

Hall



# CITY OF FLORENCE

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February 5, 2009

Fremont County Board of County Commissioners  
615 Macon Avenue  
Room 105  
Cañon City, CO 81212

Commissioner Michael J. Stiehl, District 1  
Commissioner Larry Lasha, District 2  
Commissioner Edward H. Norden, District 3

Re: Southern Delivery System Special Review Use Permit

Dear Board of Commissioners:

At a regularly scheduled City Council meeting on February 2, 2009, the Florence City Council voted unanimously to authorize me to sign a letter of support for the Highway 115 Option now under consideration for a land use permit by Fremont County.

The Florence Council, through a number of meetings with CSU representatives and the Fremont County Commissioners, has had the opportunity to spend a considerable amount of time learning about and reviewing the plans for the proposed Southern Delivery System (SDS) pipeline in Fremont County. Council has participated in numerous meetings and presentations and therefore we believe we have sufficient knowledge of the project to make the following observations.

After a series of discussions with Colorado Springs, the City was pleased at their willingness to locate their intake further downstream than originally planned to alleviate any potential issues with the City of Florence's water intake system, and to protect future recreational use of the Arkansas River between Pathfinder Park and the Florence River Park.

Because the City of Florence also owns and operates a water utility, we understand that utilities have the right and even the obligation to develop their water rights to serve their communities. That is exactly what the SDS project participants are attempting to do. They have the constitutional right to develop their water, as does any water utility.

Florence conducted a smaller pipeline project some years ago to develop more water rights and provide more water to our citizens. Such development of water rights therefore is not solely a land use review matter and resides somewhat outside the scope of a land use review permit. To state this in another way, this Highway 115 Option now under consideration by Fremont County is not a normal subdivision, rezone, or land use decision.

The purpose of this permit is to determine if the SDS project complies with Fremont County's zoning resolution and master plan. Fremont County's focus on the permit should be limited to land use issues and how impacts of construction will be mitigated.

The project participants have agreed to mitigate the temporary impacts the construction will have on our communities. Fremont County should ensure they return areas to their original condition, or better, as the applicant has promised. The County also should ensure that property owners are fairly compensated for use of their property. Measures to control dust, repair roads and bridges, and re-vegetate disturbed land are all issues that Fremont County should insure are adequately addressed. Traffic impacts should be minimized.

Given the scope and complexity of this project, and the known impacts on the County, we would recommend that Fremont County consider asking the applicants to provide \$2,000,000 for mitigation efforts which as of yet, may be unforeseen to all.

The City of Florence believes there will be significant benefits accruing to both our city and county residents if SDS is built through Fremont County. The plans now call for the intake to be located at the Lester-Attebery ditch across from the Florence River Park. Because of the modifications the SDS participants will need to make to accommodate the water intake and pump station, they have committed to significant improvements to the Florence River Park. We believe that this Park could become a regional amenity, especially if recreational aspects of the river can be developed in concert with Pathfinder Park.

Improvements at the River Park we have discussed with them during a number of meetings include a new boat chute through the diversion area allowing boaters to safely pass through, bank stabilization, a new boat ramp for access to the river, amenities such as a pavilion and playground area, access bridges over wetlands viewing, improved wetland areas to create more habitat for birds and wildlife, replacing weeds and non-native plants with native plants species and creation of trails, walkways with interpretive signage and benches. We believe the benefits of this project extend beyond our community as well.

With the State Labor Department reporting a jobless rate of 7.8% in Fremont County, we are not unmindful of the positive economic impact SDS construction could have on our local economy. The estimated construction budget for the first phase is \$600 million. Competitively-priced local companies and labor in Fremont County will benefit from this

work. Our stores, hotels, restaurants, gas stations and other businesses will benefit from local purchasing goods and services.

For these reasons, the City Council of Florence strongly encourages you to approve the land use permit for the SDS project on February 10th. As the representative of a community that will actually be impacted by SDS construction, we firmly believe it can be done in a manner that creates benefits for all involved.

Sincerely Yours,



Bart Hall  
Mayor of Florence