

**Case #CU-97-12:** A Conditional Use Permit for a natural gas transmission pipeline as part of the Cherokee Pipeline Project. Ms. Stevens noted that the file contained the relevant and notice information.

Mr. Preston Gibson, Area Manager for Xcel Energy, thanked Staff for their efforts throughout the review process. He also thanked the Planning Commission for considering the request. Mr. Gibson continued by presenting the details of the application proposal outlined in the meeting packet. He added that PSCo was in complete agreement with the revised conditions.

Chairman McFarlin asked about the trench locations along 64<sup>th</sup> Avenue. Ms. Sara Robinson, Project Manager, replied that the trenches would be located south of 64<sup>th</sup> Avenue. Chairman McFarlin inquired if there was opportunity to collaborate with South Adams County Water and Sanitation District (SACWSD) to install water lines concurrently with the pipeline. Ms. Robinson stated that PSCo is interested in the collaboration. However, no plans have been executed.

Commissioner Cammack asked if studies had been conducted to record seismic activity in the area. Ms. Robinson stated that PSCo has not completed an analysis on seismic activity. They strictly rely on the analysis conducted by the federal government for safety requirements. In response to a question by Commissioner Robertson, Ms. Robinson stated that the construction of the pipeline would not impact Highway 2 traffic or operations.

Commissioner Southern inquired what the potential threats would be for a pipeline explosion. Ms. Robinson confirmed that corrosion, equipment failure, and third-party damage played a major role in pipeline incidents. She explained that manufacturing standards have improved significantly and that corrosion protection would be installed. Also, inline inspections would be performed to examine the condition of the pipeline. She added that PSCo has a strict “call before you dig” policy to prevent third party damage.

Mr. Cammack requested a brief summary of pipeline safety history in Colorado. In response, Mr. Gibson stated that no fatalities have resulted from incidents associated with PSCo natural gas transmission pipelines in the past 5 years. However, several other non fatality incidents have been reported:

- An injury requiring in-patient hospitalization,
- \$50,000 or more in total costs, measured in 1984 dollars,
- Highly volatile liquid releases of 5 barrels or more or other liquid releases of 50 barrels or more
- Liquid releases resulting in an unintentional fire or explosion.

In response to a question by Commissioner Dreiling, Mr. Timms stated that Highway 2 would likely be widened in the future. However, the proposed alignment would have no impact on any future expansion. Commissioner Dreiling also asked if there would be

impacts on the future land use map and the flood plain. Mr. Timms replied by stating that the proposal would not require changes to future designations for the land use map. He further explained that a flood plain permit would be required for First Cree, Second Creek and the South Platte River. Ms. Robinson confirmed for Commissioner Dreiling that there is a 1,000-foot evacuation distance in place, in the unlikely event of an evacuation.

Mr. Timms presented staff's analysis of the subject request. He explained that Staff was in agreement with PSCo's decision of the proposed route. Mr. Timms stated that the Development Review team determined the Conditional Use application met the required review and approval criteria. Therefore, the DRT recommended that the Planning Commission forward the Conditional Use Permit request to the City Council with a favorable recommendation. He added there are 23 conditions associated with the request.

**Testimony from the public:**

David Stallsworth, 8110 Brighton Road, Dupont, CO 80024  
Jeannette Lewis, 5680 E 67<sup>th</sup> Avenue, Commerce City, CO 80022  
Guillermo Serna, 14122 E. 102nd Place, Commerce City, CO 80022

Three people in attendance were in overall opposition of the subject request. These citizens expressed reservations with the proposed application, and stated the following reasons for their opposition:

- Hazard to adjacent Homeowners.
- High pressure of the pipeline
- Alternate route would be a hazard to the DuPont Elementary School.
- The quality of the steel used in pipeline.
- The amount of bends used throughout the pipeline.
- Lack of information on disaster preparedness.

Mr. Gibson informed the Planning Commission that the initial pressure would be 750 lbs per square inch and would decrease to 550 lbs upon reaching the Cherokee plant. Mr. Gibson discussed the information and outreach which occurred throughout this process.

Daniel Frank, 96th Tower Investors, 40 Madison St. #107, Denver, CO 80206  
Barbara O'Dwyer, 15722 E. 96th Way, Commerce City, CO 80022

Two people in attendance voiced their support for the primary route. Both parties were in favor of the proposed route instead of the alternate routes.

Nicalee Baker, 3796 E. 64th Avenue, Commerce City, CO 80022  
Violet Frazell, 8786 Ulster Street, Commerce City, CO 80022

Ms. Baker requested clarification on the location of the alignment along Brighton Boulevard. Ms. Robinson stated that the alignment would run on the road right-of-way from Brighton Boulevard west until approaching Waste Management and the pipeline would be bored, rather than trenched, to minimize impacts. Ms. Baker also asked if future replacement of waterlines would cause problems. Mr. Timms replied by stating that SACWD has been working with PSCo regarding coordination of the water line and pipeline to ensure one does not negatively impact the other.

Ms. Frazell inquired about the location of the pipeline on 88<sup>th</sup> Avenue for the alternate route. Mr. Gibson stated that the level of detail alignment for 88<sup>th</sup> Avenue had not been completed.

There being no further inquiries from the public, the public hearing was closed and a motion was requested.

**Internal Discussion:**

Commissioner Dreiling inquired about making a motion to continue the case to a future public hearing date to allow the applicant to bring forward more detailed information regarding the alternate routes.

Ms. Stevens clarified for the Planning Commission that currently there were three motions available for the subject request. The first motion would to recommend approval for the proposed route. The second motion would recommend approval of an alternate route. The third motion would be to deny the case as a whole. She explained that if the planning commission wished to continue the case to a future date, they would need to determine what additional information would need to be presented at the future hearing.

Chairman McFarlin commented on Mr. Dreiling's request. He expressed his support for the proposed route. He felt the proposal although not perfect, would be the best option to continue this case. Commissioner Cammack agreed and stated that many efforts had been made to minimize impacts along the proposed route. The Planning Commission concluded their discussion and agreed on the proposed route.

**Motion:**

Commissioner Cammack made the following motion “I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Conditional Use Permit for the project alignment identified on Exhibit A and labeled as the “proposed pipeline route”, contained in case CU-97-12 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit subject to the revised conditions left on the dais.

Commissioner Southern seconded the motion.

Voice Vote: All Voting Affirmed.

**ADJOURN:** There being no further business to discuss, Mr. McFarlin adjourned the meeting at 7:34 p.m.

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J.E. “Mac” McFarlin, Chairman