



# STAFF REPORT

## Planning Commission

### Case Number: CU-102-13

<b>PC Date:</b>	June 4, 2013	<b>Case Planner:</b>	Paul Workman
<b>CC Date:</b>	June 17, 2013		
<b>Location:</b>	The proposed 16-inch crude oil pipeline will enter the city's boundaries at E. 70 <sup>th</sup> Avenue west of Colorado Boulevard and will be located under the 'Boulder Spur' RTD right-of-way. It will travel in a southeasterly direction within the RTD right-of-way until it reaches the future alignment of E. 65 <sup>th</sup> Avenue. It will then run westerly to the O'Brian Canal at which time it will run parallel to the Canal until it reaches the Suncor refinery property. The re-route for the 10-inch pipeline will be located in the same RTD right-of-way, but will be south of the 16-inch pipeline. It will run adjacent to the 16-inch pipeline beginning at the future alignment of E. 65 <sup>th</sup> Avenue.		
<b>Applicant:</b>	Suncor Energy (USA) Pipeline Company	<b>Owner:</b>	Same as applicant
<b>Address:</b>	1715 Fleischli Parkway Cheyenne, WY 82001	<b>Address:</b>	Same as applicant

### Case Summary

<b>Request:</b>	Suncor Energy is requesting approval of a Conditional Use Permit (CUP) for the following: <b>Request A</b> – An underground 16-inch pipeline that transfers crude oil from Cheyenne, Wyoming. <b>Request B</b> – The relocation of an existing underground 10-inch crude oil pipeline.
<b>Project Description:</b>	Requests A and B of this application are related to The Rocky Mountain Crude System Expansion Project (RMCSEP) which is 103 mile underground 16-inch crude oil pipeline that connects the Commerce City refinery with the crude oil production sites in Cheyenne, Wyoming. Of the 103 miles of pipeline that is necessary to connect these two locations, roughly 3 miles of the pipeline is located within Commerce City. As part of this project, the applicant is requesting approval to relocate roughly 1.5 miles of an existing underground 10-inch crude oil pipeline to a better receiving point on their refinery property.
<b>Issues/Concerns:</b>	For both <b>Requests A and B:</b> <ul style="list-style-type: none"> <li>▪ Impacts to adjacent property.</li> <li>▪ Impacts to the future RTD station at E. 72<sup>nd</sup> Avenue and Colorado Boulevard.</li> </ul>
<b>Key Approval Criteria:</b>	For both <b>Requests A and B:</b> <ul style="list-style-type: none"> <li>▪ Compliance with the Comprehensive Plan.</li> <li>▪ Compliance with the Land Development Code.</li> </ul>
<b>Staff Recommendation:</b>	For both <b>Requests A and B:</b> Approval with conditions
<b>Current Zone District:</b>	Various for both requests
<b>Comp Plan Designation:</b>	Various for both requests

**Attachments for Review:** *Checked if applicable to case.*

- ✓ Applicant's Narratives
- ✓ Neighborhood Meeting Summary

## Background Information for Request A and Request B

### **Refinery History:**

First known as the Continental Oil Refinery, the property west of Brighton Boulevard was originally developed in 1930 and has had several different owners and operators. Over the course of time, the refining operations spread across Brighton Boulevard to include the large-scale operation that exists today. During the 1980's Conoco owned and operated the property west of Brighton Boulevard and Valero owned and operated the property east of Brighton Boulevard. The refining operations were consolidated under the current owner and operator of the refinery, which is Suncor Energy (USA) Inc. in the 2000's.

### **Rocky Mountain Crude System Expansion Project (RMCSEP):**

The RMCSEP is a 103 mile underground crude oil pipeline that will connect production sites in Cheyenne, Wyoming to the Commerce City refinery. This project has an estimated value of 4.9 million dollars and consists of a new 16-inch nominal diameter steel pipeline that will connect production sites with the refinery and a shorter 10-inch nominal diameter steel pipeline that is a re-route of an existing 10-inch pipeline to a better receiving point on the refinery property. This project is intended to ensure a consistent and long term supply of crude oil from production areas and increase efficiency by reducing truck traffic in and around the Commerce City refinery. Once the RMCSEP is fully operational, there is the potential to decrease truck traffic by approximately 30-50 trucks a day. In the long term and upon completion of a separate project, Suncor would have the capacity to reduce truck traffic by 200 trucks a day.

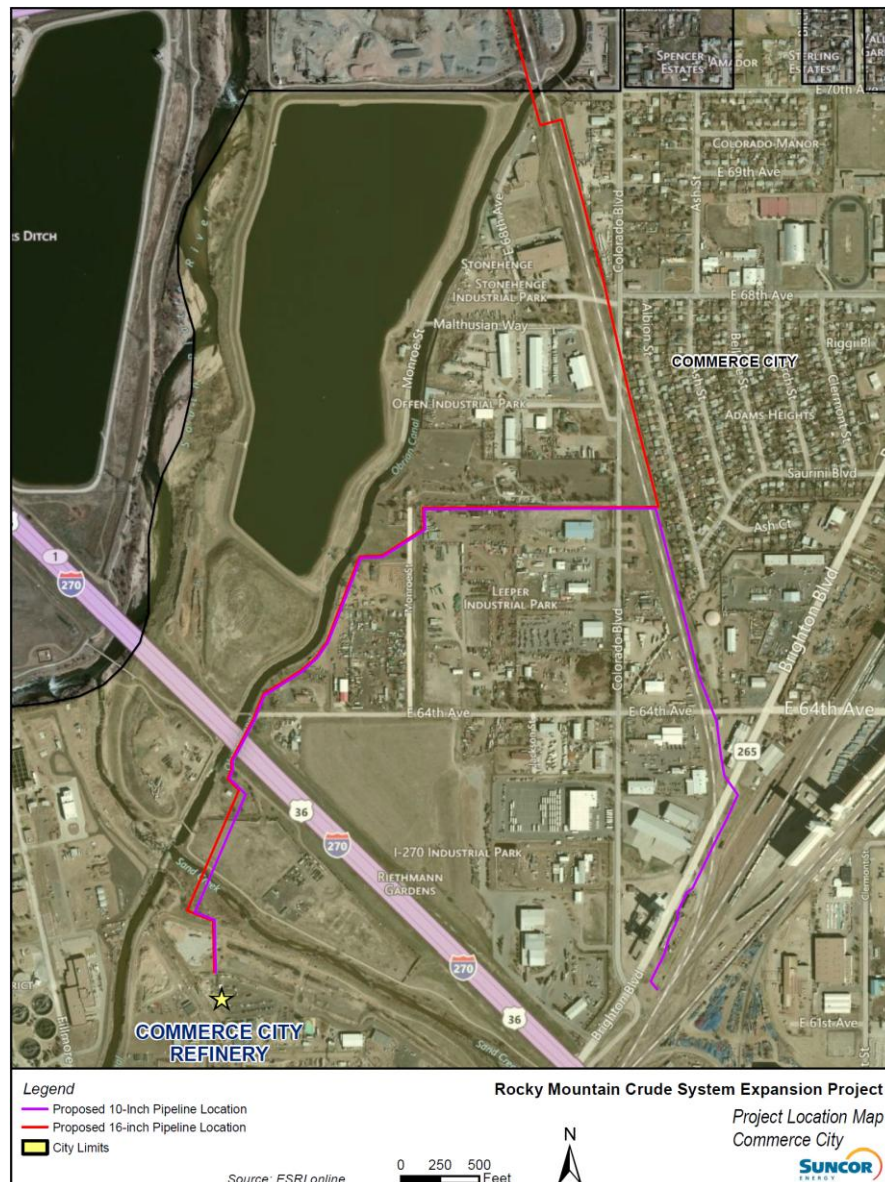
### **Current Zoning and Future Land Use along the proposed routes in Commerce City:**

The proposed 16-inch pipeline will enter into the city limits at E. 70<sup>th</sup> Avenue west of Colorado Boulevard and under the 'Boulder Spur' RTD right-of-way. All of this right-of-way is currently zoned I-1 (Light-Intensity Industrial). Once the proposed pipeline turns west (at roughly the future alignment of E. 65<sup>th</sup> Avenue) towards the O'Brian Canal it will be underneath property that is zoned I-3 (Heavy-Intensity Industrial) until it reaches Monroe Street. On the west side of Monroe Street, the proposed pipeline will be located under property that is currently zoned AG (Agricultural). Once the pipeline heads south along the O'Brian Canal, the properties where the pipeline is proposed are a mix of AG and I-3 zoned property. The Future Land Use Designations for the property where the pipeline is proposed is mostly designated for General Industrial (Medium to Heavy Industrial) uses, with two properties being designated for Open Space (both of these properties are currently zoned I-3). The re-route for the existing 10-inch pipeline will generally begin at the eastern side of the intersection of Brighton Boulevard and Colorado Boulevard, which is zoned I-3. The pipeline will run northeasterly along Brighton Boulevard until it reaches the southern tip of the property on the south side of E. 64<sup>th</sup> Avenue, which is also zoned I-3. Once it reaches this point it will turn in a northwesterly direction underneath Brighton Boulevard and underneath the 'Boulder Spur' right-of-way, which is zoned I-1. It will run under the Boulder Spur right-of-way until it reaches the future alignment of E. 65<sup>th</sup> Avenue, where it will follow the new 16-inch pipeline alignment. The entirety of the 10-inch pipeline is called out for General Industrial uses in the Future Land Use Plan.

**Proposed Pipeline Routes:**

Suncor Energy is requesting Conditional Use Permit approval for a new 16-inch underground crude oil pipeline and a re-route for an existing 10-inch underground crude oil pipeline. The proposed route for each pipeline is detailed in the table below.

16-inch pipeline (the red line)	10-inch pipeline (the purple line)
<p>The proposed 16-inch crude oil pipeline will enter the city’s boundaries at E. 70<sup>th</sup> Avenue west of Colorado Boulevard and will be located under the ‘Boulder Spur’ RTD right-of-way. It will travel in a southeasterly direction within the RTD right-of-way until it reaches the future alignment of E. 65<sup>th</sup> Avenue. It will then run westerly to the east side of the O’Brian Canal at which time it will run parallel to the Canal until it reaches the Suncor refinery property.</p>	<p>The re-route for the existing 10-inch pipeline will generally begin at the eastern side of the intersection of Brighton Boulevard and Colorado Boulevard. The pipeline will run northeasterly along Brighton Boulevard until it reaches the southern tip of the property on the south side of E. 64<sup>th</sup> Avenue. Once it reaches this point it will turn in a northwesterly direction underneath Brighton Boulevard and underneath the ‘Boulder Spur’ right-of-way. It will run under the ‘Boulder Spur’ right-of-way until it reaches the future alignment of E. 65<sup>th</sup> Avenue, where it will follow the new 16-inch pipeline alignment.</p>



## **Regulating Agencies and Permit Requirements:**

### Federal:

- US Army Corps of Engineers
  - Nationwide Permit 12

### State:

- Colorado Department of Public Health and Environment (CDPHE)
  - Construction Storm-water Discharge
  - Hydrostatic Test Water Discharge
  - Construction Dewatering
  - APEN – Land Development (Fugitive Dust)
- Colorado Department of Transportation (CDOT)
  - Utility/Special Use Permits
  - CDOT Access Permits

### County:

- Adams County and Weld County each have specific approvals for this project that are determined by each jurisdiction.

### City:

- The City of Dacono, The City of Northglenn, and The City of Thornton each have specific approvals for this project that are determined by each jurisdiction.
- Commerce City Requirements:
  - Conditional Use Permit (*subject of this application*)
  - Road Crossing Permits (*to be submitted upon CUP approval*)
  - Floodplain Development Permit (*submitted and currently under review*)
  - License Agreement (*currently being negotiated between the city and the applicant*)
  - Grading Permit (*to be submitted upon CUP approval*)
  - Erosion and Sediment Control Plans (*to be submitted upon CUP approval*)
  - Right-of-Way Permit (*to be submitted upon CUP approval*)

### Railroads:

- Union Pacific:
  - Railroad Crossing Permit

### Utilities:

- Public Service Company of Colorado:
  - Encroachment – License Agreement

### Miscellaneous:

- E-470 Public Highway Authority:
  - Construction & Access Permit

## Route Alternatives:

In planning for the RMCSEP, there were three route alternatives considered for the 16-inch pipeline (Request A).

### Route #1 (the green line): 'The Union Pacific Railroad (UPRR) Route'.

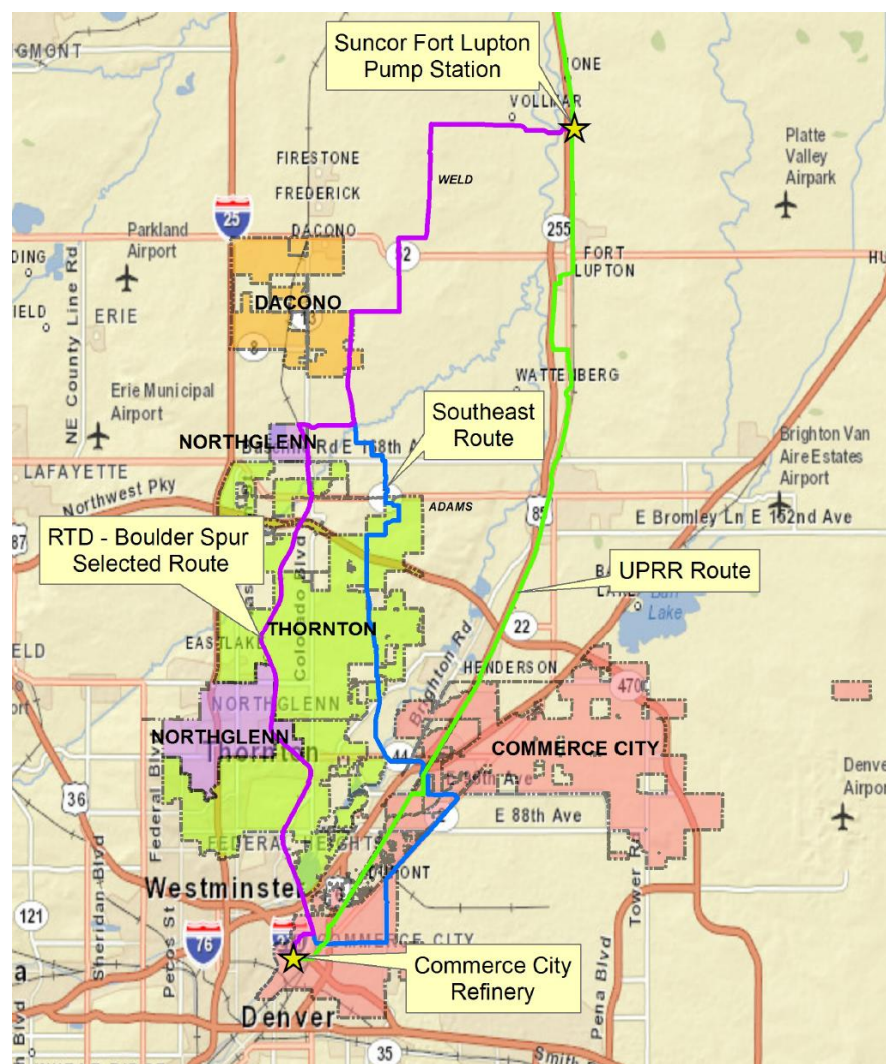
This route would run along the UPRR Greeley Sub Right-of-Way and is the current location for the existing 10-inch pipeline. The UPRR initially agreed to consider this route for the project, but later rejected it due to certain urban development plans.

### Route #2 (the purple/blue line): 'The Southeast Route'.

This route is the same as the 'Boulder Spur' Route for the northern 15 miles, but continues adjacent to an existing Sinclair pipeline corridor to the Sinclair terminal at E. 96<sup>th</sup> Avenue. The route proceeds through Adams County and Commerce City and has substantial construction in urban areas, including over a mile of in-street construction. This route had significant resistance from developers and local jurisdictions.

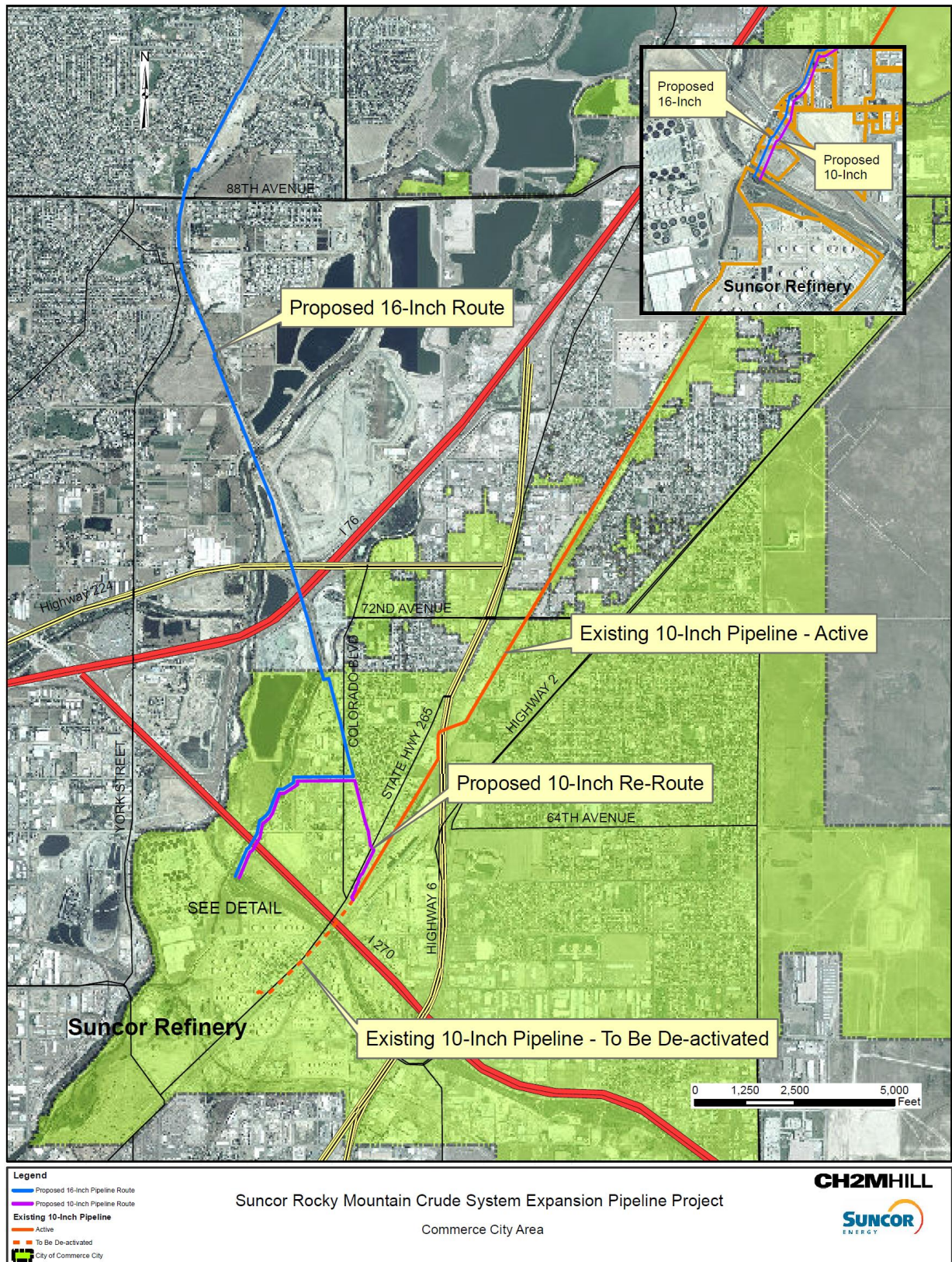
### Route #3 (the proposed route – the purple line): The 'Boulder Spur' Route.

This route proceeds southwest from Fort Lupton for approximately 15 miles where it joins the 'Boulder Spur' railroad right-of-way and follows the right-of-way for roughly 17 miles to the refinery. This route was selected because it has the least impacts on the public, local jurisdictions, and it is a relatively direct route to the refinery. Initially, the Union Pacific Railroad owned the right-of-way, but subsequently RTD has acquired the right-of-way for the North Metro Rail Line and is open to the RMCSEP route within the right-of-way.



10-inch re-route (Request B).

Suncor is proposing to re-locate approximately 1.5 miles of an existing 10-inch pipeline in order to receive the crude oil from this underground pipeline at a more convenient receiving point within the refinery property. The new receiving point is generally in the same location as the proposed 16-inch pipeline, which creates operational efficiencies for Suncor.



## **Applicant's Narrative for Request A and Request B**

### **Project Summary:**

Suncor is proposing to construct a 103 mile crude oil pipeline from Cheyenne, Wyoming to the refinery owned and operated by Suncor Energy (USA) Inc. and located in Commerce City. Named the Rocky Mountain Crude System Expansion Project (RMCSEP), the crude oil pipeline consists of a long section of 16-inch nominal diameter steel pipeline and a shorter section of 10-inch nominal diameter steel pipeline located closer to the Commerce City Refinery. The RMCSEP is intended to help ensure a consistent and long-term supply of crude oil from production areas in Colorado and Wyoming and to help increase efficiency by reducing truck traffic in and around Commerce City. Currently, crude oil is delivered to the refinery via existing pipelines and tanker trucks. The RMCSEP is vitally important as the Commerce City refinery is the only refinery in Colorado and it is a major supplier of gasoline, diesel fuel, jet fuel, asphalt, and other refined petroleum products to the Denver Metro region. Suncor is in sound financial condition and has the technical expertise to plan, construct, operate, and maintain the RMCSEP. The total estimated project value (labor and materials) for the pipeline construction within Commerce City is approximately 4.9 million dollars.

Suncor is also requesting approval for the re-route of 1.5 miles of an existing 10-inch pipeline to a more convenient receiving location within the refinery property. The portion of the 10-inch line that will no longer be in use will be emptied of crude oil utilizing nitrogen to push the oil out of the line. Once the active portion of the 10-inch line is tied into the new 10-inch line the remaining non-active portion will remain in its current location and filled with nitrogen gas (which is inert or nonreactive) at a low pressure which will help Suncor monitor the pipeline for leaks and protect the line from corrosion.

The total project will be completed in three separate phases. Phase I includes the northern most 12 miles of the RMCSEP which is located in southern Wyoming and northern Colorado. This Phase was completed in 2010. Phase II includes the portion of the project that runs from the Commerce City refinery to Fort Lupton. The 16-inch and 10-inch pipeline within Commerce City is scheduled to be completed by the end of 2013 and the remainder of Phase II is scheduled to be completed in 2014. Phase III of the project will connect Phase I and Phase II and is currently scheduled for completion in 2016 at which time the RMCSEP will become operational.

### **Project Overview:**

Suncor currently operates a 10-inch crude oil pipeline system that originates in Wyoming and terminates at the Commerce City refinery. The existing pipeline delivers crude oil to the Commerce City refinery as well as refineries in Cheyenne, Wyoming. The existing pipeline is currently at capacity and Suncor desires to update the line in order to improve the reliability of the crude oil supply to the Commerce City refinery. Upon completion of all three phases, the new pipeline capacity (from 10-inch to 16-inch) will increase from approximately 65,000 barrels per day (BPD) to 90,000 (BPD). The current plan for the existing 10-inch line is to have that remain in low pressure service to transport Colorado gathered crude oil to the refinery and it will help to supplement the new 16-inch pipeline. Within the current boundaries of Commerce City, Suncor plans to construct 1.45 miles of the 16-inch pipeline and 1.53 miles of the re-routed 10-inch pipeline.

### **Selected Routes:**

Suncor considered several factors including, but not limited to, construction feasibility, existing and future development, and potential environmental impacts to determine the preferred route for Phase II of the project from Fort Lupton to Commerce City. Several municipalities were consulted for input

during the route selection process and to the greatest extent possible, the selected route made an attempt to avoid densely populated areas of Commerce City.

The 'Boulder Spur' Route has been designed in parallel with RTD's desires to obtain a rail easement on the west side of the Suncor Refinery property and it provides an ideal corridor for the RMCSEP for many reasons. Specifically, the proposed routes for each line will minimize impacts to adjacent property owners by utilizing existing utility corridors and reducing truck traffic to the refinery. The project team has worked with RTD to develop a route and design that will allow for the future final design and construction of the North Metro Rail Line.

#### **Pipeline Description:**

Within the current municipal boundaries of Commerce City, the proposed 16-inch pipeline is anticipated to total 1.45 miles in length with approximately .91 miles located within existing rights-of-way (63%) with the proposed 10-inch pipeline is anticipated to total 1.53 miles in length with .36 miles located within existing rights-of-way (24%).

#### Construction Material:

- Both of the pipelines will be constructed from carbon steel.

#### Minimum Wall Thickness:

- The 16-inch pipeline will have a minimum wall thickness of .312-inches except within water body, wetland, and road crossings where it will be a minimum of .5-inches.
- The 10-inch pipeline will have a minimum wall thickness of .5-inches.

#### Cover Depth:

- Both of the pipelines will have 60-inches (5-feet) of cover, with more in areas beneath roadways or other crossing locations.

#### Above Ground Valves:

- No above ground valves are anticipated for either pipeline within Commerce City.

#### Cathodic Protection:

- Both pipelines are anticipated to incorporate cathodic protection, which protects steel pipelines from corrosion.

#### Pipeline Right-of-Way Easements:

- Generally speaking the pipelines will be located within an 80-foot wide construction easement (60-feet will be permanent and 20-feet will be a temporary construction easement).
- Where the 16-inch line is located within the RTD right-of-way, the permanent easement will be approximately 20 to 30 feet wide with an additional 50 to 60 feet of temporary construction workspace.

#### Potential Pipeline Impacts on the North Metro Rail Line:

- In response to the city's referral, Jane Donovan from RTD (the Project Manager for the North Metro Rail Line), states; *"We've reviewed the documents and have no comments or concerns."* In a letter provided to Adams County from Ms. Donovan, she states; *"Suncor has worked cooperatively with RTD in designing the pipeline project to ensure that it will not interfere with the timing or development of RTD's Metro Rail Line, including the planned transit stations"*. Based on this information, the RMCSEP will not impact the North Metro Rail Line or the proposed stations.

- Adjacent to Commerce City's station, Suncor proposes to position the pipeline right-of-way west of the rail station to avoid any impact in this area. In addition, no impacts are anticipated for the future development of the property adjacent to the Fastracks station.
- The development of permanent structures or buildings will not be allowed in the permanent pipeline right-of-way, but improvements outside of the permanent pipeline right-of-way will be decided on per the property owner and local land use regulations.

16-inch pipeline alignment at the North Metro Rail Line 72<sup>nd</sup> Avenue station:

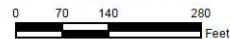


LEGEND

	RTD - Boulder Spur Pipeline Route
	Permanent Easement
	Temporary Easement
	Temporary Workspace
	RTD Track
	RTD - 72nd Street Station
	Access Roads

NOTES:

SCALE: 1 inch = 200 feet



<b>Suncor Rocky Mountain Crude System Expansion Pipeline Project</b>	
NORTH METRO RAIL LINE 72ND AVENUE STATION	
GENERATION DATE:	DRAWING NUMBER:
12/3/2012	398019

Pipeline Safety and Maintenance:

- Per the US Bureau of Transportation Statistics, pipelines have a better safety record than any other mode of oil transportation. Specifically, pipelines are 3,000 times less likely to experience an accident than if transported by truck.
- The Pipeline and Hazardous Materials Safety Administration's (PHMSA) Office of Pipeline Safety (OPS) an agency within the Department of Transportation, is the agency that has primary authority to regulate pipelines. PHMSA monitors pipelines and their compliance with safety requirements through inspections, incident investigation, and direct communication with operators. PHMSA also has a full range of enforcement mechanisms to make sure operators follow the statutes and regulations, take appropriate and timely corrective actions for violations, and take preventative measures to preclude future failures or non-compliant operations of pipelines.

- Suncor has established high standards for operation and maintenance, including aerial right-of-way inspections conducted bi-weekly, continuous leak detection and computer monitoring, 24/7 remote pipeline operations monitoring, and joint planning with community emergency response officials.
- Suncor's Electronic Control Center for the pipeline operation will be in Edmonton, AB, Canada. The Control Center is manned 24-7 by trained and qualified staff who will monitor pipeline operations and respond to alarms and emergencies. In addition, local maintenance and operation personnel are located at the Fort Lupton and Commerce City facilities. Pipeline communications will be transmitted via satellites located at respective stations where information is relayed concerning pertinent operating parameters, system status, and alarms. Back up communications are provided via land-line phone connections.
- Safety measures for the pipelines include, but are not limited to a leak detection system which is utilized to continuously analyze the pipeline operation, mainline block valves (valve with the capacity to block movement in one or more directions), corrosion protection, pressure control, and routine inspection of the pipeline.
- As previously mentioned, the 16-inch pipeline will incorporate a thicker wall (.5-inches) when underneath water bodies, wetlands, or road crossings to ensure adequate strength. The 10-inch re-routed line will have a standard wall thickness of .5-inches. In addition, when necessary, each pipeline will be buried more than the minimum 5-foot requirement to ensure safety.

## Development Review Team Analysis for Request A and Request B

### The Project Statistics:

In an effort to provide a thorough analysis of the project, it was important that the DRT understand the specifics of the request. Therefore, staff created the following table which highlights the relevant information that is important to consider for the underground pipelines.

Item	Proposal
Total Approximate Pipeline Length	103 miles
Approximate Pipeline Length in Commerce City	3 miles (about 3%)
Outside Diameter of the Pipeline	16-inches & 10-inches
Approximate Width of Temporary Construction Easements	80-feet (50 to 60 feet in the RTD right-of-way)
Approximate Width of the Permanent Easements	60-feet (20 to 30 feet in the RTD right-of-way)
Approximate Width of the Pipeline Trench	3 to 4 feet
Approximate Depth of the Pipeline Cover	5-feet
Minimum Pipe Wall Thickness	16-inch pipe: .312-inches & .5-inches 10-inch pipe: .5-inches
Proposed Pipeline in Existing Rights-of-Way	16-inch: 63% 10-inch: 24%
Approximate Project Value	\$4.9 Million

### Comprehensive Plan Review:

#### Comprehensive Plan

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

Section	Goal	Description
Economic Development Strategies	ED 2a	<b>BRE Program.</b> Continue to expand the business retention and expansion programs of the city.
<b><u>Analysis:</u></b>		Suncor is an important corporate citizen in Commerce City and ensuring that they have an adequate, dependable, and safe supply of crude oil is one way the city can ensure the retention of an important member of our business community.

Section	Goal	Description
Fiscal Stability Strategies	FS 2a	<b>Future Land Use Plan (FLUP) Consistency.</b> Retain, support, and expand the community's industrial base by approving development that is consistent with FLUP and the Economic Development Strategic Plan and modifying the LDC to reflect compliance with the FLUP.
<b><u>Analysis:</u></b>		The proposed pipeline will be located underground, which is preferred to an above ground pipeline. The approval of this CUP will help to retain, support, and expand the community's industrial base.

Section	Goal	Description
Transportation Strategies	T 4b	<b>Fastracks North Metro Corridor.</b> Work with partners, including RTD, to ensure that Commerce City's Fastracks' North Metro Corridor Station is built to serve Commerce City and that the station is well connected to the entire community through sidewalks, bikeways, and local transit service.
<b><u>Analysis:</u></b>		This project is supported by RTD in order to help facilitate the construction of the North Metro Corridor and will not impact the future development of the property adjacent to the Rail Station.

### **Public Notice for the Project:**

In an effort to notify adjacent property owners of the project, staff required that Suncor have a neighborhood meeting for all property owners within 300-feet of the proposed pipelines. While Suncor held neighborhood meetings for stakeholders in multiple jurisdictions, the following notices identified the neighborhood meeting that was focused on stakeholders within Commerce City. Suncor held their meeting on December 13, 2012 and notified property owners in the following way:

- Notices were sent by mail to all property owners within 300-feet of the pipelines.
- A notice was placed in the Denver Post on Sunday, December 2<sup>nd</sup> and Monday, December 3<sup>rd</sup>.
- A notice was placed in the Commerce City Sentinel on Tuesday, December 4<sup>th</sup>.
- A notice was placed in the Brighton Banner on Thursday, December 6<sup>th</sup>.
- A notice was placed in the Standard Blade (Brighton) on Wednesday, December 5<sup>th</sup>.

The neighborhood meeting was attended by eight individuals who were allowed to ask questions and discuss the project. Overall, the concerns expressed were related to the potential impacts to property values and construction times. Generally speaking, the project should not impact property values given that the pipelines will be located underground. In terms of construction hours, the project is currently scheduled to be worked on during the hours of 7:00am and 5:00pm Monday thru Saturday with additional working hours incorporated as necessary. In order to alleviate the construction concerns, staff is recommending that the Planning Commission and the City Council condition any approval of the requested CUP with a requirement that the applicant notify all property owners within 300-feet of the pipeline prior to beginning construction of Phase II of the project in Commerce City.

### **Regulating Agencies for this Project:**

Staff required that the applicant document all of the agencies that will review the requested pipelines and the types of permits that are required. As outlined in the 'Background' section of this staff report, this project is highly regulated by a variety of jurisdictions at all levels of government. To date, staff has not received any information to suggest that the request is in violation of any of the permit requirements or regulations of any governing authority.

### **Zoning and Land Use Analysis:**

#### Entitled Zoning:

In reviewing the submitted request, staff identified the alignments of the pipelines and the assigned zoning for each property the pipeline would run underneath. In performing this analysis, staff was able to determine that the proposed routes will be located underneath property that is currently zoned industrially or agriculturally, which both require the approval of a Conditional Use Permit (CUP) for support activities for oil and gas operations. Therefore, the applicant is required to receive approval for a CUP prior to beginning construction of the underground pipeline, which is the subject of this application.

#### Future Land Use Designations:

After reviewing the application against the entitled zoning for the properties where the pipelines would be underneath, staff looked at the proposed pipelines routes for future land use designations. This analysis showed that this area of the City is generally identified for industrial uses, which have historically occurred in this area. There are a couple of exceptions, where property along the O'Brian Canal and the South Platte River are identified for Open Space. Generally speaking, the proposed pipeline alignments do not limit the current or future development of these properties from developing in a manner that is consistent with the city's Future Land Use Plan.

#### Adjacent Land Uses:

The next step for staff was to review the application against the existing land uses that would be above or adjacent the proposed pipelines. This analysis showed that the proposed alignments are not located underneath or adjacent to any schools or parks. However, the proposed alignment for both the 10-inch and the 16-inch line would be sporadically close to residential development between the refinery property and

Colorado Boulevard and then continuously close to residential development when they cross Colorado Boulevard and makes their way into the 'Boulder Spur' RTD right-of-way. The 16-inch line will be close to residential development generally between the future E. 65<sup>th</sup> Avenue alignment and the existing E. 67<sup>th</sup> Place alignment and the 10-inch line will be close to residential development between the future E. 65<sup>th</sup> Avenue alignment and southern edge of Albion Street. In reviewing the details of this alignment, staff determined that since the pipelines would be located underground, monitored 24-7-365, and routinely inspected there would not be significant adverse impacts to this residential development.

In reviewing the route alternatives for the proposed 16-inch route, staff was able to conclude that the proposed route alternatives (Route 1 and Route 2 mentioned above) were located adjacent to and/or underneath residential development for much longer stretches. Therefore the selected route (Route 3) minimizes the pipeline's adjacency to residential development.

Overall, the DRT determined that the proposed alignments (of both the 16-inch and the 10-inch) minimized adverse impacts to residential development to the maximum extent possible, that the proposed alignments minimized their adjacency to residential development, and the lines would not be located adjacent to schools or parks.

#### Landfills:

The applicant is aware that 13 of the properties where their pipelines are proposed are closed landfills. As part of this application, Suncor has agreed that prior to construction they will execute a Site Investigation Plan, performing soil borings every 150-feet along the length of the pipeline to a depth of 8-feet at the locations of the landfills in order to characterize the nature and extent of the landfill contaminants. Based on the results of the Site Investigation Plans, Suncor will develop a Materials Handling Plan to address how to properly dispose of contaminants.

#### **Staff Analysis of the Route Alternatives:**

##### 16-inch Pipeline:

The applicant has been working with the city since 2009 in order to determine the most appropriate route for the RMCSEP. During this time, city staff worked closely with Suncor to identify a route that would meet the needs of Suncor while ensuring minimal impact to Commerce City.

- Route 1 was not a preferred route by staff due to its proximity to either existing development within the city or areas that have been designated for future development within the city.
- Route 2 was not a preferred route by staff due to the impacts it would have on strategic properties and strategic areas of the city. Specifically, this route would be in close proximity to residential development for long stretches, it would require easements along the former Mile High Greyhound Park site that could potentially impact redevelopment of the site, and it would run underneath or adjacent to major corridors such as E. 96<sup>th</sup> Avenue, State Highway 2, Quebec Parkway, and E. 64<sup>th</sup> Avenue for long stretches.
- Route 3 is the preferred route by staff because this route minimizes the length of pipeline that is within Commerce City's boundaries, it minimizes the pipeline's adjacency to residential uses, it provides an opportunity for RTD and Suncor to work out an agreement for the alignment of the North Metro Fastracks Line, and there are no adverse impacts to the future Fastracks station at E. 72<sup>nd</sup> Avenue or the potential for future development on adjacent properties to the station.

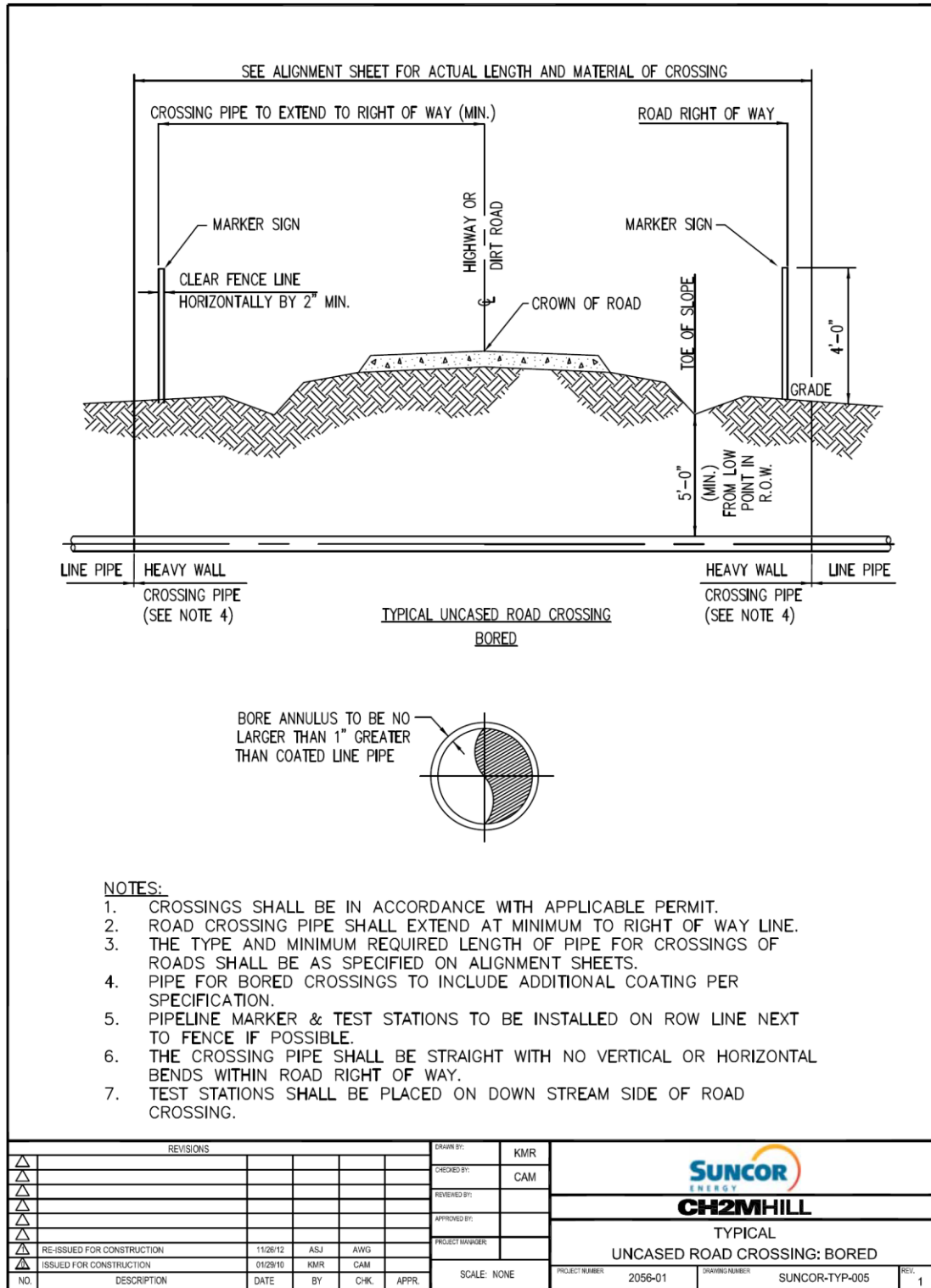
##### 10-inch Pipeline:

The route for the re-alignment of the 10-inch pipeline will be located in the same RTD right-of-way as the 16-inch pipeline and will travel within the same easement as the 16-inch pipeline once it leaves the RTD right-of-way. Staff has concluded that this route makes sense because it uses RTD right-of-way and the same easement as the 16-inch pipeline.

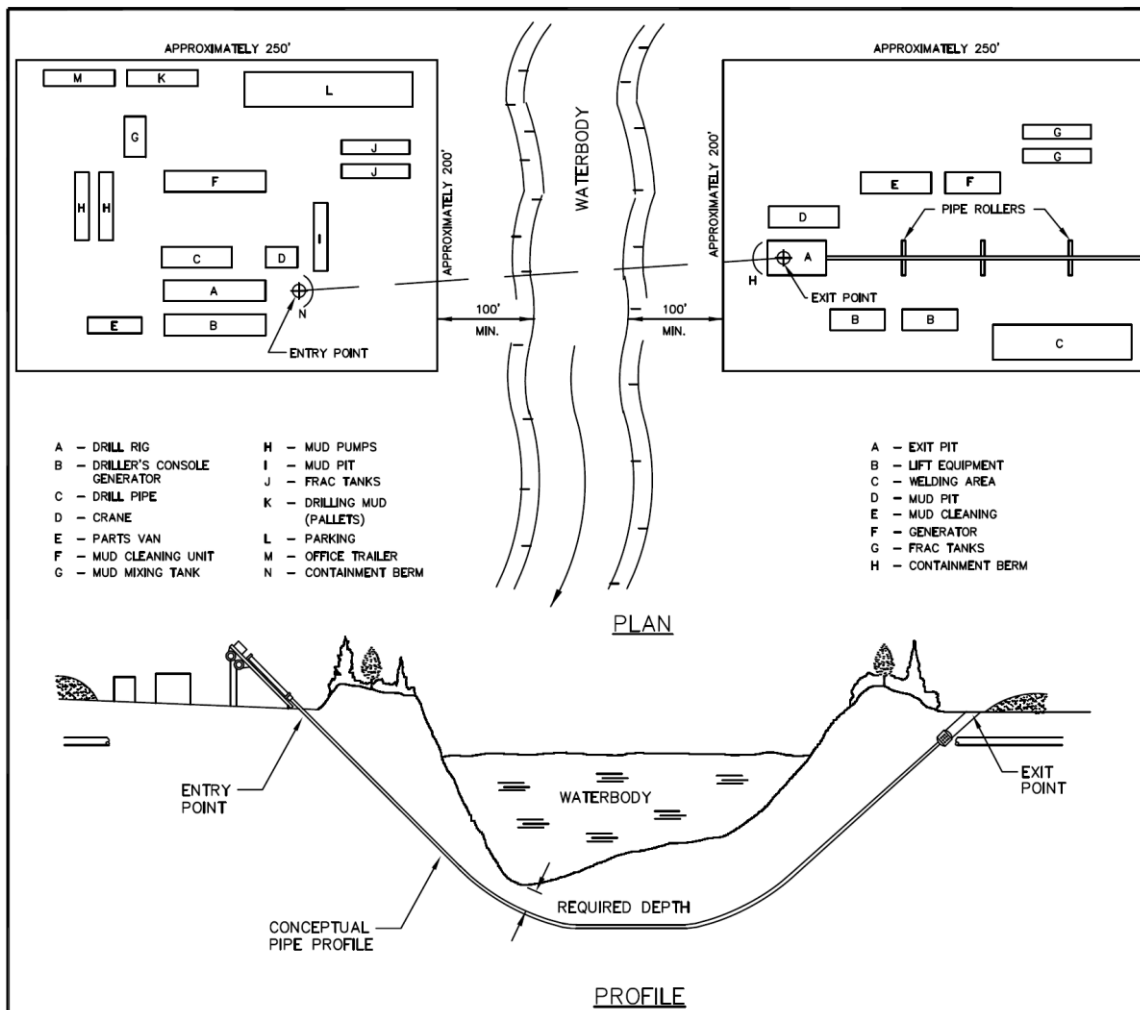
### The Pipeline Crossings:

Waterways and roadways will be crossed via boring or horizontal directional drilling (HDD), which will avoid surface impacts in these areas. The applicant has provided general diagrams as to how water and road crossings will be accomplished. The applicant has also committed to working with the Colorado Department of Transportation (CDOT) and the Commerce City Public Works Department in order to ensure all access permits are obtained and any road crossings comply with the necessary requirements.

#### Typical Road Bore:



### Typical Water Bore:



**NOTES:**

1. SET UP DRILLING EQUIPMENT A MINIMUM OF 100 FEET FROM THE EDGE OF THE WATERBODY. DO NOT CLEAR OR GRADE WITHIN THE 100 FOOT ZONE.
2. ENSURE THAT ONLY BENTONITE BASED DRILLING MUD IS USED. DO NOT ALLOW THE USE OF ANY ADDITIVES TO THE DRILLING MUD WITHOUT THE APPROVAL OF COMPANY'S INSPECTOR.
3. INSTALL SUITABLE DRILLING MUD TANKS OR SUMPS TO PREVENT CONTAMINATION OF WATERBODY.
4. INSTALL BERMS DOWNSLOPE FROM THE DRILL ENTRY AND ANTICIPATED EXIT POINTS TO CONTAIN ANY RELEASE OF DRILLING MUD.
5. DISPOSE OF DRILLING MUD IN ACCORDANCE WITH THE APPROPRIATE REGULATORY AUTHORITY REQUIREMENTS.
6. ENTRY AND EXIT SITE LAYOUT ARE APPROXIMATE DIMENSIONS, REFER TO CONSTRUCTION DRAWINGS FOR SITE SPECIFIC WORK AREAS.

REVISIONS						DRAWN BY:	KMR	<p style="margin: 0;">TYPICAL WATERBODY CROSSING H.D.D.</p>	
△						CHECKED BY:	CAM		
△						REVIEWED BY:			
△						APPROVED BY:			
△						PROJECT MANAGER:			
△	ISSUED FOR CONSTRUCTION	01/29/10	KMR	CAM		SCALE: NONE	PROJECT NUMBER: 2056-01	DRAWING NUMBER: SUNCOR-TYP-015	REV: 0

**Impacts of the Project:**

In an effort to help ensure the health, safety, and welfare of the residents and businesses within Commerce City, staff reviewed this application with an emphasis on potential adverse impacts of the project. After reviewing the information that has been submitted, staff has determined that the adverse impacts that may be related to this project would be minimal and would be for relatively short time frames. Staff recognizes that during the construction period of the project, there is likely to be increased noise and/or dust. Once construction is complete, any adverse impacts will be negligible. Staff has also determined that there would not be significant adverse impacts to adjacent property values because the pipeline would be located underground.

In addition to identifying adverse impacts, staff also identified potential benefits of the project to the city. The DRT concluded that the biggest benefit to the community would be reducing truck traffic in and around the refinery. The reduction in truck traffic would decrease the impacts to the city's road network, which is beneficial to all residents, businesses, and visitors to Commerce City. In addition, the reduction in truck traffic will reduce vehicle emissions and help to improve the air quality of the area. Finally, the reduction in truck traffic will create less truck traffic in the area, which reduces the potential for an accident to occur with a truck full of oil.

**Staff Review Summary:**

The first step in reviewing the requested Conditional Use Permit was to ensure an understanding of the basic information related to the request. Once the relevant information was identified, staff reviewed the request against the city's adopted goals within the Comprehensive Plan. Staff concluded that the proposal is consistent with several of the Comprehensive Plan Goals. Once staff determined that the request is consistent with the Comprehensive Plan, staff reviewed the application from compliance with several items related to ensuring the health, safety, and welfare of the community. Specifically, the DRT is comfortable that the selected routes are the most appropriate routes, that the construction of the pipelines in key areas will be adequate, that the necessary regulating agencies are aware of the project and will ensure safe operations of the pipelines, that the applicant has adequately informed those within 300-feet of the project, and staff reviewed the application to ensure that any adverse impacts related to the project have been minimized to the maximum extent possible.

After reviewing the application as outlined above and reviewing it against the Conditional Use Permit approval criteria outlined below, the DRT is recommending that the Planning Commission recommend approval and that the City Council approve the request for the new 16-inch pipeline and the re-route of the 10-pipeline, subject to certain conditions.

**Conditional Use Permit Approval Criteria Analysis for Request A:**

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale for Request A
☒	The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they are envisioned to exist in any adopted City plan, program or ordinance;	The proposed pipeline will be located underground which will not result in adverse effects on neighboring property or on the character of the area.
☒	Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;	The proposed pipeline will be located underground which will not result in adverse effects on neighboring property. In order to prevent unforeseen adverse impacts, the pipeline will be constructed with cathodic protection and will be monitored on a continuous basis.
☒	The characteristics of the site are suitable for the proposed use;	This pipeline is proposed to be located underground which is suitable for the characteristics of the different properties it will be located underneath.
☒	The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents or the applicant has committed to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;	The proposed pipeline does not require any services and therefore, will not put an undue burden on any improvements or services.
☒	The applicant has provided adequate assurances of continuing maintenance;	The applicant has identified several different strategies in their narrative for monitoring and maintaining the proposed pipeline.
☒	No evidence suggests that the use violates any federal, state, or local requirements.	Staff has not received any comments suggesting that the proposal violates any federal, state, and local requirements.
☒	The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the City.	The project has been determined to be compliant with the Comprehensive Plan as stated above and obtaining an approved CUP will bring the project into compliance with the land use regulations.

**Conditional Use Permit Approval Criteria Analysis for Request B:**

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale for Request B
☒	The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they are envisioned to exist in any adopted City plan, program or ordinance;	The pipeline is proposed to be located underground which will not result in adverse effects on neighboring property or on the character of the area.
☒	Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;	This pipeline is proposed to be located underground which will not result in adverse effects on neighboring property. In order to prevent unforeseen adverse impacts, the pipeline will be constructed with cathodic protection and will be monitored on a continuous basis.
☒	The characteristics of the site are suitable for the proposed use;	The pipeline is proposed to be located underground which is suitable for the characteristics of the different properties it will be located underneath.
☒	The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents or the applicant has committed to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;	The proposed pipeline does not require any services and therefore, will not put an undue burden on any improvements or services.
☒	The applicant has provided adequate assurances of continuing maintenance;	The applicant has identified several different strategies in their narrative for monitoring and maintaining the proposed pipeline.
☒	No evidence suggests that the use violates any federal, state, or local requirements.	Staff has not received any comments suggesting that the proposal violates any federal, state, and local requirements.
☒	The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the City.	The project has been determined to be compliant with the Comprehensive Plan as stated above and obtaining an approved CUP will bring the project into compliance with the land use regulations.

## Development Review Team (DRT) Recommendation: Request A and Request B

Based upon the analysis above, the Development Review Team believes that the application **meets** the criteria for a Conditional Use Permit set forth in the Land Development Code and recommends that the Planning Commission forward the Conditional Use Permit request to the City Council with a **favorable** recommendation for both Request A and Request B, **subject to the following conditions:**

### CONDITIONS:

- A. Any alteration to the location of the route of this pipeline will require an amendment to this Conditional Use Permit.
- B. The pipeline shall be used to transport crude oil. Any change in the material being transported through this pipeline will require an amendment to this Conditional Use Permit.
- C. Prior to commencing pipeline construction in Commerce City, the applicant shall provide a copy of an Emergency Response Plan to the city's Emergency Response Operations Center and the South Adams County Fire Protection District (SACFPD). This plan shall be kept updated and the pipeline operator shall provide changes to the document to these groups within 90 days of a change.
- D. The pipeline operator shall notify the city's Planning Division if usage of the pipeline is ever discontinued. In addition, the pipeline operator shall be required to furnish a mitigation plan for the pipeline at that time.
- E. The applicant shall provide copies of any survey results and/or mitigation plans for all landfills that are evaluated as part of this project to the city's Planning Division and the Tri-County Health Department within 90 days of the completion of the plan.
- F. At the conclusion of the construction of Phase II of the pipeline, the applicant shall provide copies of 'as built' surveys to the city's Planning Division.
- G. The applicant shall notify all property owners within 300-feet of the pipeline prior to beginning construction of Phase II within the Commerce City boundaries.

## **\*Recommended Motion for Request A\***

### **To recommend approval subject to condition(s) for the 16-inch pipeline:**

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Conditional Use Permit for the requested alignment as described in the "Background Information" section of this staff report contained in case CU-102-13 **meets** the criteria of the Land Development Code and, based upon such finding, recommend that the City Council **approve the Conditional Use Permit for the new 16-inch pipeline, subject to the following conditions:**

- A. Any alteration to the location of the route of this pipeline will require an amendment to this Conditional Use Permit.
- B. The pipeline is to be used to transport crude oil. Any change in the material being transported through this pipeline will require an amendment to this Conditional Use Permit.
- C. Prior to commencing pipeline construction in Commerce City, the applicant shall provide a copy of an Emergency Response Plan to the city's Emergency Response Operations Center and the South Adams County Fire Protection District (SACFPD). This plan shall be kept updated and the pipeline operator shall provide changes to the document to these groups within 90 days of a change.
- D. The pipeline operator shall notify the city's Planning Division if usage of the pipeline is ever discontinued. In addition, the pipeline operator shall be required to furnish a mitigation plan for the pipeline at that time.
- E. The applicant shall provide copies of any survey results and/or mitigation plans for all landfills that are evaluated as part of this project to the city's Planning Division and the Tri-County Health Department within 90 days of the completion of the plan.
- F. At the conclusion of the construction of Phase II of the pipeline, the applicant shall provide copies of 'as built' surveys to the city's Planning Division.
- G. The applicant shall notify all property owners within 300-feet of the pipeline prior to beginning construction of Phase II within the Commerce City boundaries.

## **\*Recommended Motion for Request B\***

### **To recommend approval subject to condition(s) for the 10-inch pipeline:**

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Conditional Use Permit for the requested alignment as described in the "Background Information" section of this staff report contained in case CU-102-13 **meets** the criteria of the Land Development Code and, based upon such finding, recommend that the City Council **approve the Conditional Use Permit for the re-route of the existing 10-inch pipeline, subject to the following conditions:**

- A. Any alteration to the location of the route of this pipeline will require an amendment to this Conditional Use Permit.
- B. The pipeline is to be used to transport crude oil. Any change in the material being transported through this pipeline will require an amendment to this Conditional Use Permit.
- C. Prior to commencing pipeline construction in Commerce City, the applicant shall provide a copy of an Emergency Response Plan to the city's Emergency Response Operations Center and the South Adams County Fire Protection District (SACFPD). This plan shall be kept updated and the pipeline operator shall provide changes to the document to these groups within 90 days of a change.
- D. The pipeline operator shall notify the city's Planning Division if usage of the pipeline is ever discontinued. In addition, the pipeline operator shall be required to furnish a mitigation plan for the pipeline at that time.
- E. The applicant shall provide copies of any survey results and/or mitigation plans for all landfills that are evaluated as part of this project to the city's Planning Division and the Tri-County Health Department within 90 days of the completion of the plan.
- F. At the conclusion of the construction of Phase II of the pipeline, the applicant shall provide copies of 'as built' surveys to the city's Planning Division.
- G. The applicant shall notify all property owners within 300-feet of the pipeline prior to beginning construction of Phase II within the Commerce City boundaries.

## Alternative Motions for Request A

### To recommend approval for the 16-inch pipeline:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the requested alignment as described in the "Background Information" section of this staff report contained in case CU-102-13 **meets** the criteria of the Land Development Code and, based upon such finding, recommend that the City Council **approve the Conditional Use Permit for the new 16-inch pipeline.**

### To recommend denial for the 16-inch pipeline:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the requested alignment as described in the "Background Information" section of this staff report contained in case CU-102-13 for new 16-inch pipeline fails to meet the following criteria of the Land Development Code:

#### *List the criteria not met*

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Conditional Use Permit for the requested 16-inch underground pipeline.

## Alternative Motions for Request B

### To recommend approval for the 10-inch pipeline:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the requested alignment as described in the "Background Information" section of this staff report contained in case CU-102-13 **meets** the criteria of the Land Development Code and, based upon such finding, recommend that the City Council **approve the Conditional Use Permit for the re-route of the existing 10-inch pipeline.**

### To recommend denial for the 10-inch pipeline:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the requested alignment as described in the "Background Information" section of this staff report contained in case CU-102-13 for the re-route of the existing 10-inch pipeline fails to meet the following criteria of the Land Development Code:

#### *List the criteria not met*

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Conditional Use Permit for the requested 10-inch underground pipeline re-route.