successful.

PSCo plans to off-load and string pipeline as it is delivered along the ROW. Any stockpiling of pipeline would take place at the proposed Project ROW (including the temporary and permanent easement areas) or at existing PSCo yards. Miscellaneous materials (such as valves, fittings, and other construction materials) would be stored and delivered to the pipeline construction area from PSCo's Fort Collins and Champion Service Centers.

PSCo would install signs (pipeline markers) in the permanent 50-foot easement to identify that a natural gas pipeline is buried nearby. These markers are required by federal regulations for pipeline safety (49 CFR 192). A typical pipeline marker is shown in Attachment 2. These markers provide adequate warning and location of the natural gas pipeline to local residents and future construction contractors performing work in the area. Markers identify the product carried in the pipeline (such as natural gas), the name of the pipeline operator, the operator's 24-hour emergency contact number, and the area's one-call center number. These markers are approximately 4 feet above ground and occur approximately every 500 feet or in-line of sight, on both sides of road, water, and railroad crossings, and at all changes in direction. There would be approximately 4 pipeline markers within the Dakota Glen PUD; one at the Estes Park Regulator Station, one at the angle point near the existing pump house, one at the east end of Dakota Glen near Wilson Avenue, and one on the straight line pipeline alignment within the PUD.

Noise from heavy machinery would be of short duration during construction of the proposed natural gas pipeline. Construction would be limited daily hours between 7 a.m. and 7 p.m. per City of Loveland Municipal Code Chapter 7.32 Sound Limitations, and would occur Monday through Friday. Construction may occur on weekends and other hours outside the 7 a.m. to 7 p.m. timeframe on an as-required basis, with prior approval from the City Manager. Noise

levels from equipment would be controlled through the use of standard maintenance procedures and the use of appropriate mufflers.

Construction of the natural gas pipeline and related facilities may generate a temporary increase in fugitive dust. PSCo would comply with state and Larimer County requirements for controlling dust emissions during the construction of the proposed Project. PSCo would employ BMPs for dust suppression, as described in the SWMP. During construction, water trucks would patrol work areas to control dust as necessary depending on weather and dust suppression, weed control, and soil conditioning.

Minimal odors from the proposed Project are expected, with the highest likelihood occurring during construction from vehicle exhaust, and during periods of maintenance activities when mercaptan may be noticeable. Mercaptan is a chemical injected into the natural gas product, as required by federal regulation, to produce a sulfurous odor ("rotten egg" odor) as a safety measure. It is not anticipated that maintenance activities beyond those already experienced by area residents would be required for the proposed Project.

Glare would potentially be visible from construction vehicles and equipment. Any glare experienced would be temporary in nature and would be similar to other sources of glare that exist in the environment (such as from vehicle on Wilson Avenue and residential streets, and glare from residential building materials).

PSCo has obtained a Storm Water Permit for Construction Activities from the Colorado Department of Public Health and Environment. The drainage plan for the proposed Project would consist of a SWMP and BMPs for the control of stormwater runoff during the construction period. Post-construction, the areas disturbed by trenching and boring activities for the natural gas pipeline would be recontoured to preconstruction conditions and revegetated as described in the SWMP.

PSCo adheres to the pipeline safety regulations established in the Code of Federal Regulations (CFR) at 49 CFR Part 192 by the U.S. Department of Transportation (DOT) to ensure public protection and to prevent accidents and failures. Specifically, the DOT Pipeline and Hazardous Materials Safety Administration is the federal authority for ensuring the safe, reliable, and environmentally sound operation of pipeline transmission systems under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act).

Property Owners, Property, and Right-of-Way Acquisition

PSCo's land services representatives have worked with the landowner of the PUD to explain Project construction, operation, and maintenance activities and to negotiate the purchase of easements based on fair market value. The easement for the Estes Park Regulator Station

would grant PSCo a permanent easement of 22,500 square feet (0.516 acres) to construct, operate, and maintain the regulator station. The permanent pipeline easements of 2.323 acres and temporary pipeline easements of 1.114 acres would grant PSCo a permanent 50-foot corridor and temporary 25-foot construction ROW to construct, operate, and maintain the natural gas pipeline within the Dakota Glen PUD. The landowner would maintain fee title to the land acquired under the easement. The land within the pipeline permanent and temporary easements granted to PSCo within the Dakota Glen PUD would be restored and revegetated and available for other uses upon completion of the construction period.

2013—16" West Main Natural Gas Pipeline Replacement Project— Dakota Glen PUD First Amendment

Environmentally Sensitive Areas Report

Prepared for the City of Loveland

March 2013

Prepared for:



Public Service Company of Colorado, 1123 West 3rd Ave., Denver, CO 80223

Prepared by:



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Contents

	Page
I. Project Study Area	1
II. Site Inventory	2
II.1 Mature Stands of Vegetation	2
II.2 Legal or Jurisdictional Wetlands—U.S. Army Corps of Engineers (CWA).....	4
II.3 Wildlife Habitat Areas and Corridors	4
II.4 Natural Areas Identified in the City of Loveland Natural Areas Inventory Study	7
II.5 Physical Linkages to Other Natural Areas or Open Spaces	8
II.6 Existing Drainage Patterns and Floodway and Flood Fringe Boundaries.....	8
II.7 Irrigation Canals and Ditches	9
II.8 Water Courses	9
II.9 Existing Slopes over 20%.....	9
II.10 Soils Having a High Water Table or Being Highly Erodible	9
II.11 Land Formerly Used for Landfill Operations or Hazardous Industrial Use.....	10
II.12 Fault Areas	10
II.13 Aquifer Recharge and Discharge Areas	10
II.14 Operating High Water Line (as defined in Loveland’s Open Lands Plan, pg. 25)....	10
III. Assessment of Potential Impacts of Proposed Development	11
IV. Recommendation: Protection Measures, Mitigation, Enhancement	12
IV.1 Water Quality and Hydrology	12
IV.2 Vegetation	12
IV.3 Air Quality.....	13
IV.4 Waste Management	13
IV.5 Emergency Procedures.....	13
IV.6 Wildlife.....	14
V. References	14

Attachments

- Attachment 1: Threatened and Endangered Species Habitat Suitability Assessment and Survey Report
- Attachment 2: Dakota Glen Wetland Report
- Attachment 3: Biological Site Reconnaissance Report
- Attachment 4: USFWS Concurrence Letter
- Attachment 5: Geotechnical Engineering Study
- Attachment 6: Best Management Practices
- Attachment 7: Weed Management and Revegetation Plan

Photos

- Photo 1: Looking North across the PUD Area.....3

Figures

- Figure 1: Vicinity Map/Estes Park Basemap
- Figure 2: Alignment Sheet
- Figure 3: Estes Park Regulator Station, Conceptual Site Plan
- Figure 4: Bald Eagle Habitat
- Figure 5: Great Blue Heron Habitat
- Figure 6: Osprey Habitat
- Figure 7: Snow Geese Habitat
- Figure 8: White Pelican Habitat
- Figure 9: Slope
- Figure 10: Soil Erodibility
- Figure 11: Geologic Hazards Map

I. Project Study Area

Public Service Company of Colorado (PSCo), an Xcel Energy company, is requesting a Planned Unit Development (PUD) Amendment as described in the City of Loveland Land Use Code Chapter 18.41. The overall Larimer 2013—16" West Main Natural Gas Pipeline Replacement Project (West Main Project) involves the construction, operation, and maintenance of a 16-inch high-pressure replacement natural gas transmission pipeline. The West Main project encompasses Larimer, Weld, and Boulder counties and several incorporated communities and is approximately 77 miles long. The existing 83-year-old natural gas pipelines have reached the ends of their service lives, require safety upgrades, and cannot reliably keep up with growing system demand to deliver natural gas. The overall West Main project would provide high-pressure transmission of natural gas with limited distribution systems taps as needed. It would provide an important link to future system upgrades for northern Colorado Front Range communities and would ensure more reliable natural gas delivery to customers in light of growing natural gas demand.

The proposed Project includes necessary pipeline and aboveground facilities located on private property within the Dakota Glen PUD in the city of Loveland. Figure 1 is the vicinity map of the proposed Project area and Figure 2 is the overall plan view of the proposed Project area. The proposed Project also includes temporary use areas for staging of construction materials; these areas would be used during the construction period and would be completely restored upon completion of construction. A temporary staging area would be located along Wilson Avenue within the Dakota Glen PUD as indicated in the legal description (Attachment 1). As part of its West Main project, PSCo is proposing to construct, operate, and maintain one new regulator station, referred to as the Estes Park Regulator Station and a natural gas pipeline, in the Dakota Glen PUD. Regulator stations control the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines that serve the local community.

The preferred pipeline route enters the Dakota Glen PUD in the city of Loveland near the intersection of 14th Street Southwest (SW) and Angora Drive, approximately 2,000 feet west of the intersection of 14th Street SW and Wilson Avenue (CR17) at the Estes Park Regulator Station (Figure 1). The pipeline exits the Estes Park Regulator Station and heads to the northeast through undeveloped open land within the Dakota Glen PUD. North of the cattail reservoir/detention pond, the pipeline turns due east to Wilson Avenue and continues north on Wilson Avenue. PSCo has obtained a permanent easement of 0.516 acres for this regulator station, and 2.899 acres of permanent easement and 1.412 acres of temporary easement for the pipeline alignment within the Dakota Glen PUD. PSCo has also acquired a temporary easement of 3.510 acres for a temporary use area on the east side of the Dakota Glen PUD adjacent to Wilson Avenue. The plan view of the proposed Project area is provided in Figure 2 and the conceptual site plan for the Estes Park Regulator Station in Figure 3.

The temporary use area within the Dakota Glen PUD would be used as a staging area in which to store pipe, construction trailers, storage trailers, and sanitary facilities for workers. Temporary fencing would be installed around the temporary use area. PSCo would access the temporary use area via an existing two-track road/trail with an existing curb cut along Wilson. The site would be used from mid-April 2013 through March 2014, with heaviest use anticipated in 2013. During active construction, a maximum of up to 50 daily trips (in and out) of the construction area are estimated. No grading is proposed. Any vegetation would be conserved to the maximum extent practicable. After the period of use is done, the temporary fencing would be removed, and site restoration would occur according to the provisions of the Stormwater Management Plan (SWMP) currently being prepared for the proposed Project. The SWMP will be provided to the City of Loveland prior to construction.

The fencing around the temporary use area would temporarily block public access to a portion of a social trail from Wilson Avenue to approximately 280 feet west of Wilson Avenue. The trail (through the DR Zone District) is not a designated trail according to the City of Loveland's current Recreational Trail and Bikeways Map, and is located on private land connecting the Dakota Glen development to the Wilson Avenue area sidewalks.

This application requests approval specifically for the proposed Estes Park Regulator Station and pipeline within the Dakota Glen PUD boundary associated with the proposed Project. The proposed Project is an important part of PSCo's service plan to upgrade the existing natural gas transmission system along the northern Colorado Front Range with new natural gas pipelines that meet current safety, service, capacity, and reliability requirements while also meeting the increasing demand for natural gas in Larimer County, including the city of Loveland. The upgrade would involve replacing the existing 83-year-old, 8-inch natural gas transmission pipeline with a new high-pressure 16-inch pipeline to continue providing reliable, safe natural gas service.

The Study Area for this Environmentally Sensitive Areas Report (ESAR) includes the proposed Project and the immediate surrounding area as is relevant for each resource or issue of potential concern described in Section II. In general the Study Area includes the proposed Project and the surrounding Dakota Glen PUD.

II. Site Inventory

II.1 Mature Stands of Vegetation

The Study Area for vegetation includes the proposed Project and immediate surrounding landscape. According to a survey conducted for the entire proposed Project including the Dakota Glen PUD in August 2012 (Attachment 1), the plant communities at Dakota Glen wetlands and lake site in the vicinity of the proposed Project consist of a mosaic of palustrine emergent wetlands dominated by stands of reed canarygrass (*Phalaroides arundinacea*) and narrow-leaved cattails (*Typha angustifolia*), hardstem bulrush (*Schoenoplectus tabernaemonti*), alkali bulrush (*Bolboschoenus maritimus*), clustered field sedge (*Carex*

praegracilis), a variety of rush species (*Juncus* spp.), spikerush species (*Eleocharis* spp.), and wetland grasses. There are minor amounts of peach-leaved willow (*Salix amygdaloides*) at sapling size. There is also an overstory layer dominated by plains cottonwood (*Populus deltoides* ssp. *monilifera*) to the east of the wetland on the eastern side of the proposed regulator station site and proposed pipeline route. However, most of the Study Area is generally open with very little shade (see Photo 1).



Photo 1: Looking North across the PUD Area

There are a number of Russian olives (*Elaeagnus angustifolia*), Siberian elms (*Ulmus pumila*), and salt cedar (*Tamarix ramosissima*) saplings in the open area of the Dakota Glen PUD. However, these tree species would be avoided during construction of the proposed Project. The ecotone or transition area between the wetlands and the surrounding uplands within the PUD are dominated by many weedy herbaceous species such as Canada thistle (*Breca arvensis*), field bindweed (*Convolvulus arvensis*), and prickly lettuce (*Lactuca scariola*).

The proposed Project would not affect mature stands of vegetation. The proposed Project site is part of the landscaped PUD and is vegetated by planted grasses including western

wheatgrass (*Pascopyrum smithii*), perennial rye (*Lolium perenne*), crested wheatgrass (*Agropyron cristatum*), and smooth brome (*Bromopsis inermis*).

II.2 Legal or Jurisdictional Wetlands—U.S. Army Corps of Engineers (CWA)

Jurisdictional wetlands and other waters of the U.S. (WoUS) are subject to regulation under the federal Clean Water Act (CWA). A wetland delineation report was prepared for the proposed Project located within the PUD, and is provided in Attachment 2. The mapped wetlands, as well as the proposed Project site are shown in Attachment 2 (Figure 1 in Attachment 2). The proposed regulator station is located in an area that is higher than the surrounding wetlands primarily located to the east and would therefore, not impact wetlands. The proposed pipeline crosses wetland #1 (see Figure 1 in Attachment 2) located along the western portion of the lake. The proposed pipeline would avoid effects to this wetland through the use of boring techniques. The locations of the boring entry/exit locations are shown in Figure 2. As documented in the agency correspondence included in Attachment 3, the U.S. Army Corps of Engineers has indicated that a wetland permit (per the CWA) would not be required. The construction best management practices (BMPs) and site mitigation measures would protect potential impacts to adjacent wetlands during construction and operation of the Project as described in Section IV.

II.3 Wildlife Habitat Areas and Corridors

Wildlife information for the proposed Project Study Area (the proposed Project and immediate surrounding area) is based on field reconnaissance, several field surveys, desktop evaluation, and evaluation of GIS data. The Study Area is within a PUD and no prairie dog colonies exist at the site. No wildlife species were observed during the site visits as discussed below.

Biological Reconnaissance Survey

An initial evaluation of biological resources was performed for the overall West Main project (including the proposed Project) from March 22 to April 1, 2012 (see Attachment 3), through a combination of windshield reconnaissance and pedestrian surveys of publicly accessible land. A one-day follow-up survey was completed April 13, 2012. The objective of the initial evaluation was to provide an understanding of whether suitable habitat exists for sensitive species, including federal and state listed species, bald and golden eagles, and migratory birds, within the overall West Main Project area, defined as a 1,000-foot corridor (500 feet on either side) around the proposed pipeline route. Specifically, the initial evaluation involved identifying and mapping vegetation communities that exist within the West Main Project area, including native and introduced vegetation, and state and county listed noxious weeds; identifying birds (especially raptors/raptor nest sites, burrowing owls, and mountain plovers); identifying reptiles, amphibians, and mammals, with special attention to prairie dog colonies; and identifying other natural and physical features of the landscape, including lakes, streams, riparian areas, wetlands, agricultural lands, and native prairie ecosystems. The

reconnaissance survey indicated that the Dakota Glen PUD area had wetlands and potential habitat for several federally Threatened and Endangered (T&E) Species.

Threatened and Endangered Species Habitat Study

A follow-up survey was performed during August 2012 to further evaluate the T&E species habitat, resulting in a Threatened and Endangered Species Habitat Suitability Assessment and Survey Report for the Ute ladies'-tresses orchid (*Spiranthes diluvialis* Sheviak), the Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*), and the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (PMJM) (see Attachment 1). This report was prepared in connection with the overall West Main Project. The report details habitat suitability for each species at a number of surface water/wetland locations. Potential species identified for the Study Area included Ute Ladies'-Tresses Orchid (ULTO), the Colorado Butterfly Plant (COBP), and the PMJM.

The Colorado butterfly plant is a short-lived perennial herb that is listed as threatened under the federal Endangered Species Act. The plant is only found within a small area of southeastern Wyoming, western Nebraska, north-central Colorado (Larimer County near the Wyoming state line), and in a new site in Westminster, Colorado. Habitat for the Colorado butterfly plant is typified by sub-irrigated alluvial soils on relatively level floodplains and drainage bottoms, often in bends in wide, actively meandering stream channels.

The Ute ladies'-tresses orchid is typically found in sub-irrigated alluvial soils along streams, and in open wet meadows in floodplains. The preferred habitat is open and moist without dense surrounding vegetative cover. The normal flowering period is July 20 to August 31. Potential habitats in the Project area include palustrine emergent wetlands (PEM) and stream banks. The species is not tolerant of long-term standing water and would not successfully compete with species that form dense monocultures, such as cattails (*Typha* spp.) and reed canarygrass (*Phalaroides arundinacea*). It prefers well-drained soils with a high moisture content that may contain some gleying or mottling but that are not continuously anaerobic or permanently saturated. The orchid occurs with grasses, sedges, rushes, and shrubs or riparian trees, such as willows. It rarely occurs in deep shade, preferring open glades or pastures and meadows in full sunlight.

The survey within the Dakota Glen wetlands and the nearby lake did not result in documented observance of ULTO or COBP. However, the site did exhibit some elements of habitat suitability for each of these species, including:

- Presence of several species generally associated with ULTO and COBP habitat
- Site was open and sunny in general
- There is a perennial lake (reservoir) with shoreline habitat

Based on the presence of surface water (i.e., lake site and probable seasonally saturated or inundated wetlands), this site may represent suitable habitat for both ULTO and COBP. Construction of the natural gas pipeline would be placed using boring techniques to avoid

disturbance to the wetland and lacustrine (lake) ecosystems and associated potential ULTO and COBP habitat.

The PMJM is a federally threatened species that occurs only in a band along the Front Range from Wyoming to Colorado Springs, including known occurrences in Larimer County. PMJM trappings are reported by CNHP (2011) in quadrangles that cross the overall West Main Project area, including the Fort Collins and Loveland quadrangles in Larimer County. Distribution of PMJM is typically within 100 meters of 100-year flood plains. Typical PMJM habitat consists of multi-storied riparian vegetation with an understory of grasses and forbs and a canopy of *Salix* spp. or other species. Suitable habitat is typically found adjacent to relatively undisturbed grassland communities (native shortgrass prairie) and a permanent water source. Habitat for the PMJM was judged to be marginal in the area of the proposed Project considering the poor development of a consistent shrub layer at this crossing site, and poor quality native grassland for dispersal.

The proposed Project is located and designed to entirely avoid effects to potential habitat for ULTO, COBP, and PMJM. The U.S. Fish and Wildlife Service provided concurrence that effects to these species can be avoided in a letter dated November 13, 2012 (Attachment 4).

Bald Eagle

Larimer County GIS data document the occurrence of winter and summer range for the bald eagle. Bald eagle habitat is located north of the Study Area within the Big Thompson River corridor and is also associated with lakes and reservoirs near the Study Area (Figure 4). Winter forage areas are located approximately 0.5 mile northwest (Boedecker Reservoir) and approximately 1.25 mile north (Big Thompson River corridor) of the proposed Project. The nearest mapped nest is located approximately one mile southeast of the Study Area.

The bald eagle is no longer federally listed; however, it is a state species of special concern in Colorado, and is protected under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). Colorado Parks and Wildlife (CPW) recommends no surface occupancy within 1,320 feet (0.25 mile) of an active bald eagle nest site, and the recommended buffer for human encroachment is 2,640 feet (0.5 mile) from a bald eagle nest. The proposed Project would not impact any known bald eagle habitat or nest sites.

Migratory Bird Treaty Act

The MBTA (16 United States Code 703-712) makes it unlawful to take any migratory bird, or any part, nest, or eggs of a migratory bird. The list of migratory birds is long and covers virtually all birds in Colorado. The USFWS is responsible for implementing the MBTA.

No birds were observed during the site reconnaissance conducted in March and April of 2012, or the T&E survey performed during August 2012. Larimer County GIS data document the occurrence of foraging areas for the great blue heron and osprey (Figures 5 and 6, respectively). Foraging areas are located approximately 0.5 mile northwest (Boedecker Reservoir), approximately 0.5 southeast (Ryan Gulch Reservoir), and approximately 1.25

mile north (Big Thompson River corridor) of the Study Area. The nearest osprey foraging area is located more than a mile to the southwest at Lon Hagler Reservoir. Larimer County GIS data document the occurrence of habitat areas for snow geese and white pelican (Figures 7 and 8, respectively). The Study Area is located in a winter range and foraging area for snow geese. The nearest foraging areas and overall range for the white pelican are located approximately 0.5 mile northwest (Boedecker Reservoir) and approximately 0.25 southeast (Cattail Ponds). An overall range area for the white pelican is also located approximately 1.25 mile north (Big Thompson River corridor) of the Study Area.

Construction activities for the West Main project are proposed to begin on approximately May 1, 2013, and operation of the replacement facility would begin during the fall/winter season of 2013. The regulator station construction could run concurrently with natural gas pipeline construction. Long-term surface disturbance associated with the Estes Park Regulator Station includes the 0.516 acre permanent easement. The 2.899 acre of permanent easement and 1.412 acre of temporary easement for the pipeline within the Dakota Glen PUD would also incur surface disturbance during construction activities in trenched areas, as well as at boring entry/exit locations. The temporary use area for Project construction would cause temporary surface disturbance to 3.510 acres of the PUD.

Construction effects would include construction noise and removal of vegetation (much of which is non-native based on field reconnaissance). No exterior lighting would be used during construction or operation of the proposed Project. Construction likely would affect wildlife movement patterns only temporarily, and no permanent effects to wildlife life cycle functions would occur. A raptor nest survey will be performed in spring 2013 prior to the initiation of construction activities, and construction crews would observe applicable CPW buffers and timing restrictions.

II.4 Natural Areas Identified in the City of Loveland Natural Areas Inventory Study

The July 2008 Update: City of Loveland Natural Areas Sites was reviewed to determine if the proposed Project would affect designated natural areas. Natural areas are defined as undeveloped lands containing potential natural values such as wildlife habitat, plant diversity, and wetlands. According to the July 2008 Update map, the proposed Project is located adjacent and partially within Site 51 as listed in the July 2008 update. This site is described as follows in the Update:

SITE 51—LAKES NW OF WILSON AVE. AND 14TH ST. SW. Site 51 is the upper portion of a large wetland drainage. The site contains two lakes with residential development to the east. Portions of the shorelines contain narrow fringes of cattails. The western lake appears turbid and has several patches of algae. The poor water quality in this lake may be due to runoff from adjacent agricultural lands. The narrow fringe of cattails will contribute to water quality improvement, however, it's likely that the amount of

wetlands present in the lakes is too small to make a significant difference. Areas of wetlands should be expanded where possible. Existing cattails should be thinned to prevent overgrowth, which would create mosquito habitat. Native trees and shrubs should be established along the shorelines to improve songbird habitat. Runoff from adjacent fields and residential areas should be monitored to determine long-term effects to the aquatic environment. The DOW notes that these lakes are frequently used by pelicans and a variety of ducks. Raptors also perch in the cottonwoods west of the site. (City of Loveland Natural Areas Sites, July 2008 Update).

The Update ratings table classifies Site 51 with a medium enhancement potential and notes that the site is inactive due to development and preservation. Numerical ratings are further discussed in Section III.

The proposed Project would be constructed entirely outside the delineated wetland areas as discussed further in Section II.2. Construction of the proposed Project would not impact wetlands or other identified natural amenities including wildlife and vegetation as described in Sections II.1 and II.3. The identified amenities associated with Site 51 would be supported with the BMPs and proposed mitigation described in Section IV.

II.5 Physical Linkages to Other Natural Areas or Open Spaces

The proposed Project is located near wetlands, a lake, and surrounding open areas that provide a link with the Home Supply Ditch located along the northern edge of the PUD property. The irrigation ditch links Boedecker Lake with the Cottonwood Natural Area and the Big Thompson floodplain corridor to the north. The wetland, lake, and surrounding open area provide a link with an adjoining drainage area to the south which also adjoins a rural area of Larimer County including a city and county open space (Lon Hagler SWA) and a county conservation easement (Lazy J Bar S CE).

The proposed regulator station would be constructed entirely within a small portion (0.516 acre) of the linkage area and would not impact the ability of the overall area to function as a physical linkage. The regulator station facility would not be fenced, and would not cut-off the greater open area that includes the wetlands, trees, and lake. The pipeline would be constructed entirely underground and would not impact the physical linkage during operation of the Project. Construction BMPs and mitigation are described in Section IV.

II.6 Existing Drainage Patterns and Floodway and Flood Fringe Boundaries

There are no floodplains or floodways in the Study Area and the Study Area does not have a perennial flowing stream system. The existing Study Area wetland and lake system has been reworked as part of the development of the Dakota Glen PUD. The general landscape slopes very shallowly to the northeast and includes a regional northeast-trending drainage and a more local east-trending drainage inlet to the lake. The regional drainage is associated with

the wetland and lake that are a continuation of drainage features located across SW 14th Street SW to the south/southwest. The wetland (Wetland #4 on Figure 1, Attachment 2) associated with the regional drainage is a depressional wetland in an area that was formerly inundated by a man-made lake. The wetland appears to be supported by seasonal inundation and/or near-surface groundwater. During the wetland survey date (August 20, 2012), no standing surface water was evident in the Study Area wetlands. Surface water was present in the lake and in Home Supply Ditch further to the north, outside the PUD boundary.

The drainage inlet to the lake is also associated with a wetland (Wetland #1, on Figure 1 Attachment 2) located along the west side of the lake. The lake outlet drains to the north into the Home Supply Ditch. Drainages outside the Study Area trend northeast toward an eventual junction with the Big Thompson River northeast of the Study Area. The natural gas pipeline would be bored under: a wetland along the western edge of the lake associated with the drainage inlet to the lake, and a storm drain along the northern PUD boundary (see Figure 2).

II.7 Irrigation Canals and Ditches

The proposed Project would not impact irrigation canals or ditches. A regional drainage that trends northeast is located immediately east of the proposed regulator station site as discussed in Section II.6. The proposed natural gas pipeline would be bored under the local drainage inlet to the lake as shown in Figure 2. The George Rist Ditch is located approximately 0.4 mile south of the site, and the Home Supply Ditch that originates at Boedecker Reservoir is located just north of the PUD northern boundary. The Home Supply Ditch would be crossed by the natural gas pipeline outside the PUD within the Wilson Avenue right-of-way.

II.8 Water Courses

The proposed Project is not located in the immediate vicinity of any significant natural water courses. Drainage and surface water features in the Study Area are discussed in Section II.6.

II.9 Existing Slopes over 20%

Slopes in the general Study Area are shown on Figure 9. None of the existing slopes in the Study Area or immediate surrounding area is greater than 20 percent.

II.10 Soils Having a High Water Table or Being Highly Erodible

Soil erodibility in the Study Area is shown on Figure 10. No highly erodible soils occur in the Study Area or the surrounding area. A high water table is not indicated according to the wetland delineation. The proposed regulator station is adjacent to delineated wetlands as further discussed in Section II.2. The proposed natural gas pipeline would be bored under wetlands and the drainage inlet area to the lake.

II.11 Land Formerly Used for Landfill Operations or Hazardous Industrial Use

The proposed Project is located within the Dakota Glen PUD. There is no available information to suggest that a landfill or industrial activities occurred in the Study Area. Any requirement for additional information regarding potential landfill operations or hazardous industrial use was waived by the City of Loveland during a meeting held between PSCo and city representatives on January 31, 2013.

II.12 Fault Areas

As shown on Figure 11, the proposed Project is located in an area of low geologic hazard. A geotechnical study was performed during December 2012 and included a boring at the proposed regulator station site (see Attachment 5). According to the site boring, shale bedrock is present approximately 12 feet below ground surface, and is overlain by clay and clayey sand. The geotechnical study provides specific recommendations for design of the facility in relation to the site soil and bedrock information. The geotechnical study does not indicate the presence of soil or geologic conditions that would prevent or seriously affect construction or operation of the regulator station facility or pipeline.

II.13 Aquifer Recharge and Discharge Areas

The Study Area is not located within or adjacent to an important aquifer recharge or discharge area. Site drainage is discussed in Section II.6. The area shallow aquifer likely is affected primarily by local topographic features as well as the characteristics of the uppermost unconsolidated soil and geologic strata as described in Attachment 5. Groundwater was encountered in the Study Area in December 2012 at approximately 8 feet below ground surface at an interface with a clayey sand layer.

II.14 Operating High Water Line (as defined in Loveland's Open Lands Plan, pg. 25)

As discussed in Section II.6, the Study Area is not in the vicinity of floodplains or floodways. In addition, the proposed Project would not require water or water facilities for its operation.

III. Assessment of Potential Impacts of Proposed Development

As discussed in Section II, the proposed Project would not adversely affect any environmentally sensitive resources. Protection and mitigation measures that will be implemented during construction and operation of the proposed Project are described in Section IV.

The Study Area is located adjacent to and partially within the Site 51 natural area. The Update ratings table classifies Site 51 with a medium enhancement potential and notes that the site is inactive due to development and preservation. Numerical ratings range from low (1) to high (10). In general, the ratings indicate that Site 51 is characterized by medium quality plant and wildlife habitat. The potential for occurrence of raptors is lowest with a rating of 3, while the potential for waterbirds is highest with a rating of 6.

The ratings for Site 51 are as follows:

- Overall Habitat: 5
- Wetland: 4
- Animal Diversity: 4
- Plant Diversity: 4
- Songbird: 4
- Raptor: 3
- Waterbird: 6
- Mammal: 4
- Herptile: 4

As previously discussed, the Study Area has been partially developed for residential use. Open areas surrounding the lake and wetlands have been landscaped. The proposed Project would avoid impacts to wetlands and potential sensitive or T&E animal and plant species. Prairie dogs are not present in the Study Area, and other wildlife was not observed during site biological reconnaissance, or field surveys. The role of the area as a north/south wildlife linkage would not be affected. Mature vegetation would not be disturbed and therefore, adverse effects to songbirds are not expected. No adverse effects to water birds are indicated because the lake and wetlands would not be disturbed by the proposed Project.

IV. Recommendation: Protection Measures, Mitigation, Enhancement

Major activities involved in Project construction would include surveying, BMP installation, vegetation clearing, staging materials, grading, installation of the regulator station and natural gas pipeline facilities including the building and gravel maintenance parking area, pressure-testing, site cleanup, revegetation, and revegetation monitoring.

IV.1 Water Quality and Hydrology

PSCo would obtain a Storm Water Permit for Construction Activities from the Colorado Department of Health and Environment (CDPHE) prior to construction. The drainage plan for the proposed Project would consist of a SWMP and BMPs for the control of stormwater runoff during the construction period. Measures that would be employed to protect surface water and control erosion are provided in Attachment 6.

All wetlands adjacent to the proposed Project easements would be flagged/marked prior to the initiation of construction activities to ensure that these features are not disturbed during construction activities. Construction BMPs would be implemented to avoid altering wetland hydrology, existing natural vegetation, and wetland functions. Waterways and drainages would be protected with BMPs described in Attachment 6.

IV.2 Vegetation

Effects to vegetation from the proposed Project would be permanent for the regulator station facility area (gravel area and aboveground facilities and building) as shown in Figure 3. There would also be temporary effects associated with construction in the easement area of the regulator station and pipeline as shown in Figure 2. The proposed Project would not permanently or adversely affect native vegetation communities, and no unique or high-quality vegetation or riparian communities have been identified within the easements that would be used for the proposed Project. Construction equipment would disturb existing vegetation within the proposed Project easements. BMPs would be implemented as described in Attachment 6 to minimize or mitigate soil erosion and to revegetate any areas disturbed during construction of the proposed Project. PSCo also would follow the Weed Management and Revegetation Plan provided in Attachment 7. The Plan includes a preconstruction survey for noxious weeds and follow-up monitoring to ensure revegetation is successful. A seed mix consisting of drought-tolerant native grasses would be included in the SWMP for the revegetation of disturbed areas surrounding the graveled area and aboveground facilities and building, as well as the underground natural gas pipeline as shown in Figure 2. Construction activities would not take place on any areas outside the proposed Project easements and the temporary staging area as shown in Figure 2.

The proposed regulator station building would be designed and constructed to match the existing Dakota Glen PUD pump station.

IV.3 Air Quality

PSCo would comply with state requirements for controlling dust emissions during the construction of the overall West Main project. Because the size of the construction area for the overall West Main project is greater than 25 acres, PSCo would be required to obtain a General Construction Permit from CDPHE and prepare a Fugitive Dust Plan and Air Pollution Emission Notice (APEN). The Fugitive Dust Plan would be completed and the APEN would be obtained prior to the initiation of construction activities.

Construction activities, such as vehicles driven over unprotected ground, general disturbance to vegetated areas, or soil stockpiles susceptible to winds, can cause fugitive dust. During construction, PSCo would implement dust control measures such as speed limits for construction vehicles; water application to disturbed areas, dirt access roads, and stockpiles; erosion control techniques; and revegetation of ground disturbance following construction with a drought-tolerant seed mixture. Water would be used daily, or as needed, for dust suppression and soil compaction.

IV.4 Waste Management

Construction, operation, and maintenance activities involving PSCo or its construction contractor bringing any hazardous materials onto the Project site would comply with applicable federal, state, and local laws and regulations regarding the use of hazardous substances. In its contract with the construction contractor, PSCo would require that the contractor comply with applicable laws.

Fueling requirements would be met prior to arrival at the construction site. No bulk fuel storage would occur on site. Fueling vehicles would be equipped with spill kits and fire extinguishers and personnel would be properly trained in spill prevention, control, and countermeasures. No vehicle maintenance would occur on site, and appropriate BMPs would be utilized and documented if on-site maintenance becomes necessary.

Construction and operation and maintenance activities would follow BMPs for the management of wastes to avoid and minimize impacts from potential spills or other releases to the environment. A summary of BMPs to protect water resources from potential contamination is provided in Attachment 6. Adverse impacts from the release of construction or operations wastes are not expected.

IV.5 Emergency Procedures

PSCo owns and operates an extensive network of natural gas pipelines that delivers natural gas to customers in residential and business areas and to local gas distribution companies. Providing safe and reliable natural gas requires PSCo to have quick access to maintain or repair pipelines, related facilities, and ROWs.

In addition, PSCo adheres to the pipeline safety regulations established in 49 CFR Part 192 by the DOT (U.S. Department of Transportation) to ensure public protection and to prevent accidents and failures. Specifically, PHMSA (Pipeline and Hazardous Materials Safety Administration) is the federal authority for ensuring the safe, reliable, and environmentally sound operation of pipeline transmission systems under the PIPES Act (Pipeline Inspection, Protection, Enforcement and Safety Act of 2006).

The proposed Project is located in Loveland's Fire Protection District. The fire district would be notified of construction activities when they commenced, and on-site personnel would not be required during construction or operation of the pipeline.

IV.6 Wildlife

A raptor nest survey will be performed during the spring of 2013 prior to the initiation of construction activities. All wetlands and other sensitive wildlife habitat adjacent to the proposed Project easements will be flagged/marked prior to the initiation of construction activities in order to ensure that these features are not disturbed during construction activities.

V. References

- CNHP (Colorado Natural Heritage Program). 2011. ArcMap Geodatabase., Statewide Elements by Quad, Preble's Meadow Jumping Mouse.
<<http://www.cnhp.colostate.edu/download/gis.asp#element>>. Accessed March and April 2012.
- City of Loveland 2008. City of Loveland Natural Areas Sites—July 2008 Update. Prepared by Cedar Creek Associates for the City of Loveland. July 2008.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 S. WADSWORTH BLVD
LITTLETON, COLORADO 80128-6901

May 22, 2012

Mr. Patrick Murphy
Tetra Tech
1099 18th Street
Suite 580
Denver, CO 80202

**RE: Xcel West Main 2012 Natural Gas Project
Corps File No. NWO-2012-1293-DEN**

Dear Mr. Murphy:

Reference is made to the above-mentioned project on behalf of Public Service Company of Colorado to directional bore 76 aquatic sites consisting of streams, wetlands and ditches. This work is located in Larimer and Weld Counties as identified in your May 18, 2012 report to Mr. Terry McKee of my office.

This project has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activity associated with a dredge and fill project in waters of the United States.

Based on the information provided, a Department of the Army (DA) Permit will not be required for work on this project. Although a DA Permit will not be required for the project, this does not eliminate the requirement that other applicable federal, state, and local permits be obtained as needed.

If there are any questions call Mr. Terry McKee of my office at (303) 979-4120 and reference Corps File No. NWO-2012-1293-DEN.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

tm



May 6, 2013

Kerri Burchett
City of Loveland Development Services Department
Current Planning Division
500 E. 3rd Street, Suite 310
Loveland, CO 80537

Re: Dakota Glen PUD Amendment—Condition of Approval, Item 1

Dear Ms. Burchett:

I have met with the Public Service of Colorado (PSCo) project team to address one of your recommended conditions of approval for the Dakota Glen First Amendment application and discussions held at the neighborhood meeting on April 24, 2013. The proposed condition states:

- Prior to approval of the Final Development Plan Amendment, a letter of approval from the Dakota Glen Homeowner's Association shall be submitted to the Current Planning Division approving the building materials, colors, and site improvements. The Final Development Plan shall reflect all changes agreed to by Public Service.*

As the managing member of Glen Development, LLC and President of the Dakota Glen PUD Homeowners Association, I have successfully negotiated the Estes Park Regulator Station building design and screening of aboveground gas piping with PSCo. The details of the building and screening materials are identified in Table 1, and a revised photo simulation of the Estes Park Regulator Station is attached.

Table 1: Estes Park Regulator Station Facility Details

Parameter	Control House	Aboveground Pipeline	Fence	Bollard
Use	Controls the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines	Transmission of natural gas	Screening of aboveground gas piping	Entrance Gate
Quantity	1	2	2 locations	2
Height	~12 feet (similar roof pitch to existing pump house)	6.1 feet; 6.5 feet	6-feet	3.5 feet
Length	24 feet	17 feet; 11 feet	South Fence: 108-feet East Fence: 56-feet	N/A
Width	22 feet	18 feet; 6.5 feet	South face: 32-feet East face: 24-feet	N/A

970.665.1897 - 4146 S. ELLEN BOULEVARD, SUITE 310, LOVELAND, CO 80537

Table 1: Estes Park Regulator Station Facility Details

Parameter	Control House	Aboveground Pipeline	Fence	Bollard
Size	528 square feet	6.5-inch-diameter pipeline; footprints are 306 square feet; 71.5 (377.5 square feet total)		6.5 inch diameter
Architectural Design	Similar in character to existing pump house located north of the gas regulator station site	Painted steel fence, 6 feet	Similar in character to Dakota Glen subdivision fence guidelines	N/A
Exterior Materials	Walls: Split face concrete block Windows/Openings: Glass block/metal louvers Roof: Metal shingles	Painted steel	Ornamental Steel	Painted steel
Color	Walls: Teal blue, or similar to match hue of existing pump house Trim: Cream, to match hue of existing pump house Roof: Warm gray, to match hue of existing pump house	Medium/light tan	Medium/light tan	Medium/light tan

I accept the Estes Park Regulator Station building and fence design, materials, colors, and site improvements as set forth in Table 1 and attached photo simulation, and I consent to the recordation of any information pertaining thereto.

In addition, PSCo and I will negotiate funding for landscaping improvements within the Dakota Glen PUD near the Estes Park Regulator Station. PSCo will provide funding for a portion of the landscaping improvements along 14th Street Southwest and along the west side of the proposed Estes Park Regulator Station and pipeline easement as conceptually shown on Sheets 7 and 8 of the Dakota Glen PUD First Amendment. Selection of plant species has not been finalized due to recent experience with the poor quality of soils and the introduction of the PSCo gas facility since the original PUD was prepared. A qualified arborist will be used to select species best suited for the soil conditions and installation. Dakota Glen PUD would be responsible for installation and maintenance of all landscaping improvements. PSCo would be responsible for construction and operation and maintenance of all facilities within the Estes Park Regulator Station site and pipeline easement. I approve this agreement on behalf of the homeowners within the Dakota Glen PUD.

770.663.1897 - WWW.GLENCOMPANIES.COM

2707 W. EISENHOWER, #106 LOVELAND, CO 80537

Kerri Burchett
City of Loveland Planning Department
Page 3 of 3



Sincerely,

Glen Development, LLC

A handwritten signature in blue ink, appearing to read "Scott Bray".

Scott Bray
Homeowners Association President, Dakota Glen Planned Unit Development
Office: (970) 663-1897

Attachment:

1. Photo simulation of Estes Park Regulator Station



Existing Environment



Photographic Simulation

Disclaimer: Detailed design drawings to be submitted with building permit applications. Design drawings will substantially comply with the details included on this drawing.

Parameter	Control House	Aboveground Pipeline	Fence	Bollard
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Existing Environment



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927 Prism Cactus Circle
Loveland, CO 80537
May 7, 2013

City of Loveland Planning Commission
500 East Third Street
Loveland, CO 80537

Dear Commissioners:

I thank you for the opportunity to comment on Xcel Energy's proposal to construct, operate, and maintain the Estes Park Regulator Station in the Dakota Glen neighborhood.

Dakota Glen is a new housing development composed of approximately 50% open space and with homes designed to enjoy the views of the HOA's natural areas and of the wildlife that routinely lives and is found traveling through the area.

Xcel Energy has proposed to destroy the views and habitat by creating an industrial complex right in the middle of our southern view and at the entrance to our community. This industrial area is absolutely inconsistent with the neighborhood, seriously damages the value of existing homes and destroys the very concept of a natural open space upon which homeowners relied upon when investing \$400,000 to \$500,000 in Dakota Glen homes.

Let us examine why Xcel Energy finds it necessary to create such a blight on a high value Loveland neighborhood. Xcel contends that it must build a regulator station in the area because they choose to install a pipeline serving Estes Park, not Loveland, with equipment incapable of safely handling the pressure in the Loveland line. Now Xcel contends that Loveland residents must endure an industrial complex in a residential neighborhood because they saved money installing equipment of lesser capability. I ask the Commission, Is it right for Dakota Glen residents to suffer the consequences of Xcel's money saving initiatives? Of course not; however, that is the proposal you have before you today.

Because of Xcel's choices, it may be necessary to have a regulator station in the proximity of the pipeline that now ends on the south side of 14th St. SW. (see photo) in the Blackbird Knolls neighborhood. Now I'm sure the residents of Blackbird Knolls don't want an industrial regulator station in their neighborhood any more that the residents of Dakota Glen. However, playing favorites by allowing Xcel to blight Dakota Glen in favor of Blackbird Knolls is unacceptable. It is also unacceptable to force the blight at the entrance to Dakota Glen when the prior planned location of the regulator station at the corner of 14th St SW and Wilson was rejected because the residents objected.

What is the answer to this problem created by Xcel? First and foremost, the answer is to move the industrial facility out of a residential neighborhood or at a minimum to the very outskirts of a residential area. Here we have a number of choices. The regulator station could be

co-located at the corner of 14th and Taft with Xcel's existing facility. (see photos) Yes, this will require Xcel to lay some additional pipe, but this is far more appropriate solution to Xcel's choosing undersized, less expensive equipment than is requiring any neighborhood to assume the cost through reduced home values. This option would also allow the line to run straight down Wilson, as it does throughout the remainder of its journey through Loveland, rather than taking a jog through Dakota Glen.

Further west of 14th lies the Calvary United Reform Church property located at 3901 14th St. SW. (see photo 3) This non-residential property is closer to the proposed location, does not rely on open space to support views or property value, and would not suffer a significant negative impact from the regulator station. In fact, I wouldn't be the least bit surprised if the church wasn't interested in leasing a portion of its land to Xcel to help fund its operations.

A much less desirable option is to move the regulator station to the edge of the subdivision and away from our entrance, open space, wildlife area and natural area views. There are several options, but I believe the best is at the southwest corner or the northeast corner of the development. Either of these choices will reduce, but not eliminate the very negative impact of an industrial zone at the entrance to a high dollar residential neighborhood.

There are many other options. I only sight the above options as examples where respecting the rights of Loveland citizens over Xcel profits can easily lead to an acceptable, if not perfect solution.

I ask the commission to once again look at the photos of the existing Xcel facility similar to that proposed for Dakota Glen. Now envision a facility approximately twice this size¹ and ask yourself if this is what we want at the entrance to our Loveland neighborhoods. Please ask yourself if this is how we want to treat open space within the city. Please ask yourself if this is an appropriate use of residential space. Please ask yourself if Loveland residents should suffer the consequences of such an eye sore simply so Xcel can profit. Obviously you must answer no to each question and deny Xcel's request. However, if you feel compelled to bring this blight upon the citizens of Loveland, then I must ask that you require significant camouflage to mitigate the damage.

Xcel acknowledged at the neighborhood meeting that they have existing stations located completely underground. They stated that they didn't want to install the proposed Dakota Glen station underground because they have problems with vault corrosion and perhaps the accumulation of natural gas. Neither of these concerns is close to a valid reason for not hiding the proposed industrial complex underground. Why, because Xcel can easily overcome the stated concerns by using proper materials (my basement doesn't corrode) and by eliminating gas leaks - something we don't want regardless of where the station is located, and by including proper ventilation.

Another option is to install the equipment within a structure in conformance with those existing within the neighborhood. Again Xcel objected to this option because once every seven

¹ The facility size was estimated by counting 8 foot sections of fence. It is approximately 64' X 30' using this method. The proposed Dakota Glen site is 100' x 150'.

years they need to run an “inspection pig” through the line to verify its condition. They “need” this pig to exit the pipe 4 feet above ground so they can have easy access with a boom truck. Again, this is an unsupported objection since the end of the pipe could protrude a very short distance through the wall of the structure much like a fire hose connection point or stylish access doors could easily be installed to allow the necessary access 1 day every seven years. It is noted that the citizens of Loveland and Dakota Glen will see this industrial, above ground regulator station every minute of every day if the current plan is approved. You cannot let that happen.

During the neighborhood meeting attempting to camouflage the industrial complex with a fence, foliage and/or a berm was discussed. These options are simply unrealistic because of the proposed location of the station. Xcel’s proposal is to locate the station in an area approximately 5 feet below the surface of the road. Add to this the four plus feet the pipes are proposed above ground and the height of a person walking, biking, or driving along 14th St. SW and it is easy to see any camouflage would need to be a minimum of 12 feet high. Since privacy fences are not allowed in the development to protect the views of our open space and since 12 foot high berms are totally out of place in the area and since 12 foot high hedges simply don’t exist in the area no proposed method of camouflage even comes close to hiding the industrial complex proposed by Xcel. Additionally, Xcel proposed an open to 14th St. SW entrance blocked from view by bollards and a chain. In other words, no proposal to block the view from the street within approximately 50 yards of the community’s entrance is even proposed. Obviously, property values will fall with Xcel’s industrial complex in full view of any property buyer entering the neighborhood.

Camouflaging brings to light another concern and that is vandalism. Please note that Xcel has found it necessary to surround their existing facility at 14th and Taft with a very tall chain length fence topped with barbed wire. While these fences are prohibited in the community, I must wonder what security concerns Xcel had when determining that this expensive enclosure was warranted and what security concerns will Dakota Glen be subjected to if this complex is installed.

The second issue is with tunneling under Dakota Glen open space rather than following Wilson Street as the rest of the pipeline does. Xcel stated that their engineers studied the area and are sure that there will be no negative impact to the surface area, wetland, pond or dam. If Xcel is allowed to deviate through Dakota Glen then I suggest that Xcel be required to post a bond sufficient to cover the expected future costs of repairing any damage occurring as a result of the pipeline. This bond should run concurrent with the life expectancy of the pipe and 20 years beyond to account for the eventual collapse of the pipe.

Finally, there were comments at the public meeting that insinuated that the developer owned the area and could approve whatever he chooses. This is simply not the case. The developer owns an ever diminishing percentage of the development and as the developer he rightly has the opportunity to maximize his profit. However, until the Dakota Glen is completed the developer is also in control of the HOA, which actually owns the open space. The HOA Board has a fiduciary duty to all homeowners to protect and where possible improve the value of the community. This fiduciary duty supersedes the developer’s right to maximize short term

profits if maximizing developer profits has a detrimental impact on the long term value of the community. In this case, the developer must act to protect the long term value of the community.

Additionally, this issue before the Commission is one of zoning. The developer has a right to express his opinion regarding zoning proposals; however, the Commission's duty is to protect the community and in doing so must weigh the concerns of the citizens it represents much more heavily than the profit motive of a business interest.

I thank you for your time and ask that you choose to protect Dakota Glen homeowners from the blight proposed by Xcel Energy.

Sincerely,

Rick & Tammy Mathis
927 Prism Cactus Circle
Loveland, CO 80537

Note:

This letter was original written by Michael J. Carroll and was so well done and which expressed our views so well that we chose not to write our own letter. Please consider this copy of Mr. Carroll's letter as our opinions and objections to this project for the record as well.

Kerri Burchett

From: Michael Carroll <mandjcarroll@msn.com>
Sent: Monday, May 06, 2013 12:22 PM
To: Kerri Burchett
Subject: Re: Dakota Glen Proposed Zoning Change Objection
Attachments: Regulator Stations Objection Followup, May 6, 2013.docx



[View slideshow](#) | [Download images](#)

Thank you Ms. Burchett:

I have attached a follow-up letter to the Commission addressing the conceptual drawing of a fence surrounding the Xcel industrial complex that I was shown this weekend by the Developer's on-site realtor.

Sincerely,

Michael Carroll



photo 1, Fence from road elevation



Fence example 2



Fence Example 3



Fence Example 4

----- Original Message -----

From: [Kerri Burchett](#)

To: 'Michael Carroll'

Sent: Monday, May 06, 2013 8:39 AM

Subject: RE: Dakota Glen Proposed Zoning Change Objection

Good morning, Michael.

I received your letter of objection to the Dakota Glen PUD Amendment and will include it as an attachment to the Planning Commission staff report.

Please let me know if you have any questions.

Kerri Burchett, AICP
Principal Planner
City of Loveland
(970) 962-2566

Kerri.Burchett@cityofloveland.org

These photos will be available on SkyDrive for 30 days. To learn more about SkyDrive, click [here](#).
To share high quality pictures with your friends and family using MSN Photo E-mail, [join MSN](#).

3402 Red Orchid Ct.
Loveland, CO 80537
May 6, 2013

City of Loveland Planning Commission
500 East Third Street
Loveland, CO 80537

Dear Commissioners:

I am writing as a follow-up to my letter of May 3, 2013, objecting to the installation of the proposed Xcel Estes Park Regulator Station at the entrance to the Dakota Glen residential neighborhood. Since that time the developer's representative has shown me and others in the neighborhood an artist's conception of the proposed Regulator Station obscured by a steel fence.

While I applaud the artist, the picture does not match the reality of a steel fences ability to obscure anything or the location of the above ground 8" and or 16" gas piping. Steel fences are the allowable type of fencing in Dakota Glen. These fences, according to the "Design Guidelines for Dakota Glen," paragraph 5.5 is limited to 60" in height. Residents choosing these fences as well as those who have successfully lobbied to eliminate the acceptability of cedar fences have done so because they do not obscure the view – either from the home out or from outside in.

As noted in my earlier letter, the proposed site for the Xcel industrial complex is approximately 5 feet below the grade of both roads next to the proposed site. As you can see from the attached picture 1 of a lovely Dakota Glen home with an approved steel fence, when the area surrounded by the fence is below grade, nothing is obstructed. Photos, 2-4 are also of approved Dakota Glen steel fences taken from ground level. Please note that contrary to the artist conceptual drawing; these fences do nothing to obstruct the content of the yard.

Commissioners, I ask that you not be deceived by the drawings and that your decision is based on the facts presented in the attached actual photographs.

If for some reason you choose Xcel and the developer over the citizen of Dakota Glen and if you choose their proposed steel fence, I implore you to, at the very least, specify exactly what is required and who is liable for the initial construction costs and ongoing cost of maintaining the 100' x 150' proposed complex, the fence, equipment and grounds within. For example, the fences depicted in the attached photographs appear to have a 4" gap between the spindles in accordance with the Design Guidelines that designate a maximum 4" gap. Because this gap clearly obscures nothing, a much tighter gap, perhaps 1 inch, must be mandated to match the artist's conceptual representation.

Initial and ongoing costs are another significant concern from Dakota Glen residents. At the neighborhood meeting hosted by Ms. Burchett for the City of Loveland, the developer

insisted that he be responsible for the ongoing maintenance. Unfortunately, the developer is also the HOA President so it is impossible to know who will be responsible for the ongoing maintenance of the grounds and fence. If it is Xcel, as it should be, their responsibilities must be clearly laid out in any approval. If it is the developer, his responsibilities must be clearly defined as well as the length of his obligation since his relationship with the community will be relatively short lived. If it is the homeowners who will suffer a reduction in property values while Xcel and the developer profit, I can only ask why.

In conclusion, I ask the commission to carefully consider any conceptual renderings of the proposed site, the accuracy and completeness of the renderings and the motivation of the individuals supporting the degradation of a once beautiful open space and neighborhood before granting approval of the Estes Park Regulator Station.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Carroll".

Michael J. Carroll

Attachment:

Photos of the approved fences in Dakota Glen

Kerri Burchett

From: Michael Carroll <mandjcarroll@msn.com>
Sent: Friday, May 03, 2013 12:22 PM
To: Kerri Burchett
Cc: Mike and Judy Carroll
Subject: Dakota Glen Proposed Zoning Change Objection
Attachments: Regulator Station Objection.docx



[View slideshow](#) | [Download images](#)

Dear Ms. Burchett:

Thank you for conducting the public meeting to discuss the Xcel proposal to install a massive Regulator Station within the residential Dakota Glen PUD. I have attached my written objection to the proposal and request that you provide my objection to the Planning Commission for consideration during their May 13, 2013 meeting. If you have any questions or if I can provide additional information, please feel free to telephone me at 970-776-9258.

Please confirm receipt of this email and attachments via return email.



Current termination point of gas line



Calvary Church site 1



Calvary Church Site 2



Xcel site @ 14th & Taft, photo 1



Xcel site @ 14th & Taft photo 2



Xcel site @ 14th & Taft photo 3



proposed station site looking north



Dakota Glen open space



Dakota Glen entrance



Dakota Glen entrance from proposed site

Sincerely,

Michael J. Carroll

These photos will be available on SkyDrive for 30 days. To learn more about SkyDrive, [click here](#).
To share high quality pictures with your friends and family using MSN Photo E-mail, [join MSN](#).

3402 Red Orchid Ct.
Loveland, CO 80537
May 3, 2013

City of Loveland Planning Commission
500 East Third Street
Loveland, CO 80537

Dear Commissioners:

I thank you for the opportunity to comment on Xcel Energy's proposal to construct, operate, and maintain the Estes Park Regulator Station in the Dakota Glen neighborhood.

Dakota Glen is a new housing development composed of approximately 50% open space and with homes designed to enjoy the views of the HOA's natural areas and of the wildlife that routinely lives and is found traveling through the area.

Xcel Energy has proposed to destroy the views and habitat by creating an industrial complex right in the middle of our southern view and at the entrance to our community. This industrial area is absolutely inconsistent with the neighborhood, seriously damages the value of existing homes and destroys the very concept of a natural open space upon which homeowners relied upon when investing \$400,000 to \$500,000 in Dakota Glen homes.

Let us examine why Xcel Energy finds it necessary to create such a blight on a high value Loveland neighborhood. Xcel contends that it must build a regulator station in the area because they choose to install a pipeline serving Estes Park, not Loveland, with equipment incapable of safely handling the pressure in the Loveland line. Now Xcel contends that Loveland residents must endure an industrial complex in a residential neighborhood because they saved money installing equipment of lesser capability. I ask the Commission, Is it right for Dakota Glen residents to suffer the consequences of Xcel's money saving initiatives? Of course not; however, that is the proposal you have before you today.

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What is the answer to this problem created by Xcel? First and foremost, the answer is to move the industrial facility out of a residential neighborhood or at a minimum to the very outskirts of a residential area. Here we have a number of choices. The regulator station could be

co-located at the corner of 14th and Taft with Xcel's existing facility. (see photos) Yes, this will require Xcel to lay some additional pipe, but this is far more appropriate solution to Xcel's choosing undersized, less expensive equipment than is requiring any neighborhood to assume the cost through reduced home values. This option would also allow the line to run straight down Wilson, as it does throughout the remainder of its journey through Loveland, rather than taking a jog through Dakota Glen.

Further west of 14th lies the Calvary United Reform Church property located at 3901 14th St. SW. (see photo 3) This non-residential property is closer to the proposed location, does not rely on open space to support views or property value, and would not suffer a significant negative impact from the regulator station. In fact, I wouldn't be the least bit surprised if the church wasn't interested in leasing a portion of its land to Xcel to help fund its operations.

A much less desirable option is to move the regulator station to the edge of the subdivision and away from our entrance, open space, wildlife area and natural area views. There are several options, but I believe the best is at the southwest corner or the northeast corner of the development. Either of these choices will reduce, but not eliminate the very negative impact of an industrial zone at the entrance to a high dollar residential neighborhood.

There are many other options. I only sight the above options as examples where respecting the rights of Loveland citizens over Xcel profits can easily lead to an acceptable, if not perfect solution.

I ask the commission to once again look at the photos of the existing Xcel facility similar to that proposed for Dakota Glen. Now envision a facility approximately twice this size¹ and ask yourself if this is what we want at the entrance to our Loveland neighborhoods. Please ask yourself if this is how we want to treat open space within the city. Please ask yourself if this is an appropriate use of residential space. Please ask yourself if Loveland residents should suffer the consequences of such an eye sore simply so Xcel can profit. Obviously you must answer no to each question and deny Xcel's request. However, if you feel compelled to bring this blight upon the citizens of Loveland, then I must ask that you require significant camouflage to mitigate the damage.

Xcel acknowledged at the neighborhood meeting that they have existing stations located completely underground. They stated that they didn't want to install the proposed Dakota Glen station underground because they have problems with vault corrosion and perhaps the accumulation of natural gas. Neither of these concerns is close to a valid reason for not hiding the proposed industrial complex underground. Why, because Xcel can easily overcome the stated concerns by using proper materials (my basement doesn't corrode) and by eliminating gas leaks - something we don't want regardless of where the station is located, and by including proper ventilation.

Another option is to install the equipment within a structure in conformance with those existing within the neighborhood. Again Xcel objected to this option because once every seven

¹ The facility size was estimated by counting 8 foot sections of fence. It is approximately 64' X 30' using this method. The proposed Dakota Glen site is 100' x 150'.

years they need to run an “inspection pig” through the line to verify its condition. They “need” this pig to exit the pipe 4 feet above ground so they can have easy access with a boom truck. Again, this is an unsupported objection since the end of the pipe could protrude a very short distance through the wall of the structure much like a fire hose connection point or stylish access doors could easily be installed to allow the necessary access 1 day every seven years. It is noted that the citizens of Loveland and Dakota Glen will see this industrial, above ground regulator station every minute of every day if the current plan is approved. You cannot let that happen.

During the neighborhood meeting attempting to camouflage the industrial complex with a fence, foliage and/or a berm was discussed. These options are simply unrealistic because of the proposed location of the station. Xcel’s proposal is to locate the station in an area approximately 5 feet below the surface of the road. Add to this the four plus feet the pipes are proposed above ground and the height of a person walking, biking, or driving along 14th St. SW and it is easy to see any camouflage would need to be a minimum of 12 feet high. Since privacy fences are not allowed in the development to protect the views of our open space and since 12 foot high berms are totally out of place in the area and since 12 foot high hedges simply don’t exist in the area no proposed method of camouflage even comes close to hiding the industrial complex proposed by Xcel. Additionally, Xcel proposed an open to 14th St. SW entrance blocked from view by bollards and a chain. In other words, no proposal to block the view from the street within approximately 50 yards of the community’s entrance is even proposed. Obviously, property values will fall with Xcel’s industrial complex in full view of any property buyer entering the neighborhood.

Camouflaging brings to light another concern and that is vandalism. Please note that Xcel has found it necessary to surround their existing facility at 14th and Taft with a very tall chain length fence topped with barbed wire. While these fences are prohibited in the community, I must wonder what security concerns Xcel had when determining that this expensive enclosure was warranted and what security concerns will Dakota Glen be subjected to if this complex is installed.

The second issue is with tunneling under Dakota Glen open space rather than following Wilson Street as the rest of the pipeline does. Xcel stated that their engineers studied the area and are sure that there will be no negative impact to the surface area, wetland, pond or dam. If Xcel is allowed to deviate through Dakota Glen then I suggest that Xcel be required to post a bond sufficient to cover the expected future costs of repairing any damage occurring as a result of the pipeline. This bond should run concurrent with the life expectancy of the pipe and 20 years beyond to account for the eventual collapse of the pipe.

Finally, there were comments at the public meeting that insinuated that the developer owned the area and could approve whatever he chooses. This is simply not the case. The developer owns an ever diminishing percentage of the development and as the developer he rightly has the opportunity to maximize his profit. However, until the Dakota Glen is completed the developer is also in control of the HOA, which actually owns the open space. The HOA Board has a fiduciary duty to all homeowners to protect and where possible improve the value of the community. This fiduciary duty supersedes the developer’s right to maximize short term

profits if maximizing developer profits has a detrimental impact on the long term value of the community. In this case, the developer must act to protect the long term value of the community.

Additionally, this issue before the Commission is one of zoning. The developer has a right to express his opinion regarding zoning proposals; however, the Commission's duty is to protect the community and in doing so must weigh the concerns of the citizens it represents much more heavily than the profit motive of a business interest.

I thank you for your time and ask that you choose to protect Dakota Glen homeowners from the blight proposed by Xcel Energy.

Sincerely,

/signed/

Michael J. Carroll

Attachments:
Area photos

3499 Angora Drive
Loveland, CO 80537
May 3, 2013

City of Loveland Planning Commission
500 East Third Street
Loveland, CO 80537

Dear Commissioners:

Thank you for the opportunity to comment on Xcel Energy's proposal to construct, operate, and maintain the Estes Park Regulator Station in the Dakota Glen neighborhood.

We recently moved to the area and specifically chose the city of Loveland and the Dakota Glen subdivision due to its promise of open space and commitment to maintaining natural areas. The proposal to construct an unsightly industrial facility at our entrance is distressing, and we strongly object to building this facility in our neighborhood.

In his letter to you, Michael Carroll has clearly outlined the objections we have as residents. He has also offered a number of alternatives that are available and more appropriate. We will not reiterate those items here. Suffice it to say that the station is not appropriate within a residential neighborhood.

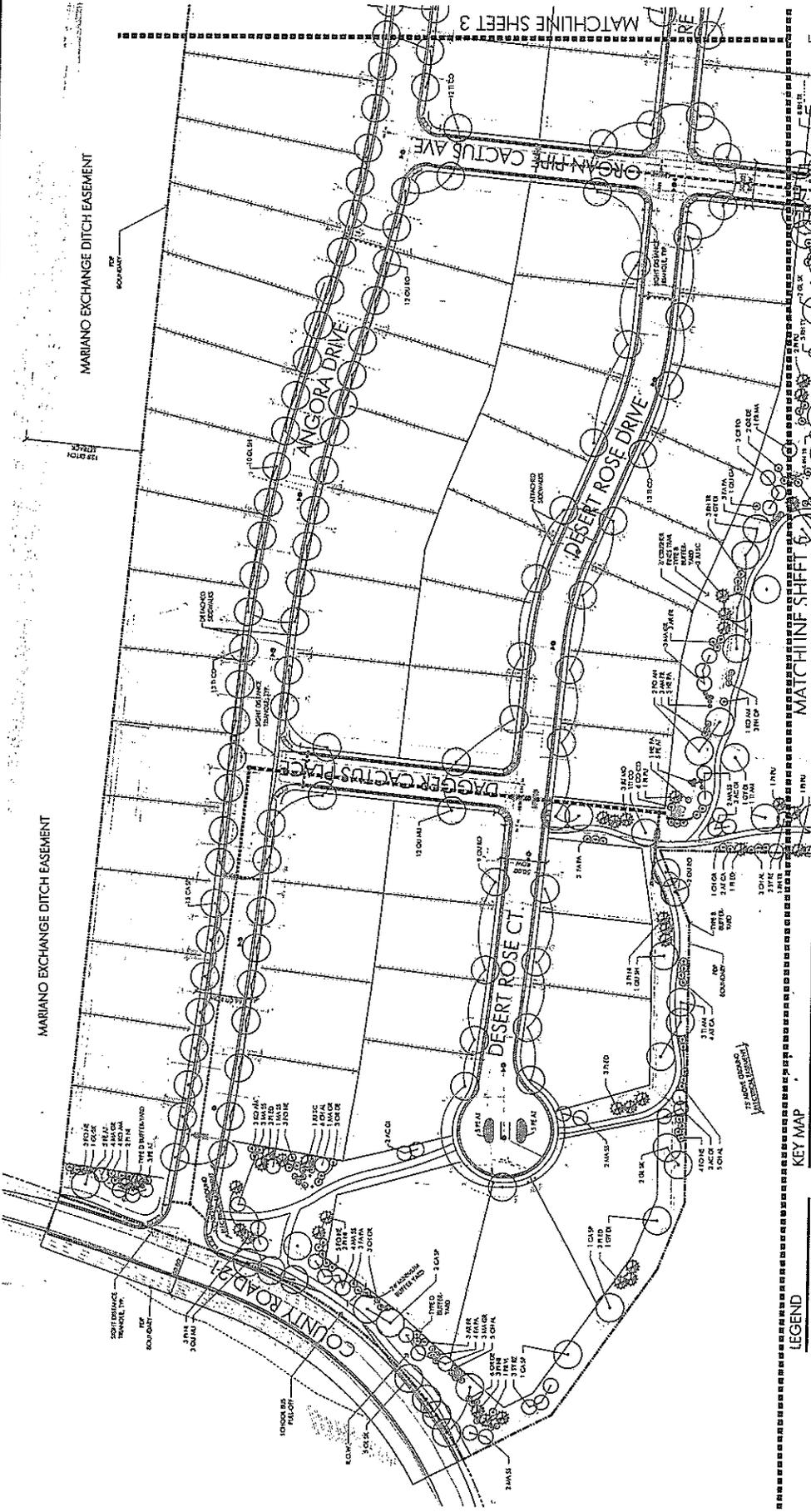
It appears that this project was misrepresented to the residents of Dakota Glen by the developer. As Michael Carroll mentioned, the developer and the HOA have an obligation to do what is best for the neighborhood. Clearly, the proposed regulator station will not enhance the community and is not in the best interest of the residents. The business interests should not be allowed to overrule the interests of the community members who will have to look at this monstrosity on a daily basis, when other more appropriate alternatives are readily available. Additionally, this development is just starting to grow. It is going to be filled with homes that range from the low \$400's and up to over \$500,000 each. This regulator station, if approved, will devalue those properties, and make it much more difficult for prospective buyers to invest in this development, which as you know, has an impact on property taxes going forward. I would think that would be a consideration for the future of Loveland?

This proposal is disturbing on several levels. Economically, it has a negative impact on our property values. The residents here have invested a significant amount on the promise of open space and preserved natural areas. Aesthetically, it is unsightly and detracts from the views and image of our neighborhood. We all chose this area for its natural beauty without industrial obstructions. Finally, there is an inherent and fragile trust that the citizens can appeal to their government representatives to listen to them and respect their opinions and interests, and act responsibly. We ask you – would you want this is your “front yard”?

Please support us in moving this industrial facility to another more appropriate location.

Respectfully,

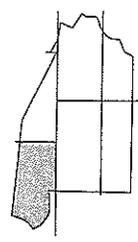
David and Beth Anderson



SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO

S.H.E.
 APR1 PC ATTACHMENT 6

KEY MAP



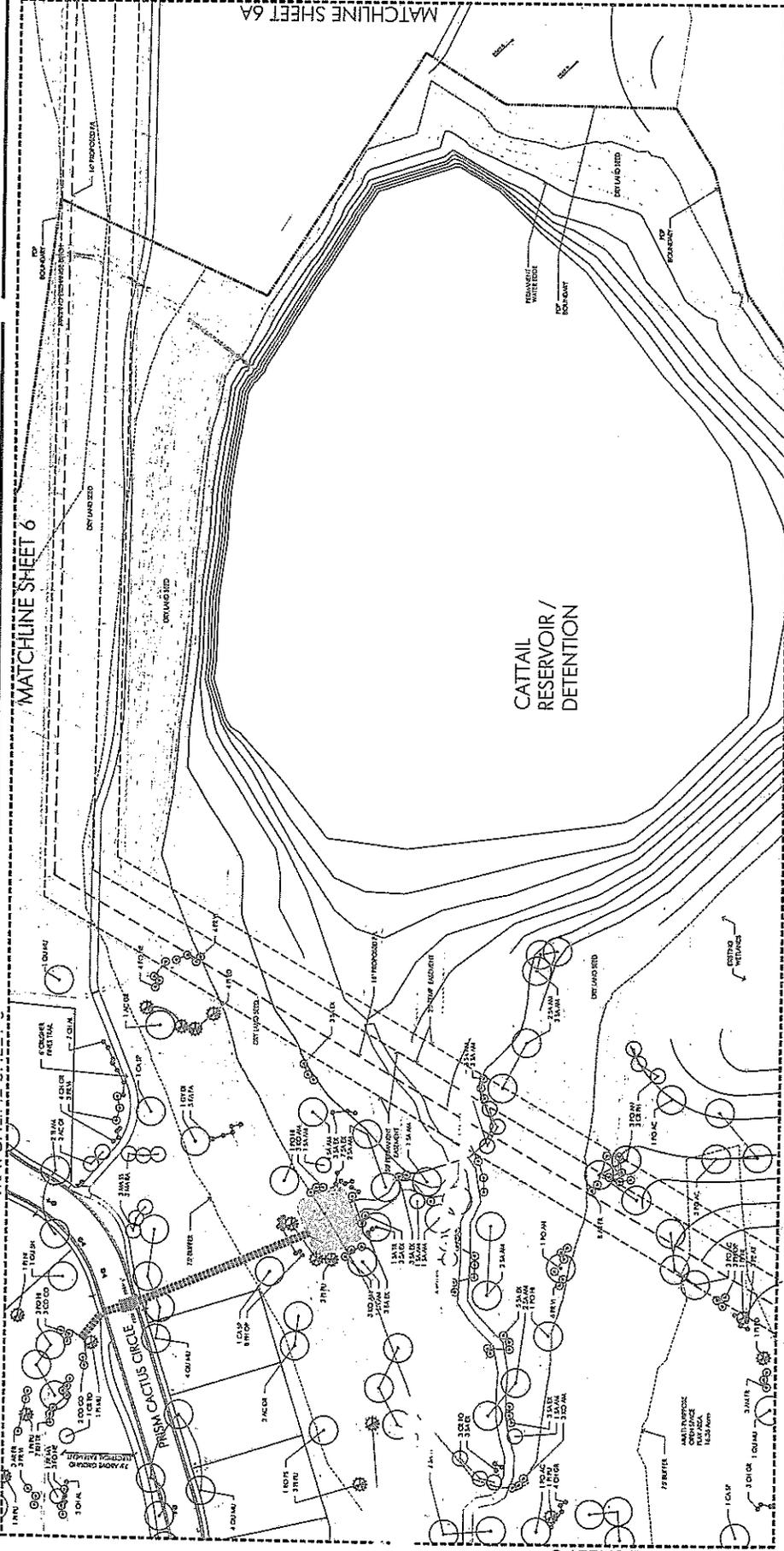
LEGEND

- DECIDUOUS CANOPY TREE
- ORNAMENTAL TREE
- CONIFEROUS TREE
- SHRUB BED
- IRRIGATED TURF
- NATIVE PLANT
- TRANSITION SEED
- DRY LAND SEED

MATCHLINE SHEET 6

MATCHLINE SHEET 6A

CATTAIL
RESERVOIR /
DETENTION



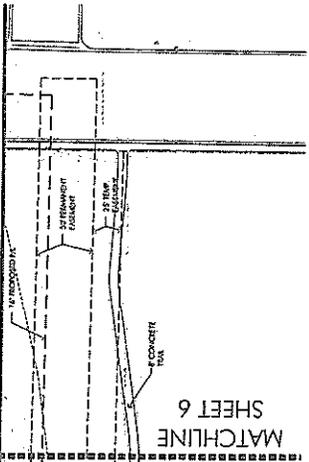
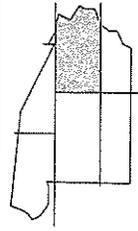
SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO
BY: [Firm Name]

SHEET
APR1
PC ATTACHMENT 6

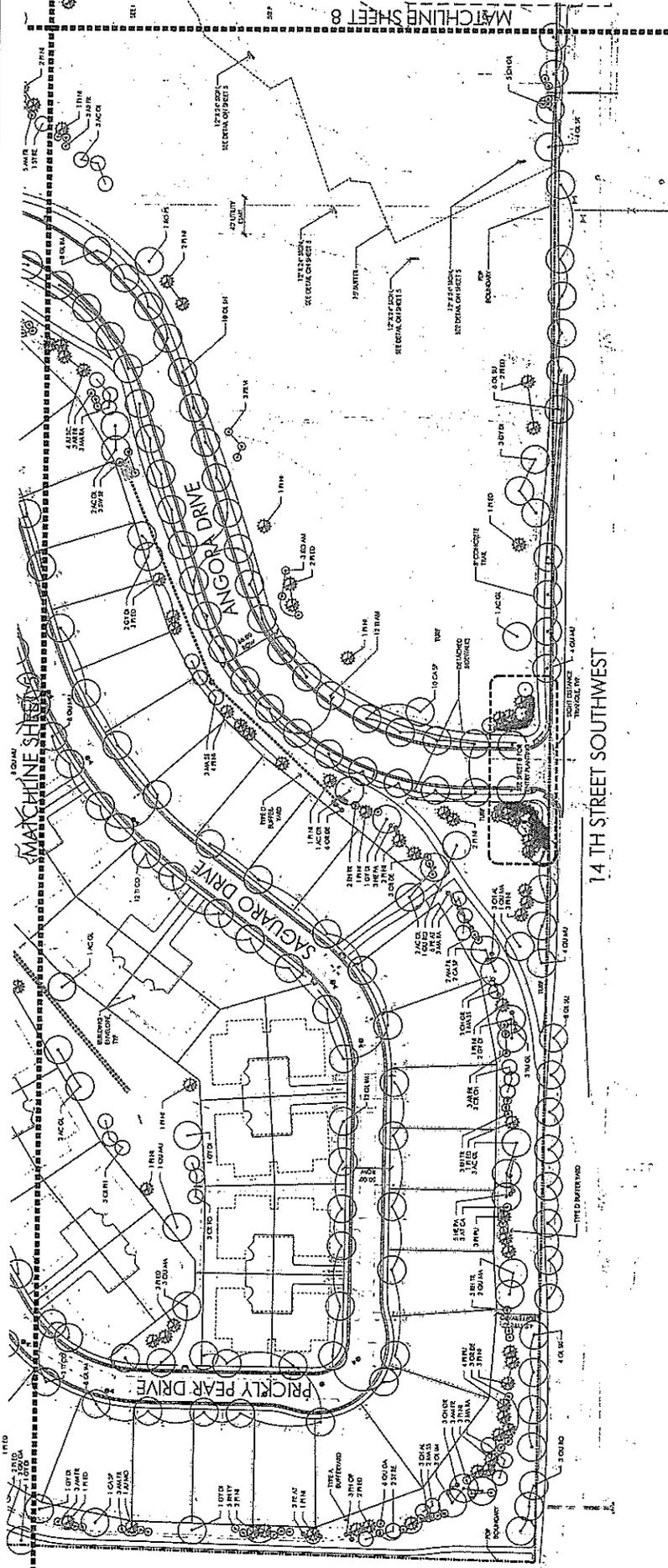
LEGEND

- DECIDUOUS CANOPY TREE
- ORNAMENTAL TREE
- CONVEXUS TREE
- SHRUB BED
- IRREGULAR TUBE
- HAYWIRE MESH
- TRANSITION SEED
- DRY LAND SEED

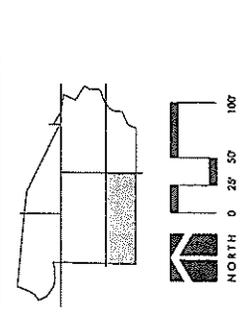
KEY MAP



Note:
 Development other than that one prohibited within the 75 foot buffer.

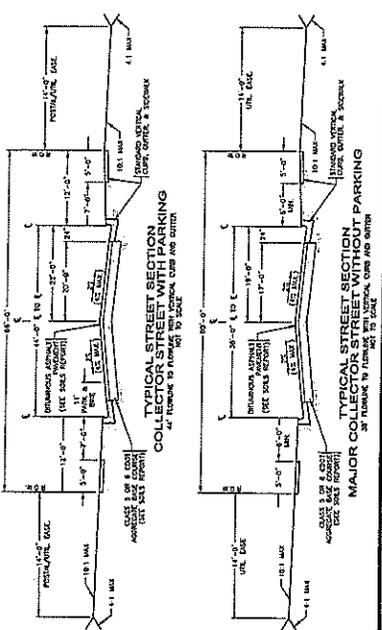
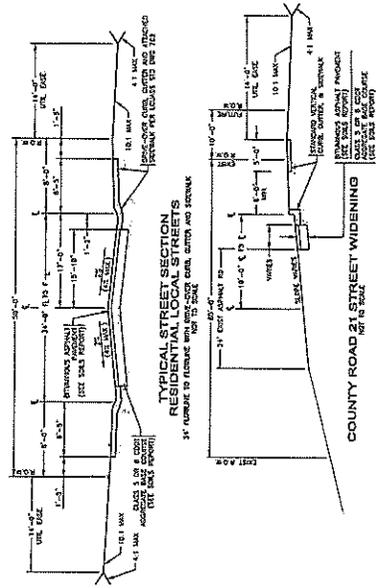
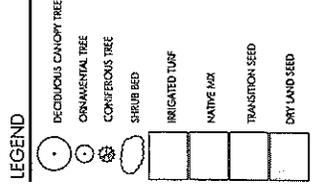


KEY MAP



SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO

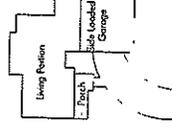
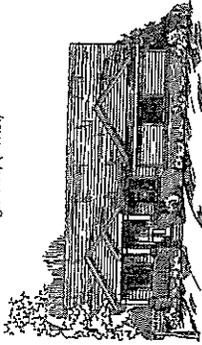
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 PC ATTACHMENT 6



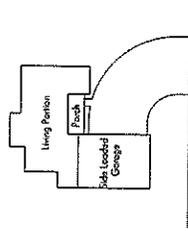
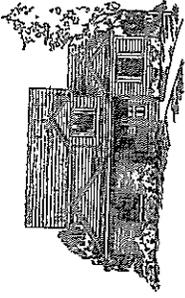
Note:
 Development other than that are prohibited within the 75 foot buffer

TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE A (side loaded garage)

Single Story (N.T.S.)

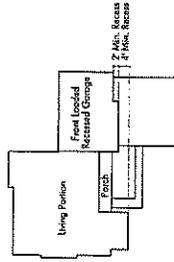
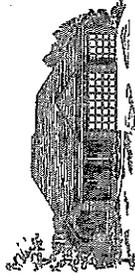


Two Story (N.T.S.)

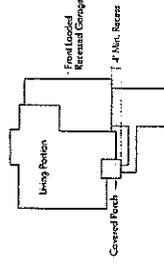
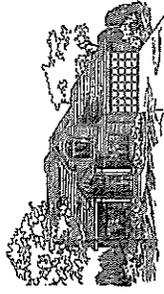


TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE B (recessed garage)

Single Story (N.T.S.)

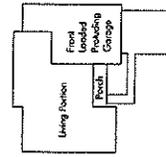
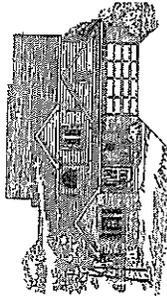


Two Story (N.T.S.)

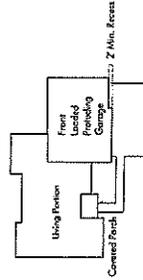
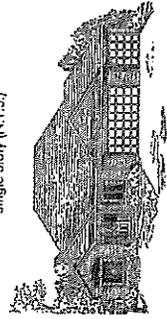


TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE C (protruding garage)

Two Story (N.T.S.)



Single Story (N.T.S.)



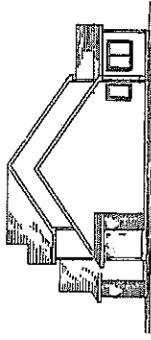
TYPICAL STEEL FENCE
SCALE: N.T.S.



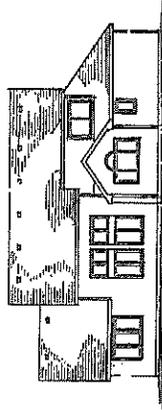
TYPICAL CEDAR FENCE
SCALE: N.T.S.



Typical Side Elevation (N.T.S.)



Typical Rear Elevation (N.T.S.)



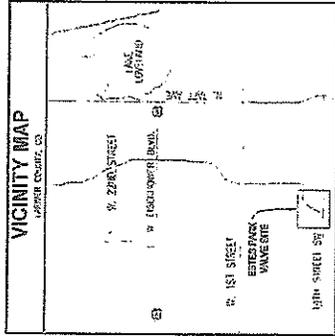
Note: These elevations are conceptual. Some variations will occur with the development of each property.

ARCHITECTURAL ELEVATIONS
DAKOTA GLEN FINAL DEVELOPMENT PLAN
FIRST AMENDMENT
LOVELAND, COLORADO
DVA DESIGN, INC. • 1103 OXFORD DR.

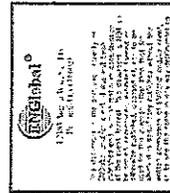
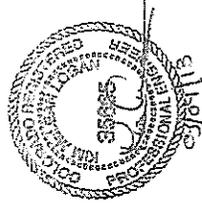
**LARIMER 2013 - 16" WEST MAIN NATURAL GAS PIPELINE REPLACEMENT
(ESTES PARK REGULATOR STATION & UNDERGROUND PIPELINE IN DAKOTA GLEN PUD)**

**PLANNED UNIT DEVELOPMENT
CITY OF LOVELAND
FEBRUARY 2013**

ZONING	PUD
Site Address	730 22nd St
Lot of Use	Residential Single-Family
System Features	1. 16" dia. - 300 psi 2. 200 psi 3. Natural Gas Regulator - 200 psi
Building Occupancy	Utility
Type of Construction	1. Construction Type - Type 2A 2. Fire Sprinkler - None
Building Code	IBC
Building Code	IBC
Open Space	None
FEAR#	1000000000

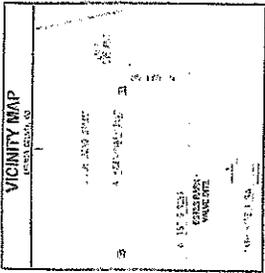


DRAWING INDEX	
NO.	DESCRIPTION
1	CONTRACT SHEET
2	GENERAL NOTES
3	UNDERGROUND PIPELINE
4	REGULATOR STATION
5	PLANNING PLAN & UTILITIES

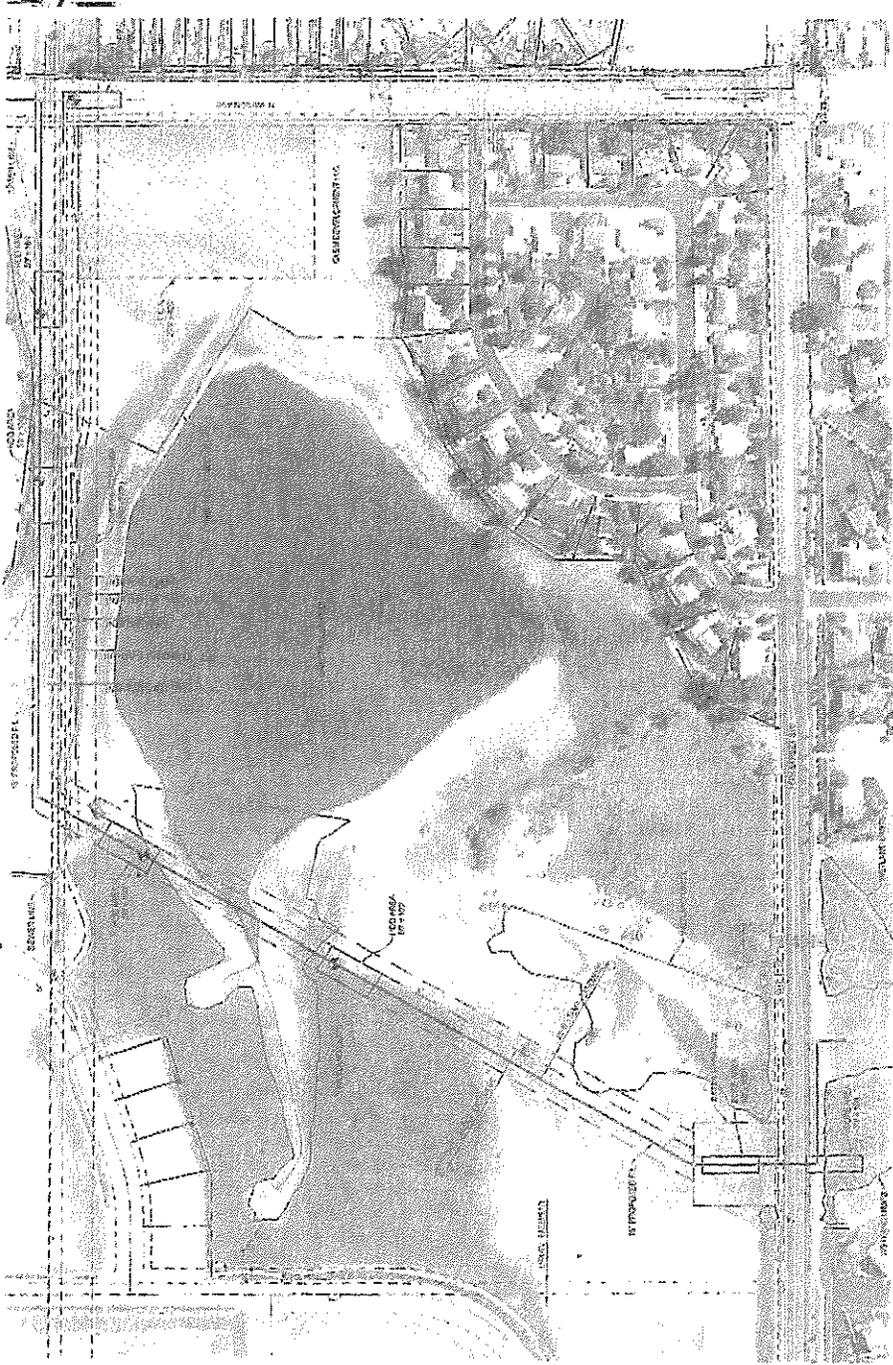


Standard Site Plan Notes:

- Unless otherwise noted all land and address will be unchanged or reduced to their original condition.
- Local descriptions of all Public Services necessary easements are indicated in the local description page.
- Regulator stations do not yet have an address assigned by the City of Loveland.
- Final easement design of regulator stations will be completed after final layout from the City of Loveland.
- The construction of the various systems or pipelines in this plan shall be completed in the same phase.
- Flow will be in the direction of the pipe unless otherwise indicated on drawings or notes.
- All lines and structures shall be built away from Public Services Company easements. There shall be no permanent utility easements.
- The area of the easements in this plan is shown by the red line and is shown in a 100' wide easement as indicated by the Army Corps of Engineers or otherwise or it has been decided by having done so and restricted by the local jurisdiction laws.
- The area of the easements in this plan is shown by the red line and is shown in a 100' wide easement as indicated by the Army Corps of Engineers or otherwise or it has been decided by having done so and restricted by the local jurisdiction laws.
- The area of the easements in this plan is shown by the red line and is shown in a 100' wide easement as indicated by the Army Corps of Engineers or otherwise or it has been decided by having done so and restricted by the local jurisdiction laws.



SECTION 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

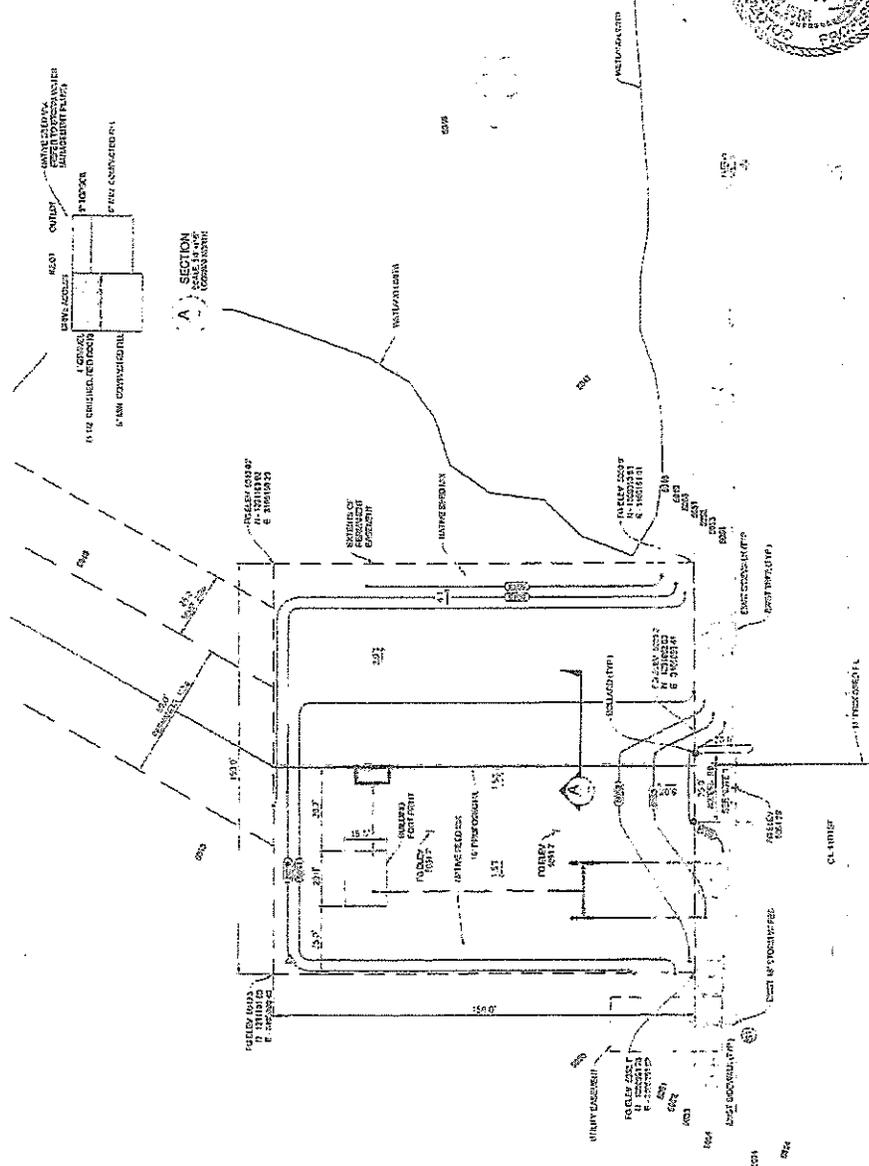
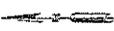
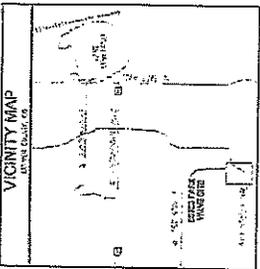


OVERALL PLAN VIEW
SHEET 1111

XCEL PLANNED UNIT DEVELOPMENT (2 OF 5)
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO
 WWW.XCELPLAN.COM • 1.800.928.8222



SHE
APR PC ATTACHMENT 6



XCEL PLANNED UNIT DEVELOPMENT (3 OF 5)
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO
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SHEET
APPRI PC ATTACHMENT 6

- NOTES**
1. EXISTING ACCESSORIAL DRIVE (SEE LAMAR COURT) IS PART AREA STREET & ALSO ADJACENT TO STANDARD COMPANY APPROVED PLANS FOR THE MAXIMUM PROPERTY WIDTH SUBJECT TO ALL APPLICABLE REGULATIONS.
 2. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY DATA. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
 3. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE UNLESS OTHERWISE NOTED.
 4. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL UTILITY COMPANIES AND THE CITY OF LOVELAND PRIOR TO CONSTRUCTION.
 5. A NATURE RESERVE HAS BEEN DESIGNATED FOR THE UTILITY LOCATIONS SHOWN ON THIS PLAN. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT AND MAINTAIN THE NATURE RESERVE AND SHALL REPORT ANY VIOLATIONS TO THE CITY OF LOVELAND.

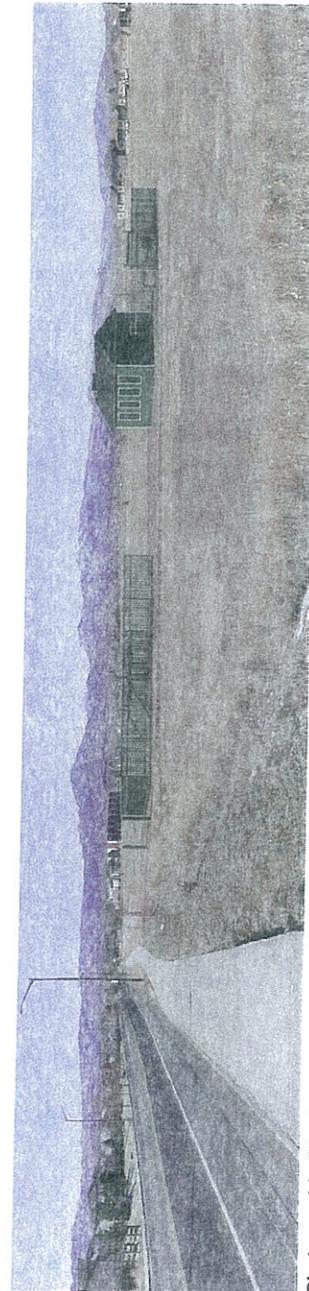
GRADING LEGEND

Symbol	Description
(Symbol)	Proposed Grading
(Symbol)	Existing Grading
(Symbol)	Proposed Paved Area
(Symbol)	Existing Paved Area
(Symbol)	Proposed Gravel Area
(Symbol)	Existing Gravel Area
(Symbol)	Proposed Dirt Area
(Symbol)	Existing Dirt Area
(Symbol)	Proposed Concrete Area
(Symbol)	Existing Concrete Area
(Symbol)	Proposed Asphalt Area
(Symbol)	Existing Asphalt Area
(Symbol)	Proposed Stone Area
(Symbol)	Existing Stone Area
(Symbol)	Proposed Wood Deck Area
(Symbol)	Existing Wood Deck Area
(Symbol)	Proposed Metal Deck Area
(Symbol)	Existing Metal Deck Area
(Symbol)	Proposed Brick Area
(Symbol)	Existing Brick Area
(Symbol)	Proposed Glass Area
(Symbol)	Existing Glass Area
(Symbol)	Proposed Plaster Area
(Symbol)	Existing Plaster Area
(Symbol)	Proposed Gyp Area
(Symbol)	Existing Gyp Area
(Symbol)	Proposed Ceiling Area
(Symbol)	Existing Ceiling Area
(Symbol)	Proposed Flooring Area
(Symbol)	Existing Flooring Area
(Symbol)	Proposed Paint Area
(Symbol)	Existing Paint Area
(Symbol)	Proposed Staining Area
(Symbol)	Existing Staining Area
(Symbol)	Proposed Sealing Area
(Symbol)	Existing Sealing Area
(Symbol)	Proposed Polishing Area
(Symbol)	Existing Polishing Area
(Symbol)	Proposed Cleaning Area
(Symbol)	Existing Cleaning Area
(Symbol)	Proposed Maintenance Area
(Symbol)	Existing Maintenance Area
(Symbol)	Proposed Repairs Area
(Symbol)	Existing Repairs Area
(Symbol)	Proposed Renovations Area
(Symbol)	Existing Renovations Area
(Symbol)	Proposed Alterations Area
(Symbol)	Existing Alterations Area
(Symbol)	Proposed Additions Area
(Symbol)	Existing Additions Area
(Symbol)	Proposed Deletions Area
(Symbol)	Existing Deletions Area
(Symbol)	Proposed Removals Area
(Symbol)	Existing Removals Area
(Symbol)	Proposed Demolitions Area
(Symbol)	Existing Demolitions Area





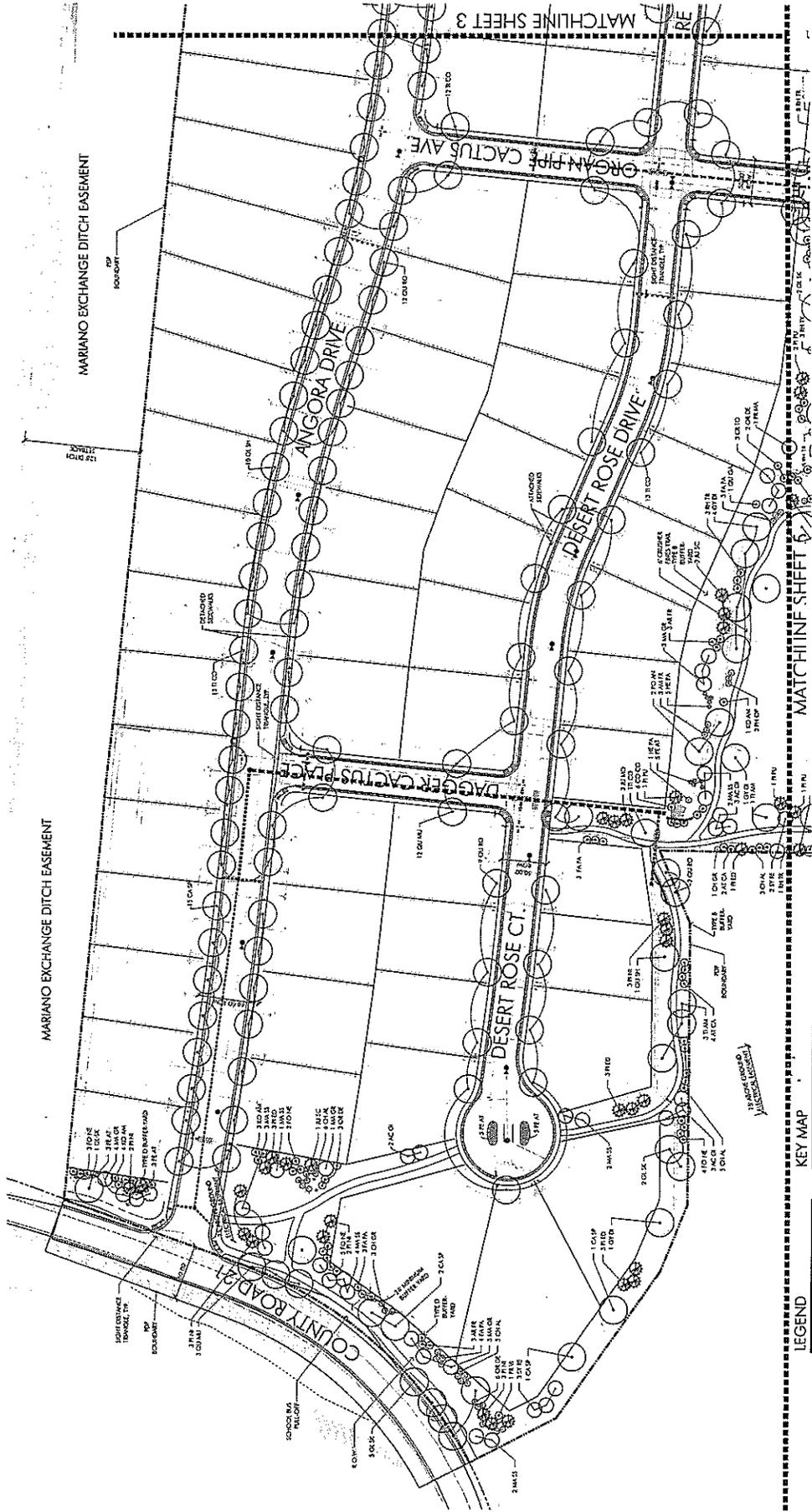
Existing Environment



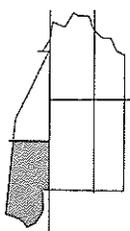
Photographic Simulation

Parameter	Coated House	Aboveground Pipeline	Fence	Billboard
Use	Contains the floor of gas lines higher to lower pressure as the pressure drops from the 48 inch transmission pipeline to the 36 inch distribution pipeline.	Transmission of natural gas	Screening of aboveground gas piping	Entrance Gate
Height	10 feet	4.5 feet to 5 feet	6 feet	20 feet
Length	100 feet	100 feet	100 feet	100 feet
Width	10 feet	10 feet	10 feet	10 feet
Color	White	Black	White	White
Material	Steel	Steel	Steel	Steel
Location	Along the gas line	Along the gas line	Along the gas line	Along the gas line
Notes	Screening of gas lines higher to lower pressure as the pressure drops from the 48 inch transmission pipeline to the 36 inch distribution pipeline.	Transmission of natural gas	Screening of aboveground gas piping	Entrance Gate

Disclaimer: Detailed design drawings to be submitted with building permit applications. Design drawings will substantially comply with the details included on this drawing.



- LEGEND**
- DECIDUOUS CANOPY TREE
 - ORNAMENTAL TREE
 - CONIFEROUS TREE
 - SHRUB BED
 - ▭ IRRIGATED TURF
 - ▭ NATIVE MIX
 - ▭ TRANSITION SEED
 - ▭ DRY LAND SEED



NORTH 0 25 50 100

SITE / LANDSCAPE PLAN
DAKOTA GLEN 1ST SUBDIVISION
 LOVELAND, COLORADO

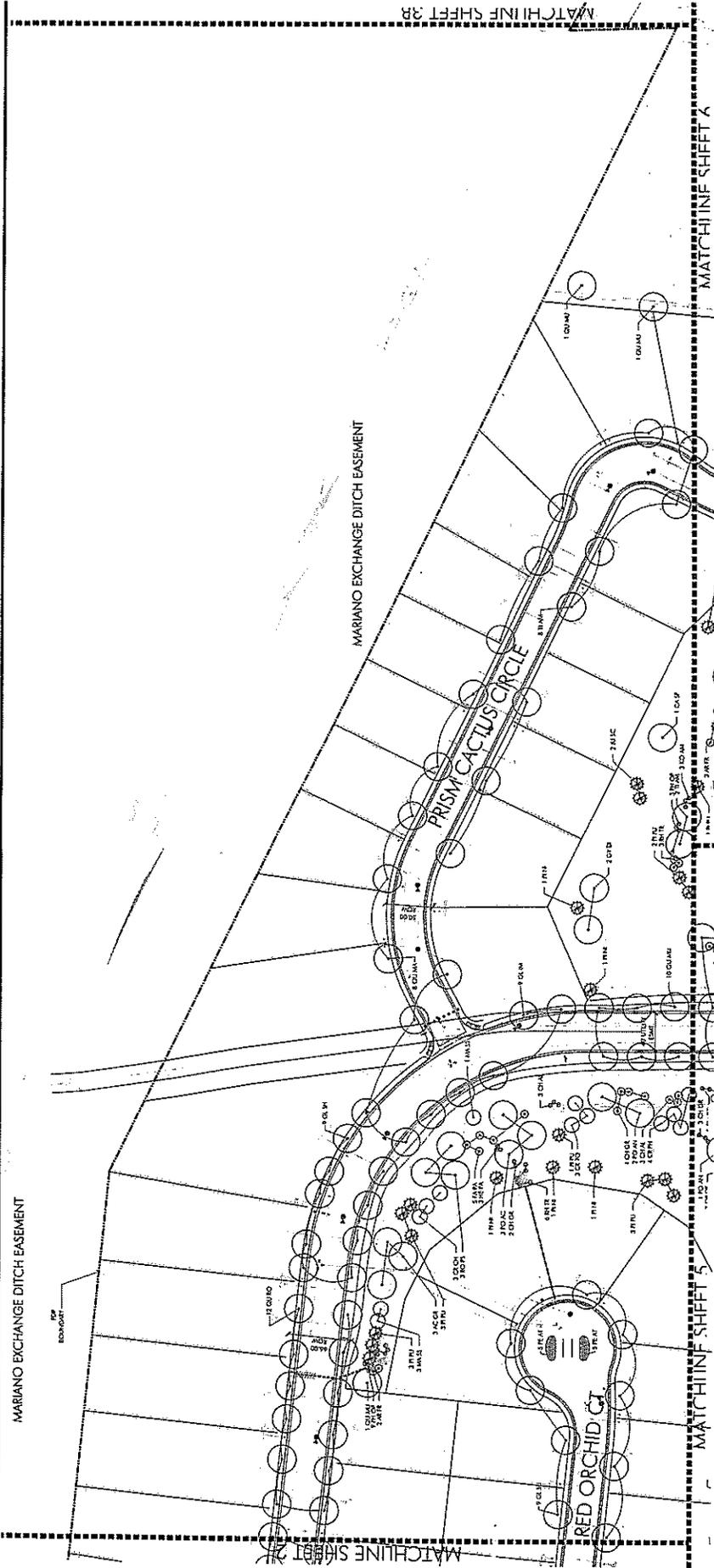
BY DESIGN, INC. 1100 UNIVERSITY

S.H.E.
 A/P/E/R

PC ATTACHMENT 6

SHEET 3A

MARIANO EXCHANGE DITCH EASEMENT



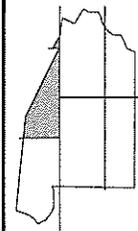
SHEET 3B

MATCHLINE SHEET 3A

MATCHLINE SHEET 5

MATCHLINE SHEET 6

KEY MAP



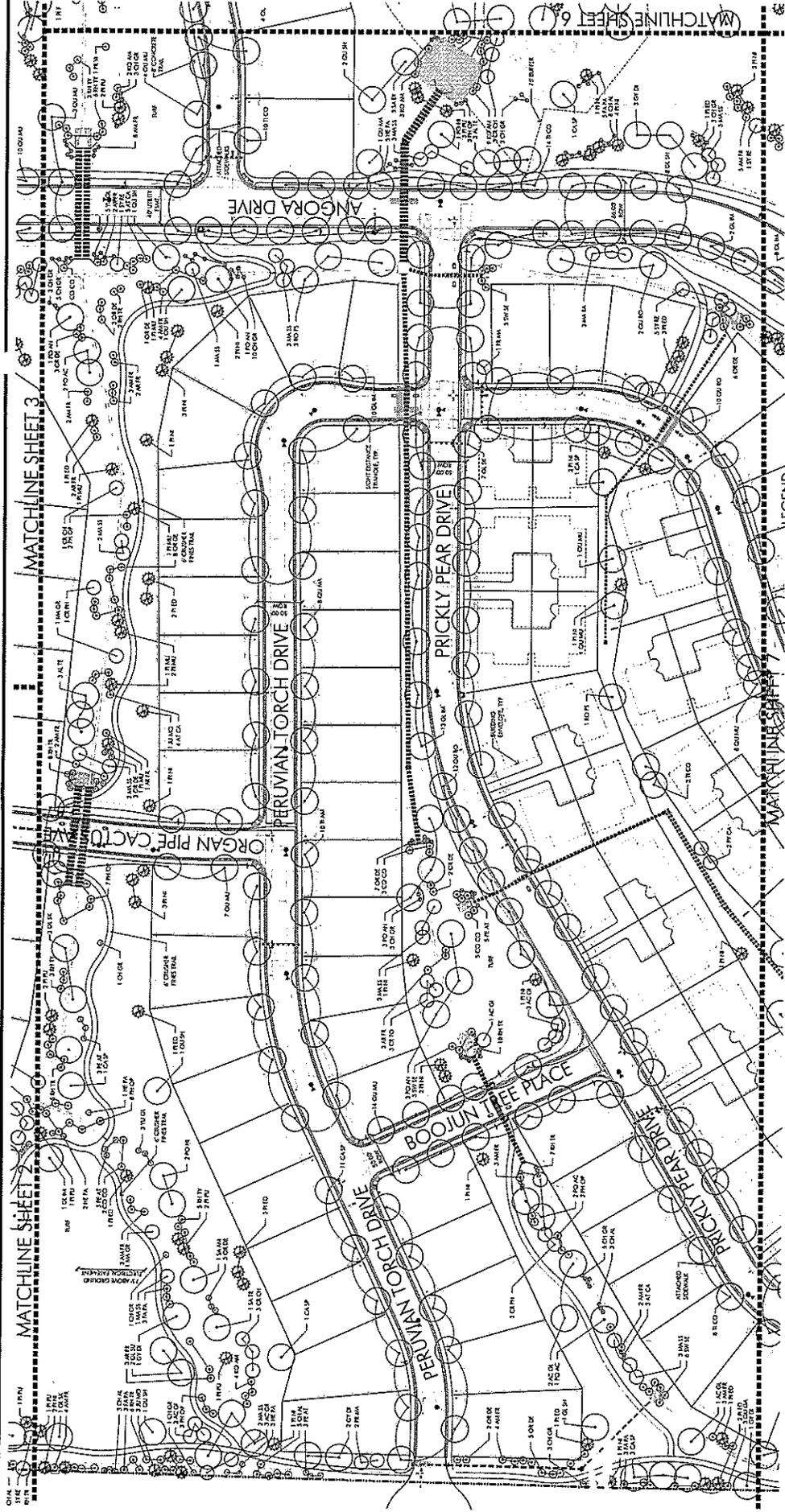
LEGEND

- DECIDUOUS CANOPY TREE
- ORNAMENTAL TREE
- CONIFEROUS TREE
- SHRUB BED
- IRRIGATED TURF
- NATIVE MIX
- TRANSITION SEED
- DRYLAND SEED



SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO
 WWW.DGSDA.COM 1-800-622-2222

SHE
 APR1
 PC ATTACHMENT 6



MATCHLINE SHEET 3

MATCHLINE SHEET 6



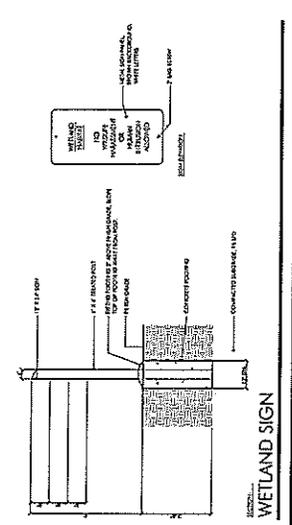
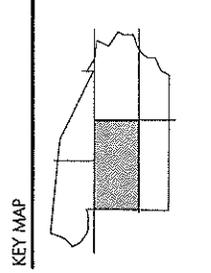
SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO
THE COMPANY, INC. A 100% COMPANY

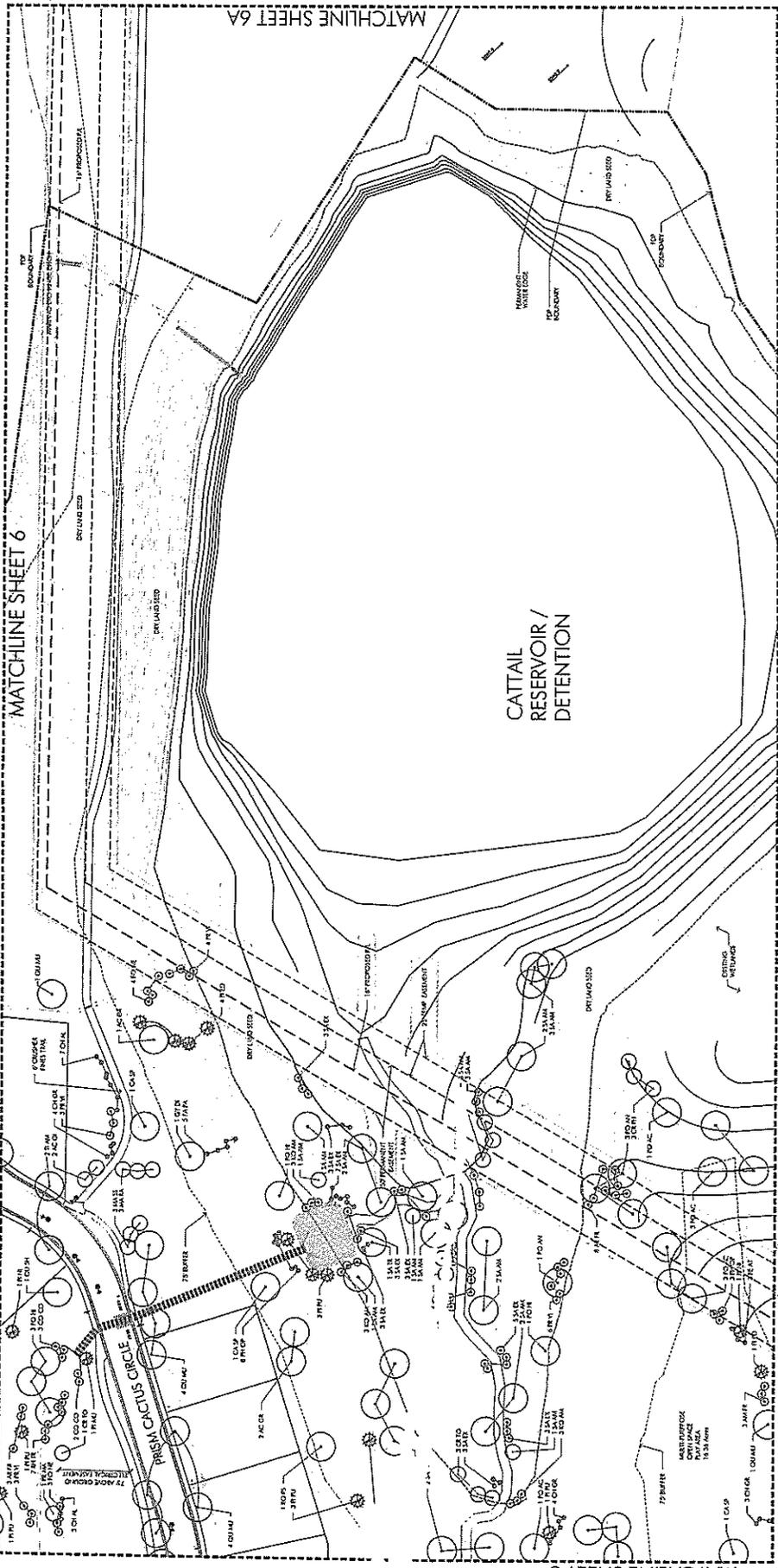
S.H.E. A.P.E. PC ATTACHMENT 6

LEGEND

	DECIDUOUS CANOPY TREE
	ORNAMENTAL TREE
	CONFEROUS TREE
	SHRUB BED
	IRRIGATED TULIP
	NATIVE MIX
	TRANSITION SEED
	DRY LAND SEED

Noted:
 Development other than trees are published within the 75 foot buffer

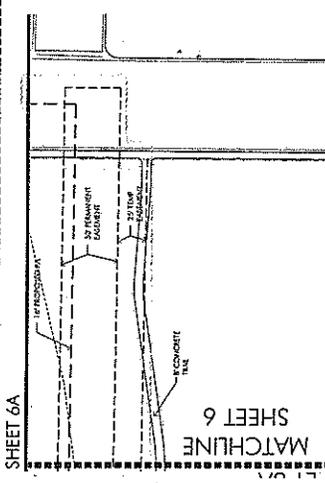
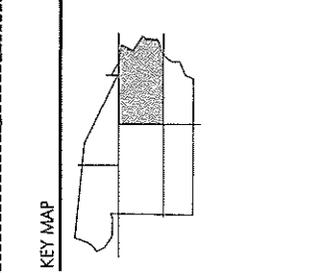
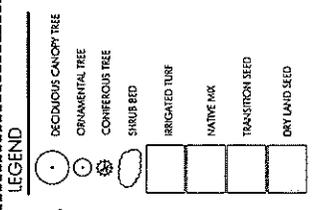




MATCHLINE SHEET 6

MATCHLINE SHEET 6A

CATTAIL
RESERVOIR /
DETENTION

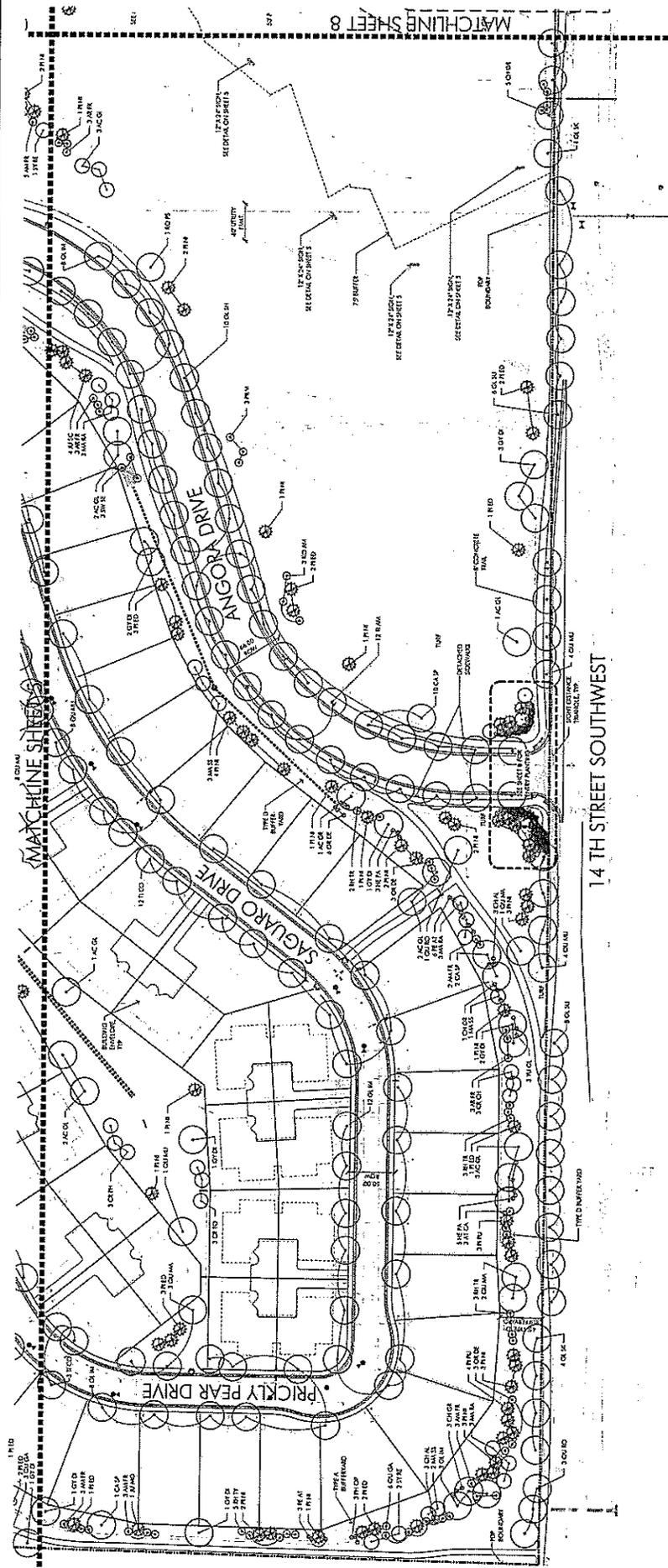


Note:
Development other than trees are prohibited within the 75 foot buffer.

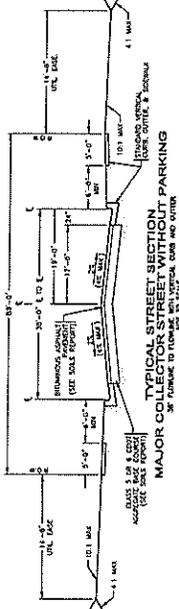
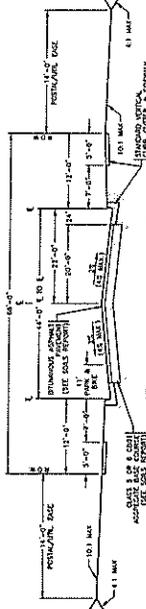
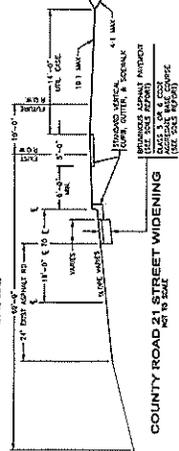
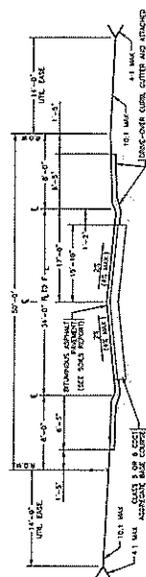
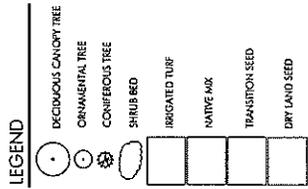
SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO
TVA DESIGN, INC. A 1993 COMPANY



S.H.E.
A.P.R.I.
PC ATTACHMENT 6



Note:
Development other than trees are prohibited within the 75 foot buffer



SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

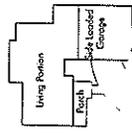
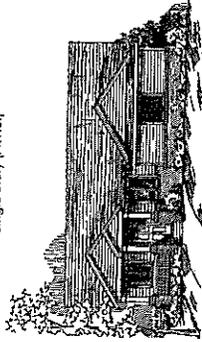
T.M. DESIGN, INC. 11400 DAMBOCK RD

S.H.E.
A.P.R.I.

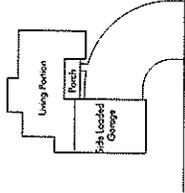
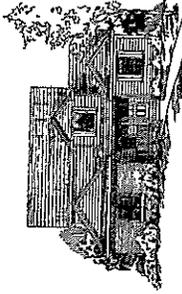
PC ATTACHMENT 6

TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE A (side loaded garage)

Single Story (N.T.S.)

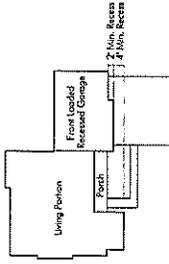
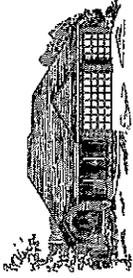


Two Story (N.T.S.)

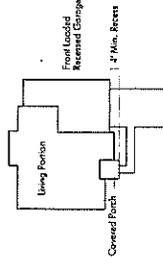
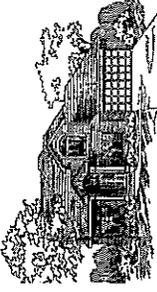


TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE B (recessed garage)

Single Story (N.T.S.)

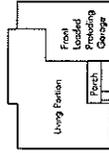
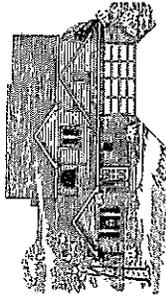


Two Story (N.T.S.)

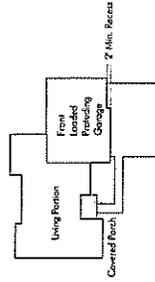
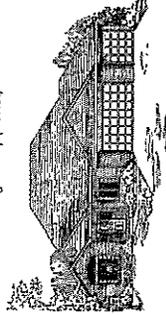


TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE C (protruding garage)

Two Story (N.T.S.)



Single Story (N.T.S.)



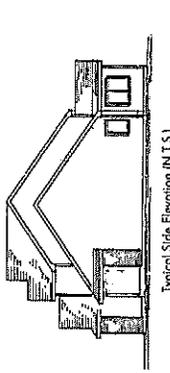
TYPICAL STEEL FENCE

SCALE: 1/16" = 1'-0"

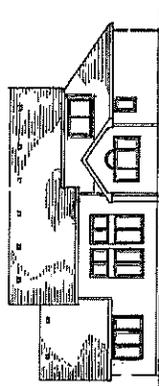


TYPICAL CEDAR FENCE

SCALE: 1/16" = 1'-0"



Typical Side Elevation (N.T.S.)

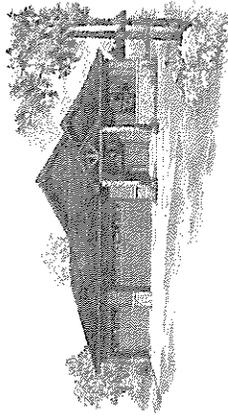
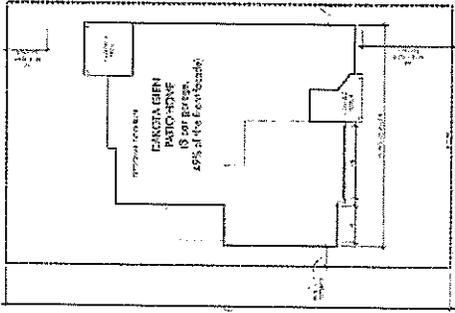


Typical Rear Elevation (N.T.S.)

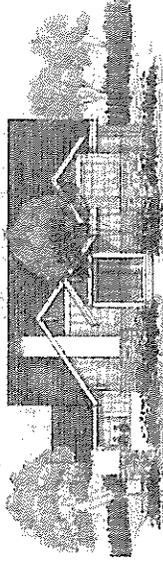
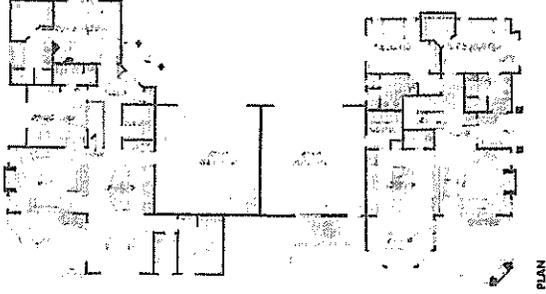
Note: These elevations are conceptual. Some variations will occur with the development of each property.

ARCHITECTURAL ELEVATIONS
DAKOTA GLEN FINAL DEVELOPMENT PLAN
FIRST AMENDMENT
 LOVELAND, COLORADO
BY: STEPHEN, INC. 1100 UNIVERSITY

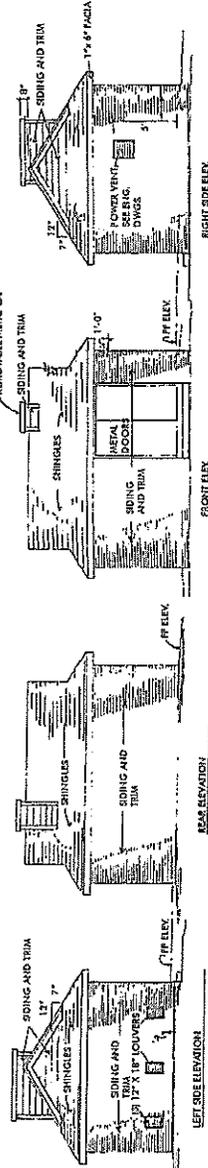
TYPICAL SINGLE FAMILY DETACHED - PATIO HOME



TYPICAL SINGLE FAMILY ATTACHED



TYPICAL PUMPHOUSE



How elevations are presented. Some variations will occur with the development of each property.

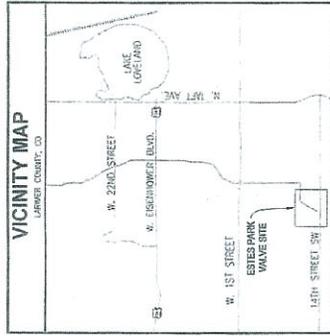
ARCHITECTURAL ELEVATIONS
DAKOTA GLEN FINAL DEVELOPMENT PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO
 HAY DESIGN, INC. • 1100 DAVENPORT

PLANNED UNIT DEVELOPMENT LARIMER 2013 - 16" WEST MAIN NATURAL GAS PIPELINE REPLACEMENT (ESTES PARK REGULATOR STATION & UNDERGROUND PIPELINE IN DAKOTA GLEN PUD) CITY OF LOVELAND FEBRUARY 2013

Zoning	P-48 7. All areas
Site Address	Natural gas pipeline and public utility facility
Site Area	0.00 sq. ft.
Square Footage	1. 0.00 sq. ft. 2. 0.00 sq. ft.
Building Occupancy	Utility
Types of Construction	3. Natural Gas Replacement - 300 sq. ft. 1. Construction Type - Type 2A 2. Fire Sprinkler - None
Parking Spaces	N/A - This is an unimproved utility
Landscaping	N/A - See Note 5 on Sheet 4, regarding cost mit
Open Space	N/A - The Estes Park Regulator Station is a public utility facility. The pipeline will be buried and reinstalled upon completion of construction, and no impacts to open space
FEMA Floodplain	No portion of this site is within a FEMA floodplain

Standard Site Plan Notes:

- Unless otherwise noted all land and utilities will be unchanged or restored to their original condition
- Legal descriptions of all Public Service Company easements are included in the legal description page
- Regulator stations do not yet have an address assigned by the City of Loveland
- Final architectural design of regulator stations will be completed after fiscal year from the City of Loveland
- The construction of fire valves, stations or pipelines in this plan shall be completed in one phase
- There will be no power panning or bicycle racks installed and no severing of vehicles on site
- All items shall be installed in accordance with Public Service Company employees. There will be no permanent refuse collection areas.
- No notes of this nature in this plan or within City Code (CFC) of this project shall be within a 100-year floodplain, as designated by the Army Corps of Engineers, as well as any or is land classified as having severe soil limitations by the Soil Conservation Service
- No notes of this nature in this plan or within the Airport Influence Area
- The city will hold title to the easements of these lines by the Colorado Division of Wildlife, all easements are within the same general area, ranging range. This stipulation will remain in effect to no impact on the projects.



DRAWING INDEX	
SHEET NO.	DRAWING TITLE
A	2001 OVERALL SITE
A	2002 LEGAL DESCRIPTION
A	2003 OVERALL PLAN
A	2004 GRAVING PLAN
A	2005 BUILDING PLAN & DETAILS





Planning Commission Staff Report

June 10, 2013

Agenda #: Regular Agenda - 4
Title: Airpark North Addition, Annexation Amendment (PZ #13-00061)
Applicant: Interstate Land Holdings, LLC
Request: Amend Zoning Ordinance
Location: Between Rockwell Avenue and County Road 30, west of Interstate 25
Existing Zoning: I – Developing Industrial
Proposed Use: Outdoor Vehicle Storage
Staff Planner: Troy Bliss

Staff Recommendation

Subject to additional evidence presented at the public hearing, City staff recommends the following motion:

Recommended Motions:

1. Move to recommend that City Council approve the Applicant's request to amend the Airpark North Addition annexation and zoning ordinances to modify condition Number 25 as set forth in Section IX of this report, as amended on the record.

Summary of Analysis

This is a public hearing to consider a request to amend the Airpark North Addition annexation and zoning ordinances. Airpark North Addition was annexed into the City in January of 1987 by Ordinance 3380 (the "Annexation Ordinance") and zoned as set forth in Ordinance 3381 (the "Zoning Ordinance"). It is a 94.5 acre parcel of land located directly north of the Fort Collins-Loveland Municipal Airport. The Annexation Ordinance and the Zoning Ordinance were approved subject to a number of conditions.

The property owner would like to use a portion (21 acres) of the 94.5 acres for outdoor vehicle storage. This has been presented by the Applicant as an interim use of the property, where because of the nature of use, investment could be kept relatively low based upon infrastructure needs while getting some return on the property. Outdoor vehicle storage is a use permitted by right in the I– Developing Industrial zoning district subject to all applicable City standards. Application for a Site Development Plan is also required. However, one of the conditions imposed by Council on its approval of the Annexation and Zoning Ordinance s(condition #25) requires that prior to any development, an overall master plan be prepared for the property.

The Applicant has requested that this condition not apply to use or a portion of the property for outdoor vehicle storage. It is unknown what the overall use and development of the property will be. The items identified in the condition such as landscaping, streetscape, signage, architectural design, and traffic impacts could not be incorporated into a master plan for the entire property at this time.

I. SUMMARY

In January of 1987, the City annexed a 94.5 acre parcel of land into its municipal boundaries directly north of the Fort Collins-Loveland Municipal Airport known as the Airpark North Addition. The property was zoned DF – Developing Industrial which under today’s zoning correlates to I – Developing Industrial. When the Annexation and Zoning Ordinances were considered on first reading (January 6, 1987), 30 conditions were applied to the property. The Annexation and Zoning ordinances with all the conditions function much like the annexation agreements in more recent years – including specific requirements that need to be satisfied in conjunction with development. Included in **Attachment 2** are the City Council minutes from January 6, 1987 listing all of the conditions of the Annexation and Zoning Ordinances. Although the recorded Annexation and Zoning ordinances (Ordinance #3380 & 3381 respectively), which are included in **Attachment 4**, do not include the conditions listed in the City Council minutes, these minutes clearly set for the conditions and the intent of the City Council. City Council minutes from January 20, 1987 (**Attachment 3**) merely reflect passage of the Ordinances on second reading. Research conducted by the City does not suggest that the intent was to remove these conditions listed in the minutes from January, 6 1987 or indicate any change to the Ordinances adopted on first reading on January 20, 1987.

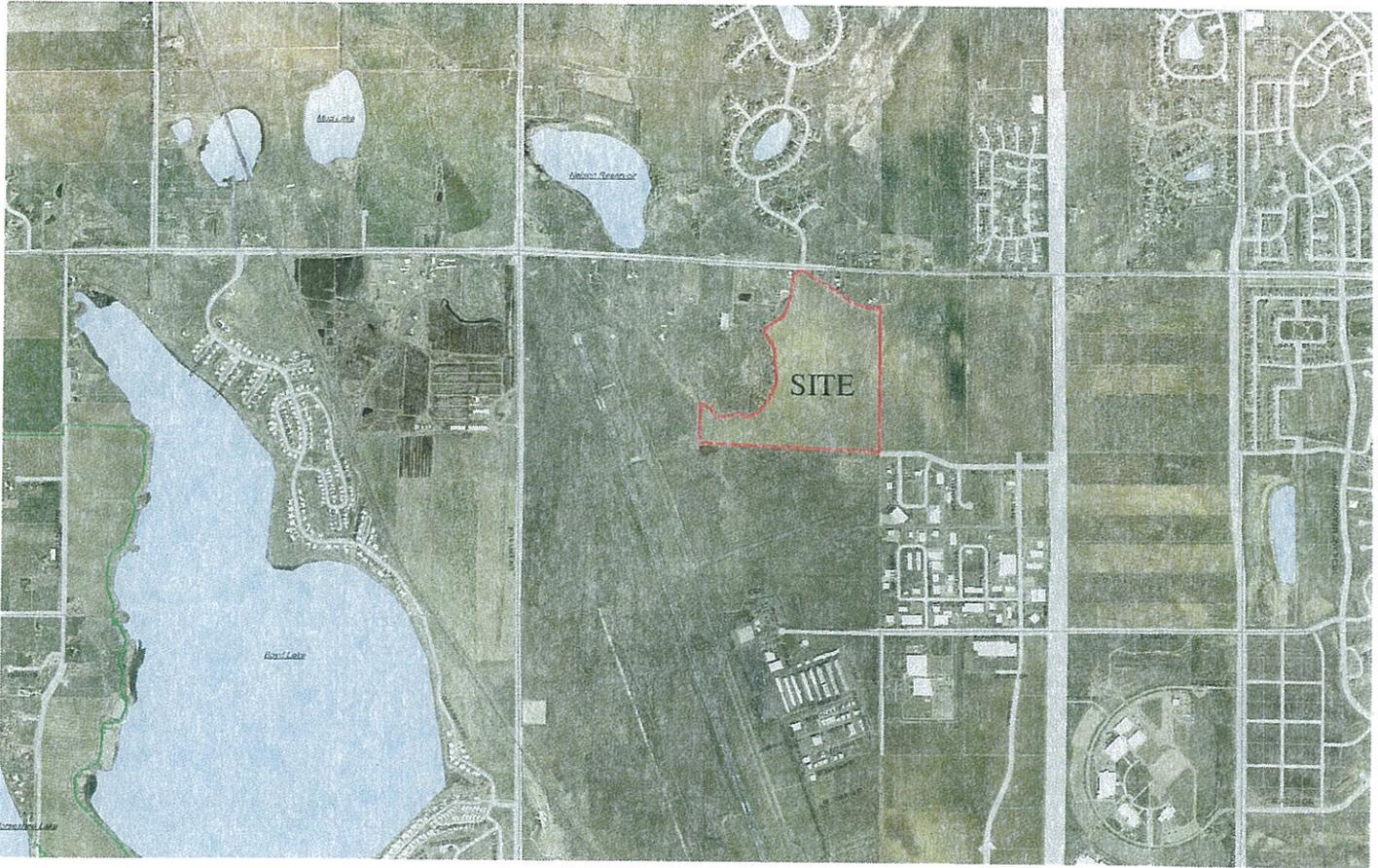
The property owner wants to use a 21-acre portion of the Airpark North Addition in a temporary or interim fashion for outdoor vehicle storage. This is a use that is permitted by right in the I – Developing Industrial zoning district subject to all applicable City standards. These standards include but are not limited to screening the storage area from public view, access/circulation, fencing, and landscape improvements. All of which would be captured through a Site Development Plan application. However, in conjunction with the conditions applied to the Annexation and Zoning ordinances, condition #25 stipulates that prior to development, an overall master plan for the property shall be provided for Planning Commission review that addresses the intent of development, design concepts for landscaping, streetscape, and signage, architectural design, and traffic impacts.

Requiring an overall master plan for an interim use of a portion of the property for outdoor vehicle storage would make that use uneconomical and it is unknown how the property will be developed in its entirety at this point. Consequently, the owner has requested amendment of Condition #25 to the Annexation and Zoning ordinances so that this particular condition would not be applicable to the 21 acre outdoor vehicle storage use. Condition #25 would however continue to apply to the property and an overall master plan would be required with any development of the entire 94.5 acres or a use other than the proposed interim outdoor vehicle storage use. **Attachment 1** includes a justification from the owner’s representative for consideration.

II. ATTACHMENTS

1. Letter of justification for amending the zoning ordinance with outdoor vehicle storage exhibit
2. January 6, 1987 City Council minutes
3. January 20, 1987 City Council minutes
4. Ordinance #3381

III. VICINITY MAP



IV. SITE DATA

ACREAGE OF SITE: APPROXIMATELY 94.5 ACRES (21 ACRES FOR OUTDOOR VEHICLE STORAGE AREA)

PROPERTY ZONING / USE I – DEVELOPING INDUSTRIAL

EXISTING ZONING / USE - NORTH UNINCORPORATED LARIMER COUNTY / RURAL RESIDENTIAL

EXISTING ZONING / USE - SOUTH..... I – DEVELOPING INDUSTRIAL / VACANT UNDEVELOPED AIRPORT PROPERTY

EXISTING ZONING / USE - EAST UNINCORPORATED LARIMER COUNTY / VACANT UNDEVELOPED PROPERTY

EXISTING ZONING / USE - WEST UNINCORPORATED LARIMER COUNTY / RURAL RESIDENTIAL

V. KEY ISSUES

There are no key issues regarding this request to amend the Airpark North Addition Annexation and Zoning ordinances. All City Divisions including the Fort Collins-Loveland Municipal Airport have no objections. Should this request to amend the Annexation and Zoning ordinances be approved, a subsequent Site Development Plan application will assure that the proposed outdoor vehicle storage use will comply with all applicable standards.

VI. BACKGROUND

The subject property was annexed in 1987 as the Airpark North Addition zoned I – Developing Industrial. It is designated as Tract B which contains approximately 94.5 acres directly north of the Fort Collins-Loveland Municipal Airport. This general area of the City represents the northeastern most part of our Growth Management Area (GMA) as identified on the Comprehensive Master Plan. It is also located within the Airport Influence Zone. Specific requirements for building design and height apply to properties that fall within this area. The Fort Collins-Loveland Municipal Airport has indicated that because the proposed outdoor storage use does not include any buildings to be constructed and that with such a use does not constitute a high concentration of people, they have no concerns with the proposal.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** An affidavit was received from David Kasprzak, on behalf of the applicant, certifying that written notice was mailed to all property owners within a 1,200 foot radius and notices were posted in a prominent location on the perimeter on May 24, 2013. In addition, a notice was published in the Reporter Herald on May 25, 2013.
- B. **Neighborhood Response:** A neighborhood meeting is not required in conjunction with an application to amend a zoning ordinance. Staff has received one phone call from a surrounding property owner wishing to obtain additional information.

VIII. FINDINGS AND ANALYSIS

The Loveland Municipal Code and the Colorado Revised Statutes specify findings or criteria pertaining to annexation and zoning. However, there are no specific findings or analysis to consider when amending an ordinance tied to zoning of the annexation. Planning Commission is being asked to evaluate the information provided and arrive at recommendation to present to City Council.

IX. RECOMMENDED CONDITIONS

City Staff recommends the following condition in lieu of Condition #25:

25. Outdoor vehicle storage use on a 21-acre portion of the Airpark North Addition shall be permitted as an interim use of a portion of the property without an overall master plan as required in accordance with the following provisions.
- a. Notwithstanding the interim use of a 21-acre portion of the property for outdoor vehicle storage without requiring an overall master plan for the property, an overall master plan for the property shall be furnished by the property owner for review by the Planning Commission upon the earlier of the following dates: (i) that date which is twenty (20) years from the date on which City Council approves an ordinance on second reading amending the Airpark North Addition Annexation and Zoning Ordinances to permit outdoor vehicle storage on a 21 acre portion of the property without a master plan; or (ii) prior to development of all or any portion of the property for any purpose or use other than the interim use of a 21 acre portion of the property for outdoor vehicle storage (subject to all applicable City standards).
 - b. If at such time as the master plan becomes due under subparagraph a. above, the property owner desires to continue the outdoor vehicle storage use without providing an overall

master plan for the property, an application to further amend the Annexation and Zoning Ordinances will be required.

- c. When required in accordance with the foregoing provisions, an overall master plan for the property shall be submitted for review by Planning Commission and shall address (i) the intent behind the development and plans for the property; (ii) the concept of the landscaping, streetscape and signage; (iii) the architectural character of the buildings and the means of control (i.e., covenants); and (iv) a traffic impact study.



April 11, 2013

Greg George
Development Services Director
500 East Third Street, Suite 210
Loveland, CO 80537

RE: Request to Amend Ordinance for the Zoning of Airpark North Addition

Background

Airpark North Addition is a 93-acre parcel that was annexed into the City of Loveland in January, 1987. It is located generally south of Larimer County Road 30, north of the Loveland-Fort Collins Airport property – north of the extension of Rockwell Ave. There are vacant parcels bordering the property on the east and west sides that have not been annexed, and remain in Larimer County at this time. When the property was annexed, it was zoned “DF-Developing Industrial”. The parcel has remained undeveloped to date.

The Ordinance to zone Airpark North Addition Includes a list of 30 conditions. Condition 25, is stated as follows:

“25. Prior to development an overall master plan shall be furnished for review by the Planning Commission that addresses the following:

- a. The intent behind the development plans for this addition,*
- b. The concept of the landscaping, streetscape and signage,*
- c. The architectural character of the buildings and the means of control, i.e., covenants,*
- d. A traffic impact study.”*

We believe the intent of that language was to make sure no permanent buildings or significant infrastructure will be construction without a master plan. That is clearly necessary and appropriate. However, a limited use of the property that does not include major permanent improvements should not trigger the requirement for a master plan.

Long Term Objective

The property has been identified by the city as a key component in the future development of the airport because of the potential for a through the fence relationship. Mr. Curt Burgener, the owner of the property, is not a developer. He is a Loveland resident who lives just west of the airport and is eager to help the city meet its long term vision for the future of the airport. This will require coordination between the airport, the city and adjacent private landowners. He is currently participating in the community outreach effort being facilitated by the city and the NCEDC.

The timing and manner in which his property can best be used to help the long term vision is not yet clear. Mr. Burgener is willing to be patient as more information unfolds over the months and

years ahead. However, it is necessary for him to realize some income from the property while a coordinated public-private plan is developed.

Request

With this letter, the owner of the property, Mr. Curt Bergener, requests that the Zoning Ordinance for this property be amended to allow for outside storage without the requirement for a Master Plan, as described in condition 25. This request would be limited to a 21-acre portion of the lot, located generally in the south east corner of the lot, which would use Rockwell Drive as a primary access point, and as depicted on Exhibit A attached. The outside storage use would include vehicles, R.V.'s, boats, semi-trucks, various trailers and construction and other materials consistent with Industrial Uses. A short extension of Rockwell Drive and a short extension of a water line for a fire hydrant are the only public improvements needed.

The proposed outside storage use would continue until there are plans for permanent development of the property; at which time a master plan would be required. It is requested that the requirement for a Master Plan would be required under the following conditions:

1. The owner of the 93 acres requests a building permit for a structure with a permanent foundation anywhere on the property.
2. The owner/developer submits an application for use of any of the property outside the 21 acres identified for storage.

It is understood that if the ordinance amendment is approved, the Owner would proceed through a formal Site Plan Review application prior to storage of any materials on the site.

Thank you for your consideration of this request.

Sincerely,

Deanne Frederickson
Project Planner

CC Curt Burgener
Robert Hau
Rich Shannon

Attachments:

1. Site Development Plan Application
2. Vicinity Map
3. Exhibit A: Outside Storage Use area
4. Council Meeting Minutes dated January 6, 1987

City Council Meeting
January 6, 1987

Page, 18

Ord. 1st Rdg: Zone Airpark
North Addn.

13c. "AN ORDINANCE AMENDING SECTION 16.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR 'AIRPARK NORTH ADDITION' TO THE CITY OF LOVELAND, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on first reading. The proposed zoning to be DF - Developing Industrial.

The preceding matters relating to Airpark North Addition were approved subject to the following conditions.

1. Developer to pay capital expansion fees as per the capital expansion fee Ordinance No. 3045, Chapter 16.33 of the Loveland Municipal code.
2. The developer agrees to participate in providing drainage plans and improvements as required by the City for the area.
3. Elevation of foundations and the lot grades shall be designed to provide for adequate surface water removal.
4. Any existing utilities that must be redesigned, rearranged, relocated, upgraded or extended will be done at the developer's expense unless otherwise agreed upon by the utility in question.
5. No building permits may be issued until all public improvements have been completed and approved by the City of Loveland, or a satisfactory guarantee has been made to the City of Loveland for all incomplete public improvements as per the Municipal Code 16.40.
6. Any irrigation ditches that are modified require the permission of the ditch owner.
7. All buildings must be constructed in compliance with the current Uniform Building code requirements.
8. The applicant is officially placed on notice that any building permit application relating to this development will be subject to all applicable City fees unless expressly waived by City Council.
9. Zoning recommended: DF - Developing Industrial.
10. Legal description does not include Tract A within the area.
11. Code 16.20.030 - Character type and position of survey monuments along all points of the boundary should be indicated on plat. All distances and bearings to the nearest hundredth and second.

12. Code 16.24.030 - Show hatched boundary.

13. Add the following note to the plat: "Louden Ditch right-of-way or easement to be defined prior to development."

14. Code 16.24.100 - Show relationship to adjacent area including Barnstorm Second Addition. Dimensions as per Barnstorm Second Addition do not match the south and west properties lines of this annexation.

15. Code 16.24.180 - Signature of owner and notaries to appear on map.

16. Code 16.24.070 - Surveyors's certificate, signature and notary seal should appear on map.

17. Code 16.24.160(K) - The information required by Subsections "a" through "e", "h" and "i" can be furnished at a later date provided that the following note is placed on the final map: "Public improvements shall be designed and submitted to the City and approved prior to development of this subdivision."

18. County Road X0 ultimate right-of-way is 100 feet; therefore 50 feet right-of-way should be shown on the map at this time. Also, the existing right-of-way north of the Section line should also be contained within this annexation. Further, a note shall be added to the plat as follows: "The City of Loveland reserves the right to require street rights-of-way within this addition consistent with City of Loveland policies at any time prior to or at the time of development of this parcel."

All anticipated road rights-of-way will be required to be provided as a result of the East Loveland Transportation District Study. Rights-of-way as per this study will be required to be granted at a time deemed necessary by the City Engineer. Any costs associated with the granting of this right-of-way will be the developer's responsibility.

19. Each filing for development shall submit estimates of the number of trips to be generated by the use. On a development specific basis, the City Traffic Engineer will evaluate the use and estimated trips against the assumptions and findings of the East Loveland Transportation Study. Based upon review of the City Traffic Engineer, a substantial deviation from the plan can require a detailed Traffic Impact Study to determine the extent of necessary modifications to the Transportation Master Plan.

20. Any roads to be constructed within this addition to be public must be reviewed and approved by the City Engineer prior to their installation. The roadways must meet City Codes and Standards.
21. Add note on plat: "No development to occur until public improvement plans have been approved by the City Engineer." Construction plans for streets to be built must include plan and profile and meet all geometric standards of the City of Loveland.
22. Mineral extraction report required prior to annexation.
23. Petitioners shall be given credit in the amount of the reasonable cost of requested public improvements paid by them, whether directly through a metropolitan district, special district or other means, for that portion of such improvements which would ordinarily be paid out of the City of Loveland's Capital Expansion fees.
24. Due to the proximity of this site to the Airport, all development is to meet applicable (FAA) criteria.
25. Prior to development an overall master plan shall be furnished for review by the Planning Commission that addresses the following:
 - a. The intent behind the development plans for this addition.
 - b. The concept of the landscaping, streetscape and signage.
 - c. The architectural character of the buildings and the means of control, i.e., covenants.
 - d. A traffic impact study.
26. The current agricultural use of the property is considered a legal nonconforming use and will be allowed to continue in accordance with the provisions of Chapter 18.56 of the Loveland Municipal code.
27. Water rights are required pursuant to Section 16.36.030 of the Loveland Municipal code for all zoning districts except DR - Developing Resource district. Payments of cash-in-lieu of transferring water rights to the City for zoning approval may be deferred if the following conditions are met:
 - a. Zoning approval must be obtained by January 31, 1987.
 - b. Deferral applies only to lands to be zoned commercial end/or industrial.
 - c. The property must be "dry land"; land that historically has never been irrigated, as determined by the Water Department and City Attorney.

d. At the time of "final approval for development" as defined in the Loveland Municipal Code, or prior to the issuance of the first building permit, whichever sooner occurs, the then current water rights requirement normally imposed at the time of DE or DF, and at the time of water tap application, must be met, except that areas actually served by another water utility shall not be required to meet the raw water requirements of the City.

e. A note will be placed on the annexation map showing that the water rights requirement may not have been met in conjunction with this annexation or zoning.

28. Sketch plan, preliminary drainage report, final drainage report, and erosion control plan must be provided as per City of Loveland Storm Drainage Criteria Manual prior to development.

29. Water and sewer services will be based upon agreements between the City and the various service districts. Provided that in the event the City of Loveland acquires water and sewer service provision, the property owners will not incur any costs associated with the City's acquisition of this service. Further, any City fees associated with water and sewer taps, will be charged only on those taps purchased after the City's acquisition of such service. No additional fees will be imposed on taps within the area of this annexation.

30. Statement indicating utility easement to be dedicated at time of final plan.

Ord. 1st Rdg: Water
Surcharge Fee

14. "AN ORDINANCE AMENDING SECTION 13.04.245 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO EXCESS USE SURCHARGE FOR WATER, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on first reading. The purpose of the change in this ordinance is to simplify the billing of the water surcharge fee. Currently, the year-end and year-beginning annual water usage is prorated using January 1st as the cutoff date. The proposed change would calculate the water surcharge based on the annual billed usage, eliminating the need for a proration and explanations of the prorate process to customers.

Public Hrg. & Ord. 1st Rdg:
Subsidized Single-Parent
Household

15. "AN ORDINANCE AMENDING CHAPTER 18.04 OF THE LOVELAND MUNICIPAL CODE, THE SAME DEFINING SUBSIDIZED SINGLE-PARENT HOUSEHOLD, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on first reading. The purpose of this ordinance is to clarify when it is appropriate to apply reduced parking standards for use-by-right developments that house low income, single-parent families.

City Council Meeting
January 20, 1987

Page, 15

"AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS 'LONGVIEW MIDWAY FOURTH ADDITION' TO THE CITY OF LOVELAND, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on second reading.

Ord. #3379: Zone Longview
Midway Fourth Addn.

1c. "AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR 'LONGVIEW MIDWAY FOURTH ADDITION' TO THE CITY OF LOVELAND, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on second reading. Zoning to be DR - Developing Resources.

Ord. #3380: Annex Airpark
North Addition

2a. "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS 'AIRPARK NORTH ADDITION' TO THE CITY OF LOVELAND, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on second reading.

There is a need for a drainage easement across the northeast portion of the property. The easement is needed to convey storm water from a detention pond on the airport property across the Loudon Ditch. Because of previous agreements with Triad Development Corporation the acquisition of this easement is felt to be a private matter and the City will not require this easement as a condition of annexation but will work with the parties involved to facilitate negotiations.

Public Hrg. & Ord. #3381:
Zone Airpark North Addition

2b. "AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR 'AIRPARK NORTH ADDITION' TO THE CITY OF LOVELAND, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on second reading. The zoning to be DF - Developing Industrial.

Ord. #3382: Water Surcharge
Fee

3. "AN ORDINANCE AMENDING SECTION 13.04.245 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO EXCESS USE SURCHARGE FOR WATER, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on second reading. The change in this ordinance is to simplify the billing of the water surcharge fee.

Ord. #3383: Subsidized
Single-Parent Household

4. "AN ORDINANCE AMENDING CHAPTER 18.04 OF THE LOVELAND MUNICIPAL CODE, THE SAME DEFINING SUBSIDIZED SINGLE-PARENT HOUSEHOLD, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on second reading. This ordinance will clarify when it is appropriate to apply reduced parking standards for use-by house low income, single-parent families.

FIRST READING January 6, 1987

SECOND READING January 20, 1987

ORDINANCE NO. 3381

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "AIRPARK NORTH ADDITION" TO THE CITY OF LOVELAND, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That the territory recently annexed to the City of Loveland and known as "Airpark North Addition" to the City of Loveland, Colorado, shall be included within the boundaries of the district designated as follows:

DF - Developing Industrial; All of Airpark North Addition to the City of Loveland, Larimer County, Colorado.

Section 2. That the City Council finds and determines that matters relating to zoning of "Airpark North Addition" constitute an emergency and are necessary for the orderly development of said addition; and, whereas in the opinion of the City Council an emergency exists requiring the immediate passage of this ordinance for the preservation of the public health, safety and welfare, this ordinance shall become effective upon its passage, adoption and signature of the mayor.

Signed this 20th day of January, 1987.



W. B. Ruedt
Mayor

Victoria Sherman
City Clerk

Victoria Sherman, City Clerk of the City of Loveland Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on Jan 6, 1987 and was initially published in the Loveland Daily Reporter Herald, a newspaper published within the city limits in full on Jan 10, 1987, and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on Jan 24, 1987.

APPROVED AS TO FORM
BY: [Signature]
FOR THE CITY ATTORNEY

EFFECTIVE
DATE Jan 20, 1987



Planning Commission Staff Report

June 10, 2013

Agenda #: Regular Agenda- 5
Title: Gateway PUD Ninth Amendment
Applicant: Kim Perry, McWhinney Real Estate Services
Request: **General Development Plan Amendment**
Location: North of Eisenhower Blvd, South of Equalizer Lake, East of the Factory Outlet Mall and West of Hahn's Peak Dr.
Existing Zoning: Planned Unit Development
Staff Planner: Noreen Smyth, Senior Planner

Staff Recommendation:
APPROVAL of the GDP Amendment

Recommended Motion:

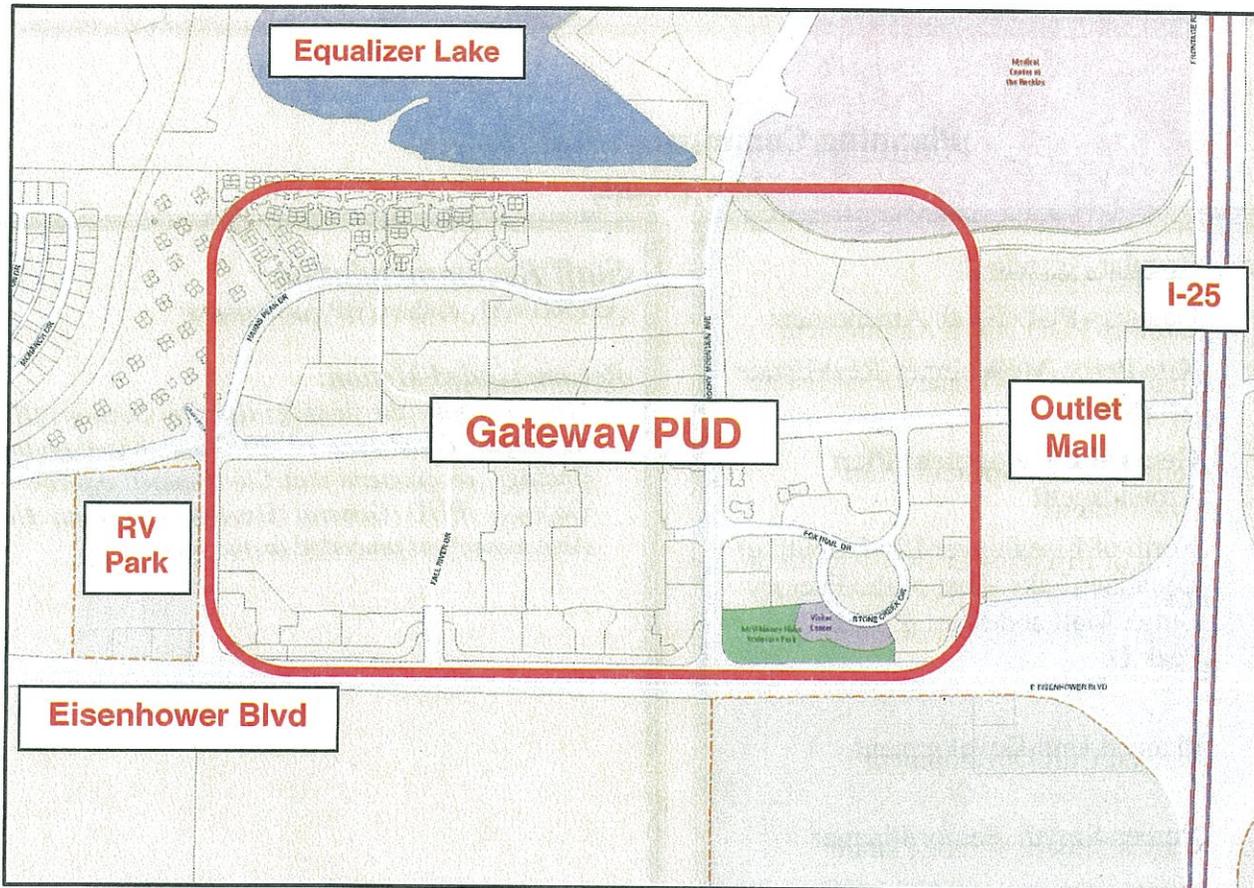
Move to make the findings listed in Section VIII of this report dated June 10, 2013 and, based on those findings, recommend that City Council approve the Gateway PUD General Development Plan Ninth Amendment, as amended on the record.

Summary of Analysis

This is a public hearing to consider an amendment to the General Development Plan of the Gateway Planned Unit Development. The PUD was approved as a mixed use development consisting of multifamily residential, commercial, office, light industrial, and other uses. The amendment seeks to modify the maximum multifamily residential density on one of the Gateway parcels along with the overall maximum number of multifamily residential units in the PUD. The amendment would allow for the future submittal of an application to construct a multifamily development targeted at seniors at a density not currently allowed by the Gateway PUD.

Staff believes that all key issues have been resolved based on City Code and standards. The neighborhood has indicated concerns with the traffic impact of additional residential development in this area.

I. VICINITY MAP



II. ATTACHMENTS

1. General Development Plan Amendment-Sheets 1 & 3
2. Applicant's Narrative
3. Traffic Analysis

III. SUMMARY

This proposal is a General Development Plan (GDP) Amendment for the Gateway Planned Unit Development (PUD). The Gateway PUD is located:

- North of Eisenhower Boulevard/US 34,
- South of Equalizer Lake and the Medical Center of the Rockies,
- East of Hahn's Peak Drive and the Loveland RV Resort, and
- West of the Outlets of Loveland Mall and I-25.

The Gateway PUD is a 1994 McWhinney development, and the undeveloped parcels within Gateway

remain under the control of McWhinney, who is the current applicant. It is adjacent to, but separate from, the Millennium PUD, another McWhinney development. The 192-acre Gateway PUD includes a large shopping center (Marketplace) on the north side of Eisenhower Boulevard that includes many sizeable retail stores including Target and a number of restaurant outlots. Also within the Gateway development, to the north and east the Marketplace shopping center, are a variety of uses including office buildings, multifamily residential, and the City of Loveland Visitor's Center.

The current GDP Amendment application is a proposal to increase the maximum number of multifamily units, along with a corresponding increase in the maximum multifamily residential density, to allow construction of an age-targeted multifamily development aimed at independent seniors. Because of the number of units sought (approximately 138) for the proposed building, an amendment to the development standards established in the GDP is necessary before development applications (site development plan and building permit) can be submitted to City staff for review. The details of the request are described in the table below.

A neighborhood meeting was held on May 9, 2013. As summarized in Section VII of this report, both the GDP amendment and proposed senior-targeted residential development were described to attendees of the meeting. A number of questions about details of the proposed residential development were asked, including the appropriateness of the amount of parking, building height, and building setback. Concerns were voiced regarding the potential impact on area roads and traffic that may result from the development of a residential building. With the submittal of the traffic analysis, staff has evaluated the neighborhood concerns and believes that the proposed increase in the maximum number of residential units and the corresponding increase in maximum density for Parcel A-1 will not negatively impact area roads over the uses that could currently be built on the property by right. A residential development targeted at seniors will slightly decrease the traffic counts anticipated by the original Gateway traffic impact analysis.

General Development Plan Amendment

The applicant is requesting to amend the General Development Plan to increase the overall maximum number of dwelling units in the Gateway GDP from 500 to 586 and to increase the multifamily residential density on Parcel A-1 from 16 DU/acre to 22 DU/acre. The residential density would remain at 16 du/acre for the rest of Gateway. The following table compares the current GDP with the changes requested with the amendment:

GDP Amendment Comparison

	Existing GDP	Proposed GDP Amendment
Density	16 DU/ acre	22 DU/acre for Parcel A-1, 16 DU/acre for all other parcels and for the overall PUD
Maximum Units	500	583 (a 17% increase)
Clarification	Limited detail in Table 2 on Sheet 5, formatting inconsistencies	Increased detail in Table 2 on Sheet 5, formatting improvements

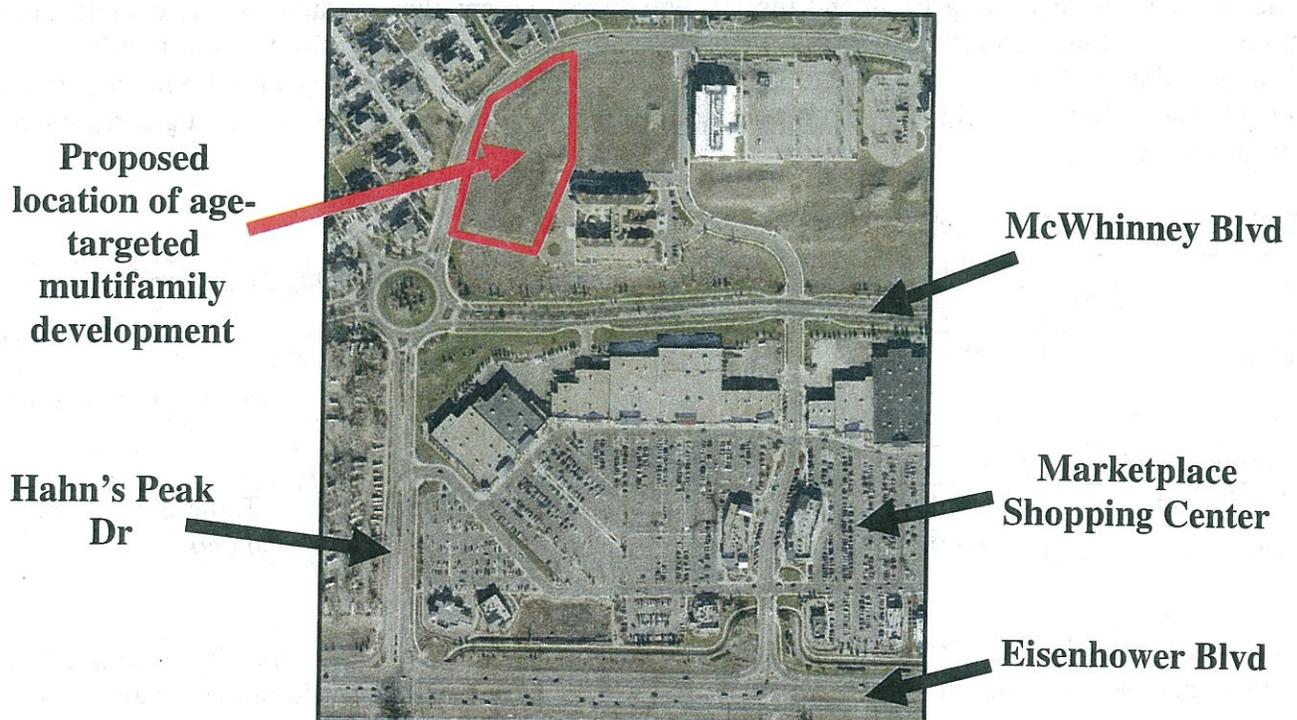
The General Development Plan is five sheets in length, but the requested amendment concerning the number and density of multifamily residential units affects only two sheets within the document, Sheets 1

and 3. The amendment to the allowable density is reflected in a change to Table 1 on Sheet 1, while the amendment to the overall maximum number of dwelling units is reflected in a change to Table 2 on Sheet 3. While these two changes to the tables constitute the substance of the requested amendment, additional changes to the GDP document included with the amendment are as follows:

- Text on Sheet 1 has been changed to correspond with the change in density reflected in the table on that sheet.
- The text on Sheet 1, the table on Sheet 3, and the map on Sheet 3 have been updated to reflect the earlier removal (rezoning) of a portion of Gateway that had not been reflected in the Gateway GDP at the time of its removal.
- Details related to Gateway developments that have been constructed since the original GDP approval, along with the proposed age-targeted multifamily development, have been added to the table on Sheet 3 for informational purposes.
- Formatting of the tables on both sheets has been improved.
- The current amendment request has been added to the table of amendments on Sheet 1.

Age-Targeted Multifamily Housing Development

The applicant has been working closely with Asante Corporation, a developer and property manager specializing in senior housing, concerning construction of an approximate 138-unit rental multifamily residential building targeted at independent living seniors. The development would locate on vacant land on Parcel A-1. However, the multifamily building itself is not before the Planning Commission for consideration at the June 10 public hearing. The GDP amendment request under consideration at this time would change certain development standards within Gateway that would allow for the submittal of a development application for a multifamily project of the size proposed by Asante. If the amendment is approved and Asante proceeds with a development application, that application would not undergo review by the Planning Commission, as only staff review would be necessary.



Asante has stated that they would pursue an “age targeted” rather than an “age restricted” development because the terms of their financing prevent including age restrictions (age discrimination) in the development. The company’s product is such that features within the units and within the common areas, along with on-site programmed activities, would appeal specifically to seniors. The building itself would be designed and managed in the same manner as age restricted senior housing, and according to the developer, would be unlikely to appeal to anyone under “senior” age except for occasional cases of married couples in which one spouse is under that age.

While Asante has met with staff for a concept review meeting for the proposed building and has expressed strong intent on pursuing their development if the GDP amendment is approved, it should be noted that the amendment request would allow any developer to pursue a multifamily development on Parcel A-1 at the density and number of units allowed by the amendment. It should also be noted that Gateway is already almost at build-out. The multifamily housing development proposed for Parcel A-1 may be the last significant residential project in the PUD, and this request for a raising of the residential density cap is likely the last such amendment request within Gateway.

IV. KEY ISSUES

City staff believes that all key issues have been addressed in the amendment proposal. As described above, the request before the Planning Commission at this time concerns only the amendment to the GDP to allow an increase in the maximum number of multifamily residential units in Gateway from 500 to 586 (a 17% increase) and an increase in the maximum density on Parcel A-1 from 16 DU/acre to 22 DU/acre, while keeping the overall maximum residential density in Gateway at 16 DU/acre.

V. SITE DATA

GENERAL DEVELOPMENT PLAN AMENDMENT

ACREAGE OF GDP-GROSS/NET	192 AC / 179 AC
MASTER PLAN DESIGNATION.....	RAC - REGIONAL ACTIVITY CENTER
EXISTING ZONING.....	GATEWAY PUD
EXISTING USE	MIXED USE MULTIFAMILY RESIDENTIAL, COMMERCIAL, LIGHT INDUSTRIAL, INSTITUTIONAL, PARK & VACANT
OPEN SPACE.....	MINIMUM 20-25% OF EACH OF THE 9 GATEWAY PARCELS
NUMBER OF DWELLING UNITS APPROVED	500 MAXIMUM ALLOWED/448 DEVELOPED
NUMBER OF DWELLING UNITS PROPOSED.....	586 MAXIMUM PROPOSED
GROSS DENSITY (DU/A) APPROVED	16 DU/AC
GROSS DENSITY (DU/A) PROPOSED	16 DU/AC, 22 DU/AC ON PARCEL A-1
EXIST ADJ ZONING & USE - NORTH	MILLENNIUM PUD – MEDICAL CENTER AND EQUALIZER LAKE
EXIST ADJ ZONING & USE - SOUTH.....	MILLENNIUM PUD & UNINCORPORATED - AGRICULTURE
EXIST ADJ ZONING & USE - WEST	ROCKY MOUNTAIN VILLAGE PUD & UNINCORPORATED – RESIDENTIAL & RV PARK

VI. BACKGROUND

The following represents a timeline for the background of the development:

- May 1994 City Council approval of the Gateway PUD. The PUD established zoning for a maximum of 500 multifamily residential units, a maximum residential density of 16 units per acre, and a maximum FAR between 0.18 and 0.72 for nonresidential uses including retail, office, research & development, light industrial, warehouse/storage, hotel/motel, and institutional (assisted/nursing) senior living. The PUD was divided into three use categories (A, B and C), with the allowable uses specified for each. The ten parcels within the original PUD were each assigned one of the use categories, and each parcel was given a maximum number of dwelling units and/or floor area ratio, as appropriate to the allowable uses. The GDP created development standards designed for each permitted use type. Six separate plats of subdivision within the Gateway PUD were subsequently submitted and approved.
- Feb 1995-Jan 2006 Eight amendments to the GDP were pursued addressing a variety of matters including landscaping, signage, transportation design, FAR, setback standards, and the removal and addition of certain lands to the Gateway GDP. Part of Parcel B-1 was rezoned to Millennium GDP during this period, although it was pursued through the approval of the Millennium GDP rather than through an amendment to the Gateway GDP.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** An affidavit was received from the applicant certifying that written notice was mailed to all property owners within 1,000 feet of the property on April 23, 2013 and notices were posted in prominent locations on the perimeter of the site at least 15 days prior to the date of the neighborhood meeting. The mailed and posted notice referenced the date of the neighborhood meeting and the Planning Commission public hearing, along with the anticipated City Council hearing date. In addition, a notice of the public hearing was published in the Reporter Herald on May 25, 2013.
- B. **Neighborhood Response:** A neighborhood meeting was held at 6:00 p.m. on May 9, 2013 near Gateway in the McWhinney offices at 2725 Rocky Mountain Avenue. The meeting was attended by nine neighbors along with City staff, the applicant, and a representative from Asante, the senior housing developer that has been in discussion with the applicant concerning a proposed development. At the meeting, the applicant explained that the current request is to amend the GDP to allow for the future submittal of an application to develop a multifamily residential building targeted at seniors. The senior housing developer described the proposed building, including presenting a model of the structure at the neighborhood meeting.

Attendees asked questions about the specific features of the building, whether the development would be age restricted, whether it would include subsidized units, and expressed concern about parking, traffic, building height, and building setbacks along Hahn's Peak Drive. Regarding traffic, attendees inquired whether the area infrastructure, including streets, could handle a development of this nature. The applicant has submitted a traffic analysis (Attachment 3) demonstrating that the proposed amendment and the development of an age-targeted multifamily residential building will not increase the amount of traffic over what can be constructed on the property by right and that the area roadways can adequately handle the traffic. Regarding parking, some attendees inquired about the provision of adequate parking. The Asante representative described the parking proposed for the development along with the planned provision of shuttle vehicles for residents. Regarding the building height and setback along Hahn's Peak Drive, the applicant explained that the building would have varied heights rather than a monolithic façade, and that outdoor areas orienting towards Hahn's Peak would be located between the building and the road.

VIII. FINDINGS AND ANALYSIS

The Chapters and sections cited below are from the Loveland Municipal Code pertaining to PUD General Development Plans.

A. Land Use

1. Loveland Municipal Code

a. Section 18.41.050.D.4(a): *Whether the general development plan conforms to the requirements of this Chapter 18.41, to the City's master plans and to any applicable area plan.*

Planning: Staff believes that this finding can be met, due to the following:

- The requested GDP amendment is consistent with the Comprehensive Master Plan, which designates the entire site as a Regional Activity Center (RAC). The RAC land use category is a mixed use category that encourages regional shopping, offices, and a wide variety of residential development types. It does not include a target density for residential uses. The gross density in the GDP amendment would remain unchanged at 16 units per acre, although the maximum allowable density within Parcel A-1, the parcel on which there is interest in an age-target multifamily development, would increase to 22 units/acre.
- The GDP amendment is consistent with the intent of the master plan to promote a variety of housing types compatible with RAC character.
- Municipal Code Section 18.41.040 A, which describes permitted uses within PUDs, permits any combination of uses in a PUD so long as it can be determined that the uses are compatible with one another. The applicant is not proposing to change the allowable uses within Gateway as part of this GDP amendment. Multifamily uses, including age-targeted (senior) housing, were determined at the time of the original GDP approval to be compatible with other allowable uses in the GDP.

- Municipal Code Section 18.41.040 B, which describes permitted density and intensity of development within PUDs, permits residential development at a gross density of 16 units per acre, based on the gross land area devoted to each type of use for mixed use PUDs. The Gateway GDP currently limits multifamily residential to that allowed by Code, 16 units per acre. (Single family residential is not a permitted use within use within the Gateway GDP). The amendment proposes to increase the maximum multifamily residential density for Parcel A-1, where the age-targeted housing development would locate, to 22 dwelling units per acre, while not permitting the overall maximum gross residential density of 16 units per acre to be exceeded.

b. Section 18.41.050.D.4(c): *Whether development permitted under the GDP amendment will be complementary to and in harmony with existing development and future development plans for the area in which the GDP is located by:*

- Incorporating natural physical features into the GDP design and providing sufficient open spaces considering the type and intensity of proposed land uses.*
- Incorporating site planning techniques that will foster the implementation of the Loveland Comprehensive Master Plan.*
- Incorporating physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.*
- Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design.*
- Incorporating elements of community-wide significance as identified in the town image map,*
- Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.*

Planning: Staff believes that this finding can be met, due to the following:

- Site planning standards have been incorporated into the approved Gateway GDP to promote the philosophies of the City's master plan. The requested GDP amendment does not propose to change any of the Gateway site planning standards.
- Landscaping and open space is provided throughout the Gateway development. No changes to landscaping or open space requirements are proposed in the GDP amendment.
- Transportation design standards have been incorporated into the approved Gateway GDP. Sidewalk connectivity is provided for pedestrians throughout Gateway.
- The proposed GDP amendment does not relieve any developer from the City's site development plan and building permit application processes. The City's Development Review Team will ensure that appropriate site planning techniques are followed once a detailed development plan is prepared and submitted for review, whether the development plan comes from Asante or any other potential developer.

B. City Utilities and Services

1. Loveland Municipal Code

a. Section 18.41.050.D.4

(i) *Development permitted under the zoning established by the GDP will not have negative impacts on traffic or City utilities. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the GDP or reasonable conditions designed to mitigate the negative impacts.*

(ii) *Whether development permitted under the GDP will be complementary to and in harmony with existing development and future development plans for the area in which the GDP is located by incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities.*

Because the current request concerns only a change to the maximum allowable number of residential units and density in the GDP document, and not a specific development proposal, the application did not require review by the City Water/Wastewater, Power, or Stormwater divisions. These divisions will review the multifamily building or any other specific proposal that is submitted for the subject property at the time of site development plan and building permit review.

Transportation: Staff believes that this finding can be met, due to the following:

- A Traffic Analysis has been submitted with the Gateway GDP amendment. The proposed use associated with the GDP Amendment will result in a decrease of peak hour traffic when compared to what was previously approved. Therefore the proposed GDP amendment will not create a negative impact on traffic and has demonstrated the ability to comply with the City's ACF Ordinance for traffic.

Fire: Staff believes that this finding can be met, due to the following:

- The site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company (Station 6).
- The proposed development will not negatively impact fire protection for the subject development or surrounding properties.

IX. RECOMMENDED CONDITIONS

Because the requested amendment concerns a relatively small (17%) increase in multifamily residential units in a PUD that is already approved for multifamily units and does not include a detailed development proposal, no conditions are recommended by staff.

The Gateway Planned Unit Development

General Development Plan

MASTER PLAN

EDAW
 May 12, 1994
 -Revised: July 4, 1997
 - Revised: 2013

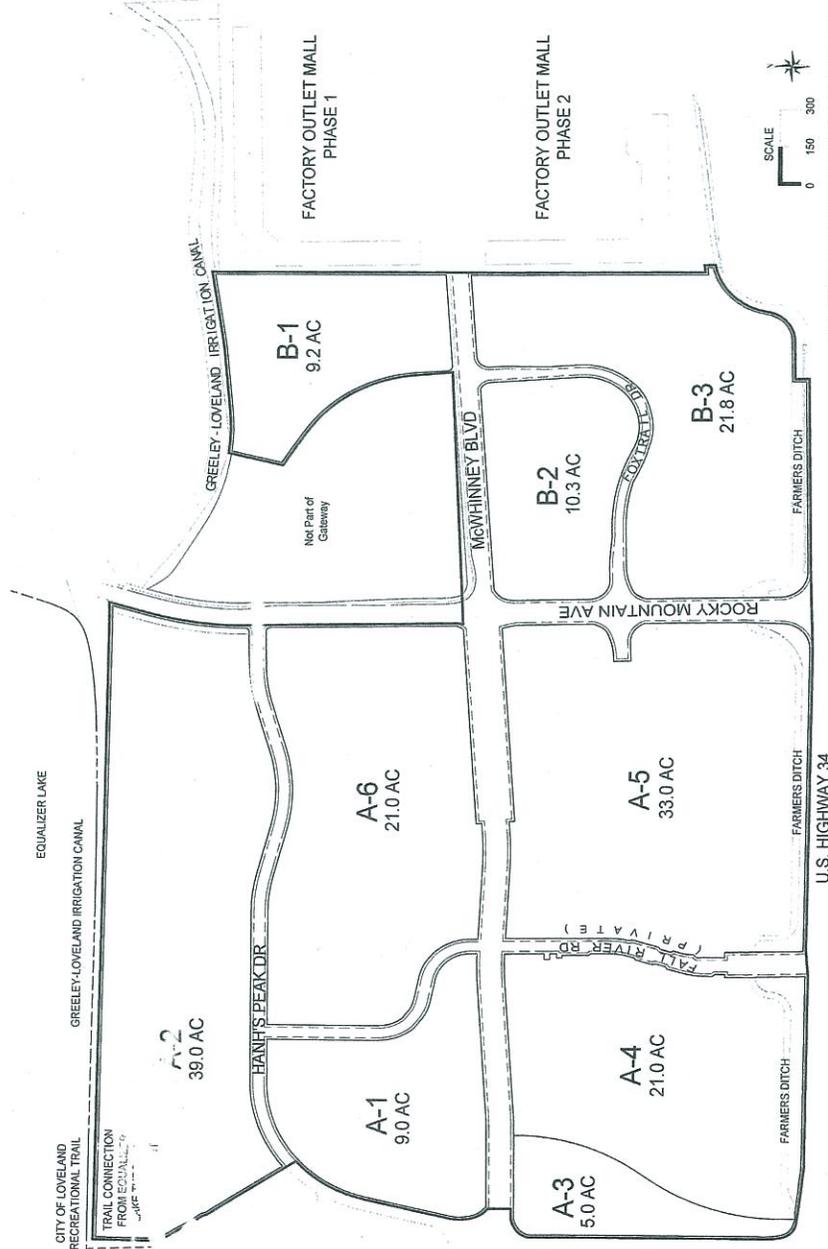


Table 2
 Land Use Table

LAND USE CATEGORY AND PARCEL	ACREAGE	MAXIMUM NUMBER OF DWELLING UNITS	NUMBER OF UNITS (PER DEVELOPED)	DESCRIPTION OF DEVELOPMENTS AND YEARS/CONSTRUCTION PERIOD
A-1	199.271	394* 80	72 FAR	Face Regions Assisted Living, SODIP - 2007 Not developed
A-2	39.0	634*	48 DU	Face Regions Assisted Living, Eagle Ridge Lakeside Units 1999
A-3	5.0	80*	22 FAR	Marketplace - NOT DU 2005-2008
A-4	21.0	316*	22 FAR	Marketplace - NOT DU 2005-2008
A-5	33.0	538	22 FAR	Marketplace - NOT DU 1999-2004
A-6	21.0	316*	26 FAR	259,175 sq ft Building/Complex (Local 1114) in 2005. NOT DU 1998, 2005
B-1	9.2	0	NA	Acquired a portion to the Milliken Group in 2005. Not developed from NOT DU.
B-2	10.3	0	19 FAR	Vertical Office Complex & Retail Service from NOT DU 2007, 2008
B-3	21.8	0	13 FAR	Restaurants, 2 Hotels/Clubs/Restaurants, The Milliken Group, The Group/Old Food Court - NOT DU 1999, 2007
Subtotal	196.3	500 586*	NA	Acquired from the Milliken Group in 2006. Not developed
Arterial & Collector Roads Rights-of-Way	13.1			
TOTAL	337.6	500 586*		

* The total maximum number of multi-family dwelling units for the entire 299.6 acre project is 500 units, which is significantly less than the sum of the maximum allowable units per parcel. The maximum number of units per parcel is based on the entire parcel being developed at 16 DU/acre, except Parcel A-1 which is 22 DU/acre.

THIS INFORMATION AND/OR ILLUSTRATION ALTHOUGH DEEMED RELIABLE, IS CONCEPTUAL IN NATURE AND INWHINNEY AND/OR CONTRACTORS SHALL BE RESPONSIBLE TO ITS ACCURACY. THE INFORMATION SHOWN HERE IS SUBJECT TO CHANGE.

Table 1, Sheet 1
Close up for increased legibility

Table 1. Requirements for Specific Land Uses

LAND USE	MIN. % OPEN SPACE REQUIRED*	MAX. STORIES (HEIGHT)	MAX. UNITS PER ACRE OR FLOOR AREA RATIO (FAR) **	MAX LOT COVERAGE BY STRUCTURES	MAX. % OF TOTAL NET GDP AREA
Multiple Family Residential	25%	4 (50 Feet)	16 DU / acre***	35%	15%
Retail	20%	2 (45 Feet)	.35	30%	90%
Office	20%	4 (50 Feet)	.50	30%	60%
Research & Development, Light Industrial	25%	2 (35 Feet)	.30	30%	50%
Warehouse, Storage	20%	2 (35 Feet)	.50	50%	5%
Hotel/Motel	25%	5 (60 Feet)	.50	25%	15%
Senior Housing -Non Residential	20%	3 (45 Feet)	.70	25%	15%
Other	20%	3 (45 Feet)	.25	25%	NA

*In addition to the open space required for specific land uses, five percent (5%) of the net project land area (212.4) (192.4), for a total of ~~10.5~~ 9.62 acres, will be dedicated to common open space for the purposes of Irrigation canals, drainage, landscape buffers, walks and pathways, parks, natural areas, sculpture and other passive recreational uses. The location of common open space will be finalized at the time of preliminary and final development plans. Additional open space as indicated above will be required for all uses, with the amount varying according to the specific use.

** The maximum FAR for the net total land area (212.4 acres) (192.4) is 0.4, however, the FAR on a given parcel may exceed 0.4 as long as the total project FAR is not exceeded.

*** 22 DU/acre for Multi-Family Residential in Parcel A-1 only. The gross density requirements of Section 18.41.040 shall not be exceeded.

Note: The percentages listed may be adjusted administratively up to 5% as long as the intent of the P.U.D. is respected.

Amendment Table, Sheet 1
Close up for increased legibility

Amendment #	Date	Purpose/Revision
1	No Information	No Information
2	2.7.95	Added Landscape and Signage Standards
3	9.5.95	Approved modifications to the sign standards for the food court, Lot 6, Block 1 of McWhinney 2nd Subdivision
4	No Information	No Information
5	9.16.97	<p>Sheet 1: Revised Owners Name in Approvals section and provided this Amendment History Table.</p> <p>Sheet 2: Revised the fourth paragraph under "Vehicular and Bicyclist Circulation" titled Access, to remove the requirement for the raised concrete median in Rocky Mountain Avenue when the traffic signal is installed at the intersection of Rocky Mountain Avenue and McWhinney Boulevard. Also added "unless otherwise approved by the City Engineer" to allow for decreased spacing of intersections along Rocky Mountain Avenue and McWhinney Boulevard provided the City Engineer approves. Paragraph K.1. (Master Association and Design Review Board) - added a sentence which requires a letter of approval from the Design Review Board to accompany all applications for building permit.</p> <p>Sheet 3: Re-aligned McWhinney Boulevard west of Rocky Mountain Avenue and revised the layout of the parcels west of Rocky Mountain Avenue (parcels A-1 through A-6). Revised the Land Use Table to reflect changes in layout. Added note at the southwest corner of parcel A-6 requiring a 200' minimum intersection offset unless otherwise approved by the city engineer.</p>
6	5.20.03	Separated out the areas for PLD #83, Twin Peaks Addition
7	2.15.05	Added Two leaves area to the Gateway GDP land area
8	1.17.06	<p>Sheet 1: Changed Max FAR for land use "Other" from .25 to .70</p> <p>Sheet 2: Changed minimum setback from side or back property lines for Retail, Office Parking and Drives from 15 feet to 5 feet</p>
9		<p>Sheet 1: Revise for Specific Land Uses, Amend Multiple Family Residential to reflect 22 DU/acre. Revise Amendments History Table.</p> <p>Sheet 3: Revise Land Use Table to reflect increase in total units to 586 and increase the Maximum Number of Dwelling Units</p> <p>Revised to reflect the rezoning of a portion of Parcel B-1 and Parcel C to the Millennium GDP on July 11, 2006</p>

Table 2, Sheet 3
Close up for increased legibility

Table 2

Land Use Table

LAND USE CATEGORY AND PARCEL	ACREAGE	MAXIMUM NUMBER OF DWELLING UNITS	NUMBER OF UNITS/FAR DEVELOPED	DESCRIPTION OF DEVELOPMENTS AND YEAR(S) CONSTRUCTED
A-1	49.6 2.74	404* 60	.72 FAR	Park Regency Assisted Living NO DU - 2007
	6.26	138*	NA	Not developed
A-2	39.0	624*	448 DU	Eagle Ridge/Lakeshore Units 1999
A-3	5.0	80*	.22 FAR	Marketplace - NO DU 2005-2008
A-4	21.0	336*	.22 FAR	Marketplace - NO DU 2005-2008
A-5	33.0	528	.22 FAR	Marketplace - NO DU 1998-2004
A-6	21.0	336*	.26 FAR	Factual Data Building/Compass Bank/ Hahns Peak-NO DU - 1998-2005
B-1	29.3 9.2	0	NA	Rezoned a portion to the Millennium GDP in 2008 - Not developed
B-2	10.3	0	.39 FAR	Foxtrail Office Condos & Residence Inn- NO DU 2007-2008
B-3	21.8	0	.18 FAR	Restaurants/2 Hotels/Chamber/ The Group/Old Food Court - NO DU 1995-2002
B-4	17.1	0	NA	Rezoned to the Millennium GDP in 2008 - Not developed
SUBTOTAL	216.3 179.3	500 586*		
ARTERIAL & COLLECTOR ROADS RIGHTS-OF-WAY	13.1			
TOTAL	229.4 192.4	500 586*		

† The total maximum number of multi-family dwelling units for the entire ~~229.4~~ 192.4 acre project is 500 586, which is significantly less than the sum of the maximum allowable units per parcel. The maximum number of units per parcel is based on the entire parcel being developed at 16 DU/acre, except Parcel A-1 which is 22 DU/acre.

Project Description and Legal Description

Project Description:

Amend the Gateway GDP to modify the "Requirements for Specific Land Uses" table on Sheet 1 to increase the Maximum units per Acre or Floor Area Ratio (FAR) in the Multi-Family land use from 16 dwelling units per acre to 22 dwelling units per acre. With this modification the Land Use Table on Sheet 3 will also need to be amended to reflect the change. The Maximum Number of Dwelling Units subtotal and total will need to be increased to 586 total units.

Legal Description: There are several Subdivision Plats within the Gateway GDP

Rocky Mountain Village 16th Subdivision
McWhinney 12th Subdivision
McWhinney 11th Subdivision
Rocky Mountain Village 15th Subdivision
Rocky Mountain Village 5th Subdivision
Rocky Mountain Village 3rd Subdivision

PROJECT NARRATIVE/OVERVIEW

We are requesting to amend the Gateway GDP to increase the allowed dwelling units per acre from 16 du per acre to 22 du per acre for age restricted senior apartments (subset of the multifamily land use category). With this amendment we plan to amend Sheet 1 and Sheet 3. On Sheet 1 the Requirement for Specific Land Uses would be amended in the Multi-Family Residential section by adding a footnote that would allow up to 22 dwelling units per acre for only age restricted senior apartments. The Land Use Table on Sheet 3 would be amended to increase the subtotal and total Maximum Number of Dwelling Units from 500 dwelling units to 586 dwelling units.

The City of Loveland Municipal Code, Section 18.41.040.B of the ("Planned") Unit Development Zone District Requirements and Procedures is referenced below. The intent of this amendment is to increase the density for a specific use that will be an infill lot to the Gateway GDP. Presently there are three vacant parcels of land in the GDP; two have been slated for commercial building while the third is planned to be utilized for senior housing, thus the need to increase the density.

18.41.040.B. The density and/or intensity of development shall be based on the capacity of the land proposed for development to support the planned unit development as well as the impact of the proposed development on city services and facilities and on neighboring property that reasonably could be impacted by the proposed development. Capacity of the land shall be determined based on the size, topography, and geological and environmental limitations of the land proposed for development. Notwithstanding the foregoing, residential development shall not exceed a gross density of sixteen units per acre; commercial development shall not exceed a floor area ratio of 0.5; office development shall not exceed a floor area ratio of 4.0; industrial development shall not exceed a floor area ratio of 1.0. In a mixed use planned unit development, the gross density shall be calculated based on the gross land area devoted to each type of use. (Ord. 4239 § 1 (part), 1997; Ord. 3896 § 1 (part), 1993)

VACANT PROPERTIES WITH IN THE GATEWAY GDP

Rocky Mountain Village 16th Subdivision

Current Vacant Properties:

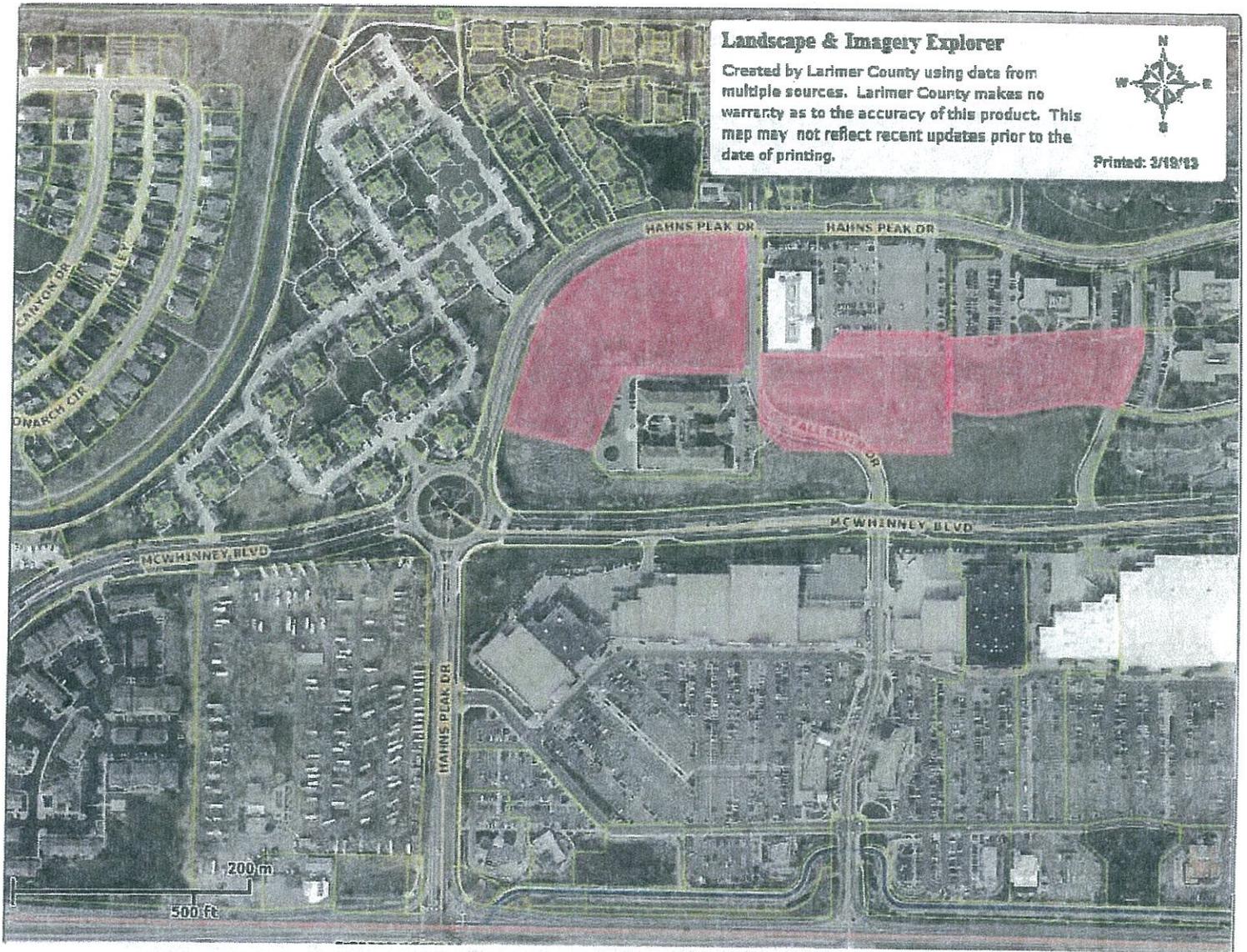
1. Block 1, Lot 3 and Outlot B – proposed use will be the senior apartments that the amended GDP will be addressing
2. Block 1, Lot 2 – intent for this will be another Hahn's Peak office building which will be for commercial uses. There currently is an approved FDP dated 5.1.06 for this parcel. It includes no residential

McWhinney 12th Subdivision:

Current Vacant Properties:

1. Block 1, Lot 3 – intent for this is FDC IV which will be another office building for commercial use. This currently has an approved FDP with a revised date of 8.23.00. It includes no residential

The map below indicates the location of the three vacant parcels.



List and description of developments in Centerra and the Millennium GDP with comparable densities

Below are photos that include a brief summary with regards to the individual developments.



Eagle Ridge Apartments has 168 Total Units. The total acreage excluding the adjacent regional detention pond is 8.65 ac. The density is 19.4 du/ac (168/8.65).



The Reserve Apartments has 153 Total Units. The total acreage excluding the adjacent regional detention pond is 9.08 ac. The density is 16.8 du/ac (153/9.08).



The McStain Condos has 208 Total Units. The total acreage excluding the adjacent regional detention pond is 16.68 ac. The density is 12.5 du/ac (208/16.68).



The Lakeshore Condos has 280 Total Units. The total acreage excluding the adjacent regional detention pond is 17.15 ac. The density is 16.3 du/ac (280/17.15).



Park Regency Assisted Living has a total of 104 suites. The total acreage excluding the adjacent regional detention pond is 2.93. Because the suites do not have kitchens they are not considered a residential use. If the suites were considered on the equivalent as residential units then the density would be 35.5 du/ac ($104/2.93$).



Lake Vista has 303 Total Units. The total acreage excluding the adjacent regional detention pond is 14.92 ac. The density is 20.3 du/ac ($303/14.92$).



The Greens at Van de Water has 252 Total Units. The total acreage excluding the adjacent regional detention pond is 14.54 ac. The density is 17.3 du/ac (252/14.54).

VARIOUS GDP COMPARISONS OF ALLOWED DENSITIES AND BUILDING HEIGHTS

GDP	DENSITY	HEIGHT
Millennium	30 du/acre	60 feet
Gateway	16 du/acre	50 feet
Rocky Mountain Village	16 du/acre	50 feet

OPEN SPACE COMPARISONS

RES. PROPERTIES	ACRES OF OPEN SPACE	TOTAL ACRES	% OPEN SPACE
Lakeshore	1.63	18.78	9
Eagle Ridge	3.25	11.90	27
Reserve	3.92	13.00	30
McStain	5.13	21.81	23
Proposed Senior Living Campus (Park Regency and new project)	3.40	9.19	37

These numbers were taken directly from the parcel map and tie to the density and photos above.

FINDINGS REPORT

- A. The GDP/PDP conforms to the requirements of Chapter 18.41 of the LMC (PUD Chapter), to the City's master plans and to any applicable area plan

This GDP amendment does conform to the requirements of Chapter 18.41 as it is an innovative design of a residential need. This provides necessary housing conveniently located to commercial and recreational facilities. This housing type provides a perfect transition from the higher density senior units at Park Regency to the lower density units at Lakeshore and Eagle Ridge. This amendment will encourage innovation in residential so the growing demands of the population may be met by a greater variety in type of buildings. This proposed amendment will allow for a use that will lessen the burden of traffic in the area as seniors are typically retired and do not require as many trips per day. With this amendment being specific to an infill need we feel as though it meets the intent of this chapter.

- B. The proposed development will not negatively impact traffic in the area, city utilities, or otherwise have a detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it.

The proposed amendment to the GDP will in fact create a use that will lessen the burden of traffic in the area and will not negatively impact the city utilities in any way. There will be no detrimental impact as this will create a use that nestles into the area perfectly.

- C. The proposed development will be complementary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place.

This amendment will create a use that is in perfect harmony with the existing development in the area. The area impacted by this amendment is surrounded by residential to the north and west with commercial conveniently located within walking distance to the south and east. This amendment affects what is essentially an infill lot to the Gateway GDP.

- i. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use:

Currently there is open space that is in abundance of the required % of open space for the area. The percentages are included in the information above. There are currently detention areas providing quality wildlife habitat in existence for the entire area.

- ii. Incorporating site planning techniques that will foster the implementation of the City's mater plans, an encourage a land use pattern that will support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other municipal services consistent with adopted plans, policies and regulations of the city.

A majority of this already exists in the area. The infrastructure is in place along with the bike and pedestrian sidewalks. There are two bus stops within ¼ mile of the parcels this amendment will affect. Currently all utilities are in place and there will be no additional fees.

- iii. Incorporating physical design features in the development that will provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.

There will be physical features built into the development that will enhance connectivity between the adjacent land uses. Presently sidewalks are installed.

- iv. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design

Wetlands are existing, established and being maintained by HPEC.

- v. Incorporating elements of community-wide significance as identified in the town image map

N/A

- vi. Incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities; and

The amendment will not negatively impact the level of services of the City's utilities.

- vii. Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and streets furniture

Currently a majority of the amenities are in place, bike and pedestrian circulation, streetscape. The proposal for senior housing will address the needed designs internal to the site.

- D. A description and discussion of all aspects of the GDP that do not comply with the regulations for the comparable zone district in the Municipal Code.

We do not believe there are any aspects that do not comply with regulations as proposed.

LAND USE INFORMATION TABLE

The land use table is modified on Sheet 3 of the GDP submitted documents.



McWHINNEY

March 21, 2013

RE: REQUEST A WAIVER TO THE PUD DENSITY STANDARDS
City of Loveland Municipal Code Section 18.41.040.B

TO: Noreen Smyth
City of Loveland Senior Planner

McWhinney, Manager for the owner of Lot 3 and Outlot B of the Rocky Mountain Village 16th Subdivision is making application to the City for an amendment to the Gateway GDP related to a proposed Senior Apartment project. As part of the application McWhinney is also submitting this request for a waiver to Section 18.41.040.B of the municipal code specifically addressing the density per unit calculation. Lot 3 and Outlot B comprise the last parcel of ground that is intended to be developed with residential uses within the Gateway GDP. There are two other undeveloped parcels within the GDP and those have been platted and approved for office developments. (Phase 2 of the Hahn's Peak Office campus and FDC 3 of the Factual Data Office campus).

The request for the waiver is to allow up to 22 du/acre for age restricted Senior Apartments. The design of Senior Apartment projects differs from standard multifamily apartments targeting families in that the unit mix typically does not include the larger three bedroom units. The unit mix instead is dominated with one and two bedroom units resulting in a much smaller average square foot size per unit. This means that given a building of the same size, there will be more Senior Apartment units that can fit in it versus traditional apartment units. Senior Apartments also require fewer parking spaces with fewer residents driving and owning cars. This also means that compared to a traditional apartment project, the Senior Apartments can fit the same number of units on a smaller site since less space is required for parking lots. Both the unit mix/average size and the reduced requirement for parking spaces mean a more compact development resulting in a higher density project. The increased density is necessary to make a Senior Apartment project viable.

Other Supporting Documentation

- The waiver would only apply to age restricted Senior Apartments and would not apply to other multifamily apartments or condominiums. Most of the land within the Gateway GDP and surrounding area is already developed with multifamily (apartments and condominiums), office, retail and senior assisted living facilities. Allowing for Senior Apartments to be developed would broaden the residential options available to seniors in the area and create a greater senior living campus.

Bring Your Dream

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Suite 200
Loveland, CO 80538
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f: 970.635.3003
www.mcwhinney.com

PC ATTACHMENT 2

The size and scale of the development would be in keeping with the existing and future allowed commercial development on the adjacent property.

- Existing multifamily developments in the Gateway GDP and in surrounding GDP's on similar sites (net of regional detention ponds) have similar densities to the proposed 22 du/ac. (See detailed summary in the application for the GDP amendment).
- The Millennium GDP which covers thousands of acres in the Centerra and Van de Water developments already allows multifamily densities of up to 30 du/ac.
- The proposed Senior Apartment project, when taken into context with the existing senior living facility as a campus and the adjacent regional detention pond/wetlands within the block will provide a higher percentage of open space than the existing surrounding multifamily developments. 39% of the property is comprised of high quality wetlands and wildlife habitat. (See detailed open space comparison in the application for the GDP amendment).

Based on the above information, we respectfully request approval of the waiver. Thank you for your consideration.

Sincerely,



Kim L. Perry
VP Community Design
McWhinney