

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 25, 2021**

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, March 25, 2021.

Vice-Chair Bushrod White called the meeting to order at 6:00 p.m.

ROLL CALL

Roll was taken and those present were Vice-Chair Bushrod White and Commission Members Carlos Barron, Kathy Kvasnicka, Lynne Derby and Paul Weber. Also in attendance were Planning Director Todd Hodges, City Planner II Alyssa Knutson, City Planner I Maria Lancto, and Planning Administrative Assistant Magaly Morales-Tejada.

Planner Alyssa Knutson gave the following advisement on behalf of the commission:

Tonight's meeting shall be held virtually so as to ensure the health and safety of the general public and the City of Fort Lupton Planning Commission and staff.

The intent and purpose of the virtual appearance options is to allow the City to be innovative in providing the general public the most meaningful access possible in light of the current challenges present as a result of the Covid-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered the opportunity to be electronically present for meetings at the City, subject to existing health conditions.

An electronic link has been made available for tonight's meeting on the City's website and social media platforms and as posted at City Hall, so that the general public, Planning Commission and staff may participate electronically via the internet or on the phone.

APPROVAL OF AGENDA

Planning Director Todd Hodges requested that items B and C be moved to the top of the agenda.

Vice-Chair White called for a motion to move items B and C to the top of the agenda. It was moved by Carlos Barron and seconded by Lynne Derby to approve the agenda as amended. Motion passed unanimously.

CONSENT AGENDA

Vice-Chair White called for a motion to approve the consent agenda. It was moved by Paul Weber and seconded by Kathy Kvasnicka. Motion passed unanimously.

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PUBLIC COMMENT

Vice-Chair White asked if there was anyone who would like to comment on an item not on the agenda tonight. Hearing none, he closed Public Comment.

ACTION ITEMS

P2021-010 Hagler Annexation Nos.1-5 and Initial Zoning and P2021-011 Hagler Special Use Permit

Planning Director Todd Hodges stated that the applicants have submitted a letter of withdrawal for the Hagler Annexation Nos.1-5, Initial Zoning and Special Use Permit. He stated that this withdrawal did not require further action or discussion in order to be effective.

P2021-009: United Fulton Augmentation Station Project Special Use Permit

Planner Alyssa Knutson presented this action item. She stated that the project was for a proposed below-grade pipeline for augmentation from the Fulton Ditch to South Platte River. She stated this application was submitted by United Water and Sanitation District. Ms. Knutson stated that the project runs through both city and county parcels and this special use permit is for the seven parcels within the City. She stated that the zoning for these parcels range from I-1 Industrial, "A" Agriculture or I-2 Heavy Industrial. She stated that these zoning classifications do not permit public utility facilities or similar uses as a use by right, but it is listed as a special use permit with approval from Planning Commission and City Council. Ms. Knutson stated that the requirements for this special use permit are consistent with several other similar special use permits brought before Planning Commission and City Council, such as the previously approved Lupton Lakes Pipeline and the Pioneer Water Pipeline. She stated that the applicants were available with a brief presentation.

The applicant Andrew Damiano, with United Water and Sanitation District gave the presentation. Mr. Damiano explained that this project parallels the County Road 8 ½ alignment and parallels an existing utility corridor with an existing gas-line and water line. He stated that the purpose of this project was to divert raw water from the Fulton Ditch back to the South Platte River. Mr. Damiano stated that this is part of one of United Water's decrees and is subject to the State of Colorado. He stated that they have built a Fulton head-gate on Fulton and the project would consist of building a 30" pipeline from that head gate through these properties to an existing 18" inch bore underneath Highway 85, which would convey the water to the South Platte River. Mr. Damiano stated that this is a below grade gravity line with no pump stations or any above-grade structures. He stated that they are going through several zoning areas - Agriculture, I-1 and I-2. Mr. Damiano stated that the

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location of the easements is on the backside of large lots about a corridor length long and have obtained all easements necessary to cross the City of Fort Lupton. He stated that they will return the properties to pre-construction conditions, they will reseed and reclaim and minimize the impact to the drainage pattern. He stated that there is no impact to future land development on these parcels. Mr. Damiano stated that after construction there will be no noise or dust coming from this project. He stated that there will also be no traffic impact, no lights or odors. Mr. Damiano stated that they are in the process of acquiring the necessary permits from Weld County. He stated that they have received referral comments from referral agencies that they will address. Mr. Damiano stated that this project satisfies the obligation to the State of Colorado to return water from the Fulton Ditch to the South Platte River.

Planner Alyssa Knutson on behalf of the commission addressed the applicant, Andrew Damiano. She asked if he understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Damiano stated yes.

Planner Knutson asked if he consented to the applicable members voting on their submittal, even though said members are not present in person.

Mr. Damiano stated yes.

Planner Knutson asked if he understood that he had the right to continue this public hearing to such a date to allow a full in-person public hearing.

Mr. Damiano stated yes.

Planner Knutson asked if he voluntarily signed and submitted the written waiver and consent to proceed electronically tonight.

Mr. Damiano stated yes.

Planner Knutson asked if he waived his right to proceed in an in-person public hearing and have consented to proceed forward voluntarily tonight in this virtual planning commission meeting, is that correct.

Mr. Damiano stated yes.

Vice-Chair White opened up the public comment portion of the Hearing for the special use permit action item. Hearing no one from the public wishing to speak, Vice-Chair White closed the Public Hearing.

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Planner Knutson asked Ms. Damiano if he felt he had a full and fair opportunity to participate in tonight's hearing.

Mr. Damiano stated yes

Vice-Chair White opened up the hearing to Planning Commissioners' comments and questions.

Member Paul Weber asked what the expected duration of construction is.

Mr. Damiano stated that they are expecting a 3-4 month duration, beginning in November as to minimize impact to the irrigation season.

Member Weber asked what impact this project would have on traffic.

Mr. Damiano stated that they are boring at Weld County Road 27, Rollie Ave. and under the railroad so there should be no traffic impact.

Member Carlos Barron asked what the reason to divert water back into South Platte River is.

Mr. Damiano stated that they (United Water and Sanitation) have an overall water system where they have to make up for depletions from a well field – he stated that this water goes back to the river to maintain depletions to downstream users.

Member Barron asked if there is any impact on people's access to Fulton Ditch's water.

Mr. Damiano stated no, he stated that they are only diverting their own water rights which would not impact Fulton. Mr. Damiano stated that Fulton Ditch is excited to move forward with this project and he foresees usage of this pipeline from others.

Vice-Chair White called for a motion to approve P2021-009. Kathy Kvasnicka motioned to approve and Paul Weber seconded. Motion passed unanimously.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Development Code Update

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A discussion of the Development Code Update took place.

FUTURE BUSINESS

The next meeting of the Planning Commission is scheduled for April 8, 2021 at 6:00 PM.

ADJOURNMENT

Vice-Chair White adjourned the meeting at 6:29 PM.

Submitted by



Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission



Mike Simone, Chairperson