



## DEPARTMENT OF PLANNING AND ZONING

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### CERTIFICATE OF RECOMMENDATION

**TO:** Grand County Board of County Commissioners

**FROM:** Department of Planning and Zoning

**DATE:** June 22, 2010

**RE:** Special Use Permit Application for Xcel Energy Public Service Company of Colorado, high pressure natural gas pipeline reinforcement project

**APPLICANT:** Xcel Energy Public Service Company of Colorado

**LOCATION:** Parts of Section 21, 27, 28, and 34, Township 1 South; and Parts of Section 3, 10, 11, and 14, Township 2 South, Range 74 West of the 6<sup>th</sup> P.M., Grand County, Colorado.

**ZONING:** Residential (R) and Forestry and Open (F)

**APPLICABLE SECTION OF CODE:** Zoning Regulations and Master Plan

**EXHIBITS:** Application Packet and Supporting Documents

**STAFF CONTACT:** Lori Clement

**REQUEST:** The applicant is requesting a special use permit to construct a new six inch (6") underground steel high pressure natural gas pipeline.

## **DISCUSSION:**

Xcel Energy Public Service Company of Colorado, the “Applicant”, has presented an application for a Special Use Permit for the construction of an underground six inch (6”) steel high pressure natural gas pipeline beginning in the Winter Park Ranch Subdivision at the intersection of Mulligan Street (GCR 830) and Brooky Boulevard (GCR 835). The proposed pipeline will then follow a route south and east to the Lakota/Bonfils area of Winter Park for approximately 6.2 miles.

The new pipeline is necessary in order to maintain adequate pressure and prevent failures on the most southerly portion of the delivery system. The two options to maintain pressure and prevent failures are either add additional capacity through larger/additional pipelines or deliver high pressure gas directly to the south end of the system. The Applicant proposes the high pressure delivery option because it avoids redundancy of distribution facilities, balances and adds to the overall integrity of the delivery system, avoids unnecessary impacts to other utility infrastructure, and will avoid most traffic in Fraser and Winter Park during the peak summer tourism months.

Construction of the new pipeline is scheduled to begin in July of 2010, and is expected to take approximately 80 days to complete. An Environmental Assessment (EA) has been provided by the United States Forest Service (USFS) and a Special Use Permit by the USFS has been approved.

In order for this pipeline to be put into place multiple easements were granted by both public and private land owners. The Applicant has obtained all necessary property and easements as follows:

- Lubinski’s – Reception # 2008004962
- Urban’s Weathertop, LLC – Reception # 2008004961.
- Winter Park Recreational Association – Reception #2009006875 and #2009006876
- Zdenek Nedele – Reception #2009001242
- DANA, a Nebraska partnership; Community Banks of Colorado – Case Number 2008CV342
- Arrowhead Winter Park Investors, LLC; Community Banks of Colorado; and Christina Whitmer, in her official capacity as Treasurer and Public Trustee of Grand County – Case Number 2008CV341

The proposal also includes two valve sites to be constructed with above ground pipe located at the beginning and end of the pipeline. ✓ Any above ground pipe shall be painted an agreed upon light brown color which blends into the natural background.

## **COMPLIANCE/NONCOMPLIANCE WITH GRAND COUNTY ZONING REGULATIONS:**

This property is located within the Residential and Forestry and Open Zone Districts as designated on the official Grand County Zoning Maps. It is Staff’s opinion that this pipeline continues to be in compliance with Section 6.1(6) and 4.1(4) of the Grand County Zoning Regulations.

## **SECTION XI USES PERMITTED BY SPECIAL REVIEW**

**Public utility facilities, excluding business offices and repair facilities, in all zoning districts are subject to the following provisions:**

- (a) The special use permit is required, as the new underground reinforced six inch (6”) steel high pressure natural gas pipeline will transmit gas at a rate greater than 75 pounds per square inch (psi) and is capable of providing service to more than 75 dwellings.
- (b) This pipeline is new construction that will aid in the service to existing and new development in the southern portions of Winter Park.
- (c) The Zoning Districts that include the proposed project are the Residential and Forestry and Open Zone Districts. According to the application, this proposed route results in the least possible adverse impacts to private landowners.

The construction of the proposed gas pipeline would not substantially impact the population, employment, income or community services of Winter Park or Fraser. During the three month construction period, local contractors could potentially benefit from work. Likewise, local businesses such as restaurants, grocery stores and gas suppliers would have increased sales.

Permanent adverse impacts to wildlife habitat are not expected from this project. The pipe will be located underground on areas that are currently used by either vehicles or recreational activities, including walking and cycling. Construction will be a temporary addition to those activities with no expected permanent adverse impacts.

- (d) As stated above the proposed route results in the least possible adverse impacts to private landowners and maximizes the use of federal and state owned lands. The proposed route utilizes 3.2 miles of the USFS, 0.8 miles of City and County of Denver/Denver Water Board, 0.02 miles of public property for road crossings, and 2.2 miles of private property. Of the 2.2 miles of private property the Urban Property is 0.95 miles and Arrowhead Winter Park Investors, LDD is 1.02 miles.
- (e) This route also avoids paralleling of major transportation routes. The proposed route avoids US Hwy 40 and instead starts at the intersection of Mulligan Street (GCR 830) and Brooky Boulevard (GCR 835), south along Cozens Ave., across Corona Pass Rd. (GCR 80), along Forest Service Road 128, and then along Denver Water Board Rd. (GCR 81).
- (f) Soil erosion along the pipeline corridor will be addressed in the required State of Colorado, Stormwater permit. ✓Obtaining this permit will be required prior to the start of construction and will be a condition of the Permit. The Applicant states in their application that, “Additional requirements of the USFS will be implemented, including water bars and culverts.” These additional USFS requirements will also be a condition of

the Permit. The staging area will be at the Bonfils-Stanton Foundation Winter Park Outdoor Center parking area which is within the Town of Winter Park's jurisdiction.

- (g) No wetlands or riparian habitats will be impacted with this project since pipeline construction would be within the existing roadway where the pipeline crosses perennial drainages, therefore; a U.S. Army Corps of Engineers Permit is not required. The Corona Pass Road is listed on the National Register of Historic Places (NRHP), as a National Historic District. However, the proposed pipeline would parallel the Corona Pass Road for approximately 1,100 feet and would be bored under the road at one location on Denver Water Board lands. Ties from the original railroad grade are present at two locations where the pipe would be installed. Construction methods are planned to avoid any contact with the buried railroad ties. In addition, the proposed pipeline alignment would be located approximately 25 feet, from any of the Moffat Collection System components along NFSR 128 and therefore would avoid impact to this cultural resource.
- (h) N/A

### **COMPLIANCE/NONCOMPLIANCE WITH THE GRAND COUNTY MASTER PLAN:**

This proposed use would support the goals and objectives of the Grand County Master Plan, specifically adequate public utility facilities to serve the residents of Grand County.

### **PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission heard the Applicant's proposal on June 11, 2008. During the meeting a Planning Commission member asked if there were plans to remove the existing high pressure gas line off of the railroad. It was explained that after the fire on the trestle a couple of years ago, a team of inspectors walked the trestle and inspected the base, but did not find any weakening of the structure. Therefore, they found no reason to remove the line.

The Planning Commission recommended approval of the Xcel Energy Public Service Company of Colorado Special Use Permit by Resolution Number 2008-6-2.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Xcel Energy Public Service Company of Colorado Special Use Permit for the new six inch (6") steel high pressure natural gas pipeline pursuant to Section XI, Uses Permitted by Special Review, with the following conditions:

1. A Grand County Road Cut Permit is required for the construction with the County Road right-of-way and crossings.
2. A Stormwater Permit from the State of Colorado will be required prior to the start of any construction.

The following shall be made a condition of the special use permit:

3. The permit shall expire upon the construction project completion.
4. Any above ground pipe shall be painted a light brown color which blends into the natural background.
5. All standard conditions shall apply to this Special Use Permit.