
TRANSCRIPT OF PROCEEDINGS

LARIMER COUNTY
BOARD OF COUNTY COMMISSIONERS

LAND USE HEARING
WEDNESDAY, MAY 16, 2018

THORNTON WATER PROJECT 1041, FILE #18-ZONE2305

COMMISSIONERS PRESENT:

SEAN DOUGHERTY, CHAIRMAN

JEFF JENSEN

MINA COX

RAY CARRAWAY

GARY GERARD

CURTIS MILLER

STAFF PRESENT:

MATT LAFFERTY

DEBBIE JOHNSON

DENISE RUBALL

ROBERT HELMICK

ROD BLOOMSTRUM

MARK PETERSON

1 SPEAKERS FROM THE AUDIENCE:

2

3 John Barth, Esq.

Sandy Hellser

4 Roberta Norman

Lynn Nichols

5 Mark Hyden

Jerry Palt

6 Scott Horack

Scott Glick

7 Elaine Spencer

Jim Camben

8 Dick Brouch/Brow

Patricia Corb/Mark Corb

9 Scarlet Sparkle Delia

Nancy Terry

10 Dennis Pierrero

Sean Shelly

11 Ryan Donovan

Christine Cracked

12 Karen Wagner

Jason Kinable

13 Karen Colavity

Gloria Edwards

14 Patricia Babbit

Lauren Sager

15 Harry Sheline

Mike McGlocklin

16 Penny Hillman

Teresa Rose

17 Doug McAllister

Nan Sollo

18 Robert Kitchell

Lucy Brickman

19 Janet Carabello

Rebecca Shelly

20 Georgia Locker

Rick Steadman

21

22

23

24

25

1 MR. DOUGHERTY: Good evening, ladies and
2 gentlemen. We're going to go ahead and get started.
3 I know we have a full house here, and I want to
4 respect everybody's time.

5 Welcome to the May 16th, 2019 meeting of the
6 Larimer County Planning Commission. It's a tradition
7 of the Planning Commission to start off our meetings
8 with the Pledge of Allegiance. I'd ask you to please
9 rise and join us.

10 (Everyone stood and recited the Pledge.)

11 MS. SKAHAN: Thank you all very much.

12 My name is Sean Dougherty and I am the
13 Chairman of the Planning Commission. Thank you all for
14 coming tonight.

15 I've got a list of things I'm going to read
16 through here, and then we will get started.

17 Your participation helps your Planning
18 Commission understand the issues and impacts regarding
19 the items before us. Copies of tonight's Agenda are on
20 the wall by the door, please take one. And also,
21 please mute your cell phones at this time.

22 The Planning Department staff provides us
23 with a comprehensive package, almost 700 pages, of
24 information about the projects and we did do a site
25 visit today. Even so, we gain insight from the

1 information and viewpoints that you provide. Your
2 input is welcomed and appreciated. We're here to
3 listen to and carefully consider all information about
4 this project.

5 If you wish to speak tonight, hopefully
6 you've signed in out by one of the front doors and you
7 will be recognized by me. When you come to the podium,
8 please provide us with your name and spell any uncommon
9 names, so the Record will be accurately reflected. We
10 will start the clock after that.

11 We ask that you keep your comments relative
12 to the land use of the matter being discussed, and we
13 ask that you direct your comments to the members of the
14 Commission.

15 We understand that the issues before us
16 tonight are important to those involved and that those
17 feelings and emotions can run high. We ask you to
18 respectfully listen to everyone's presentations. You
19 may or may not agree with them, but please do not
20 interrupt with applause or other kinds of
21 demonstrations.

22 In order for us to get through this hearing
23 tonight in a timely fashion, I cannot allow
24 demonstrations.

25 Please direct your comments to the Planning

1 Commission and the staff, not the Applicants or the
2 other speakers.

3 I have some brief comments about the role of
4 the Planning Commission for the audience, both those
5 who are and those who are watching on TV.

6 The Planning Commission acts as an advisory
7 board to the Larimer County Commissioners. We review
8 and make recommendations on land use issues outside of
9 town and city boundaries. Please note that the
10 responsibility and authority to make the final
11 decisions on these land use matters rests with our
12 three elected County Commissioners.

13 The Planning Commission is the final decision-
14 making body for location and extent reviews, as well as
15 amendments to and approvals of the Larimer County
16 Master Plan and its subplans.

17 The members of this Planning Commission are
18 volunteers and I would like each member of the
19 Commission to introduce him or herself, starting on my
20 left.

21 MR. JENSEN: My name is Jeff Jensen. I've
22 been on the Planning Commission almost eight years and
23 I live in the City of Fort Collins.

24 MS. COX: My name is Mina Cox. I live west
25 of Bertha and I've been on the Planning Commission for

1 15 years.

2 MR. DOUGHERTY: Commissioner Carraway?

3 MR. CARRAWAY: My name is Ray Carraway. I've
4 been on the Commission about a year and I live in the
5 Masonville area.

6 MR. GERARD: Gary Gerard, I've lived in the
7 Larimer County my whole life, on the Planning
8 Commission for about eight years. I live south of
9 Loveland.

10 MR. MILLER: My name is Curtis Miller. I've
11 been on the Commission for eight years, and I live in
12 Loveland.

13 MR. DOUGHERTY: And again, I'm Sean
14 Dougherty. This is my ninth year on the Planning
15 Commission.

16 Mr. Lafferty, would you please introduce the
17 staff in attendance?

18 MR. LAFFERTY: Yes, I'd be happy to.

19 My name is Matt Lafferty, I'm the principal
20 planner with the Community Development Department, the
21 planning division portion of that, and there are copies
22 of the Agenda still remaining on the back wall here.
23 Feel free to get a copy of that, if you want to follow
24 along.

25 Also, as I stated a little bit earlier,

1 there's some assisted listening devices down here. If
2 you're having trouble hearing the proceedings, feel
3 free to come down and we'll help you those devices.

4 To my right tonight are two individuals. One
5 of them is Debbie Johnson, the other is Denise Ruball
6 (phonetic). They are also with the Community
7 Development Department and it's their responsibility
8 tonight to record tonight's proceedings on audiotape
9 and videotape and then transcribe that information into
10 a written record.

11 So it's important that you speak clearly and
12 give us your information regarding your name when you
13 approach the dias.

14 To my left is Rob Helmick. He's staff
15 planner on this project with the Planning Department.

16 And to his left is Todd Bloomstrum
17 (phonetic). He is the Public Works Director. We've
18 got another service group. I can't remember what the
19 name of it is.

20 And to his left is Mark Peterson, the
21 Assistant County Engineer. To his left is -- not the
22 assistant, the County Engineer, Rusty is out there.

23 And Leah Snyder (phonetic) is with the Health
24 Department tonight.

25 And that'd be staff present for tonight's

1 proceedings.

2 MR. DOUGHERTY: Thank you, Mr. Lafferty.

3 All right. The first -- I want to remind
4 everyone, if you have not -- if you want to speak
5 tonight, and you have not yet signed up, please see one
6 of our staff members that are in the lobby at both
7 ends, actually waving in the back of the room.

8 If you don't sign up, I may not be able to
9 call you to come up to speak, and we've still got a few
10 minutes while we go through the first couple of items
11 on our Agenda.

12 The first two items on our Agenda this
13 evening allow public comment about land use matters
14 that are not on our Agenda for the evening. A few
15 points about this public comment: During this public
16 input period, we cannot consider information on items
17 that are scheduled or likely to be scheduled for a
18 hearing in the future.

19 If your comments are about an item that is
20 likely going to be in the future, we will ask you to
21 please share your input at that time.

22 While this public comment is about items not
23 on our Agenda, these items should pertain to land use.
24 Public comment made on these items will likely not be
25 addressed this evening, but will be forwarded to staff

1 for review and potential response at a later time.

2 Is there anyone in the audience who wishes to
3 speak on any item having to do with the County Land Use
4 Code that is not on the Agenda this evening?

5 (No audible response.)

6 MR. DOUGHERTY: Seeing none, Item 2 on our
7 Agenda, is there anyone in the audience who wishes to
8 speak concerning other relevant land use matters not on
9 the Agenda?

10 (No audible response.)

11 MR. DOUGHERTY: All right. Our next item of
12 business is the approval of the minutes from the
13 April 18th, 2018 meeting. Are there any corrections or
14 additions to the Minutes?

15 MR. JENSEN: I move that we accept the
16 Minutes for the April 18th meeting.

17 MS. COX: Second.

18 MR. DOUGHERTY: I have a motion and a second.
19 Thank you.

20 We will proceed with a voice vote of the
21 Planning Commission. All in favor, please signify by
22 saying, "Aye."

23 MANY VOICES: Aye.

24 MR. DOUGHERTY: Any opposed?

25 (No audible response.)

1 MR. DOUGHERTY: Excellent. Motion passes.

2 Typically there are two types of hearing
3 items on our Agenda, consent items and full hearing
4 items. Very simply, a consent item is an item that
5 there is usually no dissension by any other party.

6 This evening we have a full hearing item;
7 that is, a full hearing will be conducted to give the
8 Planning Commissioners both sides of the application,
9 so we can give an informed recommendation to the Board
10 of County Commissioners. We will allow public comment
11 on these after we have the full presentations.

12 I will let you know here in advance, because
13 there are a lot of people signed up. If we get past
14 10:00 o'clock tonight and we still have a lot of public
15 comment coming, likely we will just finish public
16 comment and we will have to adjourned to tomorrow night
17 to finish this. There will be no further public
18 comment. If we get done earlier than that, though, we
19 will hear this all the way through.

20 Our item tonight is the Thornton Water
21 Project 1041. It is File No. 18-ZONE2305. Our staff
22 contact is Rob Helmick. The description starts on page
23 1 and we will have brief presentations from Mr.
24 Lafferty and Mr. Helmick.

25 Mr. Lafferty, please take it away.

1 MR. LAFFERTY: Thank you, Chairman Dougherty.
2 Matt Lafferty, again, with the Community
3 Development Department.

4 As pre-occurred before tonight's meeting, I
5 just wanted to spend just a couple of minutes before
6 Rob's presentation to outline what we're here for
7 tonight and what we're not here for tonight.

8 On the screen before you this evening is a
9 section out of the Land Use Code for Larimer County
10 that addresses areas of activities of state interest.
11 This is referred to as "1041."

12 These -- this language comes to us via
13 Section 2465.1-404 of the Colorado Revised Statutes.
14 And those statutes authorize the county to decide as a
15 county whether or not certain public utilities or other
16 major factors like pipelines or gas lines, transmission
17 lines, solar facilities, airports, things like that,
18 are a matter that we want to evaluate as part of our
19 process in the land use arena.

20 And through this process, Larimer County has
21 adopted several of those things that are outlined by
22 statute that we want to review. One such items is the
23 siting and development of new domestic water or sewer
24 transmission lines, that meet certain criterias, which
25 is outlined in the language behind me on the screen.

1 I bring this up tonight because I wanted to
2 be -- everybody to be aware that we are not allowed
3 tonight to act on where the water comes from, where it
4 goes, where it's drawn from, those are decisions that
5 have been made by the State of Colorado as the part of
6 their responsibilities through the Water Court and the
7 Division of Water Resources.

8 So where the source of water comes from, how
9 it gets here, and where it's drawn from, has already
10 been resolved at the State level. As an analogy to
11 that, I would like to use an example. If we were doing
12 an electrical transmission line across the county, we
13 would look it as a 1041 application. We would study
14 for its impacts as it relates to impacts on the
15 environment, visual impacts, impacts on the neighbor's
16 proximity to the neighbors and what-not, to make sure
17 that the issues could be mitigated in a way that
18 everybody could accept that.

19 What we don't worry about is where the
20 electricity comes from, how it's generated, or what
21 causes it to be generated.

22 So tonight we are reviewing an application
23 for a pipeline and where that pipeline will go and how
24 the impacts associated with that pipeline should and
25 will be mitigated in order for it to be a good feature

1 for Larimer County or whether it should not be in
2 Larimer County.

3 And so with that precursor to tonight's
4 proceedings, I would like to turn this over to Rob
5 Helmick. He's the staff planner on this application
6 and did the majority of the analysis and I'll let him
7 have his presentation with you-all.

8 Thank you.

9 MR. HELMICK: Thanks, Matt.

10 Mr. Chairman, Rob Helmick for the Planning
11 staff.

12 You have a voluminous packet. It runs over
13 600 pages of analysis and public comment, and in
14 addition, you had provided to you the link to the
15 electronic version of all of the application materials
16 provided by the City of Thornton, which are these two
17 monster notebooks. Mapping and other information,
18 analysis and study of the pipeline and its components.

19 The City of Thornton has submitted this
20 application for a 1041 application for the water line,
21 as Mr. Lafferty pointed out. The specifics are 26
22 miles of pipeline in unincorporated Larimer County,
23 pipeline of 48 inches in diameter. It's a welded steel
24 pipe.

25 Pertinent facilities to that include a

1 40 million gallon per day pumping facility, a one
2 million above-ground water tank, and other
3 appurtenances to the system.

4 Associated with that are the acquisition of a
5 50-foot permit and 40-foot temporary construction
6 easement. The pipeline is located out of the County
7 Road right-of-way, or it would be located within a
8 county road right-of-way.

9 City proposes this pipeline to move the
10 water, which their rights were acquired in the '80s and
11 subsequently, as Mr. Lafferty pointed out, received
12 court approval to use the rights for municipal use.
13 City of Thornton and the staff began some communication
14 as early as 2/2014 with more discussions in 2015 and a
15 pre-application conference when the application was
16 done in May of 2016.

17 There were a variety of public outreaches
18 done by the City of Thornton through 2016 and '17, and
19 the application was originally submitted at the very
20 end of 2017 and was scheduled for hearings in March and
21 April of this year. Those hearings were deferred after
22 the County stopped processing to request additional
23 information from the City of Thornton with respect to
24 certain issues associated with the Douglas Road
25 corridor of this alignment.

1 The general alignment starts at Water Supply
2 and Storage Reservoir No. 4 north of Douglas Road and
3 heads east to the Larimer/Weld County line. There's a
4 water tank proposed at that location and then the line
5 runs straight down the alignment of Weld County 13,
6 Larimer County 1, and exits Larimer County in
7 Johnstown.

8 It also passes through, in doing that, a
9 small piece of the City of Fort Collins and large areas
10 of the towns of Timnith, Windsor, and Johnstown, as
11 well as parts of unincorporated Weld County. Except
12 for the Douglas Road corridor, which is defined as the
13 current roadway right-of-way, the permanent corridor is
14 anywhere from 500 feet to a quarter mile wide. This
15 allowing for minimizing impacts to properties,
16 structures, and resources, as the actual construction
17 documents for such a project and right-of-way
18 acquisition would occur, without requiring a return of
19 process, unless there's a significant deviation from
20 the approved corridor.

21 With respect to alternatives, the graphic
22 here is out of the application materials and reflects
23 the second round of alternative analysis that Thornton
24 conducted. The first round was how do they get the
25 water to Thornton; the second round was defining a

1 corridor which basically defines that from Water Supply
2 and Storage Reservoir No. 4 to the City of Thornton's
3 water treatment facilities just north of the City of
4 Thornton.

5 These lines on the map represent an analysis
6 that Thornton conducted prior to submitting the 1041
7 Application that identified corridors that they would
8 evaluate. That evaluation was looking at both local
9 input and desires, as well as dealing with minimizing
10 impacts to right-of-ways, and minimizing impacts to
11 water bodies and wetlands, by-passing geologic hazard
12 areas, minimizing impacts to environmentally sensitive
13 areas, and on.

14 And from that then came the proposed
15 corridor, which is this map, (indicating), starting at
16 Water Supply and Storage Reservoir No. 4, moving down
17 Douglas Road to the intersection with Turnberry or
18 Larimer County 11, then staying out of the roadway
19 right-of-way on City of Thornton property going north
20 to County Road 56, east on 56 to the railroad tracks,
21 south on the railroad tracks a half-mile east, another
22 mile-plus to the middle of property owned by Thornton,
23 then north back to County Road 56. On County Road 56,
24 then all the way to the Larimer/Weld County line, going
25 north approximately a half mile to where the one

1 million gallon water tank would be located, and then
2 straight down Weld 13, Larimer 1, all the way through
3 Tinmouth, Windsor, Johnstown, to the Larimer/Weld
4 County line in Johnstown at Weld County Road 50.

5 After some initial conversations with the
6 Applicant and after the public meetings, there was some
7 concern about alignment through neighborhoods. And the
8 initial advice from staff back in 2014 and '15 was that
9 we would not consider locating a pipeline like this in
10 a county road right-of-way.

11 Subsequent to those conversations, internal
12 policy changed and we advised Thornton that we would
13 consider looking at a pipeline alignment within
14 existing county road or future county road right-of-
15 way, and from that then came this analysis of corridor
16 linkages that Thornton analyzed. Those corridors took
17 the original corridor which came out of Water Supply
18 and Storage No. 4, which is at the center, left-hand
19 side of your screen, and basically the initial proposal
20 which comes straight out of that, buzz straight east
21 along an alignment that would follow and then hook up
22 with an alignment halfway between County Road 56 and 54
23 Douglas Road, and then across the interstate.

24 Because of some significant amount of
25 neighbor concern, we asked Thornton to do an analysis

1 and so they analyzed a series of northern corridors,
2 which are all these in yellow, which propose to come
3 out of No. 4, go north, either outside or adjacent to
4 or through Eagle Lake, get over to Highway 1, and then
5 over to County Road 56 and then east. A series of
6 central corridors, which are the ones in green here,
7 which come right out of 4 and then go straight east, or
8 they looked at three alignments along Douglas Road,
9 north of, in and south of the right-of-way of Douglas
10 Road.

11 They conducted a significant -- an extensive
12 analysis of those alignments and their conclusions
13 is -- and their application then became a out of 4 to
14 a pump station outside of Reservoir No. 4, then along
15 Douglas Road to Turnberry, thence north to County Road
16 56. So that is the application that we have reviewed
17 for you this evening.

18 The pumping facility location is on a
19 property north of Douglas Road. Starlight Drive is
20 here, (indicating). No. 4 is here, (indicating).
21 Eagle Lake is here, (indicating). There is a three-
22 acre area that the City of Thornton has identified that
23 they need to -- would like to acquire as the area
24 necessary to facilitate the construction of their
25 pumping facility.

1 If you go east of the County line, here is
2 County Road 56. The pipeline runs north and the star
3 represents the generalized location of where their
4 proposed water tank might go, and this is a more -- a
5 map from the application which identifies the proposed
6 siting area for this one million gallon water tank.

7 So the 1041 Application has 14 criteria for
8 review. You have our written analysis of those 14
9 criteria. I will hit the high points. I won't go over
10 all of them, in trying to respect time.

11 The first is that the proposal is consistent
12 with the master plan and applicable inter-Governmental
13 Agreements. The analysis for the City of Thornton and
14 our analysis of their analysis supports that the
15 principles of the master plan are addressed and the
16 request is consistent with the Larimer County Master
17 Plan.

18 This route is through several growth
19 management areas, as well as incorporated areas, which
20 do not have GMAs. I would note that the Master Plan
21 does contain a specific principle, which speaks to
22 future transfers of water out of the County. Having
23 been part of those conversations, I can tell you that
24 this was adopted in part response to the actions of the
25 City of Thornton in the '80s. But that the transfers

1 that the City of Thornton did, were essentially
2 complete by the time these policies were adopted in the
3 Master Plan.

4 As I talked about, the Applicant has
5 presented reasonable siting and design alternatives and
6 explained why no reasonable alternatives are available.
7 From our perspective, they have done a thorough going
8 analysis, both at the microscale for the Douglas Road
9 corridor and as a more macro scale for the balance of
10 the corridor, and analysis of alternatives, and the
11 alternative presented by the City of Thornton as their
12 preferred route does, in fact, meet the test of
13 thorough analysis of alternatives for the proposal.

14 With respect to adopted County standards, the
15 City of Thornton in Section 8 of the Code, specifically
16 wetlands, the City of Thornton proposes to bore and
17 avoid any interference in jurisdictional wetlands.
18 They will obtain a nation-wide permit from the court to
19 confirm that there are no jurisdictional wetland areas
20 affected.

21 There are hazard areas, principally flood
22 plain in Larimer County, on the Poudre, Big Thompson
23 and Box Elder Creek. The City of Thornton on all three
24 of these waterways proposed to bore and avoid any flood
25 plain under these three river or stream corridors.

1 With respect to wildlife, the City of
2 Thornton's environmental analysis for the preferred
3 route identifies that there were possible conflicts for
4 wildlife, both as listed were species of concern.
5 Mitigation proposed includes avoidance, seasonal
6 limitations and prohibition on certain activities. No
7 other significant wildlife issues have been identified
8 along the preferred route.

9 There may be, as a result of these
10 mitigations, seasonal or other temporal restrictions to
11 avoid conflicts with those listed species.

12 There are multiple irrigation facilities
13 affected by this request. The Applicant will be
14 required to cooperate and mitigate on any issues with
15 any of those respective ditch companies. If they're
16 required to bore, they will bore. If an open cut is
17 permitted, they will do that. If our licenses or
18 agreements Thornton required, the City of Thornton must
19 acquire them.

20 They will need to obtain an air quality
21 permit. They will need to obtain stormwater quality
22 permits. That is the overview on standards.

23 The proposal will not have a significant
24 adverse effect on, or will adequately mitigate
25 significant adverse impacts on the land on which the

1 proposal is situated, and on lands adjacent.

2 Proposal, at least in the initial Douglas
3 Road Corridor is located at a significantly developed
4 area. There are some impacts to vegetation. And the
5 impact in the project area, those impacts will be
6 mitigated through the use of best management practices
7 and do not constitute a significant impact on land
8 affected or adjacent to the pipeline.

9 Issues with groundwater and drainage in the
10 area of any bore or cut must be mitigated.

11 There are no historic or sites identified
12 that are negatively affected by this proposal. There
13 is not a significant negative impact to public health
14 and safety. The proposal is not subject to significant
15 risk from natural hazards, including flood, wildfire,
16 or geologic hazard, principally because all the flood
17 plain hazards, which are the principle ones associated
18 with this request are to be bored and avoided.

19 Adequate public facilities are available for
20 the request.

21 The Applicant will mitigate any construction
22 impacts to county roads, bridges, and related
23 facilities. Many of the conditions that you see in the
24 staff report are those generated by the Engineering
25 Department, specifically intended to address the

1 concerns of impacts through county roads and county
2 facilities.

3 The benefit of the development outweighs
4 losses of any natural resources or reduction of
5 productivity of agricultural as a result of the
6 proposed development.

7 There's no evidence that's been presented
8 which would suggest the pipeline and its construction
9 will cause a reduction in the productivity of the
10 agricultural lands, nor are there any impacts to
11 natural resources have been identified in the analysis.

12 The proposal demonstrates a reasonable
13 balance between the costs of the Applicant to mitigate
14 adverse impacts and the benefits achieved by such
15 mitigation. We believe that the Applicant has
16 presented adequate evidence to that respect.

17 The Applicant has presented a thorough
18 analysis of the proposal and proposed alignment and
19 corridor, our evaluation is that that avoids
20 significant environmental issues as committed to
21 disrupting the minimum -- causing the minimum
22 disruption from this application or the construction
23 activity.

24 So with respect to our analysis and findings,
25 the findings are on the screen in front of you. We

1 find as a staff that the request is consistent with the
2 Master Plan. It causes no significant impacts to
3 natural manmade environment, is a reasonable
4 alternative selected from several, identifies need of
5 permits and permission and commits to obtain them, and
6 it demonstrates a reasonable balance between costs to
7 the Applicant to mitigate and any significant adverse
8 impacts in the benefits.

9 There are now 30 conditions proposed, and
10 those are available in the Agenda that went out to the
11 public. The first is -- I'm not going to read them
12 all, but the first is that everything that they have
13 committed to in the application, or they commit to in
14 the hearing process, is their commitments and the
15 Applicant will be held to those commitments.

16 The approval designates a corridor along the
17 alignment and deviations to accommodate, field issues
18 will not affect the approval. Significant alterations
19 to the route shall be evaluated by the County prior to
20 commencing activity and may be subject to further
21 review.

22 There are conditions related to roadway
23 condition, roadway analysis, construction permits,
24 permitting and access to all properties at all times
25 for roadway access, that there's coordination with

1 emergency service providers and the school district to
2 ensure that there is access and adequate school bus
3 access at all times.

4 There is a pre-, during and post-project
5 evaluation by Larimer County of any work done in a
6 right-of-way.

7 The City acknowledges that the County
8 Transportation Master Plan recognizes certain
9 improvements along a portion of the proposed alignment
10 west of County Road 11. We are not determined whether
11 any roadway improvements will be implemented along
12 Douglas Road within in the next five years. If the
13 County proceeds with roadway improvements along Douglas
14 Road, Thornton shall coordinate construction
15 contracting administration with Larimer County.

16 One of the conditions is that irrespective of
17 any action of the County, Thornton shall return the
18 roadway -- any roadway that they are into, to pre-
19 construction or better condition, which may mean
20 resurfacing the roadway with an overlay throughout the
21 construction area.

22 Patching -- spot-patching is not an
23 acceptable alternative.

24 With respect to post-1041 permit action, a
25 site plan review, building permits and development and

1 construction permits and access permits from Larimer
2 County will be required for their various activities.

3 The pump station shall be designed to be
4 consistent with the character of the neighborhood.

5 Water tank shall be located with the western
6 slope of the hill on which it's proposed to be located,
7 and designed in such a manner to avoid skylighting and
8 minimize visual impacts to adjoining properties. All
9 construction activities shall be coordinated with and
10 respect all seasonal avoidance requirements established
11 by the Colorado Department of Parks and Wildlife and
12 the Fish and Wildlife -- US Fish and Wildlife Service.

13 And I've provided to you this evening, and to
14 the Applicant, too, one, a modification to Condition 8,
15 which adds air quality and noise to the parenthetical,
16 "Thornton shall obtain and conduct, construct the
17 activities in compliance with all required county,
18 state and federal permits, including but not limited
19 to" -- and we've added then, "air quality and noise" to
20 that list that's in Condition 8.

21 Condition 30 from the -- speaks to, "Thornton
22 shall be responsible for locating septic systems and
23 wells and all associated distribution lines, servicing
24 lots along the corridor prior to commencing any
25 construction activities, septic systems must be" --

1 it's all there. "Identify, repair, do not damage or in
2 fact, if there is damage, repair immediately."

3 That would conclude my comments. I'd be glad
4 to answer questions, but I think Mr. Peterson has a
5 presentation and then staff is available for any
6 questions that the Commission may have.

7 MR. DOUGHERTY: All right. Thank you, Mr.
8 Helmick.

9 Mr. Peterson, do you want to just continue
10 on?

11 MR. PETERSON: Yes. Thank you.

12 Again, my name is Mark Peterson. I'm a
13 County Engineer, and I was going to touch on some
14 aspects of the pipeline that go into a little more
15 detail, some aspects of both the pipeline, Douglas Road
16 itself, and then just the touch on the more specific
17 aspect of Thornton's Pipeline and Douglas Road.

18 So in terms of use of right-of-way corridors,
19 certainly they are there primarily for use of roadway
20 and transportation, but we have hundreds of miles of
21 utilities in our rights-of-way even now as they exist,
22 and that covers everything from water distribution,
23 sanitary sewers, storm sewers, culverts and drainage,
24 cross-culverts, gas, electric, other underground
25 infrastructure and the like.

1 So it's a very broad range of public use --
2 public utility use of those rights of way.

3 In terms of specific requirements that
4 Thornton has to meet, or any -- really, any user of our
5 public right-of-way has to meet. First and foremost,
6 they have to obtain right-of-way use permits. We issue
7 about 300 permits a year for various activities within
8 our public right-of-way.

9 We need to see engineer plans. As Rob has
10 already noted, they need to address schedule, duration,
11 work hours. Traffic control plans have to be developed
12 and that has to include a detour plan, as appropriate.
13 They have to address emergency response needs, local
14 access needs, mail delivery, school bus access, and the
15 like.

16 They have to meet construction and
17 restoration requirements that are contained in the
18 Larimer County design standards, whether those are
19 urban roadways or rural roadways, as applicable.

20 And then as Rob mentioned, they have to
21 restore roadway pavements or roadway surfaces to
22 condition that's equivalent to or better than pre-
23 project conditions.

24 And as already been touched on, they need to
25 obtain all the necessary and appropriate other permits.

1 And part of our right-of-permit process, as
2 well, is the Applicant warranties their repairs.

3 If you go to our Transportation Master Plan
4 -- and I'm going to touch on kind of the Douglas Road
5 Corridor. If you look on our Transportation Master
6 Plan, we had both short-range capacity needs and long-
7 range capacity needs identified in those plans. And
8 this is a diagram showing the short-term capacity
9 needs, and the different colored lines to note the type
10 of improvement that's needed to convey traffic.
11 Basically, it's traffic capacity.

12 If we then look at longer term needs, for
13 purposes of our Transportation Master Plan, long term
14 went out to the year 2040 and, in fact, the Planning
15 Commission just adopted an updated Transportation Plan
16 this last year. So again, what it identifies is needs
17 to pave unpaved roads, or perhaps widen an existing
18 road, add shoulders to it. Go to a three-lane section
19 in some cases, or even a four-lane roadway in the
20 future.

21 We zoom in on the Master Plan, this area
22 that's highlighted in orange, is what was identified
23 for a segment of Douglas Road. It's basically a
24 segment running from County Road 17 on the west to
25 State Highway 1.

1 On the east, and it identified that at some
2 point in the future, in the long-term future,
3 improvements would be needed from strictly a capacity
4 standpoint on this road segment, and tht was to
5 accommodate future estimates of traffic growth. And
6 again, it's very much an estimate of traffic growth
7 over this long-term horizon. We can't say exactly how
8 traffic will grow, because it's largely a function of
9 both development and growth in the region and use of
10 the roadways by traffic coming from different areas in
11 the county.

12 Also contained in the Transportation Master
13 Plan was traffic counts, and so this compares 2016
14 counts relative to 2040 projections -- and again, the
15 different colors denote different ranges of traffic --
16 average daily traffic on each of these road segments.
17 Probably the thing to note is you're going to see over
18 the next 20-plus years, you're going to see significant
19 growth in traffic on the various road segments
20 throughout the County and so red obviously is denoting
21 the highest ranges of growth, but you can kind of see a
22 lot of roads converting from a 400-5,000 range going
23 into the 5,000 to 10,000, or 10,000-plus ranges of
24 traffic.

25 And again, this is Douglas Road shown in the

1 orange.

2 If you look on our page network, again
3 Douglas Road is also known as County Road 54. It's one
4 of the few kind of east/west connections that actually
5 extend west of State Highway 1, so the whole series of
6 irrigation reservoirs and lakes that we have in this
7 part of the County really affect or influence where you
8 can make transportation connections, and so Douglas
9 Road is one of those that can pick up traffic from 17
10 and west of State Highway 1, and convey it towards I-
11 25. Certainly there's no direct connection to I-25,
12 but there is the Mountain Vista Interchange on I-25 to
13 the south.

14 In terms of road function, Douglas Road is
15 currently classified as an "arterial roadway," meaning
16 its primary function is mobility. The thing to note is
17 that Larimer County has a five-year capital improvement
18 plan and it identifies funded projects through the --
19 currently through the year 2022.

20 We do have signalization of State Highway 1
21 and Douglas Road. That's part of the current five-year
22 capital improvements program. It's a project -- a
23 cooperative project basically between Larimer County,
24 the Colorado Department of Transportation, and the City
25 of Fort Collins. Right now it's grant-funded in large

1 part and we've got money to start the design in 2019
2 and construction in 2020, but the thing I would note is
3 that no other improvements to Douglas Road are included
4 in the current capital improvements program.

5 Typical road elements: If you start looking
6 at what might be needed in the future and Douglas Road
7 is you're apt to maintain a travel lane in each
8 direction. We've typically looked. It would have a
9 rural section, generally with roadside drainage.
10 Consideration certainly is widen, pave shoulders to
11 support bicyclists, pedestrians, and the like.

12 We've looked at turn lanes, whether they be
13 continuous or localized, and those are appropriate for
14 both safety and capacity. And then you would be
15 looking to extend and reconstruct drainage and
16 irrigation crossings as part of any type of future
17 capital improvement program that would be done on this
18 roadway.

19 So when we held a public meeting in January,
20 we came forward. We -- at a very conceptual level, we
21 identified what might be required in terms of pavement
22 width and right-of-way width associated with a three-
23 lane, paved roadway, with eight-foot shoulders. One of
24 those lanes is a center -- continuous center turn lane.
25 And that was looking at improvements going from County

1 Road 17 or Shields, over to Turnberry.

2 We got a fair amount of public comment. We
3 tried to listen to what people were telling us, and so
4 we took another look at what, again, might be done at a
5 conceptual level for improvement project, the Douglas
6 Road. So we basically looked at six-foot shoulders
7 along the entire length of that roadway, again, to
8 better support bike and ped use, as well as traffic
9 safety. Either as some nominal increase in road
10 capacity that comes about through widened shoulders, as
11 well.

12 So when we go to a six-foot shoulder
13 situation, there's basically no improvements that are
14 required for the stretch of road between County Road 13
15 and Turnberry. That roadway segment already has six-
16 foot shoulders that were constructed back when
17 development occurred in Hearthfire (phonetic) through
18 the City of Fort Collins.

19 And we looked from a safety need, where we've
20 got driveway access locations and the need for center
21 continuous turn lanes, and really that extends from
22 Swan Lane to State Highway 1. That's where we've got
23 most existing development, a lot of driveway access
24 points, as well.

25 And then going beyond that, we would just

1 look at widened shoulders along the remaining portions
2 of the roadway in this reach.

3 We put that information out on the website.
4 This is an example of a plan view that was also shown
5 that's available out on the web that identifies
6 existing right-of-way widths and how the lane
7 configuration would lay out. Again, this is somewhat
8 conceptual in nature. We certainly have not gone
9 through a full design process.

10 And these are examples of roadway cross-
11 sections, so the existing roadway cross-section is
12 shown at the top and really the only change in
13 something like this is where we've got -- where we have
14 two- to six-foot shoulders, now we would have six-foot
15 shoulders in all those areas where we would be staying
16 with the two-lane section.

17 This is a typical example of a road with
18 six-foot shoulders. This is Boyd Lake Avenue that was
19 just constructed last year.

20 And then if you looked at that segment that
21 would have -- potentially have a center continuous turn
22 lane, that's really what you're looking at in cross-
23 sectional view there, and this is an example of Shield
24 Street.

25 North of Apoota River (phonetic), County,

1 again, did an improvement project on that roadway a few
2 years back and put in a center continuous turn lane on
3 that roadway.

4 So again, from a road perspective, along
5 Douglas the current right-of-way width varies. It's
6 anywhere from 60 to 100 feet in width. We only acquire
7 -- if we go to do a road project of any type, we're
8 only to go and acquire the right-of-way deeded for that
9 specific road improvement project.

10 If you were talking about the portion that
11 had a center continuous turn lane, with a reduced
12 shoulder to six-foot on each side, the total width
13 needed would be around 80 feet. Again, this needs to
14 be qualified by the fact that this is assuming you have
15 a roadside barrow ditch on each side and what actually
16 is needed and what the actual topography is on either
17 side of the road would influence those actual catch-
18 points and required right-of-way widths.

19 If you then take the areas where you wouldn't
20 have a center continuous turn lane, you obviously
21 eliminate that 12 feet from the width of the road
22 platform.

23 In terms of the pipeline corridor, we went
24 back to the City of Thornton and asked them do
25 additional data collection, go out and locate the

1 utilities that were out there currently in existence,
2 to locate fences and other features to identify
3 property lines and right-of-way limits, and they
4 provided those exhibits.

5 They have submitted information to us that
6 identifies that the proposed pipeline and the
7 associated work limits can be located within the
8 existing right-of-way along Douglas Road, as it
9 currently exists.

10 That's the extent of my presentation.

11 MR. DOUGHERTY: Thank you, Mr. Peterson.

12 Do the Planning Commissioners have any
13 questions for staff?

14 Commissioner Jensen.

15 MR. JENSEN: Mr. Helmick, correct me if I'm
16 wrong. I thought I heard you say that we had 14 review
17 criteria. Our package shows 12.

18 Did we miss a couple, or did you really mean
19 12?

20 MR. HELMICK: I think I really meant 12.

21 MR. JENSEN: Okay. Also on No. 8 of the
22 criteria that you listed, I caught what you said when
23 we add -- that you added air quality permitting to
24 that. You said one more, and I missed that. Can you
25 tell me what that is, please?

1 MR. HELMICK: Noise.

2 MR. JENSEN: Noise, okay, thank you.

3 MR. DOUGHERTY: Commissioner Carraway?

4 MR. CARRAWAY: Yeah, I just had a question
5 for Mr. Lafferty.

6 Matt, this may be a legal issue, and I may be
7 asking for more than what you're able to help me
8 understand here, but my understanding in regard to
9 state law is that it does give the counties a
10 tremendous amount of discretion in regard to the 1041
11 process. And that mitigation that does not directly
12 relate to the project itself, is something that can be
13 required by the County.

14 Is that your understanding, or am I asking
15 for just way too much of a legal issue here?

16 MR. LAFFERTY: That's a legal issue, but I
17 think that any criteria that you have to -- anything
18 mitigation that you require as part of an application
19 has to have a rational nexus to what's being proposed.
20 If there's no nexus between what's being proposed and
21 what you're using to mitigate, then you're acting
22 outside of the limits of what the application is about.

23 MR. DOUGHERTY: Commissioner Cox?

24 MS. COX: Mr. Peterson, how long -- you
25 mentioned warranties, the very last line there. How

1 long are the warranties for and what are those
2 warranties?

3 MR. PETERSON: It's basically about
4 restoration of the surface of the roadway, you know,
5 that we don't see settlement or failure of the
6 pavement. It's two years is what's in our right-of-way
7 permit.

8 MS. COX: And then one other question: On
9 the 1041, if Thornton wants to come back in and add
10 more pipelines, they would have to go through another
11 1041 process; is that correct? 1041 only allows for
12 repair, replacement, but not necessarily additional
13 pipelines within their current pipeline corridor that
14 they would be putting in.

15 MR. PETERSON: They get what they asked for.
16 They don't get anything more. So if they want another
17 pipeline or another major facility, it's a whole new
18 application.

19 MS. COX: Thank you.

20 MR. DOUGHERTY: Other questions for staff?

21 (No audible response.)

22 MR. DOUGHERTY: I have a question for
23 Mr. Lafferty, I believe, or actually it might be for
24 Mr. Helmick.

25 Earlier there was a comment about easements

1 and either a 50-foot easement or 40-foot construction
2 easement. Is that 50-foot easement only if the
3 pipeline as proposed would be outside of the right-of-
4 way of the road?

5 MR. LAFFERTY: That's correct.

6 MR. DOUGHERTY: Okay. I just wanted to
7 clarify that. Thank you.

8 Other questions for staff?

9 Yes, Commissioner Jensen.

10 MR. JENSEN: On an arterial road, is a two-
11 inch overlay normally the way that is paved, or would
12 it be more than that normally?

13 MR. LAFFERTY: Well, so what they have to do
14 as part of their project is they will have to restore
15 any disturbed road portions like where they complete
16 excavate through the pavement, they will have to do
17 significant patching, and there's standard on the patch
18 thickness. I don't have that number off the top of my
19 head, but it's a fairly considerable thickness of
20 asphalt on a arterial roadway, and then we're basically
21 saying that because we believe there is going to be
22 enough disturbance and damage to the road and enough
23 disturbed areas that we want the entire roadway with a
24 leveling course and a two-inch overlay over it.

25 MR. JENSEN: Okay.

1 MR. LAFFERTY: When it's all said and done.
2 So it's not just a two-inch overlay by itself. It's
3 patching and a two-inch overlay.

4 MR. JENSEN: Okay. That was my question, so
5 thank you.

6 MR. DOUGHERTY: Just to continue along with
7 that, Mr. Peterson, Item No. 4 on our -- on the
8 recommendation conditions talks about stabilizing an
9 asphalt patching, all pavement areas disturbed or
10 damaged during the pipeline installation, Item No. 5
11 says due to the large extent of pavement removal
12 required, they're responsible for leveling course and
13 two-inch thick asphalt overlay.

14 Is it either/or? I thought it was only the
15 two-inch?

16 MR. PETERSON: No, they have to fully
17 stabilize and patch all areas that are excavated and
18 disturbed as a result of pipeline construction. In
19 addition to that, they're putting a two-inch overlay --
20 leveling course and two-inch overlay over the entire
21 width of the existing roadway.

22 MR. DOUGHERTY: So on top of the patches?

23 MR. PETERSON: Correct.

24 MR. DOUGHERTY: Okay. Thank you. I just
25 wanted to --

1 MR. PETERSON: So that we get a new
2 continuous road surface over the existing road.

3 MR. DOUGHERTY: Thank you.

4 Any other questions for staff?

5 (No audible response.)

6 MR. DOUGHERTY: Okay. The City of Thornton
7 is our Applicant and I would like to invite their
8 representatives up to give their presentation.

9 And please state your name for us.

10 MR. KOLEBER: Mr. Chairman, Members of the
11 Planning Commission, my name is Mark Koleber, K-O-L-E-B-
12 E-R. It's also up on the screen.

13 I am the Thornton Water Project Director for
14 the City, and I'd like to provide you with some
15 information about the Thornton Water Project to
16 highlight some of the areas of our 1041 permit
17 application.

18 I'd like to start with the project overview.
19 The Thornton Water Project is proposed in the Larimer
20 County 1041 Permit Application is for delivery of the
21 water associated with the Water Supply and Storage
22 Company and Jackson Ditch Company shares, which have
23 been diverted from the Poudre River since the late
24 1800s. These shares were acquired from willing sellers
25 by the City of Thornton in the 1980s.

1 There will be no change in the point of
2 diversion of these shares and delivery of this water
3 through the pipeline will not result in any additional
4 water being diverted from the Poudre.

5 One of the first things our City Council did
6 before we started introducing the project to the
7 public, was to establish the mission, vision, values,
8 and guiding principles for staff as we worked on this
9 project. These include open communication and
10 transparency about the project, collaborating with the
11 communities along the pipeline route, and a commitment
12 to being a good neighbor and good steward, for those
13 that are affected by our project, as well as the
14 Thornton residents.

15 Like the cities across Northern Colorado,
16 Thornton is growing. And the City is working to
17 achieve what all Municipal water suppliers strive for,
18 and that's to provide a reliable water supply to
19 current and future residents.

20 In addition, Thornton Water Project will help
21 address issues with some of our current water supplies
22 so that we can meet the expectation we all for our
23 water. A safe quality drinking water supply when we
24 turn on the tap.

25 The Thornton Water Project, along with

1 Thornton's other sources, will meet the City's
2 projected municipal needs through 2065.

3 Mr. Helmick covered some of this, but I'd
4 like to cover some of the detail and as the Thornton
5 Water Project as proposed in the 1041 Application is a
6 result of a series of evaluations about how to deliver
7 the City's water. I'll cover these steps in more
8 detail, but in general there were four steps to get to
9 the current proposed project configuration.

10 We started with looking at different concepts
11 for how to deliver the water and determined that a
12 pipeline was a concept that met our project needs.

13 Next, we looked at where that pipeline could
14 go through the counties and towns that were between the
15 Water Supply and Storage Company Reservoirs in the City
16 of Thornton.

17 We further refined those potential routes by
18 looking at ten alternative alignments in the area north
19 of Fort Collins.

20 And finally, we looked in detail at Douglas
21 Road to make sure that alignment would work.

22 The delivery concepts we looked at are shown
23 here on this slide. We looked at a pipeline from the
24 Water Supply and Storage Company Reservoirs to Thornton
25 and that's what's before you tonight. We also looked

1 at running the water down the Poudre to Windsor and
2 then in a pipeline to Thornton. We looked at trading
3 the water through the CBT System, over to Horsetooth
4 and Carter and on down, and a pipeline out of Carter
5 Lake to Thornton. And we looked at running the water
6 down the Poudre River to the South Platte, and then
7 operating the water as exchange to get the water into
8 Thornton's system on Clear Creek in the South Platte
9 River.

10 Our delivery concept evaluation concluded
11 that the pipeline from the Water Supply and Storage
12 Company Reservoirs is the only one of these concepts
13 that can meet the purpose and need of our project.

14 And there are a few other things that need to
15 be considered, such as Thornton's decree currently only
16 allows these water rights to be diverted to the
17 historical point of diversion, which is the Larimer
18 County Canal.

19 Continuing to divert at the Larimer County
20 Canal maintains the ability for Thornton to use the
21 water storage associated with the Water Supply and
22 Storage Company Reservoirs, and storage is a critical
23 component of any municipal water supply system.

24 The Poudre River downstream of Shields Street
25 isn't classified by the State for water supply uses, so

1 the river downstream of Fort Collins, where some would
2 like us to take our water, doesn't have their
3 protections needed to use that source for a drinking
4 water supply.

5 Using a pipeline also avoids the water lost
6 that would be associated with running water down the
7 river, and again, it's important to note that these
8 flows have been diverted in to the Larimer County Canal
9 for over 100 years, so the Thornton Water Project won't
10 change the amount of water flowing through Fort
11 Collins.

12 So once we had determined that the pipeline
13 was the only delivery concept that met the project
14 needs, we started working with local governments,
15 utilities, districts, and others, to identify where the
16 pipeline should go.

17 Mr. Helmick covered some of this: We started
18 with a corridor that was six miles wide, east of I-25,
19 three miles tall north of Fort Collins. We went out
20 and we talked to the communities, counties and towns,
21 and identified where would be the good routes and the
22 map that Mr. Helmick already showed, and I also show up
23 here, was this first round of our outreach. We went
24 back again to come to the conclusion of our corridor,
25 and Mr. Helmick has shown that.

1 And then to ensure we could provide
2 information to residents along the preferred corridor,
3 we set up a project-specific website, as well as an
4 email address, and phone number where people could send
5 us comments and get questions -- or get answers for
6 their questions.

7 Through the website, you could also sign up
8 to receive project updates. To-date we've had over
9 15,000 visits to our website. We sent out 11 project
10 update newsletters, and we have 374 people signed up to
11 receive our newsletters.

12 This digital outreach was a key component of
13 our plan to reach out to residents that might be
14 affected by our project.

15 The overall outreach plan was discussed with
16 the Larimer County staff, who concurred that the
17 additional outreach would be helpful in ensuring
18 residents understood the project.

19 In late 2016, we held four open houses along
20 the proposed I-plan corridor to introduce the public to
21 the project and to start gathering feedback that we
22 would need for our project. We held meetings in Fort
23 Collins, Windsor, Johnstown and Firestone.

24 For these open houses, any property owner
25 within 500 feet of our initially proposed quarter to

1 half-mile corridor was mailed an invitation to our open
2 houses. Thornton sent out invitations to 1272 property
3 owners, including 849 property owners in Larimer
4 County.

5 A reminder invitation was sent out after our
6 first two open houses, letting people know that were
7 still two more open houses, if they wanted to get
8 information about our project.

9 There were 146 people that signed up at these
10 open houses, and there were some that attended, but
11 didn't sign in.

12 Part of our sign-in included the opportunity
13 to sign up for our email project updates, and attendees
14 were provided with cards to submit comments on our
15 project.

16 We presented information about the proposed
17 project corridor, general construction sequences, and
18 the City's land acquisition process, as well as an
19 overview of the project and some Thornton history
20 associated with the project. The open house resulted
21 in many good, one-on-one interactions with members of
22 our project team and we received great feedback on what
23 we should take into consideration when we identify a
24 specific route for the pipeline.

25 Because there have been some questions about

1 open house notifications, specifically along Douglas
2 Road, I wanted to show the area that we used for
3 mailing open house invitations. Invitations were
4 mailed to the owner of any property that included area
5 within the redline on this map, and we used the Larimer
6 County Assessor's information for mailing addresses for
7 the property owners.

8 As a follow-up to the open houses, we
9 received several requests to meet with property owners
10 and HOAs. We attended HOA meetings, as well as
11 meetings with small groups of residents. We received
12 additional area-specific feedback from residents at
13 these meetings, and I think it's important to point out
14 that we attended any meeting that we were invited to.

15 It didn't click.

16 (Adjusting equipment.)

17 MR. KOLEBER: Thank you.

18 Subsequent to the open houses, Larimer County
19 staff requested that we look at alternative routes,
20 including use of
21 County Road right-of-way and Mr. Helmick covered some
22 of the discussion, as well.

23 We looked at ten alternative routes, removing
24 from the Water Supply and Storage Company Reservoirs to
25 the northeast corner of a Thornton-owned farm, which on

1 this map is this green hatched area, and so we own --
2 this is Turnberry and this is Road 56. This green
3 hatch area is a Thornton-owned farm. And from there,
4 the corridor continues east.

5 Our analysis used criteria that addressed the
6 concerns we heard during the open houses, and other
7 meetings with residents and from Larimer County staff.
8 We used criteria that took into consideration both the
9 construction of the project, as well the ongoing
10 operation of the project. The route in Douglas Road
11 had the overall best score.

12 Thornton held a community meeting to present
13 the results from the alternatives analysis and provide
14 information on the Douglas Road alignment. Thornton
15 sent invitations to property owners within the redline
16 shown on the map, as well as emailed invitations to
17 those that had signed up for our project updates. 153
18 people attended that meeting.

19 In addition, Larimer County staff presented
20 information about the Douglas Road transportation needs
21 at this meeting.

22 Because there were some concerns about the
23 500-foot wide corridor along Douglas Road, that the
24 City had included in its initial 1041 Permit
25 Application, Larimer County requested that the City

1 confirm that the pipeline could, indeed, be constructed
2 within the existing Douglas Road right-of-way, as
3 proposed by Thornton.

4 Mr. Helmick and Mr. Peterson have already
5 shown that information that confirmed that we were able
6 to build entirely within the Douglas Road right-of-way.

7 This map shows the corridor that Thornton
8 proposes for construction of a Thornton Water Project.
9 The 1041 Permit Application only covers those areas of
10 unincorporated Larimer County along the proposed
11 pipeline route. The pipeline construction in the
12 incorporated areas of Timoth, Windsor, Johnstown, will
13 be permitted through those jurisdictions.

14 Thornton is requesting that Larimer County
15 approve a corridor for the Thornton Water Project
16 because it would allow Thornton the ability to work
17 with the property owners, to find a suitable location
18 for the pipeline on their property, to adjust the
19 pipeline location to accommodate existing utilities or
20 other conditions, and allow Thornton to work with
21 property owners to find the best fit for a pipeline
22 route through planned developments.

23 The corridor does not provide for future
24 construction of additional pipelines. And once
25 construction is complete, the corridor will no longer

1 apply and Thornton will have only the easements that it
2 does acquire.

3 Any future pipeline installation by Thornton
4 50 or more years down the road, would require a 1041-
5 type permit under the regulations in effect at that
6 time.

7 Mr. Helmick has already covered the source
8 water pumping station. I won't go into any more detail
9 on that.

10 Then along with the conditions of approval
11 that the County staff have recommended as part of the
12 permit, Thornton has proposed 145 mitigation measures
13 and commitments to ensure the Thornton Water Project
14 impacts are minimized or prevented.

15 Outside areas where construction will occur
16 in County Road right-of-way, Thornton will acquire
17 easements for construction of the pipeline. Thornton
18 will respectfully work with property owners and provide
19 just compensation for any easements that the City
20 acquires.

21 Thornton will work with the property owners
22 to locate the easements where the impact can be
23 minimized.

24 The property owner will be able to use the
25 surface over the pipeline once construction is

1 complete.

2 In the area where a pipeline is constructed,
3 the property and any improvements, like fences or
4 landscaping will be restored after construction. And
5 our goal is to negotiate for all easements that we'll
6 need to acquire and will only use eminent domain when
7 all reasonable alternatives have been exhausted.

8 Once construction in the initial property
9 restoration is done, Thornton will monitor the areas
10 and continue restoration activities until the area is
11 restored to the property owner's satisfaction.

12 As this timeline shows, we're currently in
13 the permitting and land acquisition stage of the
14 project. We'll start design this year and we'll start
15 construction in 2019. The goal is to have the project
16 online delivering water to Thornton's treatment plants
17 by 2025.

18 For construction along Douglas Road, the
19 design will start shortly after affirmative approval
20 and construction would follow starting in mid-2020.

21 The final paving would occur in 2021 after an
22 approximate 12-14 months pipeline construction period.

23 Thank you for your time this evening, and I'd
24 be happy to answer any questions.

25 MR. DOUGHERTY: Thank you, Mr. Koleber.

1 Are there any questions for Mr. Koleber from
2 the Planning Commissioners?

3 Commissioner Carraway.

4 MR. CARRAWAY: Yeah, just in terms of my
5 understanding of some of the concerns, obviously
6 there's the concern of inconvenience and the noise and
7 the traffic issues and all that, and you know, that's
8 obviously pretty obvious to everybody. But what I
9 haven't heard mention of there's also concerns that
10 I've heard just relating to this whole issue of buy and
11 dry, and the whole issue of just the health of the
12 Poudre River.

13 Are those issues, the buy and dry issues, and
14 just the basic health of the Poudre River -- and by the
15 way, I totally get that you're not taking any more
16 water out of the river than what's been diverted
17 previously, but my question is: Are these latter two
18 issues that I'm mentioning, the buy and dry issue,
19 health of the Poudre River, were those given any
20 thought? Were there any discussions about ways that
21 those could be addressed in a creative, positive
22 manner, that just brings -- you know, that tries to
23 bring the various parties together to just talk about
24 those very important issues?

25 MR. KOLEBER: Absolutely. We've been

1 committed since the mid-1980s to being a good steward
2 of our properties. Once we've bought those properties,
3 we've only taken those out of production that we need
4 for the short-term water supply for the City of
5 Thornton. The remainder will be remained -- or be
6 retained in irrigated agriculture until we need that
7 water down in the City.

8 When those properties are taken out of
9 irrigated agricultural production, we go through an
10 extensive effort to make sure that they are converted
11 into a self-sustaining dry land grass cover so that
12 there are not weed problems, dust problems, or anything
13 else. And we work with the local farmers to cut the
14 hay on those properties, lease them for grazing, or
15 whatever we can do to keep them in the agricultural
16 community.

17 We are, in essence from the mid-1980s until
18 we'll need the last amount of water, it'll be a 20-year
19 transition from when we bought those farms until we'll
20 need all the water off of those farms. So we're being
21 a good steward in the meantime so the buy and dry
22 aspect of that, we believe we're managing in a very
23 good fashion.

24 As far as the Poudre River -- I'm sorry. Did
25 you want to?

1 MR. CARRAWAY: Well, just real quick on that.

2 MR. KOLEBER: Sure.

3 MR. CARRAWAY: Have you explored, for
4 example, some type of a creative water-sharing-type
5 mechanism where you would have a situation where the
6 agricultural lands wouldn't be completely dried up,
7 that they could use water for ag purposes in certain
8 years, other years the water goes to Thornton?

9 MR. KOLEBER: We have considered that. Our
10 decree does not allow it. The Water Court specifically
11 prohibited us from moving water on and off our
12 properties. Once we have it off, we're not allowed to
13 put our water back on. We can, however -- and we've
14 had some discussions with others about bringing other
15 water onto those farms, particularly if they're a very
16 high producing, very productive farm, we'd like to get
17 water back on those. But it can't be the water that we
18 have that's going to Thornton.

19 To your second point, we have had lots of --
20 very good constructive conversations with -- the Poudre
21 runs through a group. I'm a member of that group. And
22 we have looked at ideas like as we transition our farms
23 from irrigated to non-irrigated, there's about a 7-year
24 time period there where you can't put the water on the
25 farms, but we can't take it to Thornton. That would be

1 a great opportunity to try to work with folks to get
2 the water going into the river.

3 We're working and our attorneys are working
4 on the Poudre River odd plan, which would allow water
5 to be donated for in-stream purposes on the Poudre to
6 help the environment along the Poudre. That's
7 something we're committed to, we're working hard at,
8 and we hope that we can be successful with.

9 MR. CARRAWAY: Yeah, just real quick follow-
10 up on that last point, so what you're talking about
11 then is the potential of something that would help with
12 base flows on the Poudre, and -- but that I understand,
13 that's something that you're talking about, you're
14 having discussions about, but that's not part of the
15 mitigation that you have laid out for this process?

16 MR. KOLEBER: It's not because right now it's
17 not legally available to us.

18 MR. CARRAWAY: Okay.

19 MR. KOLEBER: We still have to go through the
20 Water Court process to get that augmentation plan
21 approved, so that we can use that kind of a mechanism.

22 MR. CARRAWAY: Okay. And just one last
23 question, just in regard to the ditch system, you know,
24 I've had discussions with people about this, and people
25 that are much more knowledgeable about water issues

1 than I am, and they were just questioning whether or
2 not the current ditch structure is sufficient to where
3 if it were improved in an appropriate manner, that you
4 could actually get the water over to Weld County
5 through the ditch system without a pipeline. Is that
6 something that has been explored at all?

7 MR. KOLEBER: Well, that could work, except
8 the problem for Thornton is that that would then bypass
9 the Water Supply and Storage Company Reservoirs, and
10 those reservoirs are a key component of managing a
11 water supply because the water comes off during a few
12 months during the summer. We have to stage it for
13 delivery across the entire year and then from year-to-
14 year when we have dry years and wet years. So that
15 Water Supply and Storage Company Reservoir storage
16 needs to be in line for our pipeline.

17 MR. CARRAWAY: Okay. All right. Thanks.

18 MR. DOUGHERTY: If I may, I'd like to keep us
19 on track here. We need to be asking questions about
20 the actual 1041 and the pipeline application itself.

21 Commissioner Jensen?

22 MR. JENSEN: You mentioned, Mr. Koleber, that
23 if you were to pull the water -- that you could not
24 pull the water off the lower Poudre because protections
25 are not in place on the lower Poudre to allow that to

1 be a municipal water supply.

2 Did I quote you correctly, or?

3 MR. KOLEBER: That's one of a number of
4 reasons, yes.

5 MR. JENSEN: Okay. What are the mitigations
6 that would have to have been done or would need to be
7 done on the Poudre River through town if that was going
8 to be a water supply conveyance to be able to pull it
9 further downstream?

10 MR. KOLEBER: I'm speculating that it would
11 need to be advanced waste water treatment, storm water
12 treatment along the way, storm water detention, that's
13 not really something we looked at.

14 MR. JENSEN: Okay.

15 MR. DOUGHERTY: Any other questions for Mr.
16 Koleber?

17 (No audible response.)

18 MR. DOUGHERTY: And just to clarify, the
19 reason you did not look at that is because that is not
20 allowed per your water rights, correct?

21 MR. KOLEBER: That and a number of reasons.

22 MR. DOUGHERTY: All right.

23 MR. KOLEBER: It's not allowed by the water
24 rights, the quality degrades, the storage isn't
25 available. You lose about 9 percent of your water by

1 running 18 miles down the river. There's a lot of
2 different reasons why that doesn't work to meet the
3 purpose and need of our project.

4 MR. DOUGHERTY: Okay. And then one more
5 clarification, you will not be diverting any more or
6 any less water out of the Poudre River by utilizing
7 this pipeline; is that correct?

8 MR. KOLEBER: We only will be diverting the
9 water associated with our shares, which is limited by
10 historical future use that those water rights will
11 divert no more than what those shares deliver.

12 MR. DOUGHERTY: All right. Any other
13 questions for Mr. Koleber?

14 (No audible response.)

15 MR. DOUGHERTY: Okay. Mr. Koleber, thank you
16 very much.

17 MR. KOLEBER: Thank you.

18 MR. DOUGHERTY: At this time we're going to
19 take a quick 10-minute break, then we're going to jump
20 right into public comment. And I thank you-all very
21 much.

22 We'll be right back.

23 (Recess taken.)

24 MR. DOUGHERTY: Okay. Ladies, ladies and
25 gentlemen, we are coming back to order and if you guys

1 are talking, the people at home can't hear us. I
2 really want to respect your time. I apologize for
3 having to take the break, but we've been out since 2:30
4 today in a hot van and then we had to rehydrate and
5 well, you know what happens.

6 So we are going to try something a little bit
7 different here on our speakers. A number of you have
8 spoken up and signed up to be able to yield your time
9 to someone else. We are going to start with John Barth
10 and then when John is done, he's had enough people
11 yield to him. He's got 15 minutes.

12 After that, I'm going to go through my list
13 here and I'm going to call three people at a time so
14 that we have seats up front here.

15 Again, I really don't want this to go too
16 late for you guys, as well as for us.

17 Additionally, one other thing I forgot to
18 mention earlier, if we go past 10:00 o'clock and if any
19 of you go outside one of the doors to the building,
20 please make sure you have somebody inside to let you
21 back in. The door will lock behind you. I don't have
22 any control over that.

23 Additionally, please remember we can either
24 approve or deny the application. We can't change where
25 the water comes in or goes out.

1 I would ask also that you speak to this
2 application, not to any other perspective possibilities
3 that are not a part of this application. That won't
4 help us to make a recommendation.

5 John, the floor is yours.

6 MR. BARTH: Thank you very much. My name is
7 John Barth. I'm here tonight appearing as an attorney
8 on behalf of the No Pipe Dream Association. Thank you
9 for the opportunity to present a group presentation
10 tonight.

11 The No Pipe Dream Association submitted a
12 lengthy comment letter with exhibits opposing
13 Thornton's 1041 Application. While I don't have the
14 time tonight to address all the issues in our comment
15 letter, I will address some of those issues and the
16 most important ones. However, we reserve all arguments
17 in our comment letter even if I'm unable to address
18 those tonight.

19 Tonight I'm going to unleash the elephant in
20 the room. The elephant in the room is whether this
21 Commission is going to comply with the requirements of
22 1041 and require Thornton to submit a comprehensive
23 application for all aspects of the Thornton Northern
24 Project, which includes return flow pipelines,
25 additional pump stations, a separate water delivery

1 pipeline or whether this Commission is going to ignore
2 what they know about the full extent of this project
3 and allow Thornton to segment this project into small
4 little bites, thereby minimizing the impact of each
5 little project that it submits.

6 In addition to presenting the law on what
7 1041 requires, we also are going present a viable
8 financial and technically feasible alternative to
9 Thornton's Northern Project, and that's namely to move
10 the point of withdraw of water from the Poudre east of
11 Old Town Fort Collins. Not only is this a better
12 alternative for the Poudre River, it also has a greater
13 chance of community acceptance within Larimer County
14 and thus, a higher probability of success for the City
15 of Thornton.

16 Finally, while we are asking the Commission
17 to recommend denial of the 1041 Application, if the
18 Commission does recommend approval, we're going to ask
19 for additional significant conditions to be included in
20 any 1041 approval, and that would be to limit forever
21 the scope of the Thornton Northern Project to what
22 their 1041 Application contains, and that's the single
23 pipeline.

24 I encourage you to ask questions, but I ask
25 that you hold your questions until the end of my

1 presentation.

2 So the Thornton Northern Project is a large
3 water delivery project, including two parallel
4 pipelines, water delivery pipelines to Thornton,
5 multiple pump stations, and return flow pipelines. The
6 TNP, or Thornton Northern Project, would deliver clean
7 water from the Cache la Poudre River in Larimer County
8 to Thornton and pipe more polluted water from the South
9 Platte River into Larimer County as return flows.

10 "The components of Thornton's water supply
11 and Thornton's water system are operating together as
12 an integrated project or system," and that quote is
13 straight out of the 2015 Water Court decision.

14 Here's a map of the Thornton Northern Project
15 that shows two delivery pipelines to Thornton, not one.
16 Return flow pipelines where they take water out of the
17 South Platte and bring it into Larimer County -- and
18 again, this is more polluted water than is in the Cache
19 la Poudre, and they will deliver that polluted water
20 into your watersheds in Larimer County.

21 And in addition, there are pump stations
22 throughout here for the return flow pipelines and
23 additional pump stations for the second water pipeline.

24 Thornton's 1041 Application is a small sub-
25 component of the larger Thornton Northern Project. The

1 Thornton water pipeline application only addresses a
2 single water pipeline frm the WSSC Reservoir to
3 Thornton. No other Thornton Northern Project
4 structures are included in the 1041 Application.

5 While the TNP is a single integrated system,
6 it's 1041 Application is not. What structures are
7 excluded from the 1041 Application? First just to
8 start, the pump station at WSSC Reservoir No. 4,
9 they're going to do that through site plan and not
10 through 1041, so the impacts of that have not been
11 fully evaluated.

12 The second parallel waterpipeline which could
13 require takings and eminent domain of many of the
14 people's property that are sitting here today, the
15 return flow pipelines from the South Platte River to
16 Larimer County watersheds, additional pump stations,
17 these impacts from what remains from the Thornton
18 Northern Project are going to be far exceeding the
19 significance of impacts of the current 1041
20 Application.

21 So impacts are excluded from the 1041
22 Application? Impacts to property owners from the pump
23 station, noise pollution; zoning, which is a major
24 issue; and traffic. Impacts to property owners from
25 the second parallel water line, as I mentioned eminent

1 domain is likely. Impacts to property owners from the
2 return flow pipelines. Impacts to water quality from
3 highly polluted water from the South Platte River
4 return flows into Larimer County and impacts to
5 agricultural lands like Commissioner Carraway was
6 asking about the drying up. This is something that
7 should be evaluated and this permit application simply
8 is not.

9 Here is a picture of Douglas Road and some of
10 the opposition to this project and application.

11 Let's talk about what the purpose of the 1041
12 law is. The 1041 law, the purpose is to look at all
13 impacts from large projects at one time, not to segment
14 them out. Thornton's permitting strategy is to avoid a
15 comprehensive assessment of all impacts by segmenting
16 the TNP into smaller projects, thereby denying Larimer
17 County and its citizens the comprehensive impact
18 analysis guaranteed by the 1041 law.

19 Here is what the 1041 says. This first quote
20 is right from the Colorado Supreme Court, the highest
21 court in the state, and is an en banc decision, which
22 means all of the justices participated in that. And
23 what they found is that 1041 allows local governments
24 to supervise land use which may have an impact on the
25 people of Colorado beyond the immediate scope of the

1 land use project. That's the whole purpose here,
2 folks.

3 In adopting the 1041 statute, the Colorado
4 Legislature recognized that there's inadequate
5 information on land use that's lacking to decision-
6 makers, just like you. Here we are, inadequate
7 information. We've got a segment of the entire project
8 that's being submitted to you and you don't know
9 anything about the impacts to the rest of the project.

10 The 1041 Application violates both the letter
11 and spirit of the 1041 law by denying information on
12 impacts to Larimer County beyond the immediate scope of
13 its segmented application.

14 What are Thornton's responses to this?
15 Thornton argues that it can't present all information
16 now because it doesn't know which or what structures
17 will be constructed or when.

18 Well, as you saw from the map, which was part
19 of the Water Court decision, they know what the
20 additional structures are. They know there's going to
21 need to be another pipeline. They know there are going
22 to be additional pump stations. They submitted that
23 map to the Water Court to get approval for this
24 project. They know they're going to need those things,
25 but they're trying to tell you, oh, we have no idea

1 when it's going to happen.

2 You need to tell them to submit that
3 information now. This is your only chance to get that
4 information. Once they get their toe in the door --

5 (Applause.)

6 MR. DOUGHERTY: Ladies and gentlemen, I
7 cannot have outbursts. I will clear the room if I have
8 outbursts.

9 Thank you.

10 MR. BARTH: -- and the way to respond to this
11 is simply deny the permit application and tell them to
12 come back with a complete application to satisfy the
13 requirements of 1041.

14 Thornton also says that this is the only
15 water supply addition to their system until 2065;
16 however, documents on their own website seem to appear
17 to show something different.

18 This is from Thornton's Water Efficient Plan.
19 This is the supply addition that's represented by the
20 Thornton Water Project Application they submitted to
21 add some 20,000-acre feet in 2025. Well, lo and
22 behold, what is this? This is another similar
23 equivalent water supply addition. What's the date for
24 that? 2034.

25 They're applying for their 1041 permit for

1 this seven years in advance. If they do the same for
2 this, they're going to be back in 2027.

3 So this is important. This is your standard
4 of review. This is how you need to look at this
5 application from a legal standpoint. "If the proposed
6 activity does not comply with the guidelines and
7 regulations, the permit shall be denied." This is
8 straight out of state law.

9 Your own Land Use Code has similar language.
10 "When a 1041 Application may be approved only when the
11 Applicant has satisfactorily demonstrated that the
12 proposal, including all mitigation measures proposed by
13 the Applicant, complies with all applicable criteria
14 set forth in Section 14. If the proposal does not
15 comply, the permit shall be denied."

16 The word "shall" is mandatory under your Land
17 Use Code. So what is Thornton's burden of proof? They
18 have the burden, not citizens, no one else. They have
19 the burden. And they must prove that they've
20 satisfactorily demonstrated. We believe that that term
21 means a clear and convincing evidentiary burden of
22 proof, not simply a bare preponderance of the evidence.

23 So what is your land use criteria say in
24 Section 14 of the Land Use Code? It says that the
25 Applicant must submit a complete and sufficient

1 Application. Well, this is basically incomplete just
2 on Thornton's own cover letter of January 5th, 2018,
3 where it says, "The source water pump station is not
4 part of the permit application." It's not complete,
5 deny it.

6 The 1041 Application must be denied because
7 it fails to present all information on the source water
8 pump that will be constructed as part of the TWP.

9 So now let's look at the very first criteria,
10 substantive criteria in your Land Use Code. It says
11 that the proposal must be consistent with the Master
12 Plan. What does the Master Plan say about exporting
13 water out of the county? It says, "Larimer County will
14 not support" -- in other words, will not recommend in
15 your situation -- "future transfers of existing water
16 resources out of the county without consideration of
17 the impacts on present and future land uses."

18 This Commission may not support or recommend
19 in this case Thornton's application unless it provides
20 information on all impacts on future land uses
21 associated with the future Thornton Northern Project.
22 Thornton's application fails to provide any information
23 on future impacts associated with the remaining
24 elements of the TNP. The Commission must recommend
25 denial.

1 There is -- they got a better alternative,
2 and that better alternative we refer to as the
3 "Citizen's Poudre Alternative." And that is to
4 withdraw water further downstream on the Poudre and let
5 the Poudre be the pipeline.

6 What are the benefits to the county? It
7 preserves the Poudre. You hear Thornton say, "Well,
8 we're not going to take any more water out of the
9 Poudre that's not already being taken." That's with
10 this pipeline. They have a second pipeline that would
11 have to draw additional water, so you're looking at
12 reduced flows. You're also looking at the NIS
13 (phonetic) pipeline staring this county down the neck,
14 and you're going to have people running for your water
15 and depleting the water supply in the Poudre.

16 So this pipe, this would help keep water in
17 the Poudre further downstream. It would shorten the
18 length of the pipeline. It would provide water through
19 Old Town, and it will be fewer impacts to your
20 residents.

21 The harm to Thornton? None.

22 Thornton's citizens -- the alternative is
23 cheaper. It involves less infrastructure. It's
24 feasible, and it has greater community acceptance.

25 This is a PowerPoint slide from one of

1 Thornton's own presentations. The concept one here is
2 what is included in their application. You'll see the
3 costs there are 400 to 500 million. The concept two
4 here is to leave water in the Poudre further and take
5 it out in Weld County. You'll see it's \$50 million
6 cheaper.

7 You'll also see the probability of success is
8 similar, but one thing they don't look at is community
9 acceptance. If you look at community acceptance, the
10 probability of success is going to go way over into the
11 green.

12 The citizen Poudre alternative is also
13 feasible. In our comments we submitted a technical
14 report by Lisa Buchanan, who is the hydrologist, and
15 she looked at Thornton's claim that you couldn't take
16 water further downstream. I believe Commissioner
17 Jensen had a question about this.

18 Can you take it further downstream if it's
19 not listed as a water supply use? You can. There is a
20 segment that's further east of downtown that's still a
21 water supply segment that they could pull out of, and
22 in addition, if they wanted to pull further east, all
23 you have to do is go the Water Quality Control
24 Commission and ask for a change of that classification.
25 It's done all the time, it's not a huge deal.

1 MR. DOUGHERTY: You have two minutes.

2 MR. BARTH: She also finds that the water
3 quality near the reclamation plant in Fort Collins is
4 similar to what they would pull out of the reservoir.
5 So downstream diversion is feasible.

6 So here are the conditions that if you --
7 we're asking for denial, but if you don't deny, here
8 are two conditions we ask you to impose in the
9 alternative.

10 If Thornton is not going to submit full
11 information on the full aspects of the TNP, then you
12 ought to say, "Well, all right, we'll grant your
13 permit, but don't come back again. This was your
14 application. You had your chance for a full TNP
15 application to tell us all of the impacts. Since you
16 failed to do that, this is the only pipeline, this is
17 the only structure associated with this project that
18 we're ever going to approve."

19 The second alternative is to tell Thornton
20 that since they're promising that they won't need to do
21 anything more until 2065, is to say, "Fine. Don't come
22 back until 2066. We're not going to accept anymore
23 1041 Applications for any other aspect of this project
24 until then."

25 Any questions?

1 MR. DOUGHERTY: All right. Planning
2 Commissioners questions for Mr. Barth?

3 Thank you, Mr. Barth.

4 Go ahead, Commissioner Carraway.

5 MR. CARRAWAY: Yeah, I'd just like if you
6 could clarify from a legal standpoint your
7 understanding of the power that the County has in
8 regard to this issue of mitigation? Just how -- you
9 know, I want to just go back to the question I asked
10 Mr. Lafferty, and he talked about this issue of a
11 connection or nexus between the project itself and, you
12 know, any mitigation that's being asked for.

13 What's your understanding of that?

14 MR. BARTH: I agree with both of you. I
15 agree that there needs to be some nexus. You can't
16 pull something out of this sky and say, you know, we
17 want you to pay us \$10 million, with no relationship to
18 the project.

19 But the questions you were asking were
20 excellent. And they were mitigation questions, and you
21 are fully entitled as a Planning Commission and as a
22 County to require mitigation, including mitigation to
23 the Poudre. So your questions were right on. You
24 absolutely have a ton of discretion, as long as it's
25 connected to the project, and down the road you're

1 going to get deference from the courts if you do the
2 right thing.

3 If you, you know, completely ignore the law
4 or you impose a requirement that's completely
5 arbitrary, you're not going to get deference on that.
6 But if you, you know, tailor your mitigation as we have
7 proposed with our proposed amendments or conditions to
8 say, "You're not coming back, because you've
9 essentially violated 1041. You came in for a piece of
10 this. Or you've asserted that you're not going to need
11 any more water until 2065, don't come back until then."

12 Those are directly related. They're directly
13 related to promises that they've made to you, and so
14 you have a ton of discretion on mitigation and
15 conditions.

16 MR. DOUGHERTY: Other questions for Mr.
17 Barth?

18 Commissioner Jensen.

19 MR. JENSEN: What I didn't see you address,
20 Mr. Barth, was the storage aspect for the City of
21 Thornton. I think in their presentation they spoke
22 very clearly that those reservoirs are an integral part
23 of this process because of we all know what happens in
24 the late summertime on the Poudre River and what
25 happens in the early spring on the Poudre River. I

1 would think that storage would be a critical part of
2 that, and I did not hear you address that in your
3 alternative.

4 Can you speak to that, please?

5 MR. BARTH: Sure. So I am not an expert on
6 their water system, and I'm not an expert in water law,
7 Colorado water law, but what I can tell you is from
8 reading the Water Court decisions, they have numerous
9 reservoirs for storage. They have a significant
10 percentage of the WSSC water rights. They have storage
11 capability in the WSSC 4, they have other reservoirs
12 further downstream. They also have rights to the
13 various canals.

14 So what we would like to see, is we would
15 like to see that explored. Give us a map, show us all
16 your storage rights, show us the connections between
17 the canals, and let's roll up our sleeves and work out
18 an alternative that really mitigates, helps the Poudre,
19 and is acceptable to the community. Thus far, we have
20 not had that approach with Thornton.

21 So I believe, given the amount of storage
22 rights that they have and the variety of storage rights
23 and the canal access, that this could be done.

24 MR. JENSEN: Thank you.

25 MR. DOUGHERTY: Commissioner Gerard?

1 MR. GERARD: Yes, sir. Have you looked at
2 how many acres are going to be dried up with this water
3 decree?

4 MR. BARTH: So that is a great point, and if
5 you go back to that Master Plan requirement, that's
6 exactly what it's pointing to. It says if you're
7 taking water out of our county, you need to look at the
8 impacts on agriculture. That's not in their
9 application anywhere. And they've already dried up
10 that land. They've dried up a bunch of it in order to
11 be able to divert this water.

12 Where is that analysis? Mr. Koleber stood up
13 and said, you know, well, we're doing the right thing.
14 And we're, you know, make sure we don't get weeds and
15 dust and stuff. Where's the analysis? This needs to
16 be in this permit application.

17 So it's just a screaming deficiency with the
18 application.

19 And I'd also like to just kind of respond to
20 you and to Mr. Jensen --

21 MR. GERARD: Can you answer my question,
22 though? Do you know how many acres?

23 MR. BARTH: I don't know exactly how many
24 acres. I think the number of acres may be referred to
25 in the application, I just can't remember what it is.

1 MR. GERARD: Okay. Thank you.

2 MR. BARTH: But there was an important aspect
3 about the timing of the water use. Remember, their
4 historic water use that was agricultural was only used
5 a couple of months out of the year. High flows, you
6 use it to irrigate crops. They've changed that.

7 Now they're using water year-round and
8 storing that water year-round. So you've completely
9 changed the hydrologic dynamics in the Poudre River by
10 this change, and I'm not telling you that you can then
11 question that because the Water Court has approved that
12 change.

13 But we need to all know what the impacts of
14 that are, and how it's going to change the Poudre, how
15 is it going to change the ecology, how it's going to
16 change the properties that have been dried up. And
17 again, it's not in the application.

18 MR. DOUGHERTY: Thank you, Mr. Barth.

19 Any other questions for Mr. Barth?

20 (No audible response.)

21 MR. DOUGHERTY: Thank you very much, sir.

22 MR. BARTH: Thank you.

23 MR. DOUGHERTY: All right. Now we have,
24 Roberta Norman is going to be up first, then we're
25 going to have Patty Clifford and Mark Hyden (phonetic).

1 And we've actually got them up on the screen.

2 I would ask for Roberta to come on up and
3 speak, please, and then Patty and Mark to please come
4 sit on the chairs up in front here, so we can be as
5 efficient as possible with timing.

6 And Roberta will have three minutes, as time
7 was deferred to her.

8 Come on up, please.

9 MS. NORMAN: Yes, hi. My name is Roberta
10 Norman. And I say where I live?

11 MR. DOUGHERTY: We don't need that. Thank
12 you.

13 MS. NORMAN: No, not necessary, okay.

14 I'm very disappointed in what I've heard so
15 far from the Planning Commission because I see you as
16 thinking yourselves as victims and you're not, and
17 we're here to empower you to do what the citizens are
18 asking.

19 In the Land Use Code under Purpose of the
20 Code, 2.3.1, and I quote -- this is taking it out of
21 that, is: "To preserve, protect, and improve the
22 health, safety and general welfare of Larimer County
23 residents."

24 This is about Larimer County. It's not
25 about Thornton. It is -- to say that the State has --

1 the Water Courts have said that the point of diversion
2 is Reservoir 4 and cannot be changed, you know that's
3 not true. We know that's not true. And will it take
4 Thornton a little more time to get it changed? Yes,
5 but is it going to take less time than building 20-plus
6 -- a pipeline of 20-plus miles that's not needed?
7 Their pipeline, as you know, passes the Poudre right
8 down there by Windsor. They can start their pipeline
9 diversion there.

10 It's going to take less time to get the Water
11 Courts to change that diversion source and everything,
12 but not as much time as it's going to take to build a
13 pipeline 20-plus miles to get there, and it certainly
14 is not going to interrupt as many people's lives.

15 And since the Commissioners are charged with
16 preserving, protecting and improving the health,
17 safety, and general welfare of Larimer County
18 residents," allowing 26 miles of disturbance and impact
19 to roads and private property when it's not necessary
20 is not in the best interest of Larimer County
21 residents.

22 The pipeline application aptly supports
23 because it shows that pipeline crossing the Poudre. It
24 can come out there.

25 And the \$100 million that it takes for that

1 20-plus miles to go from Reservoir 4 down to the Poudre
2 River down at Windsor, they could use that for building
3 a wonderful reservoir for their residents in Thornton.

4 And I think that the Larimer County
5 Commissioners should not consider and not be involved
6 with Thornton's concerns. Those concerns being water
7 quality, Government permits, time restraints, having to
8 create reservoirs and having land already purchased in
9 Larimer County. That has nothing to do with the 1041
10 and it has -- it has nothing to do with what the
11 Commissioners should be doing.

12 They, again, should be --

13 MR. DOUGHERTY: Thank you. Thank you,
14 Ms. Norman.

15 MS. NORMAN: Is it up? Okay. Thank you.

16 MR. DOUGHERTY: Appreciate that. Thank you.
17 Patty Clifford, you're up and Scott Horack
18 (phonetic), you will be on deck after Mark Hyden.

19 MS. CLIFFORD: Hi. I'm Patty Clifford and we
20 live in Wooded Creek. We've been there about 22 years
21 in the house we're in right now.

22 When we were in Boulder, we built homes and
23 Boulder had a moratorium on building more homes, and I
24 think that Thornton should put a moratorium on this
25 50,000 people they're bringing in. And you know, those

1 50,000 homes that they're building in Thornton, they
2 will all have two cars.

3 Do we want 100,000 more cars on I-25? So you
4 know, I just think it's kind of crazy.

5 Anyway, that's all I have to say.

6 MR. DOUGHERTY: Thank you, Ms. Clifford.

7 All right. Mr. Mark Hyden, you're up and I'd
8 ask Elaine Spencer to make her way on down for after
9 Scott Horack.

10 MR. HYDEN: Well, it's clear this is a pretty
11 complicated process here and I'm no lawyer, and I'm not
12 -- I don't have a crystal ball. I don't know where
13 this is headed in the future in 20 years or 40 years,
14 and I'm not sure anybody in this room does.

15 And I'm here to address the 1041 Application
16 as it's currently in front of the Commissioners, and
17 the process that has taken place with that in regards
18 to our perspective, meaning Eagle Lake.

19 I'm the president of the homeowners
20 association at Eagle Lake and to us, the whole pipeline
21 issue revolves around two specific points. One, public
22 versus private property and the process that has taken
23 so far to reach a decision in front of the Commission.

24 We fought hard and were supported by
25 surrounding HOAs when the original Thornton corridor

1 was revealed to us about November of '16 when we saw it
2 was coming straight out of Reservoir 4 going through
3 Eagle Lake, then through private land off of Douglas
4 Road, and it continued up through Woody Creek across
5 Highway 1 into more private land on the other side of
6 Highway 1.

7 We all wanted a solution that took advantage
8 of public right-of-ways. Existing Thornton land and we
9 wanted the pipeline to stay out of people's private
10 property and backyards.

11 Both the County and Thornton listened to our
12 suggestions and objections. They County allowed
13 Thornton to use, as has been referenced, public right-
14 of-ways and Thornton studied new routing for the
15 pipeline that did exactly what came out of the meetings
16 that we held with them, and that is utilization of
17 traditional utility right-of-ways. Thornton owned land
18 while not crossing private property, better known as
19 the "Douglas Road option."

20 The anti-Douglas Road group protested this
21 route over fears much like our own. That private land
22 would be taken in the process, especially with the
23 proposed widening of Douglas Road. But the process
24 worked.

25 Through public meetings, private meetings

1 between Thornton and residents along Douglas Road, plus
2 interaction with the County and the Transportation
3 Department over the widening of the road, both the
4 County and Thornton have listened and reacted to
5 residents' concerns, much like they did with the
6 original routing proposal through Eagle Lake.

7 The 1041 permitting process was delayed so
8 Thornton could research utility locates under Douglas
9 Road that did not require the taking of anyone's
10 private property, and that process clearly demonstrated
11 the pipeline could fit under the existing roadway.

12 There's not going to be a single house, tree,
13 or fence lost in the pipeline route, if it goes
14 completely under Douglas Road, as the residents there
15 had feared and been told would happen.

16 The process also worked when Larimer County
17 listened and reworked the road plan that Mr. Peterson
18 showed us tonight with the improvement of Douglas Road
19 that rightly reduced the width and the intrusion of the
20 road into people's existing yards.

21 Contrary to what the propaganda has been,
22 Thornton and Larimer County have been accommodating to
23 all residents in the process. They've made changes
24 based on resident input. They've protected private
25 property rights with both the pipeline construction and

1 the reworking of Douglas Road.

2 In the eight months since the Douglas Road
3 route was proposed, people have had their say and
4 positive changes and results for all parties have
5 occurred along the Douglas Road corridor.

6 No one has the right to call foul at this
7 point over construction inconvenience when concerns
8 have been met, especially on a public right-of-way. We
9 are all impacted by it, but the sanctity of people's
10 private land has been preserved in this process.

11 Thank you for listening and for addressing
12 the County and Thornton people's concerns about the
13 land and the private versus public aspect of it. The
14 only thing left in our mind is for you to propose the
15 route to the County Commissioners as a sensible
16 solution for all parties.

17 MR. DOUGHERTY: Thank you, Mr. Hyden.

18 MR. HYDEN: Thank you.

19 MR. DOUGHERTY: Mr. Horack, Scott Horack is
20 up. Then we have Elaine Spencer and Dick Brouch
21 (phonetic).

22 MR. HORACK: Thank you, Commission.

23 My name is Scott Horack. I'd like to speak
24 to a couple of issues here that weren't addressed in
25 the 1040 and one of them would be eminent domain, and

1 the impacts.

2 Well, I'm not a fancy attorney like the City
3 of Thornton. Back in the '80s when they designed this,
4 you know, and it was designed, you know, from the
5 beginning and it's pretty slick how they got this
6 through. They changed the agricultural water rights to
7 domestic water rights, which override everything else,
8 but what I'm concerned about is that -- and all I know
9 about the project is that water runs downhill. And
10 below Reservoir No. 4, there is four reservoirs that
11 haven't been addressed. There's Lyndon Meyer Lake,
12 there is Long's Pond, there is Richard's Lake and
13 there's Terry Lake.

14 Now what's going to happen to the water flows
15 in those now that they're all the time, that water is
16 going to be going out through pipelines right there,
17 where all the people that own lake front property and
18 enjoy that property are going to be looking at
19 basically dry land wheat.

20 And that will save a little bit of problem
21 for the Planning Commission here because you can just
22 build your road right through the lakes that were there
23 before, now they're just storage supply. So you won't
24 have to worry about that, you know?

25 And I'm being sarcastic because a lot of

1 things that have been said today are sarcastic, like
2 the good faith effort by Thornton is not a good faith
3 effort. This has been planned since the 1980s. It is
4 very strategic. It is very deceptive, and you
5 shouldn't approve this permit based on what Thornton
6 says because their word is obviously no good.

7 But yeah, the water levels in those lakes
8 have not been addressed. The impacts to wildlife and
9 the surrounding areas, and in our Constitution it says,
10 "No person shall be deprived of life, liberty or
11 property without due process of law." And this 1040
12 Application is a due process of law. And it's more on
13 an administrative level with discretionary authority,
14 but when discretionary authority becomes discriminatory
15 authority, and used to -- and abuse.

16 There was a comment here that says, well,
17 when Thornton asked for this application, that's what
18 they get. Well, Thornton hasn't asked for anything.
19 They've demanded and they've bullied everybody and
20 they've just bullied their way right through this, so.

21 MR. DOUGHERTY: Thank you, Mr. Horack.

22 MR. HORACK: Okay. Thank you.

23 Did you have any question?

24 MR. DOUGHERTY: Any questions?

25 (No audible response.)

1 MR. DOUGHERTY: Thank you.

2 Elaine Spencer, you're up, then Dick Brouch
3 and then Scarlet Sparkle Delia, and I know I messed
4 that one up.

5 MS. SPENCER: It's Dick Brow.

6 MR. DOUGHERTY: Oh, okay. Thank you.

7 MS. SPENCER: My name is Elaine Spencer. I
8 live at 3605 Bayshore Road, which t-bones into Douglas
9 Road and it's just opposite where Dick Brow has his
10 property and where the pump station will be located.

11 We've lived there for 30 years and this
12 statement expresses the unanimous opinion of our Terry
13 Acres Homeowners Association.

14 We are opposed to the pipeline being placed
15 on Douglas Road corridor for the following reasons:
16 The City of Thornton owns land north of Douglas Road.
17 For some unknown reasons, it has been decided early on
18 in the planning process, without any input from people
19 who will be affected by the construction and declining
20 property values, that Douglas Road is the preferred
21 pipeline for their pipe -- route for their pipeline.
22 It isn't.

23 This is a massive undertaking projected to
24 take three to five years. There are 300 people who
25 will be directly affected, many of whom live in older

1 subdivisions with single entrances.

2 It could be a nightmare in case of an
3 emergency, not to mention the day-by-day delays, noise
4 disruptions and inconveniences.

5 While the main purpose of this hearing is not
6 the pump station. You need to think about Thornton's
7 input into that, which will be directly opposite where
8 our subdivision is. As night follows day, if the
9 Douglas Road pipeline is approved, the rationale of the
10 pump station is finalized, the constant noise, the
11 pumping vibrations and the truck traffic will degrade
12 our lifestyle and property values.

13 We urge you to deny Thornton's pipeline
14 request. Yes, Thornton has a right to the water which
15 they have bought, but they do not have the right to
16 degrade our lives, our property values, and our safety,
17 especially when we are most definitely not consulted
18 about this and we had absolutely no input into such a
19 life-changing event and such a financial blow to our
20 property values. I doubt that any of you would like to
21 live with what Thornton is proposing to have us live
22 with.

23 Thank you.

24 MR. DOUGHERTY: Thank you very much, Ms.
25 Spencer.

1 Mr. Brow, you are up. Scarlet Sparkle Delia
2 is on deck, and then Dennis Pierrero.

3 MR. BROW: My concern is the Douglas Road
4 pipeline installation. I don't know that you guys have
5 fully explored the safety, the fact that roads are
6 going to have to be closed on that road, and I think
7 your number of trips per day is old. I think if you do
8 it currently, you'll find it's a lot more than what was
9 up on the board.

10 The other thing I want to say is taking a --
11 granting an easement to someone to put a pipeline in is
12 not the same as them taking your property. They're not
13 taking private property.

14 I don't feel like the northern route has been
15 given fair -- you know, looked it over good enough
16 compared to the traffic hazards and safety that's going
17 to come up with this thing in the road at Douglas Road.

18 I've heard remarks about temporary four-hour
19 closures of Douglas Road. I don't want to be the dead
20 guy laying out in the field that called in and had a
21 heart attack and had to wait four hours for the First
22 Responders to get there.

23 So I think you need to go back, recommend to
24 not okay the Douglas Road one. Go back and revisit
25 both of those. Look at the costs. Look at the private

1 property taking, which won't exist on the northern
2 route.

3 MR. DOUGHERTY: Thank you, Mr. Brow.

4 MR. BROW: And go from there.

5 MR. DOUGHERTY: Thank you very much, sir.

6 All right. We have Scarlet Sparkle Delia.
7 Would you pronounce that for me? I know I messed it
8 up.

9 MS. SPARKLE DELIA: You get an A-plus.

10 MR. DOUGHERTY: Cool. All right. That's
11 rare.

12 Thank you. You have 10-1/2 minutes if my mic
13 can work.

14 MS. SPARKLE DELIA: Do I go?

15 MR. DOUGHERTY: Yes. Feel free.

16 MS. SPARKLE DELIA: Oh, okay. All right.

17 Well you know my name. I am a member of the
18 Braidwood Homeowners Association. I live approximately
19 900 feet from the proposed 10,000 square foot pump
20 station. My family and I moved to the neighborhood 22
21 months ago from Southern California. I became aware of
22 the Thornton Water Project at our annual HOA meeting in
23 March of 2017.

24 The volunteer members from our HOA that
25 followed the Thornton Water Project developments

1 reported that at that meeting, they had proposed a pump
2 station the size of approximately 1500 square feet to
3 sit at the south end of Reservoir No. 4.

4 And that's not their fault. Not only was
5 this a gross inaccurate description of the pump
6 station, it has purposefully misled many of the area
7 residents about the size and scope of this project in
8 its entirety.

9 Thornton has illegally segmented the pump
10 station from the 1041 Application. For example,
11 Thornton's January 5th, 2018 cover letter to its
12 application, states: "As discussed with Larimer County
13 Planning staff at the pre-application conference held
14 on May 26, 2016, the source water pump station is not
15 part of this 1041 Permit Application, but will be
16 separately permitted through the site plan review
17 permit process. Information on the source water pump
18 station provided in the application is of a general
19 nature and is included to present a more complete scope
20 of the Thornton Water Project. To-date, not even a
21 preliminary design or specification has been completed
22 for the source water pump station and Thornton will
23 submit a site plan review application to Larimer County
24 in accordance with the LUC Section 6."

25 The pump station is appurtenant to the water

1 pipelines. The pump station is connected to the
2 pipeline and will include 40 million gallons per day of
3 pumps, a three-acre building site, a 10,000 square foot
4 building, associated equipment, and emergency back-up
5 diesel generator, industrial fencing, power lines, and
6 security lighting. As such, the pump station has the
7 potential to cause adverse impacts during construction
8 and operation, including noise, air pollution, light
9 pollution, storm water discharges, and degraded quality
10 of life for adjacent residents.

11 Thornton's failure to include the source
12 water pump station, which is aperturent to the pipeline
13 in its 1041 Application renders the application
14 incomplete and its attempt to have the pump station
15 separately permitted through the site plan review
16 process, rather than through the 1041 process
17 constitutes an improper segmentation of the project,
18 which prevents consideration of all collective impacts
19 from the proposed project during the 1041 process.

20 The pump station is not an approved use in a
21 farming zoning area. The 40 million gallon per day
22 pump station is proposed on a parcel currently zoned
23 "farming." Under Larimer County zoning regulations,
24 the farming zoning does not allow a large water pumping
25 station as an authorized use. Therefore, the pump

1 station may not be constructed or operated on the
2 parcel in question without a change in zoning. Any
3 change in zoning of that individual parcel would
4 constitute illegal spot zoning.

5 In addition, any change to the zoning of the
6 proposed pump station parcel would not be consistent
7 with Larimer County Master Plan which states in LU-4,
8 "In rural areas, allowed uses and residential densities
9 shall be based on the current zoning of the property."

10 And LU-4-S2, "Changes an existing zoning
11 shall be approved only when the change supports rural
12 uses and maintains the open character of the rural
13 area."

14 A change in zoning at the proposed pump
15 station parcel would not support rural uses. Instead,
16 it would allow an industrial high-capacity pumping
17 operation in an otherwise rural farming area. The
18 change in zoning would also destroy the open character
19 of the rural area as would construction of the related
20 pipeline.

21 Because the pump station parcel may not be
22 rezoned from farming and Thornton's proposed use of the
23 property does not comply with existing zoning, Thornton
24 may not locate its pumping station at the proposed
25 location.

1 Thornton does not want me or my neighbors to
2 know the true scope of this facility until they get
3 Larimer County approval for the first pipeline. When
4 they come back to obtain approval by asking for illegal
5 spot zoning to be changed from farming to industrial
6 use, only then will they provide specifics on the
7 pumps, potential generators, noise levels, light
8 levels, and after that, maybe expand the size of the
9 pump station to accommodate additional pipelines.

10 The potential impacts to my neighborhood
11 include, but are not limited to noise pollution, light
12 pollution, increased emissions, degradation of the
13 rural landscape and degradation of our property values.
14 These are quality of life issues.

15 Air pollution, what are the emissions from
16 the pump operation? This isn't known because it's not
17 included in the application, but I can speak to the
18 admissions of nitrogen oxides and particulates; namely,
19 nitric oxide and nitrogen dioxide from diesel engines
20 that contribute to formation of smog and ozone and the
21 worsening of respiratory diseases such as asthma, COPD
22 or emphysema, bronchitis and aggravation of existing
23 heart disease.

24 Noise pollution, what will this be? This
25 isn't known because it's not included in the

1 application.

2 The National Fire Protection Association, 110
3 Section 8.4.2 references testing of emergency power
4 supply systems. Specifically, diesel generators at a
5 minimum of every month for 30 minutes. This testing
6 length and frequency can vary the longer or more
7 frequent based on the manufacturers recommendations.

8 And 2.6 technical committee on sound and
9 vibration references sound produced by diesel
10 generators, measured by sound pressure level, or DVA
11 for reference. DVA of a quiet residential neighborhood
12 is 45 DVA during daytime hours. 35 DVA at night. 100
13 feet from a busy freeway is 70 DVA. An orchestra is 92
14 DVA.

15 For a 125 kilowatt diesel generator, sound is
16 measured at 86 DVA. In the case of the Thornton Water
17 Project, one pump is 850 horsepower, which is
18 equivalent to 633 kilowatts.

19 What type of a generator or generators wired
20 in parallel are going to back up that level of power
21 and be tested on at least a monthly basis -- and this
22 is only one of the five pumps.

23 How could this even be proposed in a
24 residential neighborhood? Property values? Home
25 values in the pump ouse vicinity are anywhere from 3-

1 400 up to 2-plus million. Several hundred thousand
2 dollar home value reductions due to this project is
3 going to result in a significant decrease in tax revenue
4 to the County. Why would Larimer County elected
5 officials approve such a budget cut? All of these
6 potential impacts are to people like me. To the people
7 in this room that live in the vicinity of this project,
8 to our children who play on and around Starlight Drive,
9 and in surrounding neighbors, to the families who start
10 and end their days in this beautiful area of Larimer
11 County.

12 The purposeful exclusion of the pump station
13 from the Thornton Water Project 1041 Application has
14 not gone unnoticed. It is perhaps the most pressing
15 issue when evaluating the size and scale of this
16 monumental long-term project guaranteed to adversely
17 affect each and every one of this in ways yet unknown.

18 Thank you.

19 MR. DOUGHERTY: Thank you very much.

20 (Applause.)

21 MR. DOUGHERTY: Okay. Next we've got Dennis
22 Pierrero, then Ryan Donovan is on deck and Ms. Karen
23 Wagner will be third, but she's closer where she is, so
24 she can stay sitting there if she'd like.

25 MR. PIERRERO: Thank you. Just a few

1 comments.

2 First is about maintaining our reservoirs.
3 The dozens of small reservoirs in Noko are long-
4 standing and well established water eco-systems that
5 benefit our wildlife, including providing some very
6 important habitats and they attract a great variety of
7 birds, including many rareties.

8 The reservoirs also provide many
9 opportunities for recreational activities. The
10 reservoirs are clearly gems of our community;
11 therefore, since Thornton will maintain their high
12 quality water eco-systems in their current locations
13 far into the future, I'm in support of this
14 application. I would not like to see these go south.

15 Second, upholding private land rights. The
16 use of public right-of-ways to harbor utility lines is
17 a very common practice in the US and Douglas Road, my
18 neighborhood road, currently has utility liens buried
19 underneath it. It is how things get done.

20 The applicant intends to use public land
21 where possible and for this reason, I support the
22 application.

23 And lastly, process is in important. I'm
24 instructed to follow and participate in the 1041
25 process, as I'm doing tonight, to guide my -- to guide

1 the impact on my property; therefore, I respectfully
2 ask the County to do the same and rule on the merits of
3 the application as is currently submitted. Taking into
4 consideration topics and technicalities outside the
5 scope of the project and process adds uncertainty,
6 instability, and confusion to property owners current
7 and future. This would not be helpful.

8 I ask that you please recommend approval of
9 this application. Thank you.

10 MR. DOUGHERTY: Thank you, Mr. Pierrero.

11 Ryan Donovan is up, and then Karen Wagner is
12 on deck and Karen Colobady is in the hole, if you will,
13 third up.

14 MR. DONOVAN: Good evening, member of the
15 Planning Commission and staff. My name is Ryan Donovan
16 and my wife and I live at 3609 Bayshore Road, directly
17 across Douglas Road from the pump station.

18 I practice in the area of water rights. I'm
19 a water rights attorney, and I also teach water law and
20 policy at Colorado State University.

21 There's been numerous gross misstatements of
22 the law this evening on both sides, I think.

23 Nevertheless, I felt compelled to talk after I heard
24 the questions Mr. Carraway asked of Mr. Koleber about
25 alternatives, particularly using the water -- or the

1 existing Larimer County Canal to transport the water.

2 I felt compelled to respond because I'm not
3 sure that Mr. Koleber was completely accurate in his
4 response. Certainly the pending or the current decree
5 for Thornton's water rights limits their use and their
6 place of use and their place of use and their points of
7 diversion. But there is nothing under Colorado water
8 law that would prevent Thornton from applying to store
9 their senior water rights, which they already own, in
10 new buckets. Those buckets can be located closer to
11 Thornton. They can be located anywhere else, but they
12 would significantly reduce the length of this pipeline.

13 I have numerous cases where my clients
14 pending in Water Court now are doing just the same
15 thing. I raise this as an issue because one of the
16 Planning Commission's criteria for evaluating the plan
17 is that the Applicant has provided a set of
18 alternatives -- a complete set of alternatives. In
19 this instance, I think Thornton has failed to do that.
20 They have not examined this idea of using existing
21 infrastructure and using existing water laws of our
22 state to put that water in buckets, not put a pipeline
23 80-some miles from No. 4 down to Thornton.

24 And for that reason, I recommend that you
25 recommend denying the application.

1 MR. DOUGHERTY: Thank you, Mr. Donovan.

2 Ms. Wagner, you are up, you've got 12
3 minutes. And thank you very much.

4 MS. WAGNER: Good evening. I don't know how
5 I wound up with 12 minutes. I practiced and prepared
6 for six.

7 MR. DOUGHERTY: Well, if you want to take
8 less?

9 MS. WAGNER: But I'm going to talk real
10 slowly, how's that?

11 (Laughter.)

12 MS. WAGNER: I am resident of Larimer County,
13 of course. And I've lived in the Douglas Road area and
14 until four years ago lived on Water Supply and Storage
15 No. 4 in Eagle Lake in 16 years. So I'm well
16 acquainted with the location and the geography of the
17 area. But I also think besides the Douglas Road
18 residents who have organized beyond belief, there are
19 many residents throughout Larimer County along this
20 whole 26 miles that have no idea of what's headed their
21 way.

22 So first, since I have some extra minutes, I
23 would like to thank the many, many people who spent
24 untold hours and resources as everyday citizens trying
25 to understand a very complicated application. And

1 unfortunately, it seems like that shouldn't be the job
2 of a citizen. But it was. And so people like me spent
3 a percentage of every day for the last six months
4 trying to understand this project and envision a better
5 alternative.

6 So, last fall some friends of mine asked for
7 my advice regarding what was then called the Thornton
8 Pipeline. They had heard about it from area residents
9 who believed it was already a done deal. I agreed to
10 help them negotiate a political system that was
11 unfamiliar to them. I explained that the interest of
12 citizens and of Larimer County in general are protected
13 by the provisions of the Master Plan and the Land Use
14 Code, both of which I worked on some 20 years ago with
15 hundreds of other citizens.

16 I assured them that the member of the
17 Planning Commission are every day citizens like them,
18 who value the same quality of life and the natural
19 environment that they do. To provide some peace of
20 mind, I referred them to the stated purpose of the Land
21 Use Code, which Ms. Clifford referred to earlier.

22 But I'd to repeat it because I love it. I
23 think we did a good job on that. And it states that
24 one of the purposes of the Code is to maintain and
25 enhance property values by stabilizing expectations,

1 fostering predictability in land development, and
2 establishing a process that efficiently applies the
3 Code, while respect the property owner rights of
4 Larimer County citizens.

5 That's what Larimer County is all about,
6 property rights. We heard a lot about that when we
7 worked on the Land Use Code.

8 Other stated purposes of the Code are to
9 protect critical and environmental resources and
10 promote the preservation of agriculture. You know
11 that. I'm not telling you something that you don't
12 know.

13 So I'm here tonight to ask you to consider
14 the future impacts of the three pipeline, Thornton
15 Northern Project, for residents all along the 26 miles
16 of the proposed route.

17 And to make clear that should Larimer County
18 approve Phase I, an additional 48-inch parallel
19 pipeline and a 72-inch return flow pipeline, plus ditch
20 exchanges, will be lining up for approval.

21 Thornton's own 2018 Water Efficiency Plan
22 says that they'll need all their water in just 16
23 years. Mr. Koleber didn't say that tonight. They keep
24 saying 2065, but do you really think they're going to
25 wait till 2065? I don't.

1 If Larimer County approved Thornton's
2 application for the Phase I Pipeline, you'll next be
3 asked to consider illegal spot zoning of an
4 agricultural property surrounded by residential for the
5 industrial use of a pump station.

6 Is the Planning Commission prepared to
7 consider an illegal spot zoning to jump start
8 Thornton's pipeline? Really?

9 As citizen representatives of Larimer County,
10 you have probably considered what the impacts would be
11 if your home, your acreage, or farm should become
12 pipeline central for years on end. And as someone
13 mentioned earlier, we're not just talking about
14 Thornton's three pipelines. We're talking about NISP
15 (phonetic) and the County has worked with Northern
16 Water and Thornton together on this pipeline corridor.

17 It's obviously to anyone with a passing
18 familiarity with Thornton's plans that the project
19 represents zero benefits to Larimer County and only
20 hardships for County residents. Should construction
21 start, residents are rightfully concerned that their
22 property values will plummet and their quality of life
23 will be severely diminished.

24 At minimum, the pipeline project will
25 eliminate the beauty, privacy and sound proofing of

1 material landscaping. Residents may lose the enjoyment
2 of their front or backyards and find a construction
3 zone a few short yards from their doors.

4 When completed, the Thornton Northern Project
5 will take homes and properties by eminent domain along
6 its 26-mile course through Larimer County. The years
7 of construction and road closures -- and we are talking
8 years -- could affect residents' health and may force
9 some to give up homes where they've lived and raised
10 their families.

11 The 300-plus homes with single access from
12 Douglas Road alone will experience unforgiving
13 inconvenience for residents and home businesses, as
14 well as delayed access for emergency responders.

15 Construction of the pipeline could easily
16 eliminate units at two mobile home parks which
17 represent part of Larimer County's small supply of
18 affordable housing.

19 Residents near the intersection of Turnberry
20 and Douglas will face the hazards associated with
21 threading multiple pipelines through the 100-year old
22 still active Prospect Energy Oilfield. What could
23 possibly go wrong?

24 (Laughter.)

25 MS. WAGNER: On behalf of the citizens of

1 Larimer County, I ask you to deny Thornton's 1041
2 Application because it is incomplete, lacking in
3 critical detail, and segments a massive project that
4 will be detrimental to thousands of Larimer County
5 residents for decades to come.

6 The Planning Commission is charged with
7 protecting the property rights of Larimer County
8 citizens, not facilitating the water rights of a Denver
9 suburb that plans to use eminent domain.

10 Vote no tonight and ask Thornton to do the
11 right thing, which is to avoid negatively impacting any
12 Larimer County homes, properties, and neighborhoods,
13 and to send its water through Fort Collins and the
14 Poudre.

15 That which is an option that the City of
16 Thornton has already determined will save their
17 taxpayers 50 to \$100 million. The less costly
18 citizen's Poudre alternative can save a struggling
19 river. They'll be making pipelines for a very long
20 time, but they stop making rivers a long time ago.

21 Thank you for your consideration.

22 MR. DOUGHERTY: Thank you, Ms. Wagner.

23 Karen Colavity (phonetic) is up. Then we
24 have Patricia Babbit, Harry Sheline (phonetic) and
25 Penny Hillman.

1 MS. COLAVITY: Hello. My name is Karen
2 Colavity. I'm actually a resident of Adams County and
3 I know personally how Thornton operates.

4 Thornton, my dad and our family owned a
5 property in an unincorporated Adams County for over 50
6 years. It just so happens that in the year of 2014, my
7 dad died. Thornton had hoped to annex his -- asked to
8 annex his property for years before that. I've noticed
9 in some of the documents that Thornton has provided
10 tonight that 2014 seemed to be a magic year for
11 Thornton to see that it could take over a lot of
12 things.

13 We hired a personal representative to
14 represent our estate. Unfortunately that personal
15 representative, who actually happens to be public
16 administrator here in Larimer County, where they seem
17 to be some connections, instead of treating our family
18 fairly, started working hand-in-hand with Thornton.

19 Our property that had been in the family for
20 50 years and in 2008 had been appraised at \$2.3
21 million, we knew that property values had gone down
22 through the recession, but when we asked for a proper
23 appraisal, so we would know how to take care of the
24 estate, this person brought appraisers for 600,000 and
25 it was sold to a church, the Mayor of Thornton presides

1 over.

2 MR. DOUGHERTY: Thank you, Ms. Colavity.

3 All right. Next we have Patricia Babbet
4 (phonetic), then Harry Sheline (phonetic) and Penny
5 Hillman.

6 MS. BABBET: I just want to say that a lot of
7 my concerns have been addressed, especially by Elaine
8 and Dick, Scarlett, Karen Wagner and Karen Colavity. I
9 also am very aware of the situations where Thornton has
10 been taking over a lot of property either through
11 eminent domain or I would call "elder abuse."

12 And I'm just concerned of how things are
13 working with this pipeline, as well. And one of the
14 first things that was on a slide says that this project
15 will cause no significant impacts to natural or man
16 made environments, and I just don't see how that's
17 possible with the pump station, 2.8-acre pump station,
18 and this huge pipeline and I think we need to get a
19 clear definition of what "significant" and "negative"
20 and "mitigate" all mean because it's just not making
21 any sense at all to me.

22 Thank you.

23 MR. DOUGHERTY: Thank you very much, Ms.
24 Babbet.

25 Harry Sheline is up, then Penny Hillman, and

1 then Doug McAllister.

2 MR. SHELINE: I'm going to turn my time back
3 in. My points have been made.

4 MR. DOUGHERTY: Thank you very much, Mr.
5 Sheline.

6 Penny Hillman -- and I am going to ask please
7 for Doug McAllister and Robert Kitchell to please come
8 up front. That way we can go ahead and keep this
9 moving along.

10 Thank you.

11 MS. HILLMAN: I've been writing new remarks,
12 so I'm going to have to like shuffle through these, if
13 you'll bear with me.

14 Repaired part of my remarks: There are so
15 many critical unanswered questions and unresolved
16 issues that should have been addressed long before this
17 matter was brought before the Planning Commission. In
18 March I wrote a letter, which hopefully is in your
19 planning packet, to Thornton, Larimer County, Northern
20 Water, recommending they hold a joint public hearing so
21 the residents of Larimer County could have their
22 questions and concerns openly answered and addressed
23 before Thornton Amended 1041 was filed.

24 In my letter I requested the courtesy of a
25 response. I heard nothing from Mr. Koleber, nothing

1 from Mr. Barnes of Thornton. I heard nothing from
2 Northern Water. The only response I received was from
3 Mr. Helmick saying, "We not intend to hold any further
4 public meetings."

5 In January, Larimer County held a public
6 information meeting for Douglas Road. Todd Bloomstrum
7 faced some fierce fire at that meeting, but did a
8 terrific job of listening to Larimer citizens and it
9 appears facilitating supplements to Thornton's 1041
10 that directly addressed concerns voiced at that
11 meeting.

12 Mark Peterson, in a letter dated March 14th,
13 noted serious deficiencies in Thornton's submitted
14 supplement of March 9 and sent it back for inclusion of
15 additional information.

16 This is what it looks like when your County
17 advocates for its citizens and I want to publicly thank
18 them both for their work tonight.

19 As similarly formatted, public information
20 meeting with Thornton and Larimer County had the
21 potential to resolve contentious issues and facilitate
22 the process of conflict resolution without the costly
23 time intensive -- costly and time intensive lawsuits
24 that are sure to result from voting prematurely on
25 Thornton's 1041 permit.

1 I ask the Planning Commission to find
2 Thornton's 1041 Application currently incomplete in
3 order to allow time for Larimer County and Thornton to
4 hold a series of joint public information meetings with
5 the goal of reaching a mutually agreeable resolution
6 with those who will be bearing the burden of Thornton's
7 Pipe Dream, the citizens of Larimer County.

8 Now I'd like to address Mr. Koleber's remarks
9 this evening wherein he stated the best overall score
10 was Douglas Road because that is flat not true. By
11 Thornton's own metrics as shown in Appendix A,
12 Alternate Analysis of their 1041, it is not Douglas
13 Road that received the best overall score, it is the
14 North three route, which is County Road 56. I can
15 forward that to you first thing in the morning if it's
16 not easy for you to access.

17 Furthermore, the six component of Thornton's
18 evaluation, which is entitled, "Coordinated Project
19 Opportunities," was artificially inflated for Douglas
20 Road, falsely multiplied by three, claiming that
21 Thornton would lessen the impacts on the community by
22 coordinating installation of their pipeline with the
23 reconstruction of Douglas Road and the installation of
24 the NIST (phonetic) pipeline.

25 If we are not going to deal in truth, what is

1 the point of any of this?

2 MR. DOUGHERTY: Thank you, Ms. Hillman.

3 MS. HILLMAN: Thank you.

4 MR. DOUGHERTY: Mr. McAllister and then
5 Mr. Kitchell.

6 Yes. Go ahead, Commissioner Jensen.

7 MR. JENSEN: Ms. Hillman, we did get your
8 letter, just so you want to know that it was part of
9 our packet and we were provided an additional copy of
10 that today also, just so that you know that we got
11 that.

12 MS. HILLMAN: Appreciate it. Thank you very
13 much.

14 MR. DOUGHERTY: All right. Mr. McAllister.

15 MR. MCALLISTER: Okay. In 2006 my wife and I
16 bought some property on Woodridge Road and Douglas
17 Road, right on the corner. The north side of the fence
18 is along Douglas Road.

19 In 2006 we also opened Terry Lake Assisted
20 Living where we take care of eight residents, average
21 age between 85 and 98.

22 Now to say there isn't going to be an impact
23 on this road, there is going to be an impact on this
24 road and the impact is going to be on those elderly
25 people because there's going to be dust and there's

1 going to be noise, and there's going to be a disruption
2 of their quality of life because they can't go out like
3 they did today on a beautiful day like this and sit
4 outside with all the noise going on and everything else
5 that's going to go right along, right outside the fence
6 line.

7 Not only that, when this construction begins,
8 it's possible that we may not even have any more
9 opportunity for resident families to bring their
10 parents there because of the situation that's going on.

11 So it will impact eight residents.

12 I don't know if I'm going to be able to keep
13 it open. I don't know what impact it's going to have
14 on that as far as getting people in and out. The
15 nuisance it's going to be for the resident families and
16 that kind of thing -- and I know it's only eight
17 families, but I know also that there's a lot of people
18 represented here that's lives are going to be affected
19 that live in that area and it isn't going to affect
20 everybody else in Larimer County and they probably
21 don't care.

22 In 2006, I knew nothing about anything that's
23 going to go on on Douglas Road and probably the people
24 that built that house in 1969 didn't know either, and
25 that was 30 years or so before Thornton even got water

1 rights for that.

2 So I really propose that they have an
3 alternative route, the route that they planned on in
4 the very beginning because they came in when this was
5 already established and now they're just trying to ram
6 that right through, which we really don't approve of,
7 we don't want, and we hope that as a citizen of Larimer
8 County and not Thornton, as representatives of the
9 citizens of Larimer County, you will take that into
10 consideration because we are the ones that are living
11 in Larimer County, not the people in Thornton.

12 Thank you.

13 MR. DOUGHERTY: Thank you very much, Mr.
14 McAllister.

15 Mr. Kitchell, you are up. After that we are
16 going to take a quick break. I've been given a few
17 notes that we need one, and it'll be a 10-minute break.

18 MR. KITCHELL: Good evening. I thought I had
19 six minutes, but apparently three, so I'll have to
20 compress things a bit here.

21 My name is Robert Kitchell, K-I-T-C-H-E-L-L.
22 My wife and I live at 412 Terry Point Drive. We have
23 done so for 25 years and our backyard backs up to
24 Douglas Road. So we have a personal interest in the
25 project.

1 As well, I'm a retired civil engineer and I
2 have designed a number of pump stations and pipelines
3 such as this over the years.

4 As addressed earlier, the Colorado Supreme
5 Court in its 1996 decision describes the Thornton
6 Northern Project as a three-phase project. Phase I is
7 the Thornton Water Project, the subject of the 1041.
8 Phase II includes a parallel 48-inch pipeline. And
9 Phase III includes construction of a 72-inch return
10 pipeline to convey flows to the Larimer County Canal.

11 This pipeline does not use Douglas Road
12 corridor.

13 The alignment of the proposed pipeline is
14 shown schematically in the recently submitted
15 supplements as of early April. It's clear that
16 Thornton has crafted it's current 1041 Application to
17 only include Phase I of the Thornton Northern Project.

18 MR. DOUGHERTY: Mr. Kitchell, I hate to
19 interrupt, but you do have six minutes, and I'm going
20 to ask Mr. Lafferty to add three more. I just looked
21 through here, so I want to make sure you have the time
22 that you are supposed to have.

23 MR. KITCHELL: There is a God. Thank you.

24 (Laughter.)

25 MR. DOUGHERTY: Well, gotta be fair.

1 MR. KITCHELL: By way of background, the 1041
2 Permit Application, Section 2A2, general description
3 TWP components in part included typically a 50-foot
4 permanent easement for the water pipeline and an
5 additional 40-foot temporary easement for construction
6 will be purchased from property owners, except for the
7 TWP will be constructed in road right-of-way.

8 The foregoing language describes a pipeline
9 corridor which in concept and application is quite
10 different from a typical utility occupied a road right-
11 of-way. However, Thornton's recent supplements show
12 the single 48-inch pipeline alignment within the 60-
13 foot wide Douglas Road right-of-way, which does not
14 meet the definition of a pipeline corridor.

15 It should be noted that approval of pipeline
16 corridor would encourage the use by other utilities and
17 projects, such as the Northern Integrated Supply
18 Project. As indicated, the proposed pipeline alignment
19 is schematic and the routing varies back and forth
20 between the eastbound and westbound lanes. This in
21 itself would not leave room for a second parallel
22 pipeline, in my opinion.

23 In addition, there is an existing L-Co water
24 district pipeline under Douglas Road that would have to
25 be relocated. In the development services team

1 recommendations, Item 3 states that the pipeline
2 alignment shown in the 1041 Application is considered
3 conceptual in nature and demonstrates that the proposed
4 lane can be located within the existing Douglas Road
5 right-of-way west of County Road 11.

6 As you may imagine, I disagree with the
7 assessment regarding use of the term "demonstrates."

8 Further, the supplements do not show cross-
9 sections, typical or otherwise. Typical depth of
10 burial of a water line or other wet utilities is five
11 to seven feet. For this size pipeline, a trench depth
12 of about 12 feet would be required. This would require
13 trench shoring, bracing and blocking, given the limited
14 room within the right-of-way for construction.

15 I'd like to contrast and compare other
16 recommendations of the Development Services Team to the
17 specific requirements of the Larimer County Rural Area
18 Road Standards, that would have to be met during
19 construction. The requirements of the standards are
20 extensive, although some discretion is granted to the
21 engineer.

22 Standards: Traffic flow during peak hours,
23 no interference with traffic flow on arterial or
24 collector roads such as Douglas Road shall be permitted
25 between the hours of 7:00 a.m. and 8:30 a.m. or from

1 4:30 p.m. to 5:30 p.m., unless authorized in writing by
2 the engineer.

3 Standards: End of day lane conditions,
4 asphalt road. When work has stopped for the day, all
5 lanes of an arterial or collector road shall be open to
6 traffic unless approved by the engineer. A traffic
7 lane shall be considered satisfactorily open only if it
8 is paved with hot or cold mixed paving except when an
9 alternative temporary service is allowed by the County
10 as a condition of the permit.

11 Recommendations, Item 4, are somewhat softer
12 than the County Road standards. In the interest of
13 time, I won't go through them.

14 There's reference to the growth management
15 area in Larimer County and for those who don't know,
16 the Fort Collins CMA boundary is Douglas Road in our
17 area.

18 Standards: Excavation. Trenches shall be
19 excavated along the lines and grades established and in
20 no case shall it be more than 200 feet in length or
21 trenched and backfilled in non-continuous sections and
22 so forth.

23 Again, the recommendation is contained in
24 Item 12. Thornton shall construct the pipeline in
25 phases, subject to phasing plans to be approved.

1 It is anticipated that work will only be
2 allowed sequentially within one-mile segments for the
3 alignment west of County Road 11.

4 Now in the interest of time, which is about
5 up, it's quite clear that a second, parallel 48-inch
6 pipeline would not be constructed within the Douglas
7 Road right-of-way. This would necessitate a new
8 routing.

9 In conclusion the deliberate approach of
10 Thornton to not reveal the full extent of the Thornton
11 Northern Project in its 1041 Permit Application would
12 foreclose the option of a second parallel 48-inch
13 pipeline as called for in Phase II, require a new
14 pipeline corridor with a different routing when a
15 second pipeline is needed.

16 And thank you for your time.

17 MR. DOUGHERTY: Thank you, Mr. Kitchell.

18 We are going to take a quick, ten-minute
19 break, and we'll see you back here shortly.

20 (Recess taken.)

21 MR. DOUGHERTY: Now I'm going to ask for
22 Janet Carabello, Georgia Locker, and Rick Steadman to
23 please come on up.

24 MR. LAFFERTY: And Chairman Dougherty, Matt
25 Lafferty real quick.

1 MR. DOUGHERTY: Yes, sir.

2 MR. LAFFERTY: Margaret Ho, Item No. 31, and
3 Item 46, Belinda Koonce, both have decided not the
4 speak, so you can strike those.

5 MR. DOUGHERTY: Excellent. Thank you very
6 much.

7 All right. That tells me now that we are
8 down to about 33 minutes of public comment left. So
9 Janet Carabello, you are up. Janet is no longer here.

10 Okay. Then Georgia Locker, you are up. Then
11 we have Rick Steadman, and then Sandy Hellsner.

12 MS. LOCKER: As a resident of Fort Collins, I
13 am aware that the City of Thornton has bought water
14 rights from the Poudre River and wishes to build three
15 pipelines in the future to carry the water from Fort
16 Collins to Thornton and back.

17 As I understand it, most of the farms from
18 which Thornton bought the water in Weld County and
19 they're presently receiving the required water to the
20 farm via a ditch north of Douglas Road. The Poudre
21 River is the reason that Fort Collins was built in this
22 place. To it's 160,000-plus residents, it's part of
23 our identity. We value it for its life-giving water,
24 it's possibilities for recreation and its beauty. Yet,
25 to my knowledge, no persons living in Fort Collins have

1 been contacted about this project, nor have there been
2 any public meetings to discuss this by either Thornton
3 or the County -- Larimer County Commissioners.

4 However, taking water out of the river before
5 it ever gets to Fort Collins and putting it through a
6 pipeline will certainly have no benefit to any benefit
7 any citizen of Fort Collins or Larimer County. In
8 fact, it will have negative effects.

9 The Poudre River has recently received a
10 grade of C-minus, and as the pipeline is put in, it
11 will likely degrade it further, especially the returned
12 water to the Water Supply Storage system of the
13 reservoirs and ditches from Thornton.

14 Please consider very strongly allowing the
15 Thornton water to run its course in the Poudre River.

16 MR. DOUGHERTY: Thank you, Ms. Locker.

17 Rick Steadman, you are up. Sandy Helser is
18 on deck and then Lynn Nichols.

19 MR. STEADMAN: Members of the Commission,
20 thank you for your attention tonight. My name is Rick
21 Steadman and I live about 50 feet off of Douglas Road
22 on the west side of Highway 1. Many of my points
23 tonight have already been covered, so I will not repeat
24 those for you.

25 The one point that I wanted to make sure that

1 the Commission was aware of is that Thornton has done a
2 really good job of telling you how much outreach they
3 made, down to emails and things like that. They didn't
4 suggest how many of those emails were negative versus
5 positive, but my bigger point is that as a resident
6 along the Douglas Road corridor, there was absolutely
7 zero outreach to any of the constituents on the whole
8 Douglas Road corridor.

9 The first time that we were presented with
10 any information like that was at the meeting after the
11 No. 1 choice of Douglas Road had been made. They
12 mentioned that met with HOAs, et cetera, et cetera.
13 There are plenty of HOAs along the Douglas Road
14 corridor. There was no outreach by Thornton to any of
15 those HOAs and in fact, we did not know that that was
16 even a possibility to talk to Douglas because one of
17 the members of a community on Douglas Road did try to
18 attend one of the other meetings and was denied access
19 to that meeting.

20 MR. DOUGHERTY: Thank you, Mr. Steadman.

21 MR. STEADMAN: Thank you very much.

22 MR. DOUGHERTY: Sandy Hellser, then Lynn
23 Nichols and then Jerry Palt.

24 MS. HELLSER: Hi. Good evening. I'm Sandy
25 Hellser and I live at 6301 Larimer County Road 1, also

1 County Road 13, also County Line Road. I don't live on
2 Douglas Road, but I wanted to mention to you that there
3 are other residents in Larimer County that this project
4 affects and that we, as I -- and my neighbors and I
5 have sent a letter to the County Commissioners back in
6 February. I resent it to Mr. Helmick to be included in
7 your packet tonight, so I hope that you saw that.

8 We visited with representative from Western
9 States. My neighbors and I held a neighborhood meeting
10 to see how this project was going to impact us. My
11 neighbors would prefer that the water be sent down the
12 Poudre until it reaches down past Windsor, but in
13 likelihood, we know that it's probably coming down our
14 way.

15 I see that you've made agreements or Thornton
16 has made agreements with the Town of Tinmouth
17 (phonetic) to come down County Line Road until their
18 town limit stops, and then it zigzags across our
19 properties, and it affects our irrigation. It affects
20 our property values. It affects our egress and ingress
21 to our properties. And it would be our preference that
22 it stays in the right-of-way of the road versus
23 zigzagging across our portion of County Line Road.

24 MR. DOUGHERTY: Okay. Thank you very much,
25 Ms. Hellser.

1 Lynn Nichols is up, Jerry Palt, and then
2 Scott Glick.

3 MS. NICHOLS: Hi. I just wanted to revisit
4 why Douglas Road was chosen as the pipeline route. As
5 Rob said, the pipeline route was changed from a mile
6 north through Eagle Lake due to neighborhood
7 objections. That was the result of private meetings
8 prior to the route selection with the Eagle Lake
9 neighborhoods. That's about maybe 200 affluent people
10 living up in Eagle Lake, compared to a good -- that was
11 more who have signed petitions against the Douglas Road
12 route. We have about 600 signed petitions online with
13 No Pipe Dream and 400 more that I believe are in your
14 packet from a paper one.

15 Since a precedent has been set to change the
16 route due to neighborhood objections, I ask you to
17 reject this 1041 due to a large public objection.
18 Douglas Road was not scientifically analyzed. It was
19 selected as a reaction to Eagle Lake's objections. So
20 the 1041 should be denied.

21 I also just want to point out that in a
22 presentation in 2014 Thornton gave to their own City
23 Council, they stated that the reason why they rejected
24 the Poudre River route was because they wanted to avoid
25 long federal permitting process.

1 Thank you.

2 MR. DOUGHERTY: Thank you very much, Ms.

3 Nichols.

4 Jerry Palt, then Scott Glick, and then Jim

5 Camben.

6 MR. PALT: Mr. Chairman, thank you.

7 Commissioners and overworked staff of the County, thank

8 you for allowing us to speak. My name is Jerry Palt.

9 I'm president of the Hill Community Association and

10 also president of the Cobb Lake Preservation and

11 Recreation Association.

12 I'm here tonight. I represent combined

13 membership of 167 families. You don't hear a whole

14 bunch from us in this presentation. We are east of I-

15 25. A lot of discussion, and rightly so, from the fine

16 citizens along Douglas, but we feel impacts, too, and

17 I'm here. We've met as our group and united in our

18 resolve in opposition to this proposal

19 And we'd ask you to vote no.

20 We got not outreach from the Applicant. We

21 saw maps about mailings and all that. He didn't show

22 any maps from over there. We got our first notice

23 after reading in the paper. We got a notice back in

24 January, you know, for a February meeting, and got a

25 map associated with this and limited information.

1 We were elated to read in the papers that the
2 Commissioners had decided to reject that proposal for
3 the lack of specificity. Well, we were excited to hear
4 that, but we were very disappointed to get our new
5 notice in April with exactly the same map.

6 And as it relates to County Road 56, which
7 our properties and our lake directly abutt, the
8 Applicant is asking for a quarter mile swath to do
9 whatever they want to construct this pipeline. There's
10 no schedule provided. There's no specificity where
11 they would be. Some of the things that could impact
12 our community are we have two main entries. That's one
13 of our main entries to the Hill Community Association.
14 Mature landscaping, fencing, entry structures.

15 As it relates to the lake, we have only one
16 access to Cobb Lake and that is directly off of County
17 Road 56.

18 We have Osprey nests constructed within 100
19 feet of County Road 56. And we have no idea what these
20 impacts would be.

21 I heard the Applicant say, and I think maybe
22 a staff comment that, you know, environmental concerns,
23 wildlife concerns were discussed and no major concerns
24 were identified. Well, I want to tell you that we are
25 responsible for managing collectively 1300 acres of

1 open space, conservation space, and preservation space,
2 both on land and water in this lake in this adjacent
3 community.

4 We have -- we're really not that well-known
5 jewel in Northern Colorado in terms of the wildlife.

6 We have all kinds of wildlife, but we're
7 really known --

8 MR. DOUGHERTY: Thank you, Mr. Palt.

9 MR. PALT: -- for our birds.

10 MR. DOUGHERTY: Thank you very much.
11 Appreciate it.

12 MR. PALT: Thank you.

13 MR. DOUGHERTY: Next up is Scott Glick, then
14 we have Jim Camben and Patricia Corb (phonetic). I'd
15 ask you two to please come up and sit up front here so
16 we can keep this going.

17 Thank you.

18 Mr. Glick, the floor is yours.

19 MR. GLICK: Most of the things I wanted to
20 talk about have been stated, but just a few things if
21 you're looking for conditions. The first one would be
22 No. 25 in your packet here which talks about pump
23 station to be designed be consistent with the character
24 of the neighborhood. The sizes and things like that,
25 compatibility is a huge issue in the Land Use Code.

1 It's one of those nebulous terms.

2 10,000 square feet probably isn't compatible.
3 Industrial lighting and things like that, especially
4 close proximity to Douglas Road instead of back further
5 by the base of the dam on Reservoir No. 4.

6 The next one would be No. 6. No. 6, you talk
7 about Thornton be responsible for arranging pay for
8 cost utility relocations. If they came up with a way
9 to not relocate utilities, especially Elko's (phonetic)
10 water line, which is more than 50 years old, concrete
11 asbestos pipe, it's outlived it's usefulness and it's
12 very soft. Compaction vibration could cause unintended
13 consequences and damage that pipe at the cost of Elko
14 water users.

15 And No. 2, you have the term "significant,"
16 "Significant alterations throughout should be evaluated
17 by the County." You don't define "significant" and
18 that takes the public process out of that significant,
19 whatever that definition is. That should be a little
20 bit more defined.

21 No. 10, we talked about how long this could
22 take. As Mr. Palt said, there's no schedule here.
23 Highway 287 is gone for four years and it's still not
24 done and we don't want to be inconvenienced that long.

25 And I should have another minute and a half

1 because my neighbor ceded his time for me, but that's
2 all right. I'll not have the due process that I'm
3 deserved.

4 Thank you.

5 MR. DOUGHERTY: Thank you, Mr. Glick.

6 All right. Next we have Jim Camben and then
7 Patricia Corb and then Nancy Terry.

8 MR. CAMBEN: Hi. My name is Jim Camben.

9 I live in Terry Point with my wife and about 100 other
10 families. We're part of the 311 families on Douglas
11 Road that have only one access in and out from our
12 homes. That is Douglas Road.

13 So that means during the duration of this
14 project, we may or may not be able to leave our home at
15 all or in any case, if we can, we'll be delayed every
16 single time we do.

17 In addition to that, the utilities that are
18 located along Douglas Road are the only utilities that
19 we have access to, so when the inevitable construction
20 mistake occurs and water line is cut or electric line
21 is cut or something else is cut, we will be without
22 power.

23 The requirements are that the construction be
24 done under traffic, which means allowing normal traffic
25 flow with constraints during construction. Well, there

1 will be plenty of constraints since they need to dig at
2 least a 12-foot trench that's 9-feet wide with 2 feet
3 on either side to put a trench wall in. And then
4 they're going to dig that out, put the pipe in and move
5 this thing forward slowly as they go along.

6 They're estimating that this will take a year
7 or so, but our guess is that it will take a lot longer.
8 So during that entire time, we will be massively
9 inconvenienced, in addition to the 6,000 people every
10 year who turn right onto Douglas Road when they're
11 southbound on Highway 1. That's 6,000 cars per day
12 that are going to have to find some other route.

13 Due to all the questions that have been
14 raised with this 1041 Application, the incompleteness
15 of it, the -- oh, non-transparency and dare I say
16 "dishonesty" of it. In Terry Point we were never
17 contacted. There was no outreach to us.

18 I really would hope that you would recommend
19 that this be returned to them for further definition.

20 Thanks very much.

21 MR. DOUGHERTY: Thank you, Mr. Camben.

22 Patricia Corb and then Nancy Terry and then
23 Sean Shelly (phonetic).

24 MR. CORB: Mark Corb, my wife and I exchanged
25 time because I was at another meeting.

1 MR. DOUGHERTY: Okay.

2 MR. CORB: So our statement is presented
3 jointly on behalf of ourselves and we live right at the
4 corner of Highway 1 and Douglas Road.

5 Let's get to the concern on the table.
6 Distrust. Thornton's Water Project was borne in
7 deceit. The farms and the water purchased were not
8 purchased on the premise that the land would revert to
9 dry land and the water would be conveyed away from
10 supporting agriculture or population growth in Larimer
11 and Weld Counties. That was not so stated.

12 The proposal was to take Larimer County water
13 to Thornton via pipeline at 54 is not Thornton's first
14 proposal. As you heard from others, 56 was a primary
15 consideration.

16 Thornton's original 1041 Application was so
17 deficient in detail that it ran roughshod over the
18 impacted property owners. The supplemental information
19 has helped some, especially representing that the
20 pipeline would be held totally within the existing
21 County Road 54 boundary.

22 But all of these additional pages are not a
23 certainty. Throughout, Thornton has refused to take
24 seriously its obligation to be a good neighbor, to be
25 cognizant of the ways of which its diversion of water

1 from the Poudre River Watershed to provide
2 environmental, aesthetic, and cultural benefits to the
3 peoples of the communities along the Poudre River.

4 A simple solution, so stated by many, is to
5 leave the flow in the river and change the point of
6 diversion. Like other alternatives, this may have
7 economic costs, but the 2014 study done by Thornton
8 does not indicate that such costs outweigh the benefits
9 to our way of life.

10 And then there is the coziness of Thornton
11 and Larimer County Planning and Engineering. Larimer
12 County stands to gain a major road upgrade, largely
13 financed by Thornton. See Conditions 4 and 5.

14 Even worse, the conditions proposed by the
15 Planning Department leave the reality of construction
16 up to the -- I call them "elite" of the two
17 governmental engineering departments, again without
18 input from the affected citizens. Because plans are
19 still conceptual, incredible discretion is granted to
20 the County Planning and Engineering Departments without
21 any citizen input. This is exceedingly dangerous and
22 potentially damaging to all of the neighboring property
23 owners. See Conditions 2 and 3.

24 We believe that the plan as submitted and
25 amended remains incomplete and lacking in specificity

1 and ought to be rejected on its merits. However, the
2 best you could do is send it back for the kind of
3 detail that would avoid the kind of conflicts that are
4 inherent when there is inadequate engineering study
5 ahead of time, as was evidenced by the demand of the
6 County Planning Department to have them go back and do
7 pothole testing to locate where they would actually put
8 the road -- or the pipeline.

9 We ask you to disallow the request. Thank
10 you.

11 MR. DOUGHERTY: Thank you, Mr. Corb.

12 Nancy Terry and then Sean Shelly and
13 Christine Craft.

14 MS. TERRY: Hi. I'm Nancy Terry. I live at
15 Eagle Lake and I've been there for 26 years. I accept
16 as fact -- I'll just focus on the 1041. I accept as
17 fact that Thornton owns 47 percent of the stock in --
18 water stock in Water Supply and Storage and that the
19 Water Court gave them the diversion point at the south
20 end of Reservoir No. 4.

21 And of the ten plans that Thornton has looked
22 at, I do think Douglas Road is the best because it is
23 in the right-of-way, a public right-of-way instead of
24 plowing through people's yards and through wetlands and
25 mature landscaping. So I think of the choices that

1 Douglas Road is the best.

2 MR. DOUGHERTY: Thank you, Ms. Terry.

3 Sean Shelly, then Christine Cracked and the
4 Jason Kinable.

5 MR. SHELLY: Yes. Sean Shelly, thank you.
6 Thank you for taking the time and volunteering for what
7 you're doing tonight. Appreciate that.

8 I just wanted to let you know that I do live
9 on Eagle Lake South and there have been no private
10 meetings that I'm aware of. I was aware of this
11 project happening in December of 2016 when it was in
12 the newspaper and we reached out to both the -- first,
13 we reached out to Thornton because they were having the
14 meeting, and then we reached out to the County when
15 Thornton told us this is what the restrictions were.

16 And so we reached out to the County. We've
17 had meetings in our community. We haven't had Thornton
18 people in our community meetings. We've had other
19 communities. Woody Creek was involved quite a bit,
20 Christine Cracked and her area was involved.

21 So this idea that you hear about secret
22 meetings and stuff like that is a -- well tell you for
23 what it is, but our involvement with the County people
24 has been -- the people that actually worked on this,
25 has always been -- they've given us good feedback and

1 they've told us where to look and where to look at, and
2 it's been positive in that respect.

3 And our interaction with Thornton has been
4 the same. We don't necessarily agree with everything
5 that Thornton does or how they do it, but they are
6 trying and you either have to believe them, or you
7 don't. And so it's up to you to decide whether you're
8 going to believe people or not.

9 Thank you.

10 MR. DOUGHERTY: Thank you, Mr. Shelly.

11 Christine Cracked, then Jason Kinable and
12 Gloria Edwards.

13 MS. CRACKED: Hi. My name is Christine
14 Cracked, it's spelled with a C-H-R-I-S-T-I-N-E, and the
15 last name is with a K.

16 I just wanted to thank you, Mr. Chairman, and
17 Members of the Planning Commission for the opportunity
18 to speak today.

19 Thornton's acquisition of valuable water in
20 Larimer County is truly a huge disappointed to
21 residents, and I hope that we, as a County moving
22 forward, work a little harder on trying to preserve our
23 precious land and water.

24 But knowing that Thornton is legally able to
25 take the water out of the County, I still ask you to

1 preserve the rights of the rights of the residents in
2 protecting their properties and their homes.

3 The ideal alternative would be running water
4 farther down the Poudre and taking it out at Windsor,
5 like people have already discussed. However, knowing
6 that this is our opportunity to express ourselves and
7 knowing that that may not be an option, I wanted to
8 request that if a pipeline is required that you ask
9 Thornton, as they've proposed here tonight, to leverage
10 the use of existing roadways where utilities already
11 exist, that they utilize their Thornton owned lands as
12 best they can.

13 And as we heard earlier through this hearing,
14 I would ask to get a little more clarity on this
15 concept of understanding the big picture. That's
16 something that I was not made aware of. I don't know.
17 I'm seeing one side, I'm not seeing the other, so
18 perhaps during the question and answer period, we can
19 get a little more clarity and understand the truth
20 behind the multiple phases of this project.

21 If, in fact, there is intention to create
22 more pipelines, I would ask that we ask Thornton to
23 tell us if it is correct that they wouldn't need to do
24 anything else until '65 and take a moratorium for that
25 period of time and accept no additional applications.

1 So with that, let's assume that a pipeline is
2 required. I am opposed to plowing cross-country
3 through existing properties and neighborhoods as the
4 impact to home and landowners would be catastrophic.
5 It would include the disruption of underground
6 currently stable water tables, the destabilization of
7 structural foundations, the loss of years of investment
8 and enhancements to homes and properties, drops in
9 market value of properties, alterations and sub-
10 irrigated farm land, destruction of sensitive wildlife
11 habitat and conservation developments and more.

12 MR. DOUGHERTY: Thank you, Ms. Cracked.
13 Appreciate it.

14 Jason Kinable, are you still here?

15 (No audible response.)

16 MR. DOUGHERTY: All right. Gloria Edwards,
17 then Mark Hyden, then Lauren Sager. And if I called
18 your name, please come on up front.

19 MS. EDWARDS: Good evening. My name is
20 Gloria Edwards. I am a coordinator for a wildfire
21 information network that is hosted by Colorado State
22 University and is part of a nationwide wildfire
23 information network, and I'm here based on my knowledge
24 with that group and also as a private citizen that
25 lives one lot away from Douglas Road.

1 I'd like to honor you for all your effort and
2 time in this tonight and all your review with our
3 information packets, and honor all the participants
4 that took time out of their personal life today.

5 I'm here to implore the County Commissioners
6 to take a comprehensive landscape view and reject this
7 1041 Application. One point that continues to come up
8 is that this water has been diverted from the river for
9 over 100 years, but we're not in the conditions of 100
10 years ago.

11 Thousands of people are dependent on just two
12 watersheds, the Big Thompson and the Cache La Poudre
13 River characterized by declining forest health, reduced
14 and over-allocated flows, imminent and repeated
15 wildfires, subsequent erosion and drastic population
16 growth.

17 Our decisions have to be waived by factors
18 beyond this 1041 process and consider the context of
19 future pipeline, northern integrated supply project,
20 and related infrastructure, and the quality of return
21 flows and associated cumulative impacts.

22 I'm running out of time.

23 This pipeline is the first of a series of
24 impacts and subsequent crisis management of mitigation
25 issues that will definitely arise. Please reject this

1 1041 and anything elss undermines the Larimer County
2 commitment to excellence.

3 Thank you.

4 MR. DOUGHERTY: Thank you, Ms. Edwards.

5 Mark Hyden, Lauren Sager -- yes?

6 MR. HYDEN: I already spoke earlier. I
7 didn't know where that came from.

8 MR. DOUGHERTY: Okay. Thank you.

9 Lauren Sager, Mike McGlocklin (phonetic),
10 Teresa Rose.

11 MS. SAGER: I wrote for a local newspaper and
12 I've been covering this story. And I believe I
13 understand both sides of the story pretty well. And
14 the black hole in my understanding at this point is how
15 Larimer County can benefit from this? You know, why
16 would Larimer County want to do this for Thornton?

17 And that's the one thing that I just haven't
18 been able to get through and so some day I'd kind of
19 like to find out and that's about all.

20 Thank you.

21 MR. DOUGHERTY: Thank you very much, Ms.
22 Rose.

23 Is there anyone in the audience who did not
24 get a chance to speak, did not get a chance to sign up?

25 (No audible response.)

1 MR. DOUGHERTY: Thank you. At this -- oh,
2 please come on up, ma'am.

3 MS. SALLO: My name is Nan Sallo. I had no
4 intention of doing this.

5 MR. LAFFERTY: I'm sorry. Could you speak
6 into the mic a little better?

7 MS. SALLO: Yes, thank you.

8 MR. DOUGHERTY: And please spell your last
9 name for us.

10 MS. SALLO: Salo, S like Sam, O-L-L-O.

11 MR. DOUGHERTY: THANK YOU.

12 MS. SOLLO: I thank you. You're in a
13 difficult position.

14 The biggest issue facing the American West in
15 Colorado is water. You have this opportunity to do
16 this right. You have the opportunity. I feel bad for
17 people about construction, but construction comes and
18 goes. Water is our issue.

19 Thornton is crying for our water. We have
20 the opportunity to make sure that everything is done in
21 a way that makes sure that our quality of life, because
22 we chose Larimer County, not Thornton, is preserved and
23 that there's water and things for everybody to enjoy in
24 the future.

25 You get to be good stewards. Please take

1 that opportunity to make sure this legislation sets a
2 precedent for good relationships and water use in the
3 future. We depend on you.

4 Thank you.

5 MR. DOUGHERTY: Thank you, Ms. Sollo.

6 Ma'am -- no, I'm sorry. We had somebody else
7 with their hand up.

8 (Laughter.)

9 MR. DOUGHERTY: Come on up.

10 Is there anyone else? If so, please come on
11 up and sit in the front here, if you have not yet
12 spoken and want to.

13 MS. BRICKMAN: Hi. My name is Lucy Brickman,
14 and my question is -- I know that we're only supposed
15 to be looking at this phase that's in front of us
16 today, but don't we also have to look at the phases
17 that are coming? Because if we approve the pipeline,
18 but then deny the pump house, wouldn't there be a legal
19 battle where they would come back for the money that it
20 cost them to build the pipeline?

21 So even though I think you're only looking at
22 one phase, you almost have to look at every aspect of
23 it, which would also include the pump house. And I
24 guess tonight is the first time I ever heard anything
25 about the return pipe.

1 So are we looking at the fact that we will
2 have Douglas be one pipeline? And then another
3 pipeline goes where?

4 MR. DOUGHERTY: These are questions we're
5 going to have to think about, as well.

6 Thank you very much.

7 Anyone else?

8 (No audible response.)

9 MR. DOUGHERTY: Going once, going twice.

10 Ma'am, are you coming up to speak?

11 MS. SHELLY: Yes.

12 MR. DOUGHERTY: All right.

13 MS. SHELLY: And like her, I didn't plan on
14 doing this, okay?

15 MR. DOUGHERTY: Well, okay.

16 MS. SHELLY: But I do want to thank everybody
17 here.

18 MR. DOUGHERTY: And your name, please?

19 MS. SHELLY: My name is Rebecca Shelly and I
20 live in Eagle Lake. And I am a member of the Save the
21 Poudre, okay?

22 But I -- when I moved to our part of the
23 world, I didn't know the story of this water. I just
24 knew about the beautiful water and the area of the
25 landscape around us and the wetlands or the deer or all

1 the animals come and play, and I saw it in my yard,
2 okay?

3 And I love it, and I know that several people
4 from all over Terry Lake and everywhere come there and
5 enjoy it. That's just one side of what I'm thinking.

6 I do want you to look at this very carefully
7 and perhaps it does need a lot more -- you need a lot
8 more information. But those reservoirs were there and
9 we have all benefitted from them and enjoy them
10 immensely. And I just want that to be remembered that
11 that is -- you know, it's in the back of our houses.
12 However much you paid for your home, it's your home and
13 you worked hard to get it.

14 And I just want people to recognize that all
15 over the area, that we're in this together and somehow,
16 there's got to be something good and wise come out of
17 this.

18 So thank you.

19 MR. DOUGHERTY: Thank you, Ms. Shelly.

20 Going once, going twice. I know you're
21 tentative. Have you spoken already? Okay.

22 FEMALE SPEAKER: I have, but when can we ask
23 a question about the presentation that the Planning
24 Commission put on? When do we get to ask a question
25 about that?

1 MR. DOUGHERTY: You don't. Public comment is
2 about public comment. If you had had a question when
3 you were up for public comment, that could have been
4 something that could have been asked. Trust me, we
5 have a ton of questions up here and Thornton will be
6 able to come back up and answer our questions, as well,
7 and yours.

8 So folks, thank you. At this point I'm going
9 to close public comment and I am going to invite Mr.
10 Koleber back up. If he would like to rebut anything
11 that he had heard, and also to answer our questions.

12 MR. KOLEBER: I just got some random notes.
13 I'm going to try to go through these best I can.

14 There was a comment about that irrigation
15 water comes during one season and municipal use is all
16 season long, so that's really kind of an incapability,
17 but the diversion from the river will continue as it
18 always has during the irrigation season. The water
19 then goes into reservoirs and it's stored, then it's
20 sent to the municipality to cover the year-long demand.

21 So the diversions from the river will stay
22 the same. They won't change because it's going to
23 municipal use.

24 So that was one point I had.

25 There was some comments about three pipelines

1 and additional diversions coming on. There was a graph
2 showing about how water conversation plan, those bars
3 that you saw were segments of water associated with
4 this pipeline only and only our Water Supply and
5 Storage Company shares. We have an initial block that
6 will come online in 2025. One in about 2035, and one
7 later. Again, we won't need anything past or anything
8 more past 2065.

9 And in regards to looking out that far, and
10 other pipelines and things, what they're referring to
11 is our water rights decree. It gives us the permission
12 to divert water. It doesn't give us permission to
13 build pipelines, doesn't give us permission for
14 anything associated with construction. It's only a
15 water rights decree associated with diverting water.

16 If we're going to build additional pipelines,
17 we would come back to the process. We would look at
18 the impact. Some of those future pipelines are
19 associated with returns from the South Platte River
20 back up to the Larimer County Canal, not to the Poudre
21 River, so that other water would go in. That's
22 intended to serve other farmers and re-irrigate lands
23 so that we can continue to keep some farms in
24 irrigation.

25 All of those pipelines would be subject to

1 additional regulation. Addressing the concerns and
2 communities at the time, looking down the road 50-plus
3 years and trying to speculate on what the community
4 concerns will be and how to address those, are things
5 that -- again, I think that's speculation and we can
6 address that more fully at the time that that's
7 proposed.

8 MR. DOUGHERTY: Those would be additional
9 1041 Applications, correct, for pipelines?

10 MR. KOLEBER: Correct, or whatever the
11 regulations are at the time. They might be more
12 stringent. I can't speculate on what that would look
13 like at the time, but yes, 1041-type regulations is
14 what I would envision that would be applied to our
15 project at that time.

16 MR. DOUGHERTY: And none of those would be a
17 given? They would not be expected, grandfathered or
18 able to be put into place without going through another
19 hearing?

20 MR. KOLEBER: That's correct.

21 MR. DOUGHERTY: Thank you.

22 MR. KOLEBER: I don't know if there's any
23 other questions. That was the main points that I had
24 that I wanted to make sure were clear about that graph
25 in particular, and those bars that were shown as

1 representatives of additional pipelines. Those are
2 just additional blocks of this same water.

3 MR. DOUGHERTY: Commissioner Jensen is
4 jumping, ready to go.

5 MR. JENSEN: Can you please explain why this
6 pump, pumping station was not part of this 1041
7 Application?

8 MR. KOLEBER: When we had our pre-application
9 meeting with staff, they suggested that that was going
10 to go through a separate permitting process. My
11 understanding now -- and I maybe would call on Mr.
12 Helmick, that the permit or the pump station is part of
13 this permit and it's subject, in addition to the permit
14 regulations, a site plan review.

15 MR. HELMICK: That's correct. The staff has
16 always taken the position this is an appurtenance to
17 the pipeline and, therefore, is a part of this 1041
18 Application.

19 There will be a subsequent site plan
20 application for the -- prior to the construction of the
21 structure, which will have to show that it does, in
22 fact, meet all standards, regulations, and ordinances
23 of Larimer County: Noise, air quality, all of those
24 things would be part of that review, the detailed
25 review.

1 MR. JENSEN: I just wanted to clarify that,
2 that this was not left out of this Plan. That it is an
3 additional requirement over and above the 1041 for the
4 pumping station to meet additional requirements of a
5 special review, per our Land Code.

6 MR. HELMICK: It's our position that Director
7 Terry, Director Gilbert's letter asking for additional
8 information. I specifically identified the additional
9 information necessary to make a determination as a part
10 of the 1041 Application. That information was
11 supplied. It is a part of the supplemental materials
12 provided by the City of Thornton and it was evaluated
13 by staff as a part of this request.

14 MR. KOLEBER: Thank you.

15 MR. DOUGHERTY: Go ahead, Commissioner
16 Miller.

17 MR. MILLER: I was curious. We've heard
18 several people state to the fact that you're going to
19 need more than one pipeline to do what you need to do
20 with this water.

21 Is that correct? Are you going to have two
22 pipelines go down Douglas Road?

23 MR. KOLEBER: Short answer is no. The
24 additional pipelines would be to be fully implement a
25 Water Court Decree when we get to the point where we

1 need that additional water, but that's not -- all we're
2 requesting right now is one pipeline that will be used
3 only for delivery of the water associated with our
4 Water Supply and Storage Company and Jackson Ditch
5 Company shares. That's all.

6 MR. MILLER: Okay. Is I keep hearing, or I
7 heard, too, that you're going -- you're planning to
8 deliver polluted water into Larimer County. Is that
9 something you plan to do down the road?

10 MR. KOLEBER: As part of the Water Court
11 Decree, the Water Court allows us, nobody else, just
12 the Water Court allows us to take water off of the
13 South Platte River. The idea is that we would pump
14 that water up to the Larimer County Canal and do one of
15 two things with that.

16 The first thing would be that we supplied
17 that water, which would be suitable for agricultural
18 use, to farmer farther down on the Larimer County Canal
19 and in exchange, we would take the water that was going
20 past our reservoirs into our pipeline. So it's just a
21 water trade, instead of -- well, it's just a water
22 trade. So they get the water from the Platte, instead
23 of the water from the Poudre.

24 MR. MILLER: Okay.

25 MR. KOLEBER: This other part of that is we

1 would pump water that's Thornton's coming down the
2 South Platte River. We would pump that up to the
3 Larimer County Canal and we would re-irrigate -- the
4 extent we could at the time -- Thornton's farms.
5 Again, we can't re-irrigate it with our -- we can't
6 re-irrigate those farms with our Water Supply and
7 Storage Company shares. We could re-irrigate those
8 with other water from down on the river.

9 But that's, again, more than 50 years in the
10 future.

11 MR. MILLER: Okay. I've only got two more
12 questions.

13 MR. KOLEBER: Sure.

14 MR. MILLER: It was stated that -- or a
15 question was raised by one of the residential people
16 that they were wondering if what you're going to be
17 doing with your reservoirs? Will they lower the lakes
18 downstream or downline from the current reservoirs when
19 you start pumping like this?

20 MR. KOLEBER: The reservoirs -- there are
21 four reservoirs in close association by where our pump
22 station would be. Water Supply and Storage Company No.
23 3, No. 4, Rocky Ridge including the reservoir.

24 The way municipal systems operate is that
25 they generally will try to carry water from year to

1 year, so our analysis from back 2012, 2013, something
2 like that, showed that the water levels on average
3 would stay higher in those four reservoirs. The other
4 three reservoirs, Richards Lake, Lyndon Myer, Long
5 Pond, those are operated by making trades with other
6 ditch companies.

7 So in those reservoirs in particular, we
8 trade with the Larimer and Weld Canal and they give us
9 water back out of Cobb or Douglas Reservoir. That's a
10 system-wide operation for the Water Supply and Storage
11 Company not really associated with Thornton's Pipeline
12 Project.

13 MR. MILLER: Okay. All right. Thank you.

14 And my last question is: Where are you
15 currently pulling water to feed to Thornton from the
16 Poudre supply line?

17 MR. KOLEBER: At the Larimer County Canal
18 headgate.

19 MR. MILLER: Okay. Up by Horsetooth?

20 MR. KOLEBER: No. It's just up by Ted's
21 place.

22 MR. MILLER: Okay.

23 MR. KOLEBER: Just a little ways up river
24 from where 287 crosses the Poudre.

25 MR. MILLER: Okay. All right. Thank you.

1 MR. DOUGHERTY: Other questions from the
2 Planning Commissioners?

3 Commissioner Gerard.

4 MR. GERARD: I'll ask the question that maybe
5 I think all of us are kind of thinking.

6 What would happen if your pumping station
7 wasn't approved in the future and you've got this water
8 line ready to go?

9 MR. KOLEBER: Well, we wouldn't start
10 construction on our water line until we have also gone
11 through the site plan review process and public input
12 on the pump station. So those would be approved
13 concurrently so we could design and construct them
14 concurrently. We wouldn't have one without the other.

15 MR. GERARD: Why didn't you wait and do both
16 of them at the same time?

17 MR. KOLEBER: I think because it was -- the
18 site plan review process was a separate process. We
19 wanted to make sure that the County was okay with the
20 pipeline where we proposed it to be, before we worked
21 through the process of designing a pump station.

22 MR. GERARD: Okay. And then one more
23 question, just so I completely understand. Right now
24 you're trying to get a corrido, but once you have a
25 corridor approved by the County Commissioners, then you

1 go back and decide the exact location of the pipeline
2 and easement; is that correct?

3 MR. KOLEBER: Correct. Either in the right-
4 of-way or in an easement.

5 MR. GERARD: Okay.

6 MR. KOLEBER: And after that, once we have it
7 identified, the corridor concept goes away.

8 MR. GERARD: So the lines on the map go away,
9 and everything narrows to the 50-foot easement -- well,
10 it narrows to the 50-foot plus the construction
11 easement if it's off of right-of-way and then it ends
12 up narrowing to 50 feet if it's off the right-of-way?

13 MR. KOLEBER: Correct.

14 MR. GERARD: Okay. Thank you.

15 MR. DOUGHERTY: Other questions?

16 Mr. Koleber, I've got a couple of questions.

17 MR. KOLEBER: Yes.

18 MR. DOUGHERTY: We heard something about four-
19 hour closures, and I'm sticking with basically west of
20 Highway 1 on Douglas Road. We heard about four-hour
21 closures. We heard on our site trip today that there
22 was always going to be one lane opened, but we also had
23 heard that there's a possibility of a requirement to
24 have two lanes while not under construction or off
25 hours.

1 Can you tell me a little bit more about that?

2 MR. KOLEBER: Well, that kind of detailed
3 traffic planning and construction staging would happen
4 as we get into design and we can make sure that we can
5 meet all of the County's conditions as we complete the
6 design and the project planning, so that those
7 conditions are met.

8 MR. DOUGHERTY: And see, I've got a small
9 problem with that --

10 MR. KOLEBER: Okay.

11 MR. DOUGHERTY: -- because we're trying to
12 talk about affecting private properties and property
13 rights and citizens and to not have that information
14 doesn't -- I mean, that makes it really hard for me to
15 see how they're going to be affected.

16 Another piece is access to private
17 properties. While I have seen quite a bit of
18 interesting ways for people to access private
19 properties with the debacle that 287 has been, so I
20 know that there will be access but, you know, I'd
21 really like to know a little bit more about that, you
22 know. I need to know that there's going to be a lane
23 always open or things along those lines.

24 MR. KOLEBER: If that's a condition of
25 approval for the permit, there will always be a lane

1 open.

2 MR. DOUGHERTY: Commissioner Helmick or --
3 okay.

4 MR. HELMICK: I was going to address that
5 because those are specific conditions that are coming
6 from Public Works or Engineering and so we would be
7 identifying or working with Thornton to handle this as
8 we would any construction project in terms of
9 identifying, based on the project needs, what we've
10 just said here that we would entertain or potentially
11 allow maximum closures up to four hours on an
12 infrequent or as-needed basis because there are
13 potentially aspects of construction that are going to
14 require some limited closure, but we're not going to --
15 we're going go -- insofar as possible, we're going to,
16 you know, develop -- work with them to develop a plan
17 that maintains, you know, accessibility that minimizes
18 impact on people, but we know there are going to be
19 some impacts.

20 MR. DOUGHERTY: Is there any way to tighten
21 that up? I mean, you know, having a partial closure
22 and then having an emergency vehicle not be able to get
23 through -- we know what it's like inside the City of
24 Fort Collins with the trains. It's not acceptable to
25 me to know that there's a possibility an emergency

1 vehicle could not be able to access as neighborhood.

2 MR. KOLEBER: And again our -- even on our
3 construction projects that we do in the County, it's a
4 stipulation or requirement that the contractor has to
5 be able to ensure accessibility, that you know,
6 emergency responders can get to properties.

7 MR. DOUGHERTY: Okay. All right.
8 Commissioner --

9 MR. KOLEBER: So we don't have the
10 specificity to get to that level of detail at this
11 point in time.

12 MR. DOUGHERTY: But this is standard with all
13 projects within the County. Okay.

14 Commissioner Jensen.

15 MR. JENSEN: Mr. Koleber, just one more
16 question and it's addressing several comments that
17 people made that there wasn't enough specificity in
18 this Application. The difference between an
19 application and a design process, I get that you get
20 much more detail, but it begs the question without
21 doing the design work to come in front of Larimer
22 County and ask for a 1041 Application to be approved
23 without that specificity. Explain to me how and why
24 you don't put the cart before the horse in doing that.

25 MR. KOLEBER: I think it comes down to going

1 out, acquiring easements, designing a pipeline and then
2 coming in for a permit, there could potentially be
3 things that we haven't considered yet that we would
4 need to consider and could be part of a 1041 process.

5 By going with a corridor, we know those
6 conditions, we know what the County's looking for when
7 we go out to acquire easements, plan the design,
8 everything else and we can accommodate those as we plan
9 and design the project. If we did all that up front,
10 we might miss something and have to start all back over
11 again.

12 MR. JENSEN: Of the -- of this corridor that
13 you're asking for, how much of that easement do you
14 currently own and how much do you need to go out and
15 acquire still? And in that acquisition, are you
16 considering eminent domain as a way to get that
17 property in Larimer County?

18 MR. KOLEBER: So we haven't acquired any
19 easements yet in Larimer County. We do have access to
20 road right-of-way in Timnis (phonetic), as was
21 mentioned earlier, and so part of the alignment we've
22 narrowed down. Douglas Road would be narrowed down
23 where we wouldn't need easements. If we can use other
24 areas -- County Road 56 was mentioned earlier as a
25 potential route around the north side of Cobb Lake, in

1 particular, the road would be probably the best route,
2 an area down just north of 392.

3 Ms. Hellser was here talking about wanting to
4 stay in the right-of-way. So those would be where we
5 want to be in the right-of-way.

6 When we go out to acquire easements, again,
7 our goal is to negotiate for the easements everywhere
8 we can until we exhaust all reasonable alternatives.
9 And with a corridor, we can move the pipeline alignment
10 to accommodate landowner concerns, infrastructure. I
11 was talking with a resident during one of the breaks
12 about irrigation wells. With a corridor, we can put
13 the pipeline around irrigation wells. We don't have to
14 mess with those. So that's what the reason is for the
15 corridor and I hope I answered your question. I think
16 I may be lost parts of that and I apologize.

17 MR. JENSEN: Well, the last part of that was:
18 your use of eminent domain to acquire that easement,
19 how would you apply that or is that part of your plan?

20 MR. KOLEBER: We would use that as a last
21 resort. We want to try to negotiate the easements.
22 Even if we use eminent domain, we still pay fair
23 compensation, we work with them as best we can.

24 MR. JENSEN: Okay.

25 MR. DOUGHERTY: Just to tag on to that,

1 somebody had made a comment earlier, have you used
2 eminent domain in Larimer County at all?

3 MR. KOLEBER: No.

4 MR. DOUGHERTY: Thank you.

5 I had one other question pertaining to the
6 change of routes and I understand it was very, very
7 preliminary. The route through Eagle Lake, was that
8 changed -- I guess, I don't when to lead, but why did
9 you change from that, was it private property, was it
10 wetlands, what facilitated that?

11 MR. KOLEBER: We never really had a route
12 through Eagle Lake or anywhere. We had a corridor from
13 Douglas Road about a half mile north. There was a map
14 during my presentation that showed a balloon over by
15 West No. 4 and then going east. That was where we were
16 looking for an alignment when we had our public
17 meetings.

18 After we had our public meetings, then the
19 Eagle Lake residents went back to the County and talked
20 to them about the direction that we had received to not
21 count on county line -- or, I'm sorry -- on county road
22 right-of-way for construction.

23 After that, we had our meetings with Larimer
24 County staff that said, "Go out and do this
25 alternatives analysis that can now include the Douglas

1 Road alignments or any other county road rights of way
2 and look at the alignments that the residents have
3 suggested during our open houses." And so that's how
4 we came up with those 10 alternatives is the feedback
5 that we had from the residents.

6 We looked at all of those including Douglas
7 Road both in and out of the right-of-way and that's how
8 we came up with Douglas Road. It wasn't because we had
9 an alignment specifically through Eagle Lakes and there
10 was an uproar. We didn't have that. We had a corridor
11 that we were working with at our open houses.

12 MR. DOUGHERTY: Thank you.

13 Any further questions?

14 Commissioner Cox.

15 MS. COX: Do you not consider the proposal by
16 the Save the Poudre Committee that that is a reasonable
17 approach to take it further down from the Poudre, the
18 request that they're making?

19 MR. KOLEBER: To take it --

20 MS. COX: Is that not considered a reasonable
21 alternative?

22 MR. KOLEBER: Which one, all the way down to
23 Windsor?

24 MS. COX: Uh-huh.

25 MR. KOLEBER: I don't.

1 MS. COX: Could you tell me why?

2 MR. KOLEBER: Yeah. There are a number of
3 reasons why. It was already mentioned that our Water
4 Court Decree currently allows us only to divert at the
5 Larimer County Canal.

6 MS. COX: But could you go back and request
7 that?

8 MR. KOLEBER: We could, but there's a high
9 likelihood that our water rights would be further
10 reduced if we did that and so there's an issue there.
11 Running the water down the Poudre River, you lose --
12 for that 18 miles roughly of stream, you'll lose about
13 9 percent of your water. That's what the State charges
14 you in losses to run the water down there. So out of
15 the average 14,000-acre feet that we plan on running,
16 that's tens of millions of dollars' worth of lost
17 water.

18 We would lose the use of the reservoir
19 storage that's there in the Water Supply and Storage
20 Company system. We just put the water right back into
21 the Poudre, ran it down. Those reservoirs, have no
22 value.

23 Could we build other reservoirs? Certainly,
24 but we invested, we've already purchased this reservoir
25 storage. Building additional reservoir storage

1 somewhere else, as you've probably seen with NISP and
2 other places, is not an easy prospect. The cost to not
3 only construct a treatment plant that could treat that
4 water, but then operate it, additional power and
5 chemical costs are very expensive and it's really a
6 safety issue for our residents. That water is below
7 three wastewater treatment plants, urban runoff where
8 you have oil coming off parking lots and all sort of
9 things. That water is not as safe to drink as
10 upstream. It's not a water supply classified stream in
11 Windsor and there's -- without that water supply
12 classification, you don't have the protections
13 upstream.

14 Yes, we could go to the Commission, the Water
15 Quality Control Commission, and ask for a water supply
16 designation, but having everybody upstream from that
17 including the wastewater plants increase their
18 treatment could be decades before that happens.

19 MS. COX: It could be, but what if that was
20 your only alternative? What if you're denied and that
21 was an alternative? You would then pursue that
22 alternative, correct?

23 MR. KOLEBER: We would take a step back and
24 look at all other alternatives.

25 MR. DOUGHERTY: Any other questions for Mr.

1 Koleber?

2 MR. GERARD: Yeah, I've got one.

3 MR. DOUGHERTY: Commissioner Gerard.

4 MR. GERARD: So what does your -- what does
5 this easement look like if it goes through my property?
6 Is it -- what am I not allowed to do with this
7 property? Do you own the property completely or is it
8 a right-of-way or how does it work?

9 MR. KOLEBER: We just -- the easement gives
10 us the right to put a pipeline under the ground. Once
11 we're done, you can farm over the top, put non-
12 permanent structures over the top. All we ask is you
13 don't build things like houses and garages, put in
14 vegetation with deep roots that might get down and
15 affect the pipeline or impact the ability to do
16 maintenance on the pipeline. But other than that, the
17 use is pretty much the same as what you had before.

18 MR. DOUGHERTY: All right. Commissioner Cox?

19 MS. COX: Could you explain a little more
20 clearly the slide that showed where there was a 50
21 million to \$100 million benefit to Thornton to go this
22 other alternative route than the one that you guys have
23 chosen? Why --

24 MR. KOLEBER: It was on a different
25 presentation, but that didn't look at the value of lost

1 water, the value of lost storage, the cost for
2 treatment, additional cost for treatment capacity both
3 initial capital costs, but also long-term O&M costs so
4 that was just purely pipeline and pump stations.

5 Plus one thing I had mentioned before, the
6 way the Water Supply and Storage Company Reservoir
7 operates, the water comes into Thornton on its shares
8 at about 70 million gallons a day -- and this is when
9 all of our shares are converted, not sort term -- and
10 then the reservoir storage buffers that so we can build
11 a 40-million-gallons-a-day pump station. If we were to
12 take that water down the Poudre River and have to take
13 it as available, we'd have to build a much larger 70-
14 million-gallons-a-day pump station and a much larger
15 pipeline going south. And so those kinds of size
16 impacts weren't included in those figures.

17 MS. COX: Okay. But somewhere you guys talk
18 about being good stewards, correct?

19 MR. KOLEBER: Yes.

20 MS. COX: So if you're -- I mean, from a
21 neighbor perspective, that was much more beneficial to
22 your neighbor.

23 So how do you balance what's beneficial to
24 your neighbor and the cost to you? How did you
25 determine that that was --

1 MR. KOLEBER: And really it was cheaper to go
2 downstream because you weren't building pipelines, but
3 that's -- the issue really is all of the other costs.
4 And the way we balance that is: it's really a safety
5 issue. Providing safe drinking water for our residents
6 is really the overlying factor on all of this. Fort
7 Collins, Greeley, Elko, North Weld, all of those
8 districts divert water upstream from Fort Collins
9 because that's the prudent safe place to divert water
10 for providing a drinking water supply.

11 MR. DOUGHERTY: Any other questions for Mr.
12 Koleber?

13 (No audible response.)

14 MR. DOUGHERTY: Thank you very much.

15 MR. KOLEBER: Thank you.

16 MR. DOUGHERTY: I think we may have some
17 questions for staff.

18 Commissioners? Yes, no, maybe?

19 (No audible response.)

20 MR. DOUGHERTY: Well, I've got a couple.

21 So we're talking about a 1041 here, but we're
22 also talking about the fact that the pumping station is
23 a part of this Application.

24 Can one of you address the FA-zone and
25 whether or not this pump would be allowed in that zone

1 and also about spot zoning and things that were brought
2 up?

3 MR. HELMICK: The 1041 Application is for a
4 26-mile-long, 48-inch pipeline and all of the
5 appurtenant facilities.

6 MR. DOUGHERTY: Okay.

7 MR. HELMICK: Pump station, water tank, blow-
8 offs, access ways, all of that's the package. All of
9 that trumps zoning, so ignore the FA-1 zoning and the
10 pump station. There's no correlation between the two.
11 This is a public facility subject to 1041 and the pump
12 station is allowed through that process. Don't look at
13 zoning.

14 MR. DOUGHERTY: Okay.

15 MR. LAFFERTY: An analogy, Commissioner
16 Dougherty, would be similar to that of placing
17 trailheads in Larimer County and other things. Those
18 are uses that are not prescribed by zoning, but are
19 generally covered through a location and extent process
20 or through a 1041 process and that's why we have those
21 processes. They supersede zoning and therefore, we're
22 allowed to look at them through those processes without
23 having to change zoning and do what-not.

24 MR. HELMICK: To follow on Matt's previous
25 presentation, a power line is not -- a transmission

1 power line is subject to 1041 as is the substation.
2 Neither of those are identified in zoning -- in most of
3 the zoning districts in the County. Same general
4 premise, a power line and a substation.

5 MR. DOUGHERTY: Okay. I'd like to ask one of
6 you just to quickly go over again the outreach because
7 I've heard a number of times tonight that folks did not
8 get notification on this. I'd like you just to give us
9 a quick one. I know you had the page up before with
10 the red line around it showing the map area.

11 MR. HELMICK: Their early outreach looked
12 mostly north of Douglas Road. We identified an issue
13 after one of the neighborhood meetings and said, "Well,
14 drawing a line through the middle of Terry Point wasn't
15 very smart nor through Terry Shores." So subsequent
16 outreach incorporated all subdivisions accessing off of
17 Douglas Road or within that corridor so that's -- and
18 all notice subsequent to the receipt of the Application
19 incorporated all of these properties as well. So early
20 days, yes, some of the folks in Terry Point and Terry
21 Shores may not have received notice of one of those
22 meetings. That was not intentional. It was just an
23 artifact of how we drew the line.

24 Ultimately we notified over 2600 property
25 owners in Larimer County both in unincorporated Larimer

1 County and in all of those cities that this pipeline
2 goes through that -- but for within that quarter-mile
3 corridor.

4 MR. DOUGHERTY: Thank you.

5 Any other questions for staff from the
6 Planning Commissioners?

7 MR. JENSEN: Yes.

8 MR. DOUGHERTY: Commissioner Jensen.

9 MR. JENSEN: In the review criteria that we
10 have to look at, compatibility and harmonious is part
11 of this.

12 Can you explain that? And I would assume we
13 then have to look at -- even though we're going to see
14 a special review for the pumping station, we still have
15 to consider the compatibility and harmonious nature of
16 that in this Application with the neighborhood,
17 correct?

18 MR. HELMICK: No. Actually harmony and
19 compatibility are not a standard for 1041 review.

20 MS. COX: Right.

21 MR. HELMICK: They are in the zoning review
22 and in the subdivision review, but they are not a
23 standard of review in a 1041 review. And you will not
24 see a special review for the pump station. That is an
25 administrative process. We may tell Thornton that they

1 need to do some public outreach on the design, but it
2 is not -- you won't see the pump station again.

3 So the standards review are a master plan: reasonable,
4 siting and design alternatives, conformance with the
5 standards of review, average impact or effect on or
6 adequately mitigate those impacts, affecting historic
7 sites, impacts public health and safety, no significant
8 risk from natural hazards, adequate public facilities,
9 mitigate construction impacts, benefits outweigh losses
10 to natural resources and agricultural land and a
11 reasonable balance between the cost of the applicant
12 mitigates significant adverse the benefits achieved by
13 that mitigation as well as then the recommendations of
14 staff and referral agencies. Compatibility is not one
15 of the questions.

16 Our review looked at a pipeline, not a water
17 supply. We didn't look at alternatives for water
18 supply. We looked at the alternatives proposed for a
19 pipeline. That's what the Code provides for.

20 As pointed out earlier, there are questions
21 about how broad the reach can be? Well, without
22 knowing the criteria the City of Denver had in their
23 1041 Regulations, it's almost impossible to know what
24 the Supreme Court decision was really based on from my
25 standpoint. We evaluated the request. The law

1 requires we adopt criteria for the Application. We
2 reviewed the request pursuant to our locally-adopted
3 criteria of review.

4 MR. DOUGHERTY: Commissioner Carraway?

5 MR. CARRAWAY: Yeah, I just want to clarify.
6 I'm confused because earlier it seemed like the
7 question was asked about the pumping station. I guess
8 I just misunderstood, but I'd understood that would
9 come back through the process. And then I think I just
10 heard you say, in other words, that that would be a
11 special review process which would come before --

12 MR. HELMICK: Site plan review, not special
13 review.

14 MR. CARRAWAY: But now -- okay. So I just
15 heard you say it's just an administrative review. So
16 we're done with the pump station after tonight, right?

17 MR. HELMICK: In our evaluation, what we
18 looked at is a six to 10,000-square-foot building and
19 information they provided to us. They're proposing to
20 pursue a redundant power supply so a diesel generator
21 would ideally not be part of that.

22 I would note that within a mile of this -- of
23 where they're proposing a pump station, there are
24 structures in excess of 10,000 square feet. So a
25 structure that size -- in fact the house immediately

1 adjacent to this property, based on a rough estimate,
2 is 12,000-square-foot footprint, so a footprint of a
3 structure that big is not out of character for the
4 neighborhood whether it is --

5 (Loud audience noise.)

6 MR. DOUGHERTY: Folks, excuse me please.
7 Folks, excuse me, please. Thank you.

8 MR. HELMICK: So it is an administrative
9 review site plan for the pump station. From our
10 perspective, we believe we had enough information to
11 make an evaluation at the level of the 1041 request
12 knowing the site plan was going to happen to be able to
13 evaluate the proposal.

14 MR. DOUGHERTY: Commissioner Cox?

15 MS. COX: (No audible response).

16 MR. DOUGHERTY: Okay.

17 MR. CARRAWAY: To me, it just seems like
18 that's incomplete.

19 MS. COX: Yeah.

20 MR. CARRAWAY: If this is part of this and we
21 do not have specificity of Phase I of what they intend
22 to do immediately, it's incomplete. Tell me how I'm
23 wrong.

24 MR. HELMICK: We have a footprint. We know
25 that there's height limit in a zoning district so, I

1 mean, it's a 50x120-foot building with four pumps
2 inside it and some other stuff.

3 MR. CARRAWAY: But, Rob, you just told us
4 we have to ignore the zone district. I'm sorry, I'm
5 just --

6 MR. HELMICK: We would attempt to apply the
7 height limit of 40 feet.

8 MR. CARRAWAY: Okay.

9 MR. LAFFERTY: That's universal throughout
10 the county.

11 MR. HELMICK: And that's the universal height
12 limit throughout the county. So in none of our
13 regulations across the board do we evaluate aesthetic.
14 Aesthetic is not a part of any Code language in Larimer
15 County. So we have a footprint of a building in a
16 location proposed. That's no different than a lot of
17 stuff.

18 I mean, we don't look at -- someone proposes
19 a dog kennel. You look at the fact that there's a
20 footprint on the site plan that shows there's a dog
21 kennel there. You don't look at anything else.

22 MR. LAFFERTY: We look at noise --

23 MR. HELMICK: Noise.

24 MR. LAFFERTY: -- we look at light --

25 MS. COX: Yeah.

1 MR. LAFFERTY: -- we look at impact, we look
2 at --

3 MR. HELMICK: And those are all standards in
4 the Code that are --

5 MS. COX: And compatibility.

6 MR. HELMICK: -- subject to the site plan
7 review.

8 MR. LAFFERTY: The site process requires
9 compliance with all of those things administratively.
10 That's the only difference. It doesn't require us to
11 go to hearing. And if they choose to not follow the
12 body of regulation of those standards, then they would
13 have to come forward to the Board of County
14 Commissioners and appeal those standards. And so it's
15 black and white in that case. There is no give or take
16 about whether it's compatible or not. You meet the
17 standard, that's it, or appeal that standard.

18 MR. CARRAWAY: During the site plan review,
19 what is the public comment available during the site
20 plan review and what is the appeal process for the
21 neighbors in question if they have issues with that?

22 MR. HELMICK: The normal code standard is:
23 there is no public comment nor is there any public
24 appeal, but if you want to modify reality, the Code,
25 for this particular to include either some public

1 outreach and/or some potential for appeal, we can
2 figure out how to craft that language for you if you
3 want.

4 MR. LAFFERTY: The site plan process in the
5 Larimer County Land Use Code was intended to address
6 non-residential uses except for four-plexes, you know,
7 things -- larger apartment complexes, things like that,
8 but basically was to look at commercial industrial type
9 uses in commercial and industrial type settings where
10 the zoning already exists and what-not and then we just
11 look at it as a setting. So those are considered use-
12 by-right activities and as such, we only apply the
13 standards to it. There is no public notice, there is
14 no public review, there's none of that. It's just an
15 administrative review to make sure that standards are
16 complied with.

17 I think it would be fair in this instance,
18 given that this is not in an industrially-zoned
19 property or any of those types of things and that there
20 might be some things that if the Board felt that it was
21 necessary, that there'd be some at least public notice.
22 And if there was -- and the director would still have
23 the right to administratively approve this, but if
24 somebody felt that the director was operating outside
25 of their limits or the purview of approving it, then

1 they can appeal that to the Board of County
2 Commissioners for a decision. I don't think that
3 that's out of your realm to ask that question here
4 tonight. I think that that would be fine. It's not
5 normal, but --

6 MR. CARRAWAY: Yeah. One more thing, just
7 please for the folks in the audience and those that may
8 still be awake on TV, the -- or those that may still be
9 awake in the room here, the other option that was what
10 we had prior to us accepting the 1041 process in
11 Larimer County was location and extent. Address or
12 please tell us why or what the differences would be, if
13 we were still under and L&E, this meeting would be
14 drastically different and we wouldn't have a seat at
15 the table anymore with that.

16 Can you please talk about that process and
17 why 1041 exists and what it would look like if we did
18 not have a 1041 in Larimer County.

19 MR. HELMICK: Prior to the adoption of 1041,
20 location, extent review was the only review that
21 Larimer County had for public facilities. That is a
22 master plan review by the Planning Commission with 30
23 days to review, 30 days. Submit the Application,
24 decision rendered within 30 days by the Planning
25 Commission, no Board of County Commissioners review or

1 decision.

2 The Planning Commission decision could impose
3 conditions or requirements on an applicant. However,
4 the taxing entity responsible for the project by a
5 majority vote can tell the County to go pound sand on a
6 1041 and do as they see fit.

7 MR. LAFFERTY: On an L&E?

8 MR. HELMICK: And that's it. Huh?

9 MR. LAFFERTY: On an L&E.

10 MR. HELMICK: On an L&E. On a 1041, the
11 entity is considered a person and a person is required
12 to obtain a permit to engage in the activity. Thornton
13 is a person. The Board of County Commissioners has the
14 authority to say "Yes" or "No" or impose conditions on
15 their request. The Board, in adopting 1041, did it
16 with some trepidation, understanding that the ability
17 to say "No" was a big stick and it was principally a
18 big stick to make those public entities act in good
19 faith with Larimer County and Larimer County citizens.

20 MR. LAFFERTY: And that's why our 1041
21 Regulations have review criteria. It is to keep us
22 honest and have to answer the questions and keep those
23 agencies coming and talking to us having to prove up
24 why we think that should be. So if you don't find that
25 somebody complies with one of the review criteria,

1 that's the merits for denial of an application.

2 The 1041 process, just so you guys are aware,
3 it didn't just come into being. It's been around in
4 state statute for a number of years. Larimer County
5 has -- as the statute is written, all counties or
6 agencies that are subject to state statute have the
7 option to implement them in their jurisdiction. They
8 could choose not to. We could have chose not to
9 implement 1041 regulation on waterline projects in
10 Larimer County and this would have just been -- slipped
11 right through under an L&E with very little scrutiny or
12 opportunity to drill into the details on it.

13 And that's what happened, if we all recall,
14 with the Greeley waterline and that left our Planning
15 Commission in an awkward position and it felt really
16 unaddressed for our community. They felt that they did
17 not get an opportunity to dispel their concerns on
18 that. And so we chose to adopt this Regulation so that
19 we could have this exact hearing so that we could have
20 the detailed evaluations that are staff performs on
21 these things and make sure that we're making the right
22 decisions. If this isn't the right decision, then I
23 think that's -- you-all need to make the decision.

24 MR. CARRAWAY: I just want to, you know,
25 expound on that a little bit. This body -- several

1 years ago when we were looking at 1041s, we spent two
2 years looking at this. This was not an overnight
3 decision to implement 1041 in Larimer County, but I
4 think -- and I'll speak for the Commission at the time.
5 There was an overriding desire and need and
6 responsibility that we felt that we had to have a seat
7 at the table and that's why these Regulations were
8 brought about, it's why we put them on what put them on
9 and I just -- I want people to understand that this was
10 something that we decided to do in Larimer County for
11 just this purpose. This is exactly why we did this
12 process.

13 MR. DOUGHERTY: Commissioner Cox?

14 MS. COX: I'd like to ask Mr. Koleber
15 something, too.

16 So there was a proposal that if we were to
17 consider this pipeline, that there would be two
18 conditions, one condition being that you would be
19 limited to a single pipeline forever, and the other
20 condition was that you would not -- you know, if there
21 was some other type of need that Thornton had, they
22 would not come back to the table till '66.

23 Are those acceptable conditions to you?

24 MR. KOLEBER: If the condition is a pipeline
25 under this 1041 permit, yes, that's an acceptable

1 condition. We would come back for another permit and
2 review --

3 MS. COX: I think you know that's not what
4 they were asking for, okay?

5 MR. KOLEBER: Okay. I just -- let me
6 clarify --

7 MS. COX: So let's just be square.

8 MR. KOLEBER: Yeah.

9 MS. COX: Okay.

10 MR. KOLEBER: I think --

11 MS. COX: They were asking -- you know what
12 they were asking --

13 MR. KOLEBER: Yes.

14 MS. COX: -- that you were not coming back
15 under another 1041 or any other type of -- that we're
16 just talking about a single pipeline coming out of
17 Larimer County for Thornton and that was the end of the
18 story between Larimer County and Thornton.

19 MR. KOLEBER: No, because we have a Water
20 Rights Decree and future plans way down the road that
21 we may need to implement depending on the Thornton
22 growth, density, growth in the entire North Colorado --
23 Northern Colorado area, so that's not something that I
24 could just unilaterally give up a water right and
25 that's in essence what I'd be doing there.

1 As far as coming back in 2066, that's our
2 current planning horizon and just like transportation
3 plans and everything else, those change. I believe
4 that 2065 is a good date, but I don't believe that I
5 could commit the City to say "No" to any future plans
6 in Northern Colorado. If we grow faster or get more
7 dense than what we expect, we would come back and go
8 through the process and request again for the County to
9 review our plans.

10 MS. COX: Thank you.

11 MR. DOUGHERTY: Do you have questions for
12 staff or?

13 MR. LAFFERTY: I have a comment just before
14 we get too long --

15 MR. DOUGHERTY: Yes, sir.

16 MR. LAFFERTY: -- and it just only goes to
17 when you make your motion. When you choose to make a
18 motion depending upon which way it goes, if you choose
19 to act in favor of this, the pump house was a hot
20 topic. I think that we could formulate a, quote,
21 "condition," to add to this Application that would
22 allow for the public notice, any evaluation of the site
23 plan process. So we'll notice them. They can come in
24 and look at the plans and do that and then, of course,
25 we'd allow an opportunity for appeal if they choose to

1 do that. So if you want me to come up with a
2 condition, I can do that right now.

3 MR. CARRAWAY: I think that would be
4 appropriate please.

5 MR. HELMICK: I would like that too.

6 (Voice from the audience.)

7 MR. DOUGHERTY: I think it was just mentioned
8 that there would be public comment; is that not
9 correct, Matt?

10 MR. LAFFERTY: I don't know why we wouldn't
11 allow people to make a public comment, but if -- I
12 think we need to be careful with that. If Thornton
13 decides to paint the building sky blue, I think Rob
14 makes a good point, our Code doesn't regulate pretty.
15 We're not going to be able to say just because you made
16 a comment, we can address the problem. We can only
17 address people's comments that relate to us
18 administering our Code requirements.

19 MR. DOUGHERTY: Okay. Thank you.

20 Any other questions for staff?

21 Commissioner Carraway.

22 MR. CARRAWAY: Yeah. Just because we were
23 talking about 1041, I just think it's important to note
24 that Weld County has also -- it'll be a 1041 process
25 for the Thornton pipeline in Weld County.

1 MR. HELMICK: I think actually it's use by
2 special review in Weld County.

3 MR. CARRAWAY: That's not my understanding.

4 MR. HELMICK: But there is an ongoing review
5 process of some part in Weld County, yes.

6 MR. CARRAWAY: Okay.

7 MR. DOUGHERTY: Any other --

8 MR. LAFFERTY: Weld County is not a statutory
9 county. Weld County is a home-ruled county and they
10 may not have adopted 1041 regulations because they're
11 not subject to the State standard, so they may be using
12 an alternate approach to the review process. That's
13 what we're saying.

14 MR. DOUGHERTY: Other comments or questions
15 for staff?

16 (No audible response.)

17 MR. DOUGHERTY: All right. I think I'm going
18 to close it and open it up for discussion amongst
19 ourselves.

20 And, Commissioner Jensen, you had talked a
21 little bit about going through some of the review
22 criteria for us.

23 MR. JENSEN: Yeah, we touched on the --

24 MR. DOUGHERTY: Mic.

25 MR. JENSEN: We touched on the review

1 criteria a couple of times, but just for us, we'll go
2 through this very quickly again. There are 12, not 14,
3 as originally stated.

4 The proposal is consistent with the Master
5 Plan and applicable intergovernmental agreements
6 affecting land use and development. That's Criteria 1.

7 Criteria 2, the Applicant has presented
8 reasonable siting and design alternatives or explained
9 why no reasonable alternatives are available.

10 No. 4, the proposal will have a -- will not
11 have a significant adverse effect on or will adequately
12 mitigate significant adverse --

13 MR. DOUGHERTY: You skipped No. 3.

14 MR. JENSEN: Oh, I'm sorry, I missed one.

15 The proposal conforms with adopted county
16 standards, review criteria, mitigation and requirements
17 concerning environmental impacts, including but not
18 limited to those contained in Section 8 of this Code.
19 Mr. Helmick has spent time with that and did a very
20 good job explaining Section 8 to us, so I won't go
21 through those again.

22 The proposal will not have a significant
23 adverse effect on or will adequately mitigate
24 significant adverse effects on the land on which the
25 proposal is situated and on lands adjacent to the

1 proposal.

2 The proposal will not adversely affect any
3 sites or structures listed on the state or national
4 registers of historic places.

5 The proposal will not negatively impact
6 public health and safety.

7 The proposal will not be subject to
8 significant risks from natural hazards including
9 floods, wildfire or geological hazards. Adequate
10 public facilities and services are available for the
11 proposal and will be provided by the Applicant and the
12 proposal will not have a significant adverse effect on
13 the compatibility --

14 MR. DOUGHERTY: Capability.

15 MR. JENSEN: -- capability, sorry, of local
16 government to provide services or exceed the capacity
17 of service delivery systems.

18 No. 9, the Applicant will mitigate any
19 construction impacts to country roads, bridges and
20 related facilities. Construction access will be re-
21 graded and re-vegetate to minimize environmental
22 impacts.

23 No. 10, the benefits of the proposed
24 development outweigh the loss of any natural resources
25 or reduction of productivity of agriculture lands as a

1 result of the proposed development.

2 The proposal demonstrates a reasonable
3 balance between costs to the applicant to mitigate
4 significant adverse effects and benefits achieved by
5 such mitigation.

6 And No. 12, the recommendations of staff and
7 referral agencies have been addressed to the
8 satisfaction of the County Commissioners.

9 Those are the 12 review criteria that we have
10 to look at this with.

11 And I'll go ahead and make a statement. When
12 asked, Mr. Koleber, if they looked at the protections
13 that would be necessary to the lower Poudre to be used
14 as a municipal water supply, we were told that they did
15 not look at this. There were alternatives presented to
16 us. I just do not feel that they were thoroughly
17 vetted and I think that it appears to me that there
18 could be other alternatives.

19 The lack of specificity in some of this,
20 which I think could have been addressed to allay some
21 of the concerns of the neighbors and of Larimer County
22 as a whole were not done and so I really don't think
23 that this is as complete as it should have been and I
24 would not support passing this at this time.

25 MR. DOUGHERTY: Commissioner Cox?

1 MS. COX: I would like -- I would propose --
2 I would like to make a motion, then have discussion.

3 MR. JENSEN: And then have discussion?

4 MS. COX: Yes.

5 MR. JENSEN: Okay.

6 MS. COX: And I would like to make a motion.

7 MR. DOUGHERTY: All right. Go right ahead.

8 MS. COX: I'd like to move that the Planning
9 Commission recommend to the Board of County
10 Commissioners denial of the 1041 Application. Let me
11 give you the number.

12 MR. DOUGHERTY: 18-ZONE2305.

13 MS. COX: Thank you.

14 So I'll lay that motion right there.

15 MR. DOUGHERTY: I have a motion.

16 Do I have a second?

17 MR. LAFFERTY: I'll second.

18 MR. DOUGHERTY: The motion is seconded. I'll
19 open it up for discussion.

20 Commissioner Cox, would you like to --

21 MS. COX: The reason I moved to do that is: I
22 also -- I'm looking at the review criteria and the No.
23 2 and -- pull my notes here -- and No. 11.

24 I also concur with Commissioner Jensen that I
25 don't feel that the alternatives were fully -- I'll use

1 his term -- "vetted," nor that a reasonable balance has
2 really been applied here.

3 I think it was really looked purely from
4 Thornton's position. I think the neighborhood meeting
5 where the County has presented that let's do things in
6 the right-of-way, very good. So I think that addressed
7 one very specific situation.

8 But from an overall alternative and a true
9 good corridor and to really understand which neighbors,
10 which people are really ultimately going to be affected
11 by not being able to stay in a right-of-way or not, I
12 just -- I'm used to seeing -- in fact, I dealt with a
13 pipeline situation where it was very clear all along
14 the pipeline what was going to have to be purchased,
15 what was going to have to be not purchased, what was
16 going to be in right-of-ways, what wasn't going to be
17 in right-of-ways. I don't understand how people that
18 are along this pipeline corridor are going to
19 understand their impact to them without having much
20 more specificity than I'm seeing today.

21 So I just don't see them meeting the criteria
22 for No. 2 and No. 11.

23 MR. DOUGHERTY: Commissioner Carraway, did
24 you want to weigh in?

25 MR. CARRAWAY: Well, first I just want to say

1 I think that -- you know, I certainly understand the
2 City of Thornton has purchased these water rights over
3 several decades. These are your water rights. You
4 have a right to your water rights and I totally get
5 that. But I agree with the comments that have been
6 made. I think there's a tremendous amount of lack of
7 specificity.

8 I think that more than anything else, I
9 really feel like the City of Thornton has missed an
10 opportunity to be creative, to look at other
11 alternatives, to work with different interests and to
12 bring people together in a way that can be done and I
13 really believe an opportunity has been missed.

14 I think the issue about water law to me is
15 very concerning. I think the only water law expert we
16 heard from tonight was through public comment, Mr.
17 Donovan, and he stated there were gross
18 misrepresentations of Colorado water law on both sides.
19 That's very disturbing to me.

20 And I also think we're operating under an
21 assumption that water law is irrelevant, that some of
22 the issues that would come under water law are
23 irrelevant and I'm not sure that I believe that's
24 accurate.

25 So for all those reasons, I think that, you

1 know, most -- first and foremost, I think just the
2 level of mitigation is wholly inadequate and that this
3 is not in the best interest of the citizens of Larimer
4 County.

5 MR. DOUGHERTY: Commissioner Gerard,
6 thoughts?

7 MR. GERARD: (No audible response).

8 MR. DOUGHERTY: No? Commissioner Miller?

9 MR. MILLER: I really struggle with the whole
10 thing tonight. I do want to see the waterline go
11 through. I don't think it was well planned. I was
12 very disappointed that the pipe -- or that the pump
13 station wasn't included that we could look at that.

14 I think Douglas Road is a good alternative.
15 However, there's just a lot of unfinished business that
16 I saw, too, and so I've got to agree with everyone
17 except with the fact that I'm just not quite convinced
18 that I'm going to vote "Yes" for this denial.

19 MR. DOUGHERTY: Thank you.

20 Commissioner Jensen, anything else you want
21 to add?

22 MR. JENSEN: Well, I struggled a little bit
23 with this and I'm not sure where I'm going to land
24 either because I saw a lot of positives to this
25 waterline. At the risk of going against what some of

1 the other Planning Commissioners have mentioned, I saw
2 a formula for stopping future waterlines. I heard
3 about future waterlines that had nothing to do with
4 this project and, I'm sorry, I've been told -- I was
5 told directly by another organization that there is no
6 waterline going through this road last week.

7 We can't say no more work on a project until
8 2065, I'm sorry. That's like telling somebody that you
9 can never have another permit to do an addition to your
10 home. Things change. Future 1041 applications would
11 have to be approved. This is -- what I saw was this
12 was probably the best alternative because it was not
13 taking any private property.

14 I do think -- at least from what I saw, I do
15 think that the lack of specificity of where this
16 pipeline was going to go within a right-of-way actually
17 gave a lot more ability for the applicant to mitigate
18 and bypass found deterrents to go along up the hill at
19 Cobb Lake the roadway instead of having to go into
20 either the reservoir up there or the wetlands.

21 I really thought that there was -- this was a
22 good project and it was laid out and it was a project
23 that, when it was complete, nobody would know was there
24 and that was the thing that got me. I don't like
25 people saying there was going to be eminent domain when

1 obviously it is a last resort, but I don't like
2 fearmongering and I saw some of that with this. But I
3 don't know where this is for me right now. It's not
4 taking any more water out of the Poudre.

5 And just the fact that there are groups of
6 people who say, "I don't want this," well, there's a
7 lot of things I don't want. There's certain cars I
8 don't like seeing driving down the road. I don't have
9 that right just to unequivocally say, "No." So I don't
10 know where this is going to go at this point, but we
11 have -- Commissioner Gerard, go right ahead.

12 MR. GERARD: Yeah, it just occurred to me --

13 MR. JENSEN: Do you have your mic on?

14 MR. GERARD: It occurred to me as we were
15 talking about this -- and I do struggle with the
16 specificity part of it, but I understand also the
17 corridor concept and being able to move it and I've
18 seen that done. I'm an excavator. I've put pipelines
19 in the ground and this isn't a project that I would
20 work on, but this is -- I understand how that works and
21 I understand the necessity to do that.

22 But I think everybody in here tonight, me
23 included, that isn't on a well for their house has
24 exactly the same system feeding their potable water to
25 their home. There's a reservoir probably somewhere,

1 there's a diversion off the river, there's a water
2 tank, there's a water treatment plant and maybe not
3 quite to this scale, but there's a pipeline system that
4 feeds the water to their house. It goes down a road or
5 it goes down a right-of-way, it goes through somebody's
6 property.

7 I myself have laid pipelines through people's
8 property that have had -- given easements or sold
9 easements, right-of-ways and other types of pipelines.
10 And the fact they're in Thornton, I mean, it's not like
11 they're Russians.

12 (Laughter.)

13 MR. GERARD: They are our neighbors and they
14 speak the same language. They've got a little bit more
15 of a southern accent than we do, but they're people
16 just like us. They need water. And clean potable
17 water is important to all of us. It's not just
18 something that we get here or we have here.

19 And I think that -- I think the staff has
20 done an excellent job. And I've got to say, based on
21 what I know about Weld County -- what Weld County is
22 doing, that the staff has done a great job of allowing
23 us to put this line in the right-of-way. If we don't
24 do that, we have a right-of-way and then we're forced
25 to take property from the neighbors as well and I think

1 that's kind of what they're doing in Weld County. I'm
2 not sure, but that's kind of what I heard.

3 So I'm very pleased that the staff has done
4 that. That's a big concession. It's a big deal to
5 tear up the roads. It's a maintenance issue. But I
6 don't feel like that I have a right to stand in the way
7 of this anymore than someone would have a right to
8 stand in the way of me getting water at my house.

9 And somebody had to give up somewhere
10 something to see a water tank that feeds my home and
11 several other thousands of homes around me and
12 someone's got a pipeline going through their yard. I
13 know I have electric lines that went through my
14 property that someone else uses that I don't use. So
15 it's kind of the part of living together, I guess, that
16 we have to put up with each other, even people from
17 Thornton.

18 So I'm going to vote "No" on the denial.

19 MR. DOUGHERTY: Thank you.

20 Commissioner Jensen?

21 MR. JENSEN: Commissioner Gerard, I agree you
22 and you're -- it's absolutely right. I've been very
23 consistent with my time on this Commission to ask for
24 additional information, to get more specificity. When
25 the ranch master plan came in front of us, I asked that

1 it go back and we find out more about the economic
2 impact that we had for Larimer County. I did exactly
3 the same thing when the Parks Master Plan came in front
4 of us and I'm doing it here. I just don't think that
5 there is enough specificity for us to sit here with the
6 opposition that we have and say that it's complete.

7 I commend the staff. You guys have done a
8 phenomenal job. In the last six months, this Planning
9 Commission has probably seen some of the biggest and
10 most contentious issues that have come before us and
11 you guys are hanging in there.

12 Rob, thank you very much for that.

13 But I think to be consistent in what we saw
14 tonight, there's just not enough there for me to say
15 that we can move forward.

16 Somebody ran a pipeline to my house. I've
17 stood in ditches and laid pipeline myself. I've run
18 equipment and dug the holes the put those pipelines in.
19 I've fixed that cement pipe that Alco has their water
20 running in, in the middle of the night, you know, stood
21 chest deep in sewage fixing a sewer line, too. So I've
22 been in the trenches, no pun intended. So I get what
23 it takes to get there.

24 With the issues in this, without being
25 convinced that every other option was looked at and

1 dismissed or conveyed to Larimer County, I think we
2 land on the side of the people of Larimer County and
3 say, "City of Thornton, go back and give us more
4 information." We need more information. That's my
5 stance.

6 MR. DOUGHERTY: Commissioner Cox?

7 MS. COX: Commissioner Jensen pretty much
8 said it for me. I was not saying by the motion I was
9 making that it's denial forever. It was that the way
10 this 1041 and the information that we have in front of
11 us, I just don't think it's -- I'll use the term "ripe"
12 enough that we should be making a decision to see --
13 that we should make a recommendation at this point. I
14 think it needs more work.

15 MR. LAFFERTY: Chairman Dougherty, so having
16 heard what you guys are just talking about, it might be
17 more of a prudent decision or recommendation, if you
18 will, to ask the Board of County Commissioners --
19 because the Board of County Commissioners -- we have to
20 finish this and then we have to go to the Board of
21 County Commissioners. That's what the rules are. The
22 Board has to act on it.

23 This Board can tell the Board that at this
24 point, you're inclined not to support it as it stands
25 because you don't have adequate information.

1 Therefore, you ask that the Board table the project to
2 some future date and direct the Applicant to provide
3 additional details and go back through the public
4 hearing process.

5 MR. CARRAWAY: I'm in favor of that.

6 MS. COX: Yeah.

7 MR. LAFFERTY: But you need to -- what you
8 need to do is: give the Board of County Commissioners
9 some indication of what details you want them to -- the
10 town to address. We just can't be, "Well, we want them
11 to address more." You've got to give them some
12 direction.

13 MR. DOUGHERTY: Okay. But, Mr. Lafferty, a
14 recommendation of denial and our comments here at the
15 end, shouldn't that give them some direction?

16 MR. LAFFERTY: Maybe.

17 MR. DOUGHERTY: I mean --

18 MR. LAFFERTY: But what I heard from you all
19 is that you're not wanting to send just a denial
20 recommendation for it. You were sending forward a
21 recommendation that you might support this alternative
22 if you had the proper -- you had the right amount of
23 detail in front of you. And so I would say that maybe
24 you reconsider your vote. You don't have to. It's up
25 to you guys. It's just an option that is a different

1 way of saying something before --

2 MR. DOUGHERTY: Well, I can ask the person
3 who made the motion if she's like to make a friendly
4 amendment to it or --

5 MS. COX: I don't necessarily need to make
6 that in a motion. I think if -- I think we can make
7 the motion and then make the comments like we've done
8 in the prior, which is, here's the -- we could have a
9 good discussion about the criteria that we want to
10 maybe ask the Board to take -- to look at.

11 MR. HELMICK: From the staff point guy's
12 perspective, I'm hearing an awful lot of "I need
13 specificity," but I'm not hearing what you --

14 MR. LAFFERTY: That is --

15 MR. HELMICK: -- you need more specificity
16 on.

17 Is it the alternatives?

18 MS. COX: Yes.

19 MR. LAFFERTY: Alternatives.

20 MR. HELMICK: Is the corridor widths?

21 MR. LAFFERTY: I think putting this pipeline
22 in the road is the right thing to do.

23 MS. COX: Yeah.

24 MR. HELMICK: I agree.

25 MR. LAFFERTY: I think that the corridor

1 plan --

2 MS. COX: But which roads?

3 MR. LAFFERTY: -- is conceptually the right
4 thing to do.

5 What I did not get was when I asked a direct
6 question about the options of what -- of why we would
7 have to look or why they could not consider taking
8 water out in Windsor or on the other side of Fort
9 Collins, why it cannot be used for water -- municipal
10 water supply, the answer was, "We did not look at it."
11 That tells me immediately that all of the options were
12 not looked at.

13 MR. DOUGHERTY: But I have a problem with
14 that because you just gave two different answers. You
15 think that the waterline in the road is correct, yet --

16 MR. LAFFERTY: No, no, no, I -- he's asking
17 for specificity. He's asking for what would we like
18 them to look at. There are alternatives out there. We
19 talked about one thing tonight. We did not explore the
20 additional alternatives and why they were not -- why
21 they could not be used other than here we are in
22 Douglas Road and the 10 other whatever it was options
23 that we looked at.

24 Here's Option 1, here's what we looked at and
25 why we could not do that. Here's Option 2, this is

1 what we looked at. We could not do that. And bring it
2 down to a reason why Larimer -- why Douglas Road is the
3 only and best option left when right off the bat a
4 question was asked about why it couldn't be -- why the
5 water couldn't be used for municipal out on -- in Fort
6 Collins, was told "We didn't look at it." That tells
7 me that they were not totally vetted in the options or
8 it was not an option. But I think I heard it was an
9 option.

10 So I want to see what those options were, why
11 they were considered to start with, why they were
12 dismissed to end with and why ultimately Douglas Road
13 corridor is the only option left.

14 MR. DOUGHERTY: Commissioner Carraway, you
15 had some comments?

16 MR. CARRAWAY: Yeah, I just -- you know, it's
17 11:00 o'clock at night and I think the idea that we
18 need to outline, you know, what exactly we're looking
19 for is kind of crazy. I mean, I think the burden is on
20 the City of Thornton and I think we should vote on the
21 motion the way it is.

22 MR. LAFFERTY: I'll end the question then.

23 MR. DOUGHERTY: Well, are you calling the
24 question?

25 MR. LAFFERTY: No, I'm asking him if he's

1 calling the question.

2 MR. DOUGHERTY: Commissioner Carraway, are
3 you --

4 MS. COX: You're calling it.

5 MR. DOUGHERTY: -- calling the question? You
6 want to vote?

7 MR. CARRAWAY: Yes.

8 MR. DOUGHERTY: Okay. The question has been
9 called then and we have a motion that the Larimer
10 County Planning Commission recommend to the Board of
11 County Commissioners denial of the Thornton Water
12 Project, File No. 18-ZONE2305. Please know, Planning
13 Commissioners, that a "Yes" vote is to deny, to
14 recommend denial.

15 Ms. Ruball, may be please have a voice vote?

16 MS. RUBALL: Commissioner Jensen?

17 MR. JENSEN: Yes.

18 MS. RUBALL: Commissioner Cox?

19 MS. COX: Yes.

20 MS. RUBALL: Commissioner Carraway?

21 MR. CARRAWAY: Yes.

22 MS. RUBALL: Commissioner Gerard?

23 MR. GERRARD: No.

24 MS. RUBALL: Commissioner Miller?

25 MR. MILLER: No.

1 MS. RUBALL: Chair Dougherty?

2 MR. DOUGHERTY: I believe that since we are
3 missing one piece on this that it doesn't demonstrate
4 the reasonable balance between the costs and the
5 benefits, I am going to vote "Yes."

6 (Applause.)

7 MR. DOUGHERTY: Motion passes.

8 Folks, thank you all for coming this evening.
9 We still have some work to do, so if I could please ask
10 you, as you're filing out, please keep the chatter to a
11 minimum for a couple of minutes?

12 Final report -- final item on the Agenda is
13 the report from staff.

14 MR. LAFFERTY: Staff has nothing to report,
15 but we'll be on our normal agenda with a work session
16 next month and normal proceedings with the Planning
17 Commission Hearing.

18 Next month on the work session, there will be
19 discussion around the comp plan, so we ask that you all
20 attend because we want --

21 MR. DOUGHERTY: Folks? Folks, I'm sorry,
22 we can't hear what's going on right now. Please.
23 Thank you.

24 MR. LAFFERTY: So we just ask that you all
25 consider attending. I know it's coming the summer

1 months, it's fun to be outside these kind of things,
2 but you're going to put on the comp plan and other
3 issues are important to us so keep in mind that we do
4 have the work session next month and it will involve
5 discussion around the comp plan.

6 MR. DOUGHERTY: All right. And next, we've
7 got a Board of County Commissioners Planning Commission
8 work session on June 13th, Wednesday, and then we've
9 got our next Planning Commission Hearing on June 20th.

10 Thank you all for your participation.

11 We are adjourned.

12 (Hearing adjourned at 9:49 p.m.)

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C E R T I F I C A T E

I, Randel Raison, certified electronic court transcriber, do hereby certify that I typed the proceeding in the foregoing matter from audio recording, or the transcript was prepared under my direction, and that this is as accurate a transcript of what happened at that time and place as best as is possible, due to conditions of recording and/or duplicating.

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