

CONDITIONAL USE PERMIT

CASE #CU-129-21

WHEREAS, the City Council of the City of Commerce City, Colorado, having considered the report of the Director of Community Development, having adopted the findings and recommendations of the Planning Commission, and having conducted a public hearing regarding the Case #CU-129-21, has determined that the requirements of Section 21-3230 of the Land Development Code are satisfied in this case, subject to the conditions contained herein;

WHEREAS, the City Council desires to approve certain conditional uses pursuant to the Land Development Code as set forth herein for Public Service Company of Colorado (“Applicant”), only for its operations on the existing alignment corridor from Brighton Blvd. to approximately E. 104th Ave. and Interstate 76.

NOW THEREFORE, the conditional use permit applied for in Case #CU-129-21 is hereby approved as follows:

1. CONDITIONALLY APPROVED USES: The Applicant is permitted to conduct the following land uses at the Property, subject to the compliance with the conditions contained herein and any other applicable laws and regulations:

A. The construction and ongoing operation of a 10” natural gas pipeline.

2. CONDITIONS: The following conditions shall apply to the conduct of the uses authorized by this conditional use permit:

- A. Permit holder will comply with its plans dated March 9, 2021, attached hereto as Exhibit A.
- B. Alterations to the route of this pipeline outside of the approved easements, or any modification requiring raising the pipeline or its components above-grade (except as currently approved), require an amendment to this Conditional Use Permit.
- C. The applicant is required to obtain a floodplain permit, prior to commencing construction of portions of the pipeline that lie within Zone A of the FEMA Flood Insurance Rate Map, consistent with Land Development Code Section 21-4400.
- D. The permit holder shall repair any open space, trail, road, and right-of-way areas that may be damaged during construction or maintenance.
- E. The permit holder shall notify all property owners by mail within 500-feet of the pipeline 7 days prior to beginning construction within the Commerce City boundaries.
- F. The permit holder shall restore any land disturbance as soon as possible. Revegetation will be conducted as soon as possible.
- G. The applicant will maintain the premises to be free of garbage, trash, and excessive debris at all times.
- H. Watering of dirt access roads, stockpiles, and other disturbed areas shall occur regularly during construction, for the purposes of dust suppression.
- I. The operation shall comply with all applicable rules and regulations of the state and federal agencies and the Commerce City Municipal Code and Land Development Code.

- J. The permit holder shall to meet directly with the applicable school districts and coordinate the timing of construction to occur during a time when school is not in session, to the extent practicable.
- K. At the conclusion of the construction of the pipeline, the permit holder shall provide copies of 'as built' surveys, drawings, geotechnical data, and materials testing results to the City's Planning Division.
- L. The permit holder shall notify the Commerce City Planning Division if and when any permanent discontinuation of the use of this pipeline takes place. The permit holder shall be required to furnish a mitigation plan for the pipeline at that time.

3. ADVISORIES: The following advisories shall apply to the conduct of the uses authorized by this conditional use permit:

- A. A license agreement with the City shall be required prior to any construction on property within Commerce City Rights-of-Way.

4. NON-COMPLIANCE: Failure to comply with the above conditions shall constitute basis for revocation by the City of Commerce City, after public hearing, of the Conditional Use Permit, it being expressly determined by the City Council that the Conditional Use Permit granted by the City of Commerce City in Case #CU-129-21 is not proper in the absence of compliance with the conditions and requirements herein contained. In the alternative, the City may proceed with legal action for injunctive relief to enforce the conditions herein imposed or issue a summons and complaint in the Commerce City municipal court for violation of the aforesaid conditions, and in the event a summons and complaint is issued in the Commerce City municipal court, and upon finding a violation of the condition set forth in this Conditional Use Permit, the municipal court may impose any penalty authorized by the Land Development Code. The remedies herein provided for shall be considered cumulative and not mutually exclusive.

Effective this 19th day of July, 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk