

A RESOLUTION APPROVING A PERMIT FOR A MAJOR EXTENSION OF AN EXISTING DOMESTIC WATER SYSTEM SPECIFICALLY FOR THE INSTALLATION OF A WATER LINE APPROXIMATELY 1.5 MILES LONG GENERALLY LOCATED WITHIN E-470 AND EAST 96TH AVENUE RIGHT-OF-WAY

NO. XXXX-XX [number assigned when item created in Legistar]

WHEREAS, the City of Commerce City has received an application for a permit to allow a major extension of an existing domestic water system from Tetra Tech (“Applicant”) on behalf of Denver Water (“Owner”);

WHEREAS, the specific request is to allow the installation of a water line to transport potable water (the “Project”) generally within E-470 and East 96th Avenue right-of-way from Denver International Airport to the Aurora Pump Station located at 19900 East 96th Avenue;

WHEREAS, the location of the 1.5-mile water line route within Commerce City is more specifically set forth in Exhibit A and depicted on Exhibit B, attached hereto and incorporated herein by reference;

WHEREAS, the City Council of the City of Commerce City (“City Council”), pursuant to Chapter 22 of the Commerce City Revised Municipal Code (“CCRMC”) addressing matters of state interest, and consistent with CCRMC § 22-30 is authorized to review, approve, and condition major extensions of existing domestic water systems; and

WHEREAS, nothing herein shall excuse the Owner from acquiring all necessary approvals and permits from the E-470 Highway Authority for the installation of the water line within E-470 right-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. The City Council of the City of Commerce City, Colorado, acting on the authority invested in City Council at CCRMC § 22-30, and consistent with the standards for approval set forth in CCRMC §§ 22-30(b) and 22-66, after a duly noticed public hearing held in compliance with the legal requirements, finds as follows:

Pursuant to Section 22-30 - Standards for approval of a permit application:

1. The Owner will obtain all property rights, permits and approvals necessary for the Project, including surface, mineral and water rights.
2. The Owner has the necessary expertise and financial capability to develop and operate the Project consistent with all requirements and conditions.

3. Adequate water supplies are available for the Project.
4. The Project will not cause unreasonable loss of significant agricultural lands as identified in the Comprehensive Plan or on or near the site.
5. The Project will not significantly degrade or pose a significant hazard to any aspect of the environment, including environmental resources and open space areas as identified in the Comprehensive Plan, and other features or elements that are deemed to be significant components of the natural environment worthy of preservation. For purposes of this section, the following aspects of the environment were required to be considered:
 - a. The Project will not significantly deteriorate air quality.
 - b. The Project will not significantly degrade visual quality.
 - c. The Project will not significantly degrade surface water quality. In determining impacts to surface water quality, the city council shall consider the following:
 - i. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water;
 - ii. Increases in point and nonpoint source pollution loads;
 - iii. Increase in erosion;
 - iv. Increases in sediment loading to water bodies;
 - v. Changes in stream channel or shoreline stability;
 - vi. Changes in stormwater runoff flows;
 - vii. Changes in trophic status or in eutrophication rates in lakes and reservoirs;
 - viii. Changes in the capacity or functioning of streams, lakes or reservoirs;
 - ix. Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.
 - d. The Project will not significantly degrade groundwater quality.
 - e. The Project will not significantly degrade the quality of wetlands and riparian areas.

- f. The Project will not significantly degrade the quality of terrestrial and aquatic animal life. In determining impacts to terrestrial and aquatic animal life, the city council considered the following:
 - i. Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes or any other habitat features necessary for the protection and propagation of any terrestrial animals;
 - ii. Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species; and
 - iii. Changes to the aquatic and terrestrial food webs.
- g. The Project will not significantly degrade soils and geologic conditions. In determining impacts on soils and geologic conditions, the city council considered the following:
 - i. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential and flood hazard areas;
 - ii. Changes to stream sedimentation, geomorphology and channel stability;
 - iii. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
6. The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.
7. The Project will not cause unreasonable loss or impairment of significant cultural resources, including but not necessarily limited to historic resources or sites and archaeological artifacts or sites.
8. The Project or its associated transmission, collector or distribution system will not create blight or cause other nuisance factors such as excessive noise or obnoxious odors.
9. The Project will not be subject to significant risk from floods, fires, earthquakes or other disasters or natural hazards.
10. The Project or its associated transmission, collector or distribution system will not create an undue financial burden on existing or future residents of the city.
11. The Project will not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.

12. The planning, design and operation of the Project will reflect appropriate principles of resource conservation, energy efficiency and recycling or reuse.
13. Construction of the Project will be in compliance with all city standards and regulations governing noise, dust and traffic delays.
14. The Project is in accordance with the Comprehensive Plan, zoning and any other applicable land use designations and requirements and any applicable intergovernmental agreement affecting land use and development.
15. The Project represents the complete, reasonably foreseeable development for the subject property.

Pursuant to Section 22-66 - Additional permit-approval criteria applicable to major extensions of domestic water systems:

1. The Project is reasonably necessary to meet projected community development and population demands in the areas to be served by the Project, or to comply with regulatory or technological requirements. This determination of whether the Project is reasonably necessary included, but was not limited to, the following considerations:
 - a. Relationship to reasonable growth projections and local land use plans.
 - b. Relationship to other water providers' service areas.
 - c. Whether the Project was not in compliance with regulatory or technological requirements or will not be in compliance in the near future.
2. To the extent feasible, the extension is consolidated with existing facilities within the area. This determination of whether consolidation is feasible included, but was not limited to, the following considerations:
 - a. Whether there was an opportunity for consolidation.
 - b. The environmental, financial and social feasibility of consolidation.
3. The extension of the domestic water system is constructed in areas that will result in the proper use of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities. The determination included, but was not limited to, the following considerations:
 - a. Relationship to reasonable growth projections and local land use plans.
 - b. Proximity to other water and wastewater providers' service areas.
4. The Project is in areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development. The determination included but was not limited to, the following considerations:
 - a. Relationship of the Project to approved land use plans for the area.
 - b. The environmental, financial and social impacts related to such development.

SECTION 3. Conditions. The City Council of the City of Commerce City, pursuant to CCRMC § 22-30(a)(2), hereby approves the Project subject to the following conditions:

- A. Alterations to the route of this water line outside of the approved easements and City right-of-way (ROW), or any modification requiring raising the water line or its components above-grade (except as currently proposed) will require an amendment to this permit.
- B. The water line shall transport potable water only.
- C. The Owner shall repair any open space, trail, road, and any appurtenances and infrastructure within right-of-way and easement areas that may be damaged during construction or maintenance.
- D. The Owner shall notify the Commerce City Public Works Department if and when any permanent discontinuation of the use of this water line for water transmission takes place. The Owner shall be responsible for providing a comprehensive water line decommissioning plan for approval by the Commerce City Public Works Department inclusive of all provisions for the abandonment of the water line. The Owner shall then be responsible for implementing and completing such plan.
- E. The Owner shall be responsible for the relocation and all costs related to and associated with the relocation of the water line as a result of the future expansion of East 96th Avenue. The associated costs for the relocation by the Owner may include, but are not limited to construction, vertical and horizontal adjustments, adjusting valve boxes, and adjusting vaults.

RESOLVED AND PASSED THIS ____ DAY OF _____ 2024.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A
(Legal Description)
Case #CUP23-0002

From the Southwest Corner of the NW 1/4 of Section 23 T2S-R66W Thence North 27°11'20"
West 1003.99 feet

THENCE (1) South 19°34'11" East, 232.02 feet to a point of non-tangency;
THENCE (2) South 65°05'13" East, 27.57 feet to a point of non-tangency;
THENCE (3) North 70°11'49" East, 34.72 feet to a point;
THENCE (4) North 70°11'49" East, 41.33 feet to a point of non-tangency;
THENCE (5) North 70°43'59" East, 6.67 feet to a point of non-tangency;
THENCE (6) North 19°23'32" West, 3.14 feet to a point of non-tangency;
THENCE (7) North 70°10'08" East, 16.79 feet to a point of non-tangency;
THENCE (8) North 20°07'14" West, 24.45 feet to a point of non-tangency;
THENCE (9) North 70°39'58" East, 78.03 feet to a point of non-tangency;
THENCE (10) North 25°09'13" East, 8.96 feet to a point of non-tangency;
THENCE (11) North 19°55'49" West, 396.19 feet to a point of non-tangency;
THENCE (12) North 20°55'49" West, 205.92 feet to a point of non-tangency;
THENCE (13) North 21°55'49" West, 89.88 feet to a point of non-tangency;
THENCE (14) North 33°10'49" West, 180.05 feet to a point of non-tangency;
THENCE (15) North 11°49'11" East, 22.22 feet to a point of non-tangency;
THENCE (16) North 56°49'11" East, 594.01 feet to a point of non-tangency;
THENCE (17) North 11°49'11" East, 10.00 feet to a point of non-tangency;
THENCE (18) North 33°10'49" West, 142.98 feet to a point of non-tangency;
THENCE (19) North 21°18'33" West, 332.52 feet to a point of non-tangency;
THENCE (20) North 25°02'15" East, 45.47 feet to a point of non-tangency;
THENCE (21) North 70°01'52" East, 18.28 feet to a point of non-tangency;
THENCE (22) North 81°17'17" East, 466.49 feet to a point of non-tangency;
THENCE (23) North 36°19'03" East, 17.19 feet to a point of non-tangency;
THENCE (24) North 13°49'03" East, 20.54 feet to a point of non-tangency;
THENCE (25) North 2°34'03" East, 95.12 feet to a point of non-tangency;
THENCE (26) North 47°34'03" East, 13.62 feet to a point of non-tangency;
THENCE (27) South 87°25'57" East, 67.05 feet to a point of non-tangency;
THENCE (28) South 88°25'57" East, 20.00 feet to a point of non-tangency;
THENCE (29) South 89°25'57" East, 20.00 feet to a point of non-tangency;
THENCE (30) South 89°55'57" East, 1,757.67 feet to a point of non-tangency;
THENCE (31) North 67°34'03" East, 72.53 feet to a point of non-tangency;
THENCE (32) North 90°00'00" East, 452.14 feet to a point of non-tangency;
THENCE (33) South 67°30'00" East, 74.14 feet to a point of non-tangency;
THENCE (34) South 89°55'57" East, 2,566.40 feet;

Exhibit B
(Water Line Location)
Case #CUP23-0002

