

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS

August 24, 2021

1. Call to Order

Chair Yeater called the remote meeting to order at 1:27 p.m. via the city's Zoom platform following adjournment of the Zoning Board of Appeals meeting.

2. Roll Call

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater
Commissioner Erik Briscoe
Commissioner Jeff Carlson (not voting)
Commissioner Brian Franzen
Commissioner Larry Modlin
Commissioner Chelsie Romulo
Commissioner Christian Schulte

3. Approval of Agenda

Commissioner Romulo moved to approve the agenda. Commissioner Franzen seconded the motion. Motion carried 6-0.

4. Approval of August 10, 2021 Minutes

Commissioner Romulo moved to approve the minutes dated August 10, 2021. Commissioner Franzen seconded the motion. Motion carried 6-0.

5. Citizen Input

None

6. PUD2021-0017: Public hearing to consider a request for a Final Planned Unit Development of 99.233 acres of land for a 362-lot residential subdivision and a 9.40-acre future park site located east of Promontory Parkway, south of 16th Street and north of future 20th Street, known as Promontory Imagine School, Third Filing Final PUD

Kira Stoller addressed the Commission and introduced the request as a Final PUD for Promontory Imagine School 3rd Filing. She presented a map of the site and surrounding areas as well as several photographs of the site. Ms. Stoller reported that approval of the preliminary PUD was previously recommended by Planning Commission and approved by City Council on July 6, 2021.

Ms. Stoller reported that during the Preliminary PUD process, the applicant proposed a residential subdivision with 362 lots that included standards that differ from the base Development Code regulations and briefly described the proposed modifications that include reducing the minimum lot size, reducing the front setbacks for living space and garage front, and reducing rear setbacks. She added that garage and driveway coverages were increased from the normal allowances. Ms. Stoller presented a rendering of the proposed final plat that includes 362 residential lots and a 2-acre lot near the fire station that will allow for residential and limited commercial uses in the future. She noted that all of the internal roadways would be dedicated as public right-of-way. Ms. Stoller advised that the subdivision includes a future city park site and seven additional outlots to be utilized for utility and drainage purposes as well as pocket parks. She stated that the applicant dedicated additional right-of-way for future construction of 101st Avenue which will be located east of the subdivision. Ms. Stoller presented a landscape plan that includes street trees and ground covering along Promontory Parkway, 16th Street, 20th Street and the future extension of 101st Avenue. She noted that the developer or homeowners' association would be responsible for installing street trees which will be maintained by a homeowner's association (HOA) or metropolitan (metro) district. Ms. Stoller advised that the common areas will be irrigated using a non-potable water system that is stubbed to the site.

Ms. Stoller reviewed the approval criteria and noted that the current request maintains the elements of the preliminary PUD that was approved in July. Notice of the hearing was accomplished and no citizen input was received. Staff found that the final PUD was consistent with the previously approved preliminary PUD and recommended approval. Ms. Stoller offered to answer any questions.

Commissioner Modlin asked whether non-potable water would be made available to individual lots. Ms. Stoller deferred to Dylan Belanger from Engineering Development Review who advised that non-potable water would be used to irrigate only the common areas.

Morgan Kidder, 7251 W. 20th Street, Greeley, addressed the Commission on behalf of the applicant and offered to answer any questions.

Chair Yeater opened the public hearing at 1:36 p.m. There being no public comment, the public hearing was closed at 1:36 p.m.

Commissioner Romulo moved that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Promontory Imagine School Third Filing Final PUD is in compliance with the Development Code and consistent with the Preliminary PUD; and, therefore, approves the request with the following conditions:

1. Prior to submittal of any building permits for the individual lots the applicant shall:
 - a. Resolve any required improvements to the existing irrigation pond located at the southeast corner of the development adjacent to Highway 34 Bypass to the satisfaction of the City's Water and Sewer Department.
 - b. Provide a signed crossing agreement between Boomerang Ditch Company and the applicant.
 - c. Provide a final geotechnical report.
2. Prior to recordation of the final plat, all technical corrections shall be made to the satisfaction of the City of Greeley.

Commissioner Franzen seconded the motion. Motion carried 6-0.

7. Worksession: Review and recommend non-potable master plan

Sean Chambers, Director of Water & Sewer, addressed the Commission and introduced Erik Dial, Utility Finance and Business Manager, and Adam Prior, Water & Sewer Chief Engineer. Mr. Chambers advised that the presentation today is informational and will be brought back to Planning Commission next month for a public hearing and request to recommend adoption of the master plan by City Council.

Mr. Chambers advised that staff has worked over the past three years toward a policy to guide development of non-potable water for large outdoor irrigated areas, adding that a key aspect of the city's long-range water supply strategic plan and City Council's 2040 vision includes implementation of a non-potable irrigation system. Mr. Chambers stated that the proposal to grow the non-potable system expands on more than 30 existing non-potable pump stations, 10 wells and 24 micro service areas and is the culmination of a 3-year effort with key staff and consultants to work on a non-potable master plan.

Adam Prior addressed the Commission and presented portions of the non-potable master plan. By way of background, Mr. Prior advised that the existing non-potable irrigation system is primarily supplied by the Greeley Irrigation Company (GIC) and the Greeley Loveland Irrigation Company (GLIC). He advised that when the ditches are not running, it becomes necessary to utilize potable water supplies. He described the existing non-potable system that includes 31 pump stations, 10 wells, and 90,000 feet of pipe for over 100 customers in 24 unique service areas. Mr. Prior presented a map showing existing pump stations and areas served by the City non-potable systems, which are comprised primarily of parks, schools and golf courses.

Mr. Prior explained that one of the primary goals is to reduce the use of potable water for irrigation and explore less expensive options. Another goal is to increase non-potable use from the current usage of 2,500 acre feet annually to over 10,000 acre feet per year. He presented a chart identifying approximately 400 locations, roughly 2800 acres, within the City that could potentially be converted to non-potable water over time, adding that if all identified areas were converted to non-potable, it would be approximately 2.3 million gallons per day.

Mr. Prior described the process to explore expansion of the non-potable water system, including reviewing future development projections, coordination with other departments and jurisdictions, and coordination between all master plans. He presented data showing peak month flow factors among various types of land uses. Mr. Prior presented a map showing the proposed location of future non-potable sites and another map identifying recommended capital improvements and locations of future pump stations. He described the Upper Equalizer Project that allows water to be supplemented from the Poudre Basin via the GIC #3 ditch to the GLIC system, freeing up GLIC water for potable uses during periods of drought.

Mr. Prior highlighted the key findings of the master plan. He reported that no critical infrastructure deficiencies were identified in the existing system. Mr. Prior presented several recommendations including improving operational practices, requiring non-potable infrastructure, creating plans for data collection and record keeping, and finalizing a non-potable policy.

Erik Dial addressed the Commission and walked through the non-potable development policy. Mr. Dial reported that as potable water prices are escalating, it is cost effective to utilize non-potable water for irrigation. He added that non-potable sources are used elsewhere in northern Colorado. Mr. Dial reported that meeting Greeley's long-term water demand would require expansion of the non-potable supply from 2,500 acre feet to 7,100-10,000 acre feet, depending on policy. He stated that the non-potable development policy allows use of sources currently impracticable to treat for potable use, adding that rate payers will benefit from less potable infrastructure investment and less potable supplies purchased. Mr. Dial stated that non-potable resources would allow developers to benefit from less raw water and plant investment fee cost escalation. He described the non-potable infrastructure costs.

Mr. Dial described the impacts to customers such as costs for pump station infrastructure, on-site water storage and additional piping. He emphasized the long-term benefit due to the lower cost of non-potable water. He explained the policy details that would make non-potable mandatory for developments with two or more acres of irrigated common area or house-to-house if a lot size exceeds .33 acres. Additionally, there would be no plant investment fees for non-potable, and GIC shares could only be dedicated for non-potable. Some of the policy proposal details include developers paying for all non-potable infrastructure and reducing potable plant investment fees by either 30% for common areas or 50% house-to-house for new taps in a development.

Mr. Dial stated that the non-potable policy changes are part of an ongoing effort to "right size" fees and requirements related to water. He offered to answer any questions.

Commissioner Modlin asked if there was a way to allow individual residents to have access to a non-potable system installed by a developer to irrigate common areas. Mr. Dial responded that it could be possible based on the size of a residential lot, adding that it made more sense for larger lots but would not be as cost effective for smaller lots. Commissioner Modlin suggested that a tiered system based on lot size might make some sense. Mr. Dial agreed. Mr. Prior added that a metro district might be able to provide more flexibility.

Chair Yeater asked whether ongoing maintenance of the pump systems would become the responsibility of an HOA or metro district or whether the pump systems would become an asset of the city. Mr. Dial stated that the pump systems would be a city asset. Mr. Prior advised that an added benefit of the city maintaining the system is the ability to merge the infrastructure to create increased efficiency and allow for expansion of the system. Chair Yeater noted that the existing code language is generic in nature and encouraged creation a standard to the code for conversion to non-potable as well as standard for use of a non-potable system.

Chair Yeater observed that most of the area was historically irrigated from the GLIC system and noted that there would be expanded use with the pump system. He asked whether the city used ponds to make the exchanges. Mr. Chambers advised that there is no expansion of water use or water rights use, adding that the city will use the best supply of water that is appropriate for a particular use. He stated that the non-potable system would have a variety of water types going into the system. Mr. Chambers added that the result will include a variety of native Poudre rights, native GLIC rights and return flow wastewater rights commingling to be used a non-potable supply with legal authority. He noted that Greeley is in a unique position due to the infrastructure of ditches throughout the city.

Referring to the rate reduction for residents who pay for a conversion system, Commissioner Schulte asked whether that would carry forward to subsequent buyers of a residence or whether those individuals might reimburse the city and receive the lower rate. Mr. Dial stated that had not yet been considered, but was a good point to take into consideration. Mr. Chambers added that staff would address the question when they return to the Planning Commission next month for a public hearing on the matter.

8. Worksession: Overview of proposed charter amendments impacting Water & Sewer

Sean Chambers addressed the Commission and introduced Harold Evans, Chairman of the Water & Sewer Board. Mr. Chambers presented an overview of the Greeley water system and proposed amendments to the city's charter. He presented a map depicting the various sources of Greeley's water supply system. Mr. Chambers explained the goal to meet the growth demands and be prepared to serve the requirements of the comprehensive plan. He added that demographers predict serving approximately 260,000 people by the year 2065.

Mr. Chambers briefly described the growing regional population that is expected to double by 2050, the finite water supply, the major agriculture economy, and water supply challenges impacted by climate change, more frequent and severe droughts, Colorado River shortages, and impaired water quality as the result of forest fires.

Mr. Chambers provided a history of the creation of the Water & Sewer Board in 1958 by Home Rule Charter. He described the Board's function to acquire, develop, convey, lease and protect water and sewer assets, supplies and facilities.

Mr. Chambers presented information about charter amendments proposed by a special interest group that are primarily in response to the Terry Ranch project. He advised that the proposed charter amendments would require additional engineering evaluations and special elections for routine water decisions such as leases, trades and exchanges. Special elections would also be required for use of critical supplies and water acquisitions. Mr. Chambers described how the proposed ballot measures altering Greeley's Home Rule Charter might impact timely water decisions, delivery and cost. He added that all past Charter changes have been made through a Council-appointed Charter Commission and then approved by citizen vote. Mr. Chambers described some of the implications of an amendment to the Charter and responded to some of the concerns expressed by the special interest group. Mr. Chambers presented information about the Terry Ranch project, including underground storage, the unique nature of the transaction, inspection, water quality and cost comparison. He noted that the Terry Ranch project would meet or exceed Greeley's water requirements.

With regard to the proposed amendment, Commissioner Schulte asked what might trigger an election and what might be the proposed timeframe to conduct an election. Mr. Chambers advised that it would be dependent on the specific water right and type of transaction such as a leaseback. He stated that the matter would need to undergo engineering analysis and a special election before proceeding to a closing. Mr. Chambers added that if the matter was about utilization of groundwater or reuse water asset, presumably the city could acquire the water but not put it into use in the system without engineering and a vote of the citizens. He explained that the onus would be on the city to proactively conduct the engineering per the standards outlined in the petition and undertake the special election to move the approval forward. Upon question by Commissioner Schulte, Mr. Chambers advised that the city could lose its negotiating position if the amendment is passed.

Commissioner Schulte excused himself from the meeting at 2:52 p.m.

Upon question by Commissioner Franzen, Mr. Chambers explained that a seller would likely require some incentive to stay with the city while navigating a purchase. He added that the requirement for a special election of the voters could put a deal at uncertain terms as it places voters in the position of making decision on leasebacks that are fundamental to a water deal.

Harold Evans, Water & Sewer Board Chair, addressed the Commission. He described three items at a recent meeting that, under the proposed amendment, would not be able to move forward without a special election. Mr. Evans stated that under the Home Rule Charter, there have been charter changes by charter commissions, but none has changed basic authority and duties of the Water & Sewer Board. He reminded the commissioners that the Terry Ranch project has closed and the city owns the assets. Chair Yeater asked how long it currently takes for an acquisition and how long it might take under the proposed amendment. Mr. Evans advised that a simple acquisition could take three to six months and could likely double if the proposed amendment is passed. He added that a more important impact is that it could prevent sellers from doing business with Greeley. Commissioner Modlin asked if the acquisition of right-of-way easements for the future pipeline from Terry Ranch to Windsor is being accomplished. Mr. Chambers reported that the project has been acquired and the city is proceeding with the preconstruction phase, acquiring easements and sites for tanks, pump stations and treatment facilities.

9. Staff Report

Chair Yeater recognized new commissioner, Jeff Carlson, who introduced himself and stated that he currently serves as CEO of the Weld Trust, a philanthropic organization formed through the sale of the North Colorado Medical Center. Commissioner Modlin asked when the Planning Commission might return to in-person meetings. Becky Safarik addressed the Commission and advised that the City Council and City Clerk's Office are evaluating hybrid and in-person meetings for boards and commissions. She added that staff would be coming forward with meeting management tools and will continue to explore opportunities to conduct in-person meetings.

10. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 3:01 p.m.

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Justin Yeater

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Justin Yeater, Chair

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Becky Safarik

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Becky Safarik, Secretary