

Planning and Zoning Commission Hearing: June 30, 2021

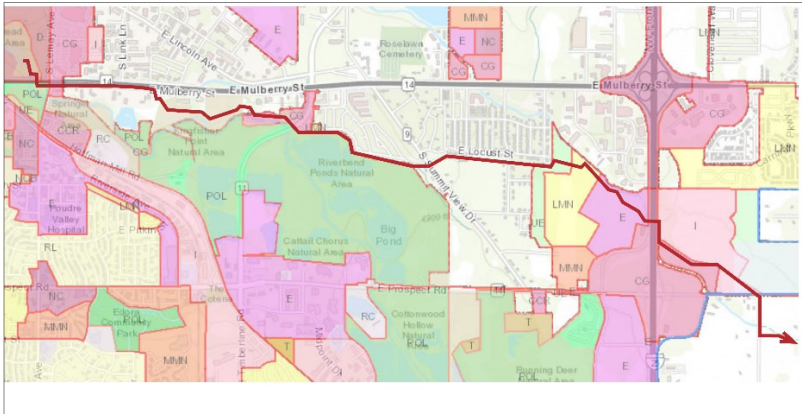
Northern Integrated Supply Project: SPA210001

Summary of Request

This is a request for a Site Plan Advisory Review (SPAR) for Northern Water to construct the Poudre River Intake Structure, Grading Control Structure, and 1800 linear feet of 32"-36" diameter buried pipeline within City limits.

In addition to the authority to approve or deny the project, the SPAR process allows the Planning and Zoning Commission to provide comments on the plan to the governing body (Northern Water Board of Directors) per State statutes.

Zoning Map



Next Steps

If approved, Northern Water can proceed to request approval from other governing agencies for the project and may eventually proceed to construction. Prior to construction, Northern Water would be required to acquire all necessary easements, private land, floodplain permits and right-of-way encroachment permits needed to construct the project. Portions of the project will require Northern Water to acquire easements through the City's Natural Area Department's easement policy, which requires recommendation from the Land Conservation and Stewardship Board and final approval by City Council.

In the case of a decision to deny the project, the Northern Water Board of Directors may overturn the Planning and Zoning Commission's decision by a 2/3 majority vote.

Site Location

The Poudre River Intake Structure and Grading Control Structure are located at the northwest corner of Mulberry St. and Lemay Ave. The pipeline alignment generally travels south and east of the Diversion Structure to the southeast corner of Prospect and I-25.

Zoning

Public Open Lands (POL), Downtown District (D), General Commercial (CG), Urban Estate (UE), Low-Density Mixed-Use Neighborhood (LMN), Industrial (I), Employment (E)

Property Owner

Northern Water
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Applicant/Representative

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Staff Recommendation

Staff recommends disapproval of the NISP Site Plan Advisory Review application.

1. Project Introduction

A. PROJECT DESCRIPTION

The Site Plan Advisory Review (SPAR) for the Northern Integrated Supply Project (NISP) only applies to infrastructure located within Fort Collins City limits. Proposed infrastructure includes a Poudre River Intake Structure, a Grading Control Structure (both located northwest of the Mulberry and Lemay intersection) and 18,000 linear feet of buried pipeline.

The Poudre River Intake Structure will be sized to convey up to 25 cubic feet per second (cfs) from the Poudre River to the Poudre Intake Pipeline using a low-profile design. The Poudre Intake Pipeline would include approximately 18,000 linear feet of buried pipeline within City Limits. The pipeline will be approximately 32-inches to 36-inches in diameter, carry up to 25 cfs and have a typical bury depth of 5 feet or more.

The project anticipates an approximately 100-foot wide work area for construction of the pipeline. Within that 100-foot wide construction easement would be a 60-foot wide permanent easement for continued access to the pipeline, and a 40-foot wide temporary construction easement. The 100-foot wide corridor will be reduced in some locations to avoid or minimize impacts. The pipeline will be installed by trenching, except when crossing public right of way.

This is a public utility project that crosses lots and tracts of land held in both public and private ownership. Because the pipeline and all structures for the project would be located within public ROW or easements at the time of construction (if ultimately approved), this project is subject to a SPAR process with review by the Planning & Zoning Commission.

Affected properties are located within the following zone districts: Public Open Lands (POL), Employment (E), Downtown District (D), General Commercial (CG), Urban Estate (UE), Low-Density Mixed-Use (LMN) and Industrial (I).

The plans for this project were also reviewed by City staff during Larimer County's 1041 Permit process, which also included review of areas within the Fort Collins Growth Management Area outside City limits. Those comments are included as an attachment since they are referenced in staff comments during the SPAR review (Attachment 14).

B. SITE CHARACTERISTICS

1. Development History

- a) The majority of the project within City limits is located on City-owned conserved Natural Area properties, which include Homestead Natural Area, Williams Natural Area, Kingfisher Natural Area, and Riverbend Ponds Natural Area. The following summary outlines the development history of all affected property.
 - o At the northwest corner of the project area, the Grade Control Structure is located in the Poudre River on portions of the Homestead Natural Area which was part of the Highway 14 East First Annexation from 1989.
 - o The Poudre River Intake Structure is located southeast of the Grade Control Structure in the Poudre River in Homestead Natural Area which was part of the Springer Annexation from 1991.
 - o The Poudre River pipeline connects to the Poudre River Intake Structure and heads east and south through the Homestead Natural Area which was part of the Link-N-Greens Third Annexation from 1993.
 - o The pipeline continues south and crosses Mulberry Street and enters Williams Natural Area, which was part of the Williams Annexation from 1991.

- The pipeline travels east then south, and is bored under Lemay and Mulberry rights of way, which were part of the 1st Fisher-Lemay Avenue Annexation in 1984.
- The pipeline crosses through unannexed portions of the Mulberry Street right of way and City-owned Kingfisher Point Natural Area before entering Fort Collins Nursery, which was part of the Suitts 2nd Annexation from 1977.
- The pipeline hugs the Poudre River corridor and enters Kingfisher Natural Area, which was part of Riverbend Annexation in 1980.
- The pipeline continues east, trenches through Dry Creek, bores under Timberline Avenue and enters Riverbend Ponds Natural Area, which was also part of the Riverbend Annexation in 1980.
- The pipeline continues east, enters unincorporated areas of the GMA, and enters the Cooper Slew Open Space Association then undeveloped private land, both of which were annexed as part of the Interstate Land Annexation from 1989.
- The pipeline trenches through Boxelder Creek and Lake Canal, and bores under Interstate 25, then enters undeveloped private property east of Interstate 25. The pipeline follows Lake Canal until trenching through Lake Canal twice, and bores under Prospect Road to the south. The private property and Prospect right of way were annexed as part of the Galatia Annexation from 1990.

2. Surrounding Zoning and Land Use

The zoning and land uses surrounding the project area are as follows:

	North	South	East	West
Zoning	Downtown (D), General Commercial (CG), Low-Density Mixed-Use Neighborhood (LMN), Industrial (I), County (CC) Commercial Corridor, County (RR2) Rural Residential, County (MHP) Manufactured Home Park, County (UR1) Urban Residential, County (UR2) Urban Residential, County (UR3) Urban Residential	Public Open Lands (POL), River Conservation (RC), General Commercial (CG), Medium-Density Mixed-Use Neighborhood (MMN), County (UR1) Urban Residential, County (RR2) Rural Residential	County (RR2) Rural Residential	Neighborhood Conservation Medium (NCM) Downtown (D)
Land Use	Woodward General Commercial Countryside Mobile Home Park Riverbend Condos Sunrise Acres Residential Subdivision Single-Family Residential	Springer Natural Area Williams Natural Area Kingfisher Natural Area Cattail Chorus Natural Area Boxelder Estates Residential Subdivision Single-Family Residential	Single-Family Residential	Mulberry Wastewater Treatment Facility Commercial

C. REVIEW PROCEDURES

1. State Requirements for City Review

Colorado Revised Statutes, as amended (C.R.S.), govern the City’s review of development plans for public facilities, and these supersede the City’s typical processes for development plan review on private land.

- Section 31-23-209, C.R.S. generally governs all public facilities with the following pertinent provisions:
 - “no street, square, park or other public way, ground or open space, public building or structure, or publicly or privately owned public utility shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof has been submitted for approval by the commission.”
 - “In case of disapproval, the commission shall communicate its reasons to the municipality's governing body, which has the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership.”
 - “The failure of the commission to act within sixty days from and after the date of official submission to it shall be deemed approval.”

2. Land Use Code Requirements

The Land Use Code incorporates the statutory requirements above into Sections 2.1.3(E) and 2.16(H) under the Site Plan Advisory Review Process (“SPAR”). Following are pertinent excerpts for convenient reference:

“2.1.3(E) Site Plan Advisory Review. The Site Plan Advisory Review process requires the submittal and approval of a site development plan that describes the location, character, and extent of improvements to parcels owned or operated by public entities. In addition, with respect to public and charter schools, the review also has as its purpose, as far as is feasible, that the proposed school facility conforms to the City's Comprehensive Plan.”

“2.16.2 Site Plan Advisory Review Procedures

(H) Standards: LUC standards are not applicable, and in substitution thereof, an application for a Site Plan Advisory Review shall comply with the following criteria:

- (1) The site location for the proposed use shall be consistent with the land use designation described by the City Structure Plan Map, which is an element of the City's Comprehensive Plan.
- (2) The site development plan shall conform to architectural, landscape and other design standards and guidelines adopted by the applicant's governing body. Absent adopted design standards and guidelines, the design character of the site development plan shall be consistent with the stated purpose of the respective land use designation as set forth in the City's Comprehensive Plan.
- (3) The site development plan shall identify the level of functional and visual impacts to public rights-of-way, facilities and abutting private land caused by the development, including, but not limited to, streets, sidewalks, utilities, lighting, screening, and noise, and shall mitigate such impacts to the extent reasonably feasible.”

2. Public Outreach

A. NEIGHBORHOOD MEETING

A neighborhood meeting was held virtually on April 21, 2021 via Zoom and was televised via YouTube. A total of 74 public participants attended via Zoom, 28 via YouTube, and 16 from the City staff/applicant teams.

Summary of concerns raised in the neighborhood meeting include the following:

- Noise and traffic impacts to residential areas during construction;
- Temporary impacts to a road and permanent impacts to a structure at the Fort Collins Nursery;
- Long lasting impacts to wildlife and habitat in City Natural Areas from the proposed pipeline and infrastructure;
- The diversion structure dewatering the river;
- The SPAR process not being appropriate for this project;
- Notification to public should have included properties along the entire Poudre River corridor;
- Requested additional public meetings for input;
- Concern over the impacts to the Poudre River from the larger project.

B. PUBLIC COMMENT

A summary of comments received during the neighborhood meeting, as well as concerns raised by community members outside of the neighborhood meeting, have been collected and included as Attachment 15.

3. Procedural Requirements – Land Use Code Article 2

A. SITE PLAN ADVISORY REVIEW PROCEDURAL OVERVIEW

1. Conceptual Review

A Conceptual Review meeting was held on March 4, 2021.

2. Neighborhood Meeting

A Neighborhood meeting was held on April 21, 2021 and satisfies the applicable requirement of Section 2.16.2 – *Site Plan Advisory Review Procedures*.

3. Submittal

The project development plans were submitted on May 5th and deemed incomplete on May 7th because they did not fulfill floodplain and erosion control requirements. The application was resubmitted on May 14th and was accepted by the City on May 21, 2021. While it is the City’s standard interpretation of state statutes and city code requirements to begin the 60-day review period after an application has been deemed complete, the applicant interpreted the code differently as the 60-day review period starting after an application is submitted. As such, the City scheduled a hearing within 60 days of May 14, 2021 to ensure that no disputes arise regarding the timeliness of the hearing within the mandated 60-day window.

4. Notice

Posted notice: April 12, 2021, Sign #617
Written notice for neighborhood meeting: April 7, 2021, 1,133 letters sent
Written notice for hearing: June 14, 2021, 1,133 letters sent
Published Coloradoan Hearing Notice: June 6, 2021 - # 0004768440

4. Staff Evaluation

A. BACKGROUND

The City’s review of a public facility is governed by State statutes and the Land Use Code. Plans are evaluated based on the requirements explained below.

Location Criterion:

(1) The site location for the proposed use shall be consistent with the land use designation described by the City Structure Plan Map, which is an element of the City’s Comprehensive Plan.

Character Criterion:

(2) The site development plan shall conform to architectural, landscape and other design standards and guidelines adopted by the applicant's governing body. Absent adopted design standards and guidelines, the design character of the site development plan shall be consistent with the stated purpose of the respective land use designation as set forth in the City's Comprehensive Plan.

Extent Criterion:

(3) The site development plan shall identify the level of functional and visual impacts to public rights-of-way, facilities and abutting private land caused by the development, including, but not limited to, streets, sidewalks, utilities, lighting, screening, and noise, and shall mitigate such impacts to the extent reasonably feasible."

B. LOCATION

The first criterion for the review of the application is "location." This criterion requires that the site location for the proposed public facility be consistent with the land use designation described by the City Structure Plan Map, which is an element of the City's Comprehensive Plan.

Consistency with the Structure Plan:

According to the 2019 Structure Plan Map, the project area runs through the following designated districts: *Suburban Mixed-Use, Suburban Neighborhood, Mixed Neighborhood, Research and Development/Flex, and Parks and Open Lands*. Key Characteristics in the Structure Plan for all districts (except Parks and Open Lands) are not relevant to the NISP project since they relate to topics such as building density, transportation options and walkability. However, staff found that the Key Characteristics for Parks and Open Lands District to be relevant to the NISP project because of the project's impacts to resources within this district, and the Structure Plan's overall goals for managing impacts within the district.

Key Characteristics noted for the Parks and Open Lands District include:

- *Serve a range of roles depending on their location, characteristics, sensitivity and management;*
- *Generally owned and managed by public agencies (the City, Larimer County, state or federal) but can also include privately owned areas protected through a conservation easement or other similar mechanism.*

Per the Key Characteristics, the Structure Plan broadly defines "Open Lands" to include both publicly and privately owned areas that are owned, managed and protected through a variety of mechanisms, including but not limited to acquisition, conservation easement and (arguably) protected buffer zones. When reviewing the Key Characteristics and current land use on parcels within the project area against the Structure Plan Map, protected lands that should be categorized as Parks and Open Lands are not accurately represented on a parcel by parcel basis, rather the map is conceptual in scope. For example, unincorporated and incorporated areas of the Kingfisher Natural Area are depicted as Suburban Mixed Use, and the privately owned Cooper Slew Public Open Space west of I-25 is depicted as Mixed Neighborhood.

Another consideration is the Structure Plan's vague definition of the "range of roles" Parks and Open Lands play depending on "location, characteristics, sensitivity, and management." Unlike standards for other development projects where circulation, density, and mobility options are important, the goals for the Parks and Open Lands District are much more open-ended to fit the specific needs of each individual site based on location, characteristics, sensitivity and management goals.

To that end, the Structure Plan mitigates potential conflicts by stating that the Plan Map does not follow an existing parcel line and that the actual delineation of place types would be established at the time of a proposed development submittal. It also states (several times) that the Plan should not be used alone, but in conjunction with the Transportation Master Plan and the principles, goals and policies in City Plan. This allows staff to evaluate development proposals when additional guidance is warranted. Below are relevant City Plan principles and policies

specifically related to the Parks and Open Lands District that help define the roles of protected sites based on sensitivity, location, characteristics and management.

Relevant City Plan Principles and Policies

- *Policy ENV 1.1: Maintain a system of publicly controlled natural areas to maintain the integrity of wildlife habitat and conservation sites, protect corridors between natural areas, conserve outstanding examples of Fort Collins' diverse natural heritage, and provide a broad range of opportunities for educational, interpretive and recreational programs to meet community needs.*
- *Policy ENV 1.2: Continue to acquire, manage, maintain and enhance public open lands and natural areas in accordance with the City's Natural Areas Master Plan to ensure the protection of plants and animals in need of conservation and their associated ecosystems; support biodiversity; control the invasion and spread of non-native plants; improve aesthetics; and provide opportunities for appropriate public use.*
- *Policy ENV 1.3: Conserve, protect and enhance natural resources and high-value biological resources throughout the GMA by...directing development away from natural features to the maximum extent feasible.*
- *Policy ENV 1.6: Conserve and enhance wildlife movement corridors through a network of public open lands and natural habitat buffers along natural features such as streams and drainageways.*
- *Policy ENV 6.4: Use development regulations, such as setbacks from natural features and performance standards, to conserve and protect natural resources along the Poudre River, Spring Creek, Fossil Creek, Boxelder Creek and other waterways. Redevelopment in areas with natural resource values or potential natural values will consider the creation or enhancement of those values with an emphasis on natural attributes.*
- *Principle ENV 7: Manage the Poudre River's diverse resources and functions to create a sustainable river ecosystem.*
 - *Policy ENV 7.1: Ecological Resilience: Support a healthy river ecosystem that has the capacity to persist and adapt over time in the face of natural and human-caused challenges. Protect or enhance opportunities for natural processes to drive ecosystem renewal by:*
 - *Maintaining natural area protection buffers along both banks;*
 - *Ensuring adequate setbacks for lateral migration;*
 - *Restoring or enhancing degraded or disturbed areas;*
 - *and Protecting the historical and cultural resource values.*

Relevant East Mulberry Corridor Principles and Policies

The Structure Plan states that neighborhood, corridor and subarea plans supplement City Plan with additional policy or designation in City Plan, and if a conflict between a policy or designation in City Plan and a subarea plan exists the subarea plan shall prevail.

The project area runs through a significant portion of the East Mulberry Corridor Plan (EMCP) subarea. Relevant Principles and Policies within this plan include:

- *Principle EMC.ONL-1 Natural resources within the East Mulberry Corridor study area will be maintained and protected to the maximum extent feasible.*
 - *Policy EMC.ONL – 1.1 The interface, between the Poudre River riparian habitat and development along East Mulberry Street, should be coordinated to retain environmental quality, encourage wildlife habitat and, where impacts can be appropriately buffered, provide recreational use.*
 - *Policy EMC.ONL – 1.2 Natural drainageways, wetlands and the associated natural area buffers, will be preserved and protected.*

Staff Analysis

Based on the Key Characteristics of the Parks and Open Lands District in Structure Plan, combined with clearer guidance provided by City Plan on the roles for conserved properties in terms of location, characteristics, sensitivity and management, staff finds that the project location does not comply with the Structure Plan for the following reasons:

1. **The Pipeline Connecting to the Poudre River Intake Structure.** The pipeline connecting to the Intake Structure crosses restored wetlands and eliminates significant cottonwood tree forest within a unique riparian area that receives periodic flooding. The pipeline location will permanently restrict Natural Areas from restoring this unique riparian habitat with hundreds of cottonwood saplings along the river banks, as planned. The regeneration of cottonwood trees is one of Natural Areas' primary objectives in river restoration.
2. **Historic and Cultural Resources.** Natural Area management policies stated in City Plan require historic and cultural resources along the Poudre River corridor be protected. Based on the pipeline's proximity to the Poudre River, staff anticipates the likelihood of archaeological discoveries to be extremely high. Yet field reconnaissance has not been performed. Staff finds that the potential impacts to these resources have not been fully recognized or addressed by the applicant.
3. **Natural Resources.** Policies stated in City Plan related to the protection of sensitive resources in Natural Areas and privately-owned open lands require buffering and preservation to the maximum extent feasible. The location of the pipeline will impact sensitive natural resources, which include wetlands, Cooper Slough, Boxelder Creek, Dry Creek, Lake Canal, Poudre River Corridor and its riparian forest/habitat. Buffers and avoidance of natural resources were not key drivers in locating the pipeline or Intake Structure. Additionally, certain areas cannot be restored to preconstruction condition, such as the Poudre River riparian forest, because the pipeline will preclude trees from being planted in the same location.
4. **Poudre Pipeline Alternative Location Analysis.**
 - a. The methodology used to select the proposed pipeline route referenced in Appendix B: Route Alternatives Analysis does not emphasize the protection of natural resources. It provides scoring through a decision matrix of criteria with only two environmental criteria included. The two criteria are weighted equally with 16 other criteria, so the combined weight of the environmental criteria contributes only 9% to the total score.
 - b. Second, the methodology does not evaluate the alternatives based on the relative importance (weights) of each criterion. The scoring approach treats each criterion as independent and of equal weight, when many are interrelated and not of equal importance. Applying different weights to each criterion would better address tradeoffs between disparate goals and better align with City goals.
 - c. Third, the criterion labeled "Environmental Impacts" only considers linear feet of wetlands and riparian areas. Linear feet of wetland is not a standard or meaningful approach to evaluating impacts to wetlands as it does not consider the size, quality or value of these resources, a key consideration for POL place type in the Structure Plan.
 - d. Fourth, linear feet of pipeline in City-owned natural areas is the second of the two environmental criteria. With impacts to 5,700 linear feet in high visitor use and sensitive Natural Areas, this metric alone does not reflect the value of resources being impacted.
 - e. Fifth, the alternatives analysis did not consider the potential disruption and impacts to wildlife. Floodplain corridors provide wildlife with a mosaic of aquatic, wetland, riparian, and forest and grassland habitat types all along a narrow corridor within a developed landscape. Therefore, these corridors contribute a disproportionate (high) value towards supporting wildlife, both local and migratory.
 - f. Finally, the alternative analysis does not provide the information requested previously by the City during the Larimer County 1041 Permit process and during the SPAR process. This additional alternative analysis is essential for the City to ensure that all possible alternatives have been fully explored. The additional analysis is also critical for the City's Natural Areas Department during the easement dedication process. The Natural Areas easement policy language states: In general, a right-of-way or easement across a City-owned natural area or conserved land will only be approved if it is the only reasonable alternative, considering environmental impacts, impacts to the recreation

uses of the natural area by the community, financial costs, engineering feasibility, public health and safety and other appropriate factors.

C. CHARACTER AND EXTENT

The second criterion for review is “character”, which requires the plan to conform to architectural, landscape and other design standards and guidelines adopted by the applicant’s governing body. Absent adopted design standards and guidelines, the design character of the site development plan shall be consistent with the stated purpose of the respective land use designation as set forth in the City’s Comprehensive Plan.

The third criterion for review is “extent.” This criterion requires the plan to identify the level of functional and visual impacts to public rights-of-way, facilities and abutting private land caused by the development, including, but not limited to, streets, sidewalks, utilities, lighting, screening, and noise, and shall mitigate such impacts to the extent reasonably feasible.

Staff finds that the Northern Integrated Supply Project does not conform to the Character and Extent criteria due to permanent impacts to the Poudre River riparian forest and insufficient information in application materials.

Permanent Impacts

1. **The Pipeline Connecting to the Poudre River Intake Structure.** The pipeline connecting to the Intake Structure crosses restored wetlands and eliminates significant cottonwood tree forest within a unique riparian area that receives periodic flooding. The pipeline location will permanently restrict Natural Areas from restoring this unique riparian habitat with hundreds of cottonwood saplings along the river banks, as planned. The regeneration of cottonwood trees is one of Natural Areas’ primary objectives in river restoration.
2. **Pipeline Proximity to Poudre River.** On private property the pipeline is located at times within 50’ of the Poudre River top of bank (the Poudre River receives a 300’ buffer in this location), which permanently eliminates any potential riparian forest restoration in this area should the properties redevelop in the future. The pipeline location also does not provide a sufficient buffer to allow the river to migrate laterally.

Insufficient Information

1. **Restoration.**
 - a. While restoration within Natural Areas will be dictated by the terms and conditions of the City Natural Areas Department easement policy, sensitive habitats and resources will be impacted on private property. High-quality, mature riparian forest will be removed along the Poudre River south of the Fort Collins Nursery; and trenching will occur within Boxelder Creek, Dry Creek, Lake Canal and high-quality wetlands on private property. These resources require a more thoughtful approach to restore and mitigate impacts to an equal to or better than condition than what is provided in application materials.
 - b. The vegetative data represented in the Ecological Characterization Study (ECS) of the project area is over 15 years old. Without field surveys that provide more specific existing vegetative data, it will be difficult to know whether restoration has brought the site back to preconstruction conditions.
 - c. The ECS states that the extent of wetlands was determined through desktop review with “visual field confirmation where access was available.” The methodology used to determine wetland boundaries provides an incomplete analysis, and the lack of information of existing conditions cannot ensure that restoration activities would fully restore the resources that are impacted.
2. **The Limits of Disturbance** for access points, staging areas, and construction have not been shown on plans, therefore staff cannot evaluate the full extent of impacts.
3. **No reconnaissance** of historic and cultural resources has been performed therefore staff cannot evaluate the impact to those resources.
4. **A complete plan set** of the project between the Poudre Intake and the eastern City limits has not been provided. This is necessary so that adequate comments can be provided regarding the alignment of the NISP pipeline in relationship to City-owned utilities.

5. **All utility crossings** (water, wastewater, and stormwater) on the proposed pipeline profile have not been provided. These crossings need to provide a minimum of 18 inches in vertical separation between utilities, and staff has not been able to verify whether this requirement has been (or can be) met.
6. **Staff is unable to evaluate** the impacts caused by the diversion structure.
 - a. A profile of both channels has not been provided for staff to evaluate how the physical character of the channels will be disturbed upstream and downstream of each of the structures.
 - b. The hydraulic models have not been provided for staff to evaluate the character of hydraulic changes in the area near the structures between existing condition and potential condition.
 - c. Details needed include backwater effects, floodplain inundation changes, velocities down the design riffle, and other technical information.
 - d. Slopes and velocities need to be provided for staff to evaluate the Intake Structure's functionality as a fish passage.
7. **The material provided in this application is insufficient** for staff to ensure there will be no impacts to the geomorphic stability of the Poudre River. Proposed structures could result in dynamic scour and hydraulics that will lead to potentially major changes in this reach. The following information has not been provided and is essential for the City to determine the potential physical geomorphic response and extent of impacts caused by the Poudre Intake and Grading Control structures.
 - a. How the distance for keying each structure into the banks was determined.
 - b. How it was determined that scour will not occur on either side of both structures.
 - c. How sediment transport is being considered in the design process.
 - d. Whether native bed material can hold up to potential scour or sediment transport.
 - e. How it was determined that this diversion structure won't eventually cause the thalweg to flip channels, putting greater flooding pressure on the Mulberry Water Treatment Facility.

5. Findings of Fact and Conclusion

Staff makes the following findings of facts and conclusions in relation to the Northern Integrated Supply Project Site Plan Advisory Review, SPA210001:

- The SPAR complies with process located in Division 2.2 – Common Development Review Procedures for Development Applications of Article 2 – Administration.
- Article 3 – General Development Standards and Article 4 – Districts are not applicable to SPAR applications.
- Staff finds that the location, character and extent of the elements of the NISP project located within Fort Collins city limits **are not** consistent with the City's Comprehensive Plan and the project does not comply with the standards described in Land Use Code section 2.16.2(H).

6. Staff Recommendation

Staff recommends that the Planning and Zoning Commission disapprove the Northern Integrated Supply Project- Site Plan Advisory Review SPA210001 with the following motion:

The Fort Collins Planning and Zoning Commission finds that the location, character, and extent of the proposed development plan for the Northern Integrated Supply Project –Site Plan Advisory Review, SPA210001, is inconsistent with the City's Comprehensive Plan, and applicable Land Use Code standards, and does not mitigate its functional and visual impacts to streets, sidewalks, utilities, and environmental resources to the extent reasonably feasible as required by the SPAR criteria in Land Use Code Section 2.16.2(H).

5. Attachments

- 1) Vicinity Map
- 2) Cover Letter
- 3) Project Narrative
- 4) Preliminary Construction Plans
- 5) ECS Report
- 6) Alternatives Analysis

- 7) Poudre Intake Alternative Design
- 8) Trenchless Applications
- 9) Erosion Control Memo
- 10) Final Erosion and Revegetation Memo
- 11) Floodplain Modeling Memo
- 12) East Mulberry Corridor Adherence Memo
- 13) NISP Permit Requirements
- 14) 1041 Permit Comments from City
- 15) Public Comments
- 16) Staff Comments
- 17) Applicant Attachments (not reviewed by staff)
- 18) Staff Presentation
- 19) Applicant Presentation