



Location:

The Second Creek Interceptor extends from E. 81st Avenue and Tower Road to E. 120th Avenue and Wheeling Street along Second Creek. The Sand Creek Interceptor is near E. 64th Avenue and York Street.

Applicant:

Metro Wastewater Reclamation District

Request:

Conditional use permit for a 6.4-mile long wastewater pipeline project, along Second Creek, known as the Second Creek Interceptor and improvements to 0.8 miles of the existing Sand Creek Interceptor.

Case # CU-123-20 & Res 2020-78

Update

- Council voted to continue this case during the September 21 hearing
- The District and FRICO have now reached an agreement to perform both crossings via open cut methods as requested by FRICO at the City Council Hearing.



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Update

- The revised construction method (from tunneling to open cut) will now result in:
 - 2 closures of East 112th Ave
 - Detours provided
 - Extended construction hours for a six-week period
 - Limited timeframe for construction around the canal will necessitate 24/7 construction activities



Update

- Staff is supportive of the revised application
 - Area of construction adjacent to the canal is undeveloped for approximately a quarter mile distance.
- The revisions did not result in any major changes to the proposed conditions.
 - The resubmittal date of October 2020 was added to condition A.



Recommendation

- On August 4, 2020 the Planning Commission voted 5-0 to recommend **approval** to City Council subject to conditions.
- Staff has since worked with the City Attorney's office to make minor revisions to the recommended conditions
 - Provide consistency with IGA
 - Clarify terms
 - Correct typos
 - Improve formatting

Conditions

- Conditions generally dealing with:
 - Approval permits
 - Obtaining easements and property rights
 - Parks and trails
 - Temporary construction areas
 - Mitigation on construction and disturbance activity
 - Noise, dust, hazardous materials and odor
 - Notification of changes to the City



Res 2020-78 IGA

- The Interceptor falls within the City's permitting authority as a matter of "state interest" (Chapter 22), also known as 1041 regulations from the bill that created the authority.
- The purpose of 1041 authority is to provide enhanced local authority over certain types of projects.



Res 2020-78 IGA

- The City's code authorizes waiver of 1041 regulations in some circumstances, including when an IGA is negotiated between the City and a government building a project.
- The proposed IGA:
 - Defers to the City's Conditional Use Permit as the primary regulatory process and waives the 1041 permit requirement
 - Supplements the CUP to enhance project benefits and minimize impacts (e.g., preferred alignment; trail construction)
 - Provides a basis for future easements and licenses on City properties for the Interceptor
 - Retains enforcement authority

Recommendation

- Staff recommends Council approve the IGA
 - One update since 9/21, the IGA will now allow for temporary closures of 112th Ave. and 88th Ave. and lane reduction at 81st Ave.

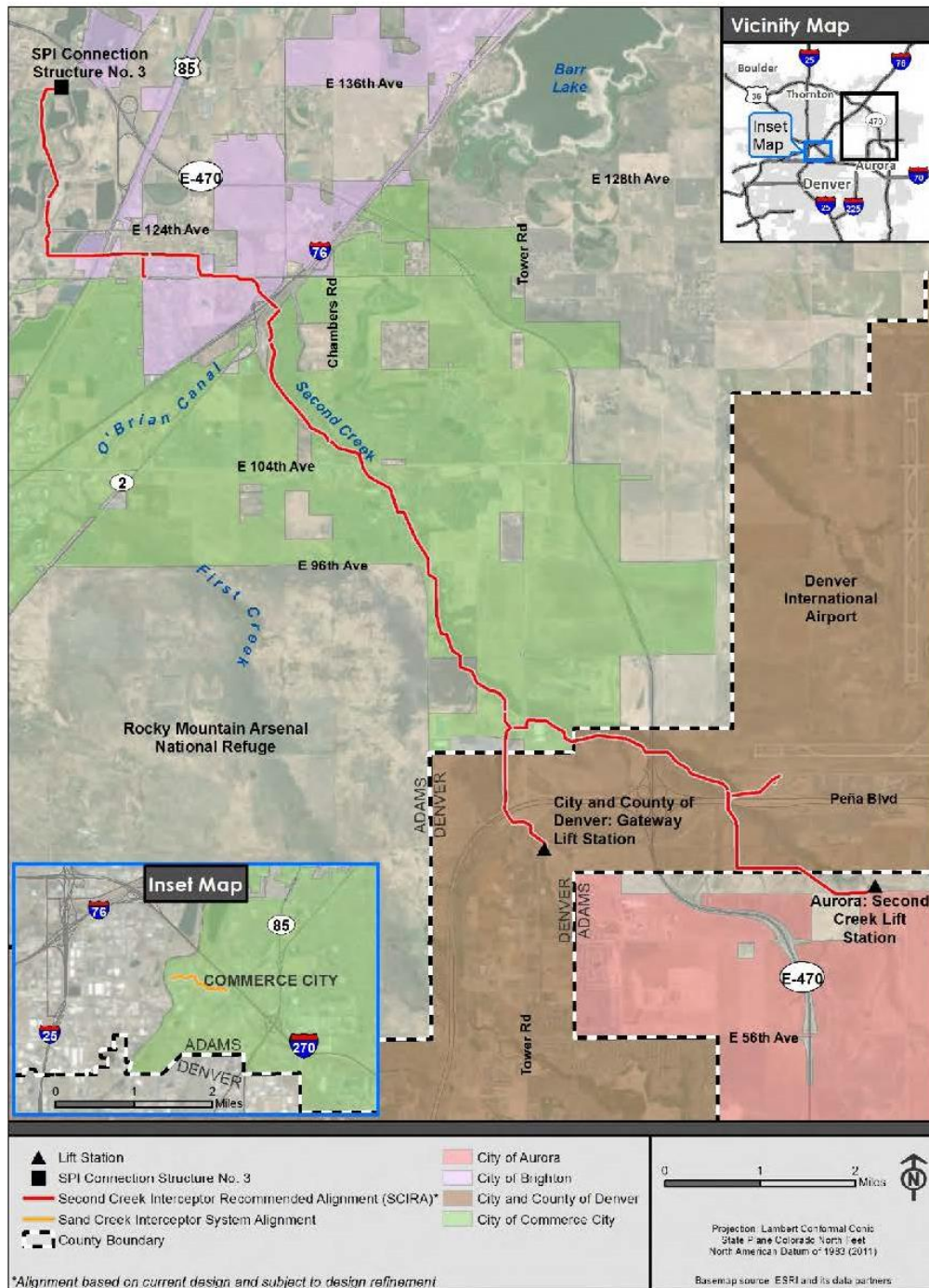


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Staff is available to answer any questions.





Route Map

Zoning: Public, AG, PUD



Need for Conditional Use

- LDC Article V:
 - Public Utility Installation (Conditional Use Permit in all zone districts).



Statistics

Item	Proposed
Total Approximate Pipeline Length	17.5 miles
Approximate Pipeline Length in City	6.4 miles
Pipeline Outside Diameter	36 to 60 inches
Approximate Width of Construction	40 feet of permanent easement
Pipeline Cover Depth	5-50 feet



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Construction Schedule

- Construction beginning in Fall of 2020
- Phased into segments to reduce impacts
- Last phase completed by early 2024



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Regulatory Review

- US Army Corps of Engineers
- US Fish and Wildlife Service
- Colorado Parks and Wildlife
- Colorado Department of Public Health and Environment – Air Pollution Control Division
- Colorado Department of Public Health and Environment – Water Quality Control Division
- Colorado Department of Public Health and Environment – Hazardous Materials and Waste Management Division
- State Historical Preservation Office
- Colorado Department of Transportation
- Colorado Division of Water Resources
- City of Commerce City
- Adams County
- City and County of Denver
- City of Aurora
- City of Brighton



Planning Commission Analysis

- Conditional Use Criteria:
 - Characteristics of the site are suitable;
 - Use will be served by the City;
 - Proposed use will not result in substantial adverse effects and adverse effects have been mitigated to the maximum extent feasible;
 - Ongoing maintenance;



Planning Commission Analysis

- Conditional Use Criteria:
 - Use does not violate federal, state, or local requirements;
 - Community need exists;
 - Proposed changes:
 - Improve level of service
 - Reduces energy use and carbon footprint
 - Decreases long-term operations and maintenance (O&M) costs
 - Provides service for future development



Public Notification/Outreach

- July 2019, 2 open houses were held within Commerce City
- Website with latest information.
- Since posting, one phone call seeking more information.



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Required Public Notification

(Pursuant to LDC Sec. 21-3285)

Type of Notification	Code Required	Code Required Minimum Met	Notification Provided
Mail/Postcard to Adjacent Property Owners	Mailed Notification to property owners within 500 feet	✓	1212 Adjacent Property Owners Notified
Publication/ Newspaper Notice	Notice in local newspaper	✓	Notice in Commerce City Sentinel-Express
Placard/Sign on Property	At least one sign on subject property	✓	22 Signs Posted

All public notification met the requirements of Resolution 2020-30 to provide notice that the meeting may be conducted electronically; advance registration for testifying is required; and information for participation is provided in the published agenda.

Public Notification

- As of September 14, staff has received questions from two of the adjacent property owners. One requested additional information and the other, FRICO, requested additional conditions be added to the CUP. Planning Commission decided not to add the requested conditions during the August Public Hearing.



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