

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 the 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.

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.

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.

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