

# **LARIMER COUNTY PLANNING COMMISSION**

## **Minutes of July 8, 2020**

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The Larimer County Planning Commission met in a special session on Wednesday, July 8, 2020, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioners Wallace, Jensen, Miller, and Pontius physically attended with Commissioner Wallace presiding as Chair. Commissioner, Barnett, and Stasiewicz attended virtually. The Larimer County staff that physically attended were Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager; Matt Lafferty, Principal Planner; Frank Haug, Assistant County Attorney II; Katie Beilby, Office Supervisor; and Christina Scrutchnis, Recording Secretary. The Larimer County Staff that attended virtually were Rob Helmick, Senior Planner; Mark Peterson, County Engineer; Steven Rothwell, Civil Engineer II; Daylan Figgs, Natural Resources Director; Lea Schneider, Environmental Health Planner.

**ITEM #1 – NORTHERN INTEGRATED SUPPLY PROJECT, FILE #20-ZONE2657:** Mr. Threewitt gave a brief recap of the application.

Ms. Ellis gave a brief overview of the process for the night's hearing.

### **PUBLIC COMMENT IN OPPOSITION:**

- Group Public Comment In-person: No Pipe Dream Corporation: Mike Foote – Presenter (for Warren Lemerich, Karen Wagner, Wyvonne Wittreich, Marina Mayer, and Scarcket Delia); Save Rural NOCO, John Dettenwanger – Presenter (for Grant Campbell, Jacqueline Voss, Linda Griego, Joel Meeter, and Marilyn Hasler); Save the Poudre, Gary Woker – Presenter (for Cordelia Stone, Jennifer Sunderland, Doug Swartz, Mark Easter, and Barry Noon); Brent Hawley – Presenter (for Sarah Kalert, Jan Rothe, Ron Bright, Alan Mikesky, and Victor Fuentes Escobar); Dr. Tom Sale Group – Presenter (for Dr. Sally Sutton, Dr. Joe Scalia, Dr. Jens Blotevogel, Dr. Andrea Hanson, and Patrick Haas).
- Group Public Comment Virtually: Sierra Club Poudre Canyon: Megan Thorburn – Presenter (for Katie Repsis, Cory Carroll, Ted Manahan, Charles Kopp, and Carol Jones).
- Individual Public Comment In-person: Bonnie Helgeson, Kay Mikesky, Karen Kalavity, Schyler King, Patrick Crotzer, Rodger Ames, Barry Feldman, Karyn Coppinger, Greg Belcher, James McCauley, Jill Canterbury, John Hasler, Robert Kitchell, Mike Chiropoulos, Craig Kling, Janice Bright, Betsy Cox, Gina Janett, Patricia Young-Buckert, Tara Parr, and Elizabeth Linch.
- Individual Public Comment Virtually: Jean Grove, Julia Klein, Nancy York, David Roy, Jerrold Pault, Ashley Waddell, Serena Bieritz, Lori Nielson, Roberta Norman, and Philip Friedman.

### **Public Opposed:**

- The NISP project, is unnecessary, has the appearance of inevitability, is a waste of money to everyone involved, and appears to want to hoard water.
- The NISP project shows to be overwhelming with the amount of information and is taking an insufficient approach while using old and misleading data.
- The Northern Tier alignment is similar to the Thornton pipeline project that was rejected.
- NISP seems to have little knowledge that reservoirs are not designed for this type of project.
- NISP does not meet LUC 14.10 (D) (1) due to likely uses of eminent domain and the likelihood of “buy and dry.”

- NISP does not meet LUC 14.10 (D) (4) due to due to eminent domain, the number of properties that would be affected, and the lack of cumulative affect analysis.
- NISP does not meet LUC 14.10 (D) (11) due to not meeting a reasonable balance, and modern alternative routes are not being considered.
- NISP application does not meet LUC 14.10 (A) due to the Water Secure program appearing to not be complete and sufficient.
- What would happen and how will it be managed if there are other entities that would want to propose and build a pipeline co-located or closely located where the Northern Water is proposing?
- Hauling routes from the construction will be through unsafe ditch roads and private roads that would be disturbing to residents by creating noise and air pollution.
- NISP's project design for the route, pipeline, power source, water exchange, and the dam seem to have flaws.
- Flaws within the design could cause an increase in flooding during peak flows, failure to the pipeline and its structure, leakage from the dam, or warmer water that causes harm to the wildlife within the river.
- The Poudre River will have a negative impact due to pollution from waste, toxins, and heavy metals, creating an unhealthy river.
- Climate change would possibly cause future droughts, an increase in wildfires, and during the low peaks the reservoir would be a dirty water dessert, and wind would blow dust into the air.
- The Water Secure program is not supported by farmers causing it to fail.
- The Poudre River is already 63% drained and potentially not be able to keep the reservoir full.
- If the reservoir's level is always fluctuating, the recreational activities would not have a way to have a safe access.
- NISP is trying to get the project approved before notifying and speaking to the property owners and not answering any of the public's questions.
- NISP would be doing a disservice to the residents with negative impacts (short and permanent), and impacting livelihood with residents not being able to place landscaping or buildings above an easement.
- Residents' wells would have to be moved.
- Negative impacts would affect the environment, agriculture, wildlife, and wildlife habitats.
- There is a lack of any voluntary easements by private property owners and threat of eminent domain.
- Residents will no longer have the peace and quiet to enjoy the beautiful sites and wildlife.
- Residents' property values could be reduced.
- Residents will be disturbed by the increase in traffic, recreational activity, and are left wondering if it will be monitored if the reservoir is approved.

### **PUBLIC COMMENT IN FAVOR:**

#### Individual Public Comment In-person:

- Paul Rennemeyer

#### In Favor:

- NISP will provide water for the Town of Windsor, helping it diversify and balance its water portfolio and add resiliency, while the Town reduces water use by an additional ten percent within 10 years. It will provide new water supply for municipal users without buying or drying regional agricultural land through Water Secure. The project will provide water supply and improvements for ditch companies. It also provides recreational opportunities. Water storage included in the Master Plan will help firm up Windsor's water supply.

### **PLANNING COMMISSION QUESTIONING:**

Commission Barnett:

1. What information do we know about the North Fork fault and the Bellevue fault?
2. How will the North Fork faults and the Bellevue faults interact with the added fluctuate weight?
3. Would like more information regarding the feasibility of putting the Monroe Ditch underwater?
4. Are there other feasible routes to avoid Eagle Lake residential area?
5. Had concerns regarding priorities of the low water rights and the analysis on how the reservoir may not fill or not be feasible to be used for recreation.
6. Would like more information regarding drought and climate change.
7. Would like for the wind erosion to be addressed.

Commissioner Stasewicz:

1. What obstacles would the Glade Reservoir be confronted with?
2. What will the Glade Reservoir be placed on top of?
3. Concerns regarding the Glade Reservoir not being filled enough for recreational activity.
4. What is the true reason for the Glade Reservoir?
5. Would like more information regarding the water monitoring.
6. Would like more information regarding the funding percentage agreement between Larimer County and Northern.
7. How will the construction affect the residents?

Commissioner Miller:

1. Why did Northern decide to create a reservoir instead of wells?
2. Could Northern use the CBD ditch system to fill the reservoir?

Commissioner Pontius:

1. Would like more information regarding the reports for the well monitoring near the project site.
2. Will there be new ecological impacts introduced that would have never been introduced before the reservoir?

Commissioner Jensen:

1. Are the 15 entities that are involved in the project, responsible enough with the water they have now?
2. Would like to have more discussion regarding a park and ride service.
3. Why is hydroelectric power not being considering with this project?
4. Would like for the 40-plus year agreement between NISP and Larimer County to be addressed.
5. Would like clarification regarding the construction plans for the residents that will be affected.
6. Would like more information regarding the impacts to the County during the construction.
7. Does Northern have plans to mitigate the construction and the living arrangements during the construction?
8. How will Northern mitigate any chemical bloom seeping into the ground?
9. Would like the historical sites that will be affected to be addressed.
10. Will the move of the transmission line require an additional 1041 process?
11. Would like more information regarding the highway that will be affected.
12. Will the mileage for the highway change if it is realigned?
13. Would like Northern to address why they can complete a project with the Wild and Scenic designation of the river in place.
14. Would like Northern to address the future impacts to the Poudre River.

Commissioner Jensen: (continued)

15. Would like to see a visual of what the Poudre River looks like when water is being placed back into the river.

16. Would like for County staff to address the new language that Northern suggested for the conditions of approval.
17. Would like for Northern to address the pipeline alignment, and why other options were not chosen.

Chairwomen Wallace:

1. Why is co-location not considered for this project?
2. Why is there no discussion for a water treatment plant to be placed further downstream?
3. Is Northern required to have all plans finalized before the reservoir is started?
4. Would like for the recreational activity for motorboats to be addressed and why it is necessary if there is not enough water to accommodate.
5. Is there a plan in place to measure the impact of future climate change?
6. Are there reasonable alternatives to the impacts for the project?

**RECESSED**

With there being no further business, the hearing recessed at 10:00 p.m. and was continued to July 15, 2020.

These minutes constitute the Resolution of the Larimer County Planning Commission for the recommendations contained herein which are hereby certified to the Larimer County Board of Commissioners.

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Nancy Wallace, Acting Chair

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Jeff Jensen, Acting Secretary