



Board of County Commissioners

Eva J. Henry - District #1
Charles "Chaz" Tedesco - District #2
Erik Hansen - District #3
Steve O'Doriso - District #4
Jan Pawlowski - District #5

PUBLIC HEARING AGENDA

NOTICE TO READERS: The Board of County Commissioners' meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Board members to gain a basic understanding, thus eliminating lengthy discussions. Timely action and short discussion on agenda items does not reflect a lack of thought or analysis on the Board's part. An informational packet is available for public inspection in the Board's Office one day prior to the meeting.

THIS AGENDA IS SUBJECT TO CHANGE

Tuesday
December 13, 2016
9:30 AM

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOTION TO APPROVE AGENDA

4. AWARDS AND PRESENTATIONS

- A. Recognition of the Holiday Decorating Committee
- B. Certificate and Award of Financial Reporting Achievement

5. PUBLIC COMMENT

A. Citizen Communication

A total of 30 minutes is allocated at this time for public comment and each speaker will be limited to 3 minutes. If there are additional requests from the public to address the Board, time will be allocated at the end of the meeting to complete public comment. The chair requests that there be no public comment on issues for which a prior public hearing has been held before this Board.

B. Elected Officials' Communication

6. CONSENT CALENDAR

- A. List of Expenditures Under the Dates of December 2-9, 2016
- B. Minutes of the Commissioners' Proceedings from December 6, 2016
- C. Adams County Treasurer's Summary October 1-31, 2016
- D. Adams County Treasurer's Summary November 1-30, 2016

- E.** Resolution Approving Intergovernmental Agreement between Adams County and the City of Brighton Regarding a Joint District Plan Commission
- F.** Resolution Approving Amendment 1 to Unimproved Land Lease between Front Range Airport and Richard W. Norloff
- G.** Resolution Approving Abatement Petitions and Authorizing Refund of Taxes for Account Numbers R0078623, R0100089 and P0032689
- H.** Resolution Regarding Defense and Indemnification of Treasurer Brigitte Grimm and Sheriff Michael McIntosh as Defendants Pursuant to C.R.S. § 24-10-101, Et Seq.
- I.** Resolution Regarding Defense and Indemnification of Elisardo Lopez as a Defendant Pursuant to C.R.S. § 24-10-101, Et Seq.
- J.** Resolution Regarding Defense and Indemnification of Michael McIntosh and Benjamin Mainero as Defendants Pursuant to C.R.S. § 24-10-101, Et Seq.
- K.** Resolution Approving Memorandum of Understanding between Adams County and Edge Energy LLC
- L.** Resolution Approving Property Damage Release between Adams County and Progressive Insurance Company for Damage to County's Traffic Signal Control Device on Pecos Street and 1-76 by Progressive's Insured
- M.** Resolution Supporting a Letter of Support for the Application of the City of Westminster, Colorado, for a Great Outdoors Colorado Grant for a Nature Playground at the Westminster Station Area Park
- N.** Resolution Authorizing the Creation of a FlatRock Facility Fund to Account for Revenues and Expenditures for the Adams County FlatRock Training Facility
- O.** Resolution Giving Notice of Clarification of Subdivision Improvements Agreement Preliminary Acceptance Authority
- P.** Resolution Approving Application in Case #PRC2016-00004 Pomponio Terrace Filing 1 and 2
- Q.** Resolution Approving Subdivision Improvements Agreement for Pomponio Terrace Filing 1
- R.** Resolution Approving Subdivision Improvements Agreement for Pomponio Terrace Filing 2
- S.** Resolution Approving Contract to Buy and Sell Real Estate between Adams County and Luis and Carolina Alvarado for Property Located at 6690 East 77th Place
- T.** Resolution Approving Joint Entity Intergovernmental Agreement between Adams County and the City and County of Denver

7. NEW BUSINESS

A. COUNTY MANAGER

- 1.** Resolution Approving Addendum One to Agreement between Adams County and Duran Excavating, Inc., Extending the Agreement for the West 60th Avenue Improvements Project, for the Transportation Department

2. Resolution Approving Addendum Two to Agreement between Adams County and Drexel, Barrell & Co., for the York Street Improvements Project, for the Transportation Department
3. Resolution Approving Amendment One to Agreement between Adams County and Access Housing, Inc., to Provide Emergency Housing and Other Related Services for Temporary Assistance to Needy Families (TANF) in Adams County
4. Resolution Approving Amendment One to Agreement between Adams County and Comitis Crisis Center Inc. to Provide Emergency Housing and Homeless Prevention Services for Temporary Assistance to Needy Families (TANF) in Adams County
5. Resolution Approving Amendment One to Agreement between Adams County and Growing Home Inc., to Provide Housing Assistance, Homeless Prevention, and Transformational Housing Services for Temporary Assistance to Needy Families (TANF) in Adams County
6. Resolution Awarding an Agreement to Faris Machinery Company for a Midland WA Shoulder Machine
7. Resolution Awarding an Agreement to Lynch Diversified Vehicles for a Model #C34EOD-10 Explosive Ordinance Disposal Vehicle
8. Resolution Renewing an Agreement to OneNeck IT Solutions, LLC, for Licenses and Maintenance of Communications Equipment
9. Resolution Approving License and Maintenance Agreement between Adams County and Oracle America, Inc., for the JD Edwards Software System for 2016 and 2017
10. Resolution Approving Amendment One to Agreement between Adams County and Ascent Aviation Group d.b.a. World Fuel to Provide Aviation Fuel (Jet A) and Avgas (100LL)
11. Resolution Approving an Agreement between Adams County and Maple Star Colorado to Provide Domestic Violence Intervention Services
12. Resolution Accepting a Proposal and Awarding an Agreement to Workplace Elements for Providing Furniture for the Adams County Human Services Center
13. Resolution Approving Expenditures and Revenues for Each Fund and Adopting a Budget for Adams County, State of Colorado, for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December 2017
14. Resolution Appropriating Sums of Money to the Various Funds and Spending Agencies in the Amounts and for the Purposes As Set Forth Below, for the County of Adams, State of Colorado, for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December 2017
15. Resolution Approving Adams County 2017 Fee Schedule for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December 2017
16. Resolution Approving the Certification of Mill Levies for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December 2017

B. COUNTY ATTORNEY

8. Motion to Adjourn into Executive Session Pursuant to C.R.S. 24-6-402(4)(b) and (e) for the Purpose of Receiving Legal Advice and Instructing Negotiators Regarding Monitoring of NSP1

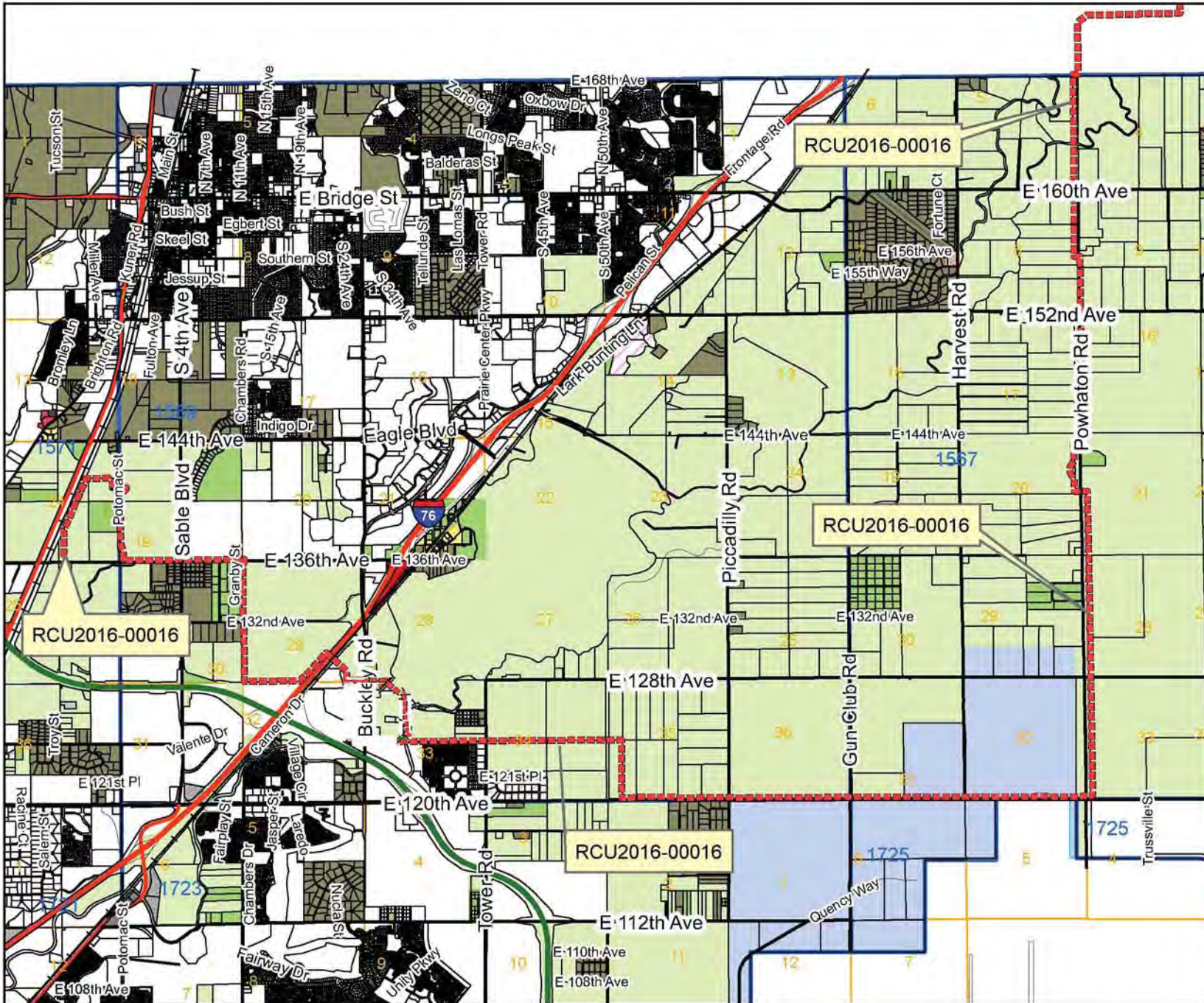
9. LAND USE HEARINGS

A. Cases to be Heard

- 1.** RCU2016-00016 Boardwalk Pipeline Project
- 2.** RCU2016-00002 T-Mobile

10. ADJOURNMENT

AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE



LEGEND

- ★ Special Zoning Conditions
- 3 Section Numbers
- Railroad
- Major Water
- Zoning Line
- Sections
- Zoning Districts**
- A-1
- A-2
- A-3
- R-E
- R-1-A
- R-1-C
- R-2
- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
- C-5
- I-1
- I-2
- I-3
- CO
- PL
- AV
- DIA
- P-U-D
- P-U-D(P)
- Airport Noise Overlay

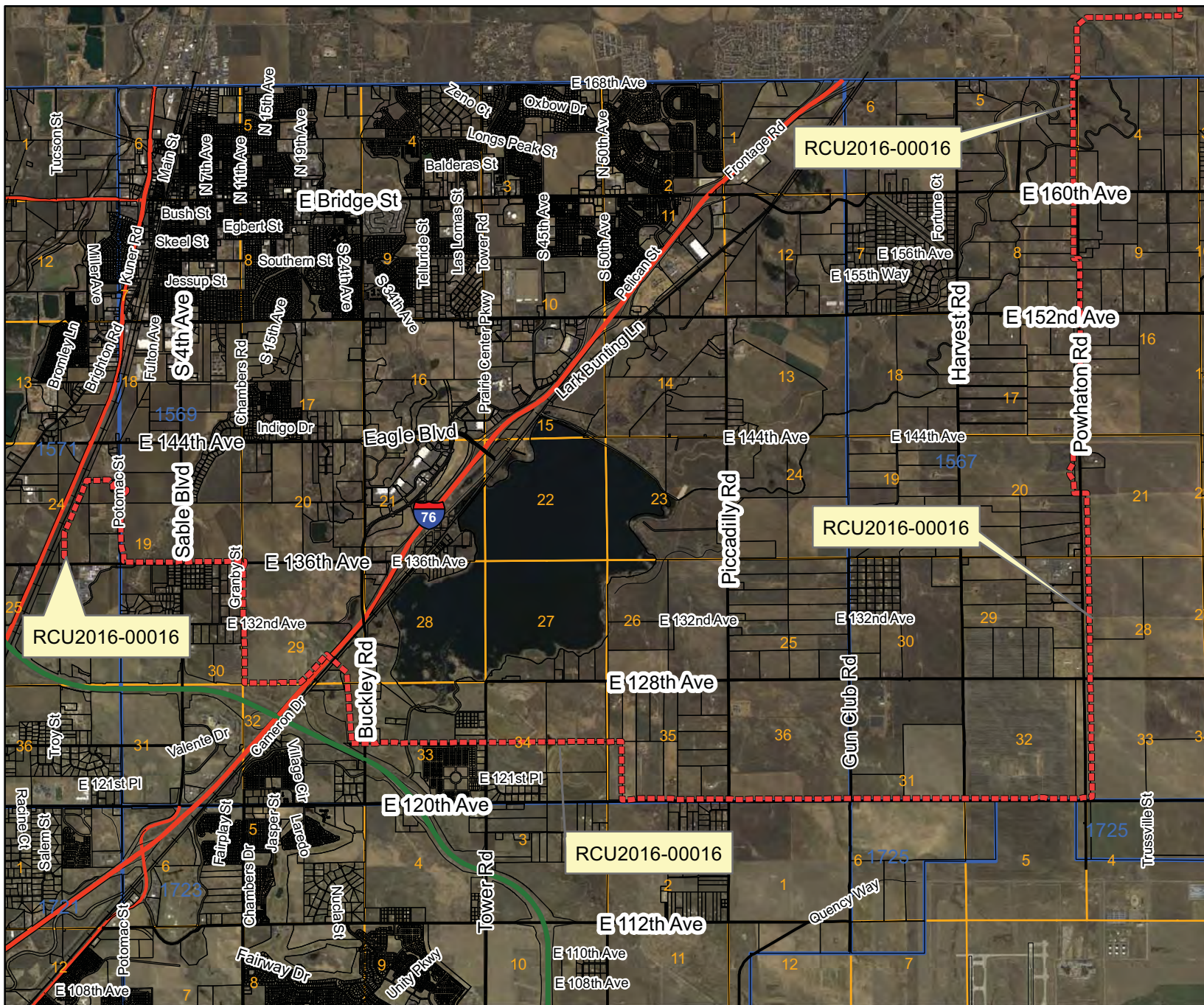
RCU2016-00016
Boardwalk Pipeline Project



For display purposes only.



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LEGEND

- ★ Special Zoning Conditions
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- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
- C-5
- I-1
- I-2
- I-3
- CO
- PL
- AV
- DIA
- P-U-D
- P-U-D(P)
- ⊠ Airport Noise Overlay

RCU2016-00016
Boardwalk Pipeline Project


















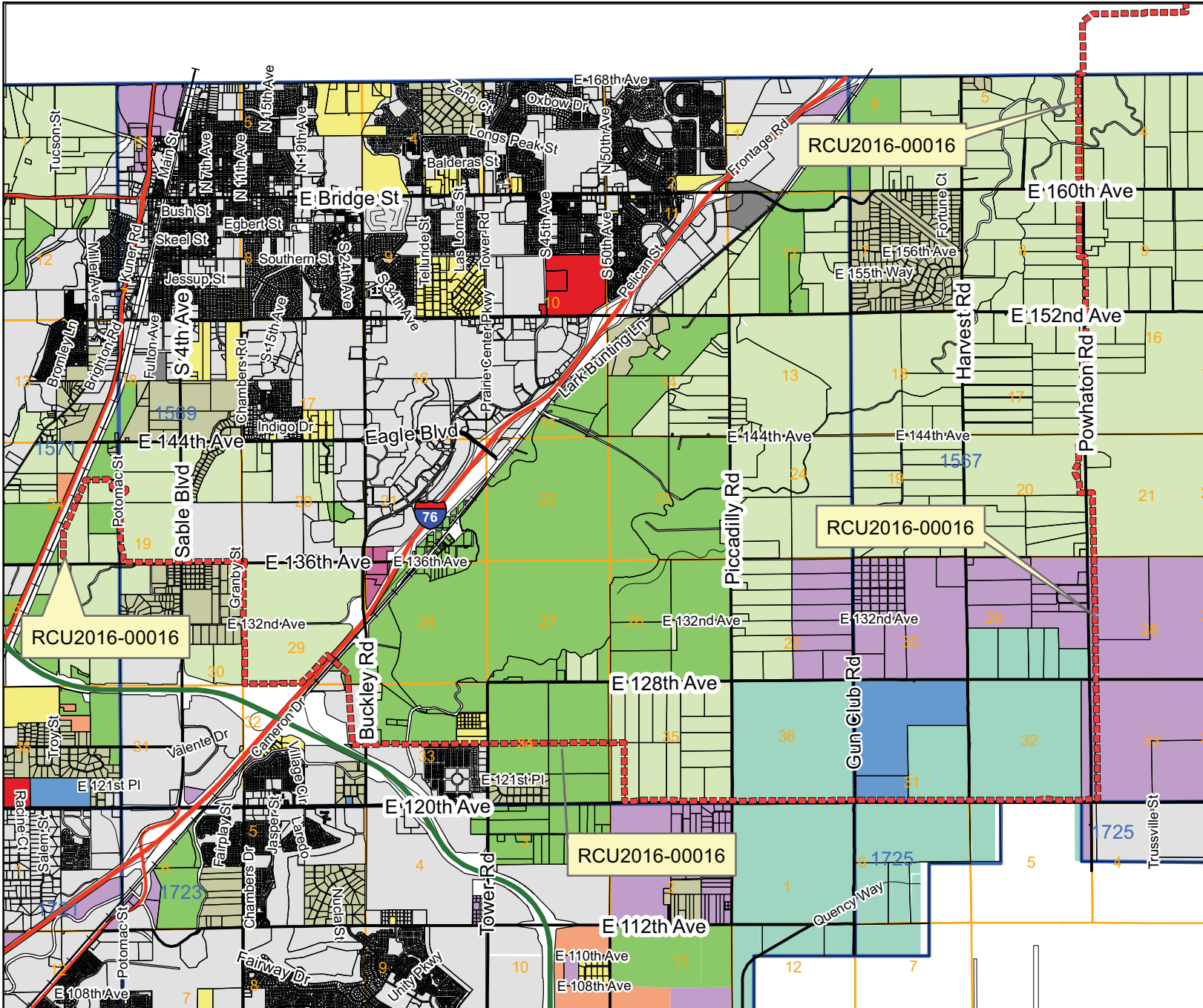
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LEGEND

-  Special Zoning Conditions
-  Section Numbers
-  Railroad
-  Major Water
-  Zoning Line
-  Sections
- Zoning Districts**
-  A-1
-  A-2
-  A-3
-  R-E
-  R-1-A
-  R-1-C
-  R-2
-  R-3
-  R-4
-  M-H
-  C-0
-  C-1
-  C-2
-  C-3
-  C-4
-  C-5
-  I-1
-  I-2
-  I-3
-  CO
-  PL
-  AV
-  DIA
-  P-U-D
-  P-U-D(P)
-  Airport Noise Overlay



RCU2016-00016

RCU2016-00016

RCU2016-00016

RCU2016-00016
Boardwalk Pipeline Project



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**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
STAFF REPORT**

Board of County Commissioners

December 13, 2016

CASE No.: RCU2016-00016 CASE NAME: Boardwalk Pipeline Project	
Owner's Name:	Discovery DJ Services, LLC (Cory Jordan)
Applicant's Name:	Discovery DJ Services, LLC
Applicant's Address:	7859 Walnut Hill Lane, Suite 335, Dallas, TX 75230
Location of Request:	Multiple Parcels in Adams County (See Exhibit 1.1)
Nature of Request:	1) Conditional Use Permit to construct a new natural gas, crude oil and produced liquids pipeline system and Central Delivery Point (CDP) facility; & 2) Development Agreement that covers pre-construction requirements, construction and operational standards, maintenance of the pipeline, and consideration for future development.
Zone Districts:	Agriculture-3 (A-3) & Denver International Airport (DIA)
Site Size:	Approximately 61.9 acres
Proposed Uses:	Oil & Gas Infrastructure
Existing Use:	Agriculture
Hearing Date(s):	PC: December 8, 2016 / 6:00 p.m.
	BOCC: December 13, 2016/ 9:30 a.m.
Report Date:	November 29, 2016
Case Manager:	Christopher C. La Rue <i>ccr</i>
Staff Recommendation:	APPROVAL with 33 Findings-of-Fact & 2 Conditions

SUMMARY OF APPLICATION

Background

The applicant, Discovery DJ Services (a joint venture between Discovery Midstream Partners, LLC & Ward Petroleum Corporation), is requesting a Conditional Use Permit to allow a Central Delivery Point (CDP) facility on the property. The request also includes construction of a new natural gas, crude oil and produced liquids pipeline system and associated facilities to transport natural gas and associated products from the CDP facility to the Company's facility in Weld

County, Colorado. According to the applicant, this request to construct a centralized collection facility to transport oil and gas through a pipeline system would reduce local truck traffic. In addition, the applicant considers the subject request to be a necessary component of the overall system to gather, process, transport and market the natural resources from Adams County.

From the submitted site plan, construction of the pipeline within the County will take approximately 3-4 months to complete. The CDP facility will take approximately 2-3 months to complete. There are two parallel pipelines proposed with the request. One of these pipelines will transport natural gas product from the property to Weld County. The other would transport crude oil from the CDP facility to a point at 120th Avenue and Powhaton Road; this specific pipeline will be capped and reserved for future use. Per Section 6-07-02-03 of the County's Development Standards and Regulations, as part of the application requirements, the applicant was required to submit a routing analysis with at least three alternatives routes for the pipeline. This information was submitted with the application documents. According to the documents, the preferred route for the natural gas pipeline will be approximately 18.0 miles long and 80 feet wide, or approximately 174.5 acres. In addition, a permanent easement for the pipeline will be 18.0 miles long and 30 feet wide, or approximately 65.5 acres. The crude oil pipeline will be 12 miles within Adams County and be parallel and located within the same easements as the natural gas pipeline. Overall, there will be 24 crossings for both pipelines, which include crossing at a state highway, railroad tracks, city and county roads, and irrigation canals.

Diameter of the proposed natural gas pipeline will be 12.75 inches and will operate up to 52,000 psi. The diameter of the proposed crude oil pipeline will be 8.625 inches and will also operate up to 52,000 psi. The interior of the pipelines will be coated with an anti-corrosive material to prevent deterioration of the infrastructure and buried a minimum of 48 inches below grade along the entire route.

Description of Central Delivery Point Facility:

A Central Delivery Point facility (CDP) is a gas processing plant that serves as a central point for collection of natural gas from multiple wells. The product (gas) is usually collected at the CDP via pipelines and is separated into liquids and gas by-products. The CDP facilities contain specialized equipment including tanks, meters, a control building, pig launchers (pipeline testing equipment), and testing facilities. The proposed CDP will be located on 10 acres of an overall 60-acre parcel on the northeast corner of East 136th Avenue and Highway 85 (Exhibit 2.3). The site plan submitted show the facility will be screened with fencing and landscaping (See Exhibit 2.3). Exhibit R.1 below shows an example of a Central Delivery Point facility:



CDP Facility Example (exhibit R.1)

Natural Gas Pipeline Preferred Alignment:

The applicant considered multiple pipeline routes before deciding on a preferred alignment. As shown on Exhibit 2.3, the preferred natural gas pipe alignment will traverse approximately 18 miles within the County, as specifically describe below:

- Originate at the CDP Facility located east of the intersection of East 136th Avenue and Highway 85 then travel in a southeasterly direction through agricultural fields and rural residential areas.
- Next, the pipeline will cross Colorado Interstate-76, the BNSF railroad, and various canal infrastructure and roads to a point approximately 5,915 feet east of the intersection of Tower Road and East 120th Avenue.
- The pipeline would then turn east along the north side of East 120th Avenue to the intersection of Powhaton Road and East 120th Avenue.
- Finally, the pipeline will turn north along Powhaton Road until it crosses into Weld County, approximately 5,000 feet east of the intersection of Harvest Road and East 168th Avenue

The applicant considered two other alternative routes alignments for the Project (see in Exhibit 2.3). Although both alternatives offered a shorter, more direct route between the CDP Facility and the Company's natural gas compression and processing facility located in Weld County; these alternatives were in close proximity to several developments in the City of Brighton. Some of the likely developments in the City of Brighton that could have been affected include the new Prairie View retail development area and the Town of Lochbuie. The alternative routes would also have had greater impact on adjacent properties such as Barr Lake State Park.

Crude Oil Pipeline

The crude oil pipeline will traverse 12 miles within unincorporated Adams County and run parallel to the natural gas pipeline. The pipeline will start at the CDP facility and end at the intersection of East 120th Avenue and Powhaton Road and will be capped for future crude oil gathering.

Remote Valve Sites

A block valve is a mechanical device installed in a pipeline that can be closed to block the flow of oil or gas through the line. These valves can be operated remotely from a location other than the valve site. The proposed natural gas pipeline will have two remote block valve sites located in unincorporated Adams County. The first valve site will be located approximately 12 miles east of the CDP Facility and approximately 2.7 miles south of the next valve location (See Exhibit 2.3 (b)). The second valve site will be located approximately 2.7 miles north of the intersection of East 120th Avenue Powhaton Road along the west side of Powhaton Road (See Exhibit 2.3 (b)). A valve site looks similar to the following picture:



Development Agreement

As part of this request, the applicant has agreed to enter into a Development Agreement with the County. The development agreement will cover a number of issues such as pre-construction requirements, construction and operational standards, maintenance of the pipeline, and consideration for future development. The agreement has been reviewed by staff and attached (See Exhibit 5.6) to this report for the BoCC's review and consideration. Staff is recommending the execution and compliance of the development agreement as a condition of approval with this request. The Development Agreement shall be executed by the applicant prior to the Board of County Commissioner's hearing.

Development Standards and Regulations Requirements

Oil and gas development is overseen by federal, state, and local regulations. Section 4-10-02-03 of the County's Development Standards and Regulations outlines requirements for oil and gas well drilling and production activities in the County. The Section also provides definitions for oil and gas facilities. In the Section, oil and gas facilities consist of the site associated with equipment used for production, treatment and storage of oil and gas waste products. The well pad and equipment used for production are also classified in the definition, as well as temporary storage, staging of oil and gas or any other oil and gas operation, which may cause significant degradation to the environment.

Section 4-10-02-03-05 of the Development Standards and Regulations further outline the county's process for permitting new oil and gas development sites. Specifically, the process for oil and gas development follows a two pronged approach: 1) Obtain a Special Use Permit from the Board of Adjustment; or 2) Execute a Memorandum of Understanding (MOU) and submit for

approval an Administrative Use by Special Review permit for each well pad. Well connects, that are ***“10” or less inside a diameter and 2 miles or less in length, laid running from the custody transfer point or production facility for a new well (s) to an existing gathering line connection point***” can be permitted through an executed MOU. However, in cases where pipelines do not meet the definition of well connects, then a Conditional Use Permit is required. In the case of the subject request, a Conditional Use Permit is required because the proposed pipeline would exceed 10” in diameter and also extend beyond 2 miles. Requirements for the Conditional Use Permit are outlined in Section 2-02-08-06 of the County’s Development Standards and Regulations. For these requirements, demonstration that the request is compatible with the surrounding area, not detrimental to the immediate area, all off-site impacts have been addressed, and the site plan provided with the request will provide the most convenient and functional use of the lot.

The proposed request conforms to the criteria for a Conditional Use Permit review. The pipeline route is the best alternative that minimizes potential impacts on existing residential developments. The majority of the property that the pipeline traverses through is predominately used for agriculture and construction of the pipeline will not impede current or future use of these properties. Regarding the CDP facility, the applicant coordinated with the surface owner of the site to select a location that would preserve the most area of cropland for farming. In addition, the proposed landscape plan shows construction of a fence to screen the CDP facility. The proposed screening materials shall consist of a landscape buffer and screening fencing and be in conformance with the Adams County Development Standards and Regulations. Providing the proposed screening will mitigate any visual impact resulting from the proposed CDP facility.

In addition, the CUP application also addresses submittal items outlined in Section 6-07-2 of the County’s Development Standards and Regulations pertaining to Areas and Activities of State Interest permits. The submittal items include the following information:

- Detailed applicant information
- Extensive information regarding the project
- Information on property rights, permits, and other approvals
- Financial feasibility of the project
- Land use
- Local governmental services
- Financial burden on residents
- Local economy
- Environmental impact analysis: this included analysis on water (surface and ground water), visual impacts, air quality, wetland and riparian areas, flora and fauna, soils, geologic conditions, and areas of paleontological, historic or archaeological importance.

The submittal information for Areas and Activities of State Interest was included in the application to address a range of potential impacts associated with the request.

Staff reviewed all the submitted documentation and has determined the information provided has adequately addressed the requirements from the Areas and Activities of State Interest. The CDP facility and the preferred pipeline routes affect only properties zoned Agriculture-3 (A-3) and

Denver International Airport (DIA) within unincorporated Adams County. Sections 3-10 and 3-31 of the Adams County Development Standards and Regulations outline requirements for development in the A-3 and DIA zone districts. Per the Development Standard and Regulations, the purpose of the A-3 District is to provide land, primarily in holdings of at least thirty-five acres, for dryland or irrigated farming, pasturage, or other related food production uses. Per Section 3-31 of the Development Standards and Regulations, the purpose of the DIA District is to provide for non-residential land uses associated with aviation operations, roadways, or passive uses, while minimizing risks to public safety and hazards to aviation users including those employed at public aviation facilities. The A-3 and DIA zone districts allow passive uses, including utilities, which are comparable to the proposed request.

Future Land Use Designation/Goals of the Comprehensive Plan for the Area:

Construction of the CDP facility and pipeline crosses lands within six future land use designations within the County’s 2012 Comprehensive Plan. Namely, Agriculture, Parks and Open Space, Estate Residential, Urban Residential, DIA Reserve, and Mixed Use Employment. In addition, portions of the pipeline are also within the recently adopted District Plan for the areas south of the City of Brighton’s municipal boundary. Analysis of each of the Future land use designations and their intended purposes are discussed below:

CDP Facility

Adams County’s Comprehensive Plan designates the subject property for the CDP facility and surrounding area as Agriculture and Parks and Open Space. Per the Comprehensive Plan, Agricultural areas are not expected to develop, except for limited areas of low density residential at one dwelling per thirty-five acres, for the foreseeable future. In addition, the Agriculture areas are intended for dryland or irrigated farming, pasturage, or other related food production uses. Parks and Open Space areas are intended to provide for public parks, trails and open space. The property east of the subject parcel is designated as Parks and Open Space on the Comprehensive Plan. It is also in a conservation easement held by Adams County. The CDP facility is located over half a mile from the easement and will be screened with landscaping and fencing to make it compatible with the easement.

Pipeline

The following Comprehensive Plan designations are impacted or are in close proximity to the proposed pipeline route:

- Agriculture
- Parks and Open Space:
- Estate Residential
- Urban Residential
- DIA Reserve
- Mixed Use Employment

Goals of the Agriculture Future Land Use:

Per the County's Comprehensive Plan, Agriculture areas are not expected to develop, except for limited areas of low density residential at one dwelling per thirty-five acres. These areas are intended for dryland or irrigated farming, pasturage, or other related food production uses. The proposed pipeline route runs through land designated for future agricultural uses along the north side of East 120th Avenue, between Himalaya Street and Picadilly Road, and along either side of Powhaton Road from East 136th Avenue to East 168th Avenue and CO Highway 2. The segment of the pipeline in these areas will be buried underground and the right-of-way restored to its original condition after construction of the pipeline. Except initial construction of the pipelines, there are no other expected impacts to the current or future planned use of land in these areas and the properties in the areas will be able to continue to be used for farming activities.

Goals of the Parks and Open Space Future Land Use:

The Parks and Open Space areas are intended to provide for public parks, trails and open space. The proposed pipeline route runs through land designated for Parks and Open Space on the south end of the Barr Lake area. Specifically, from the east side of Colorado Interstate-76 eastward to Himalaya Street. The alignment follows 128th Avenue, the Barr Lake inlet and then along the 124th Avenue alignment. The pipeline in this area will be buried and the right-of-way restored to its original condition after construction. Construction of the pipeline in this area will not affect the current, or future planned use of land in this area.

Goals of the Estate Residential Future Land Use:

The Estate Residential areas are designated for single family housing at lower densities no greater than one unit per acre. Per the future land use map, the proposed pipeline route will not directly traverse through Estate Residential areas. However, a segment of the pipeline will run in close proximity to areas designated as Estate Residential. The pipeline as proposed, runs along the north side of East 136th Avenue from Sable Boulevard east to Chambers Road and then south, approximately 1 mile, to Interstate-76. The Residential Estate areas in close proximity to the pipeline are developed with single-family homes. However, after completion of construction, the pipeline will have no impact to these areas and the use will likely reduce truck traffic associated with oil and gas development in the area.

Goals of the Urban Residential Future Land Use:

The Urban residential areas are designated for single and multiple family housing, typically at urban densities of one dwelling per acre or greater. Per the Comprehensive Plan, these areas are intended to provide for development of residential neighborhoods with a variety of housing types, with adequate urban services and transportation facilities. The pipeline route traverses the southern edge of a parcel designated as Urban Residential for approximately 1,300 feet west of Tower Road, along the northern unconstructed East 124th Avenue. There is currently one residence on this parcel. The proposed request would not impact this residence or impede further residential development of the area.

Goals of the DIA Reserve Future Land Use:

The DIA Reserve designation is set aside for the airport lands owned by and bordering the City and County of Denver for Denver International Airport, however, remains in the jurisdiction of Adams County. The goal of the DIA Reserve areas is to serve as a buffer around the airport and

to remain primarily agricultural or as undeveloped open land. These lands and their uses were established by a 1988 Intergovernmental Agreement (IGA) between Denver and Adams County for the airport. The pipeline right-of-way located within areas designated as DIA Reserve is located along the north side of East 120th Avenue from Picadilly Road to Powhaton Road. According to the applicant, the pipeline right-of-way incorporates planned expansion of East 120th Avenue. Construction of the pipeline will not impact the current or future designated land use of the area.

Goals of the Mixed Use Employment Future Land Use:

The Mixed Use Employment future land use allows for a mixture of employment uses, including offices, retail, and clean, indoor manufacturing, distribution, warehousing, and airport and technology uses. Properties around Denver International Airport are designated as Mixed Use Employment to preserve future long-term opportunities for employment growth in these areas. The proposed pipeline right-of-way would be located 270 feet from the centerline of Powhaton Road, thus accommodating expansion of Powhaton Road. Current land use activities in this area are agricultural with some oil and gas activities. The proposed pipeline will not hinder development of the Mixed Use designated areas.

Goals of the Adams County – City of Brighton District Plan:

The goals of this plan are to conserve farmland and promote agritourism while allowing for a range of development opportunities that consider the most efficient and sustainable use of the land. The applicant’s request is consistent with that plan, as it allows the surface owner to maintain the land as productive cropland. Use of a pipeline also reduces truck traffic and potential disturbances to agricultural activities in the area.

Site Characteristics:

The property for the proposed CDP facility is designated A-3 and currently developed with a single-family home, agricultural outbuildings, and cultivated crop fields. The single family home and outbuildings are located on the southeastern corner of the property. The proposed CDP facility will be located on the southwestern corner of the property. Oil and gas wells are also planned to be developed on the property. The County is currently reviewing these planned activities. From the submitted application, impacts from the CDP facility would largely be visual in nature and be mitigated through landscaping and fencing. Impacts to the existing cultivated fields will also be minimal due to extensive negotiations between the landowner and applicant to locate and screen the CDP facility and allow as much cultivated land as possible.

Surrounding Zoning Designations and Existing Use Activity for the CDP Facility:

Northwest Highway 85 Right-of-Way	North A-3 Agriculture	Northeast A-2 Berry Patch Farms Agriculture
West Highway 85 Right-of-Way	Subject Property A-3 CDP facility / Agriculture	East A-3 Berry Patch Farms

	with home & outbuildings	Agriculture
Southwest A-3 Agriculture	South A-3 Agriculture & Residence	Southeast A-3 Nursery & Greenhouses

Compatibility with the Surrounding Land Uses:

The area surrounding the CDP site is comprised of agriculturally zoned and used properties. The property immediately to the north, northeast, and east of the property is zoned A-3 and A-2 and developed with agriculture uses and one single-family dwelling with outbuildings. The property directly to the northwest and west is Highway 85 right-of-way. The properties directly to the southwest, south, and southeast are zoned A-3 and used for residential and a nursery with greenhouses. The proposed request would not negatively impact existing surrounding uses.

Regarding the pipeline, while the preferred route is longer in distance than the alternatives considered, the route bypasses the City of Brighton, the more populated areas of unincorporated Adams County, and Barr Lake State Park with little impact to local businesses and residential areas. General impacts to surrounding properties would be minimal. According to the applicant, the pipeline will be buried and strategically placed along perimeters of properties outside of future road right-of-ways to minimize potential impacts to surrounding properties.

Per Section 4-16 of the County’s Development Standard and Regulations, a landscape plan shall be required with development of the property. The pipeline right-of-way requires no landscaping as the lines will be buried underground. The two remote block valve sites, described on page 4 of this report, will be painted with a tan color and not require landscaping. Per Section 4-16 of the County’s Development Standards and Regulations, a minimum of ten percent of the CDP area shall be required to be landscaped. A minimum of one-third (1/3) of this required landscape area must be covered by living ground material. Overall, landscaping and screening required for development of the CDP project area will improve general aesthetics of the property and its surroundings.

The landscape plan submitted with the application exceeds the minimum required landscaping. A CUP allowing the property to be developed with a CDP facility is consistent with the existing developments in the area. There are five large-scale multi-well oil and gas developments existing or proposed in the immediate vicinity of the site. The pipeline and CDP facility will service all of oil and gas wells in the surrounding area and greatly reduce truck traffic associated with this proposed development. In addition, the pipeline is an important component of the overall system to gather, process, transport and market the natural resources from Adams County in a way that mitigates the impacts to the local transportation system.

Planning Commission Update

The Planning Commission considered this case on December 8, 2016. Due to limited time between the Planning Commission hearing and providing the report to the BoCC, details of the Planning Commission meeting will be included in the staff presentation at the public hearing on December 13, 2016.

Staff Recommendation:

Based upon the application, the criteria for conditional use permit approval, and a recent site visit, staff recommends approval of this request with thirty-three findings-of-fact and two conditions.

Findings of fact:

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plans for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.
9. Documentation that prior to site disturbance associated with the Proposed Project, the Applicant can and will obtain all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained or the Board may grant a Permit with conditions and/or conditions precedent which will adequately address outstanding concerns.
10. The Proposed Project considers the relevant provisions of the regional water quality plans.
11. The Applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.
12. The Proposed Project is technically and financially feasible.
13. The Proposed Project is not subject to significant risk from Natural Hazards.

14. The Proposed Project is in general conformity with the applicable comprehensive plans.
15. The Proposed Project does not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
16. The Proposed Project does not create an undue financial burden on existing or future residents of the County.
17. The Proposed Project does not significantly degrade any substantial sector of the local economy.
18. The Proposed Project does not unduly degrade the quality or quantity of recreational opportunities and experience.
19. The planning, design and operation of the Proposed Project reflects principals of resource conservation, energy efficiency and recycling or reuse.
20. The Proposed Project does not significantly degrade the environment. This includes the considerations that shall be used to determine whether there will be significant degradation of the environment. For purposes of this section, the term environment shall include:
 - Air quality,
 - Visual quality,
 - Surface water quality,
 - Groundwater quality,
 - Wetlands, flood plains, streambed meander limits, recharge areas, and riparian areas,
 - Terrestrial and aquatic animal life,
 - Terrestrial and aquatic plant life, and
 - Soils and geologic conditions.
21. The Proposed Project does not cause a nuisance and, if a nuisance has been determined to be created by the Proposed Project, the nuisance has been mitigated to the satisfaction of the County.
22. The Proposed Project does not significantly degrade areas of paleontological, historical, or archaeological importance.
23. The Proposed Project does not result in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the Board's consideration shall include:
 - Plans for compliance with Federal and State handling, storage, disposal and transportation requirements,
 - Use of waste minimization techniques, and
 - Adequacy of spill prevention and counter measures, and emergency response plans.

24. The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.
25. The Proposed Project is the best alternative available based on consideration of need, existing technology, cost, impact and these Regulations.
26. The Proposed Project shall not unduly degrade the quality or quantity of agricultural activities.
27. The proposed Project does not negatively affect transportation in the area.
28. All reasonable alternatives to the Proposed Project, including use of existing rights-of-way and joint use of rights-of-way wherever uses are compatible, have been adequately assessed and the Proposed Project is compatible with and represents the best interests of the people of the County and represents a fair and reasonable utilization of resources in the Impact Area.
29. The nature and location of the Proposed Project or expansion will not unduly interfere with existing easements, rights-of-way, other utilities, canals, mineral claims or roads.
30. Adequate electric, gas, telephone, water, sewage and other utilities exist or shall be developed to service the site.
31. The proposed project will not have a significantly adverse Net Effect on the capacities or functioning of streams, lakes and reservoirs in the impact area, nor on the permeability, volume, recharge capability and depth of aquifers in the impact area.
32. The purpose and need for the Proposed Project are to meet the needs of an increasing population within the County, the area and community development plans and population trends demonstrate clearly a need for such development.
33. The Proposed Project is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area.

Recommended Conditions of Approval;

Recommended Conditions:

1. The applicant shall execute the Development Agreement for this project prior to the scheduled December 13, 2016 Board of County Commissioners hearing for this application. The executed Development Agreement shall be submitted to staff no later than December 9, 2016.

2. Once finalized and executed, the applicant shall comply with all terms and conditions of the Development Agreement between Discovery DJ Services, LLC and Adams County.

PUBLIC COMMENTS

Property Owners Notified	Number of Responses
129	3

Staff sent referrals to all property owners within 500 feet of the CDP facility and within 500 feet of each side of the pipeline route. As of writing this report, staff has received two comments from property owners with concerns and one from a property owner in support. Those in opposition expressed concerns about impact of the development on traffic in the area, environmental impacts, and damage to existing roads.

COUNTY AGENCY COMMENTS

Adams County Building Safety Division:

No comments

Adams County Code Compliance:

No violations were reported.

Adams County Environmental Analyst:

The Resources Review completed for this project was performed by a qualified environmental professional and adequately addressed the potential and identified resources in the area. The applicant has chosen a path for the pipeline that would avoid the removal of trees and shrub thickets that provide important terrestrial and aquatic wildlife habitat. The Environmental Analyst determined the 10-acre CDP facility will not impact important wildlife habitat areas.

Adams County Finance Department:

No comments

Adams County Office of Emergency Management (OEM)

OEM indicated no comments or concerns with the request.

Adams County Parks & Community Resources Department:

According to the County’s Parks Department, the natural gas CDP is proposed to be constructed on a property adjacent to a property containing a conservation easement held by Adams County. Construction of the natural gas CDP should not impact or disturb the conservation values of this site. The preferred pipeline alignment also crosses property that is subject to a conservation easement held by Colorado Parks and Wildlife. The applicant located the CDP facility as far from the conservation easement as possible. In addition, the CDP facility will be screened by landscaping that exceeds the minimum requirements of the County.

Adams County Sheriff’s Office:

No comments

Adams County Treasurer's Office

The Treasurer's Office had concerns about property taxes owed. However, the applicant has since paid the outstanding taxes.

Adams County Development Services Engineering

According to the Development Services Engineering staff, portions of the project will require a floodplain use permit. The applicant shall ensure compliance with federal, state, and local water quality requirements. All construction documents shall be reviewed and approved prior to issuance of construction permits. Also, the Developer shall repair or replace any broken or damaged County infrastructure.

Adams County Development Services Right-of-Way

Adams County requires that pipelines be located within easements that are outside of the ultimate right-of ways for roads, as determined by the Adams County Transportation Plan. Road crossings shall be allowed by permit only.

REFERRAL AGENCY COMMENTS

Responding with Comments or Concerns:

Anadarko Petroleum Corporation

- Anadarko Petroleum Corporation stated their company has recorded oil and gas leases and pipelines that could be impacted by the proposed project. Anadrko wanted to ensure their interests are addressed. The applicant has committed to continue discussions with Anadarko to address their concerns.

Brighton Fire District

- Brighton Fire requires a review for all proposed structures subject to the 2012 International Fire Code and amendments.

CDOT

- CDOT requires permits for any activities impacting state highways or interstates.

City of Brighton

- The City of Brighton stated support for the preferred alignment. The City also requests landscaping around the CDP facility to screen it from the area.

Colorado Parks and Wildlife

- Colorado Parks and Wildlife requested that during construction activities the applicant take into account nesting raptors, native vegetation and weed control, and prairie dogs. State Parks also stated they have worked with the applicant regarding easements held by the State.

Commerce City

- Commerce City indicated they were not in support of portions of the pipeline that traversed through the City. The applicant has relocated portions of the pipeline that were initially within Commerce City’s jurisdiction. The City also wanted to ensure the pipeline would be located out of future road right-of-ways and not impede future development in the area. The proposed pipeline has been located out of potential future road right-of-ways and located within existing utility corridors to facilitate future growth.

Tri-County Health Department

- Tri-County Health submitted a letter with guidelines on sanitary and solid waste disposal, groundwater discharge, and protection of septic systems and above ground valves. The applicant has agreed to comply with these guidelines. The applicant also stated they will comply with all the requirements of Tri-County. The development agreement has a requirement for the applicant to comply with all Tri-County requirements included in the letter.

Xcel Energy

- Xcel Energy stated work performed within their easements or near Xcel infrastructure will require a permit.

Responding without Concerns:

Colorado Geological Survey
 DIA
 FAA
 School District 27J
 United Power

Notified but not Responding / Considered a Favorable Response:

Barr Lake State Park
 Burlington Ditch Company
 CDPHE
 Century Link
 City and County of Denver
 Colorado Division of Wildlife
 Colorado Historical Society
 Colorado Oil & Gas Commission
 Comcast
 E-470 Authority
 Fulton Ditch Company
 Metro Wastewater Reclamation
 Prairie Center Metro District
 RTD
 South Adams County Water & Sanitation
 South Brighton Citizen Group
 Union Pacific Railroad
 Urban Drainage and Flood Control

US EPA
VanAire HOA
Weld County

Exhibits Table of Contents

Exhibit 1- Maps

- 1.1 Zoning Map
- 1.2 Aerial Map
- 1.3 Future Land Use Map

Exhibit 2- Applicant Information

- 2.1 Applicant Written Explanation
- 2.2 Applicant Referral Response
- 2.3 Applicant Site Plans
- 2.4 The full application can be viewed at: <https://www.adcogov.org/planning/currentcases>

Exhibit 3- Referral Comments

- 3.1 Development Review Team Comments (Planning, Engineering, Right-of-Way, Building Safety, and Parks).
- 3.2 Adams County Treasurer's Department
- 3.3 Anadarko Petroleum Company
- 3.4 Brighton Fire District
- 3.5 CDOT
- 3.6 City of Brighton
- 3.7 City of Commerce City
- 3.8 Colorado Parks and Wildlife
- 3.9 Colorado Geological Survey
- 3.10 DIA
- 3.11 27J
- 3.12 Tri-County Health
- 3.13 United Power
- 3.14 Xcel Energy
- 3.15 FAA

Exhibit 4- Citizen Comments

4.1 Brett Fletcher

4.2 Jim Hoeffner

Exhibit 5- Associated Case Materials

5.1 Certificate of Posting

5.2 Public Hearing Notice

5.3 Request for Comments

5.4 Property Owner Labels

5.5 Referral Labels

5.6 Development Agreement



To: Board of County Commissioners
From: Christopher C. La Rue, Senior Planner
Subject: Boardwalk Pipeline Project / Case #RCU2016-00016
Date: December 13, 2016

If the Board of County Commissioners does not concur with the staff recommendation of Approval, the following findings may be adopted as part of a decision of Denial:

ALTERNATIVE RECOMMENDED FINDINGS

1. The conditional use is not permitted in the applicable zone district.
2. The conditional use is not consistent with the purposes of these standards and regulations.
3. The conditional use will not comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is not compatible with the surrounding area, harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has not addressed all off-site impacts.
6. The site is not suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will not provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are not available and are not adequate to serve the needs of the conditional use as designed and proposed.
9. Documentation that prior to site disturbance associated with the Proposed Project, the Applicant cannot and will not obtain all necessary property rights, permits and approvals.

The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained or the Board may grant a Permit with conditions and/or conditions precedent which will adequately address outstanding concerns.

10. The Proposed Project does not consider the relevant provisions of the regional water quality plans.
11. The Applicant does not have the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.
12. The Proposed Project is not technically and financially feasible.
13. The Proposed Project is subject to significant risk from Natural Hazards.
14. The Proposed Project is not in general conformity with the applicable comprehensive plans.
15. The Proposed Project has a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
16. The Proposed Project creates an undue financial burden on existing or future residents of the County.
17. The Proposed Project significantly degrades any substantial sector of the local economy.
18. The Proposed Project unduly degrades the quality or quantity of recreational opportunities and experience.
19. The planning, design and operation of the Proposed Project does not reflect principals of resource conservation, energy efficiency and recycling or reuse.
20. The Proposed Project significantly degrades the environment. Appendix A includes the considerations that shall be used to determine whether there will be significant degradation of the environment. For purposes of this section, the term environment shall include:
 - Air quality,
 - Visual quality,
 - Surface water quality,
 - Groundwater quality,
 - Wetlands, flood plains, streambed meander limits, recharge areas, and riparian areas,
 - Terrestrial and aquatic animal life,

- Terrestrial and aquatic plant life, and
 - Soils and geologic conditions.
21. The Proposed Project causes a nuisance and, if a nuisance has been determined to be created by the Proposed Project, the nuisance has been mitigated to the satisfaction of the County.
22. The Proposed Project significantly degrades areas of paleontological, historical, or archaeological importance.
23. The Proposed Project results in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the Board's consideration shall include:
- Plans for compliance with Federal and State handling, storage, disposal and transportation requirements,
 - Use of waste minimization techniques, and
 - Adequacy of spill prevention and counter measures, and emergency response plans.
24. The benefits accruing to the County and its citizens from the proposed activity do not outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.
25. The Proposed Project is not the best alternative available based on consideration of need, existing technology, cost, impact and these Regulations.
26. 18. The Proposed Project unduly degrades the quality or quantity of agricultural activities.
27. The proposed Project negatively affects transportation in the area.
28. All reasonable alternatives to the Proposed Project, including use of existing rights-of-way and joint use of rights-of-way wherever uses are compatible, have not been adequately assessed and the Proposed Project is not compatible with and does not represent the best interests of the people of the County and does not represent a fair and reasonable utilization of resources in the Impact Area.
29. The nature and location of the Proposed Project or expansion will unduly interfere with existing easements, rights-of-way, other utilities, canals, mineral claims or roads.
30. Adequate electric, gas, telephone, water, sewage and other utilities do not exist or shall not be developed to service the site.
31. The proposed project will have a significantly adverse Net Effect on the capacities or functioning of streams, lakes and reservoirs in the impact area, or on the permeability, volume, recharge capability and depth of aquifers in the impact area.

32. The purpose and need for the Proposed Project are not to meet the needs of an increasing population within the County, the area and community development plans and population trends do not demonstrate clearly a need for such development.
33. The Proposed Project is not compatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area.



**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
STAFF REPORT**

Planning Commission

December 8, 2016

CASE No.: RCU2016-00016 CASE NAME: Boardwalk Pipeline Project	
Owner's Name:	Discovery DJ Services, LLC (Cory Jordan)
Applicant's Name:	Discovery DJ Services, LLC
Applicant's Address:	7859 Walnut Hill Lane, Suite 335, Dallas, TX 75230
Location of Request:	Multiple Parcels in Adams County (See Exhibit 1.1)
Nature of Request:	Conditional Use Permit to construct a new natural gas, crude oil and produced liquids pipeline system and Central Delivery Point (CDP) facility.
Zone Districts:	Agriculture-3 (A-3) & Denver International Airport (DIA)
Site Size:	Approximately 61.9 acres
Proposed Uses:	Oil & Gas Infrastructure
Existing Use:	Agriculture
Hearing Date(s):	PC: December 8, 2016 / 6:00 p.m.
	BOCC: December 13, 2016/ 9:30 a.m.
Report Date:	November 21, 2016
Case Manager:	Christopher C. La Rue <i>ccr</i>
Staff Recommendation:	APPROVAL with 33 Findings-of-Fact & 2 Conditions

SUMMARY OF APPLICATION

Background

The applicant, Discovery DJ Services (a joint venture between Discovery Midstream Partners, LLC & Ward Petroleum Corporation), is requesting a Conditional Use Permit to allow a Central Delivery Point (CDP) facility on the property. The request also includes construction of a new natural gas, crude oil and produced liquids pipeline system and associated facilities to transport natural gas and associated products from the CDP facility to the Company's facility in Weld County, Colorado. According to the applicant, this request to construct a centralized collection facility to transport oil and gas through a pipeline system would reduce local truck traffic. In addition, the applicant considers the subject request to be a necessary component of the overall system to gather, process, transport and market the natural resources from Adams County.

From the submitted site plan construction of the pipeline within the County will take approximately 3-4 months to complete, and the CDP facility will take approximately 2-3 months to complete. There are two parallel pipelines proposed with the request. One of these pipelines will transport natural gas product from the property to Weld County. The other would transport crude oil from the CDP facility to a point at 120th Avenue and Powhaton Road; this specific pipeline will be capped and reserved for future use. Per Section 6-07-02-03 of the County's Development Standards and Regulations, as part of the application requirements, the applicant was required to submit a routing analysis with at least three alternatives routes for the pipeline. This information was submitted with the application documents. According to the documents, the preferred route for the natural gas pipeline will be approximately 18.0 miles long and 80 feet wide, or approximately 174.5 acres. In addition, a permanent easement for the pipeline will be 18.0 miles long and 30 feet wide, or approximately 65.5 acres. The crude oil pipeline will be 12 miles within Adams County and be parallel and located within the same easements as the natural gas pipeline. Overall, there will be 24 crossings for both pipelines, which include crossing at a state highway, railroad tracks, city and county roads, and irrigation canals.

Diameter of the proposed natural gas pipeline will be 12.75 inches and will operate up to 52,000 psi. The diameter of the proposed crude oil pipeline will be 8.625 inches and will also operate up to 52,000 psi. The interior of the pipelines will be coated with an anti-corrosive material to prevent deterioration of the infrastructure and buried a minimum of 48 inches below grade along the entire route.

Description of Central Delivery Point Facility:

A Central Delivery Point facility (CDP) is a gas processing plant that serves as a central point for collection of natural gas from multiple wells. The product (gas) is usually collected at the CDP via pipelines and is separated into liquids and gas by-products. The CDP facilities contain specialized equipment including tanks, meters, a control building, pig launchers (pipeline testing equipment), and testing facilities. The proposed CDP will be located on 10 acres of an overall 60-acre parcel on the northeast corner of East 136th Avenue and Highway 85 (Exhibit 2.3). The site plan submitted show the facility will be screened with fencing and landscaping (See Exhibit 2.3). Exhibit R.1 below shows an example of a Central Delivery Point facility:



CDP Facility Example (exhibit R.1)

Natural Gas Pipeline Preferred Alignment:

The applicant considered multiple pipeline routes before deciding on a preferred alignment. As shown on Exhibit 2.3, the preferred natural gas alignment will traverse approximately 18 miles within the County, as specifically describe below:

- Originate at the CDP Facility located east of the intersection of East 136th Avenue and Highway 85 then travel in a southeasterly direction through agricultural fields and rural residential areas.
- Next, the pipeline will cross Colorado Interstate-76, the BNSF railroad, and various canal infrastructure and roads to a point approximately 5,915 feet east of the intersection of Tower Road and East 120th Avenue.
- The pipeline would then turn east along the north side of East 120th Avenue to the intersection of Powhaton Road and East 120th Avenue.
- Finally, the pipeline will turn north along Powhaton Road until it crosses into Weld County, approximately 5,000 feet east of the intersection of Harvest Road and East 168th Avenue

The applicant considered two other alternative routes alignments for the Project (see in Exhibit 2.3). Although both alternatives offered a shorter, more direct route between the CDP Facility and the Company's natural gas compression and processing facility located in Weld County; these alternatives were in close proximity to several developments in the City of Brighton. Some of the likely developments in the City of Brighton that could have been affected include the new Prairie View retail development area and the Town of Lochbuie. The alternative routes would also have had greater impact on adjacent properties such as Barr Lake State Park.

Crude Oil Pipeline

The crude oil pipeline will traverse 12 miles within unincorporated Adams County and run parallel to the natural gas pipeline. The pipeline will start at the CDP facility and end at the intersection of East 120th Avenue and Powhaton Road and will be capped for future crude oil gathering.

Remote Valve Sites

A block valve is a mechanical device installed in a pipeline that can be closed to block the flow of oil or gas through the line. These valves can be operated remotely from a location other than the valve site. The proposed natural gas pipeline will have two remote block valve sites located in unincorporated Adams County. The first valve site will be located approximately 12miles east of the CDP Facility and approximately 2.7miles south of the next valve location (See Exhibit 2.3 (b)). The second valve site will be located approximately 2.7miles north of the intersection of East 120th Avenue Powhaton Road along the west side of Powhaton Road (See Exhibit 2.3 (b)). A valve site looks similar to the following picture:



Development Agreement

As part of this request, the applicant has agreed to enter into a Development Agreement with the County. The development agreement will cover a number of issues such as pre-construction requirements, construction and operational standards, maintenance of the pipeline, and consideration for future development. The agreement is currently under review by staff and the most recent draft has been included in this report. Staff is recommending the execution and compliance of the development as a condition of approval with this request. The Development Agreement shall be executed by the applicant prior to the Board of County Commissioner's hearing.

Development Standards and Regulations Requirements

Oil and gas development is overseen by federal, state, and local regulations. Section 4-10-02-03 of the County's Development Standards and Regulations outlines requirements for oil and gas well drilling and production activities in the County. The Section also provides definitions for oil and gas facilities. In the Section, oil and gas facilities consist of the site associated with equipment used for production, treatment and storage of oil and gas waste products. The well pad and equipment used for production are also classified in the definition, as well as temporary storage, staging of oil and gas or any other oil and gas operation, which may cause significant degradation to the environment.

Section 4-10-02-03-05 of the Development Standards and Regulations further outline the county's process for permitting new oil and gas development sites. Specifically, the process for oil and gas development follows a two pronged approach: 1) Obtain a Special Use Permit from the Board of Adjustment; or 2) Execute a Memorandum of Understanding (MOU) and submit for approval an Administrative Use by Special Review permit for each well pad. Well connects, that are ***"10" or less inside a diameter and 2 miles or less in length, laid running from the custody transfer point or production facility for a new well (s) to an existing gathering line connection point"*** can be permitted through an executed MOU. However, in cases where pipelines do not meet the definition of well connects, then a Conditional Use Permit is required. In the case of the subject request, a Conditional Use Permit is required because the proposed pipeline would exceed 10" in diameter and also extend beyond 2 miles. Requirements for the Conditional Use Permit are outlined in Section 2-02-08-06 of the County's Development Standards and Regulations. For these requirements, demonstration that the request is compatible with the surrounding area, not detrimental to the immediate area, all off-site impacts have been addressed,

and the site plan provided with the request will provide the most convenient and functional use of the lot.

The proposed request conforms to the criteria for a Conditional Use Permit review. The pipeline route is the best alternative that minimizes potential impacts on existing residential developments. Majorities of the property that the pipeline traverses through are predominately used for agriculture and construction of the pipeline will not impede current or future use of these properties. Regarding the CDP facility, the applicant coordinated with the surface owner of the site to select a location that would preserve the most area of cropland for farming. In addition, the proposed landscape plan shows construction of a fence to screen the CDP facility. The proposed screening materials shall consist of a landscape buffer and screening fencing and be in conformance with the Adams County Development Standards and Regulations. Providing screening will mitigate any visual impact of the proposed CDP facility.

In addition, the CUP application also addresses submittal items outlined in Section 6-07-2 of the County's Development Standards and Regulations pertaining to Areas and Activities of State Interest permits. The submittal items include the following information:

- Detailed applicant information
- Extensive information regarding the project
- Information on property rights, permits, and other approvals
- Financial feasibility of the project
- Land use
- Local governmental services
- Financial burden on residents
- Local economy
- Environmental impact analysis: this included analysis on water (surface and ground water), visual impacts, air quality, wetland and riparian areas, flora and fauna, soils, geologic conditions, and areas of paleontological, historic or archaeological importance.

The submittal information for Areas and Activities of State Interest was included in the application to address a range of potential impacts associated with the request.

Staff reviewed all the submitted documentation and has determined the information provided has adequately addressed the requirements from the Areas and Activities of State Interest. The CDP facility and the preferred pipeline routes affect only properties zoned Agriculture-3 (A-3) and Denver International Airport (DIA) within unincorporated Adams County. Sections 3-10 and 3-31 of the Adams County Development Standards and Regulations outline requirements for development in the A-3 and DIA zone districts. Per the Development Standard and Regulations, the purpose of the A-3 District is to provide land, primarily in holdings of at least thirty-five acres, for dryland or irrigated farming, pasturage, or other related food production uses. Per Section 3-31 of the Development Standards and Regulations, the purpose of the DIA District is to provide for non-residential land uses associated with aviation operations, roadways, or passive uses, while minimizing risks to public safety and hazards to aviation users including those employed at public aviation facilities. The A-3 and DIA zone districts allow passive uses, including utilities, which are comparable to the proposed request.

Future Land Use Designation/Goals of the Comprehensive Plan for the Area:

Construction of the CDP facility and pipeline crosses lands within six future land use designations within the County's 2012 Comprehensive Plan. Namely, Agriculture, Parks and Open Space, Estate Residential, Urban Residential, DIA Reserve, and Mixed Use Employment. In addition, portions of the pipeline are also within the recently adopted District Plan for the areas south of the City of Brighton's municipal boundary. Analysis of each of the Future land use designations and their intended purposes are discussed below:

CDP Facility

Adams County's Comprehensive Plan designates the subject property for the CDP facility and surrounding area as Agriculture and Parks and Open Space. Per the Comprehensive Plan, Agricultural areas are not expected to develop, except for limited areas of low density residential at one dwelling per thirty-five acres, for the foreseeable future. In addition, the Agriculture areas are intended for dryland or irrigated farming, pasturage, or other related food production uses. Parks and Open Space areas are intended to provide for public parks, trails and open space. The property east of the subject parcel is designated as Parks and Open Space on the Comprehensive Plan. It is also in a conservation easement held by Adams County. The CDP facility is located over half a mile from the easement and will be screened with landscaping and fencing to make it compatible with the easement.

Pipeline

The following Comprehensive Plan designations are impacted or are in close proximity to the proposed pipeline route:

- Agriculture
- Parks and Open Space:
- Estate Residential
- Urban Residential
- DIA Reserve
- Mixed Use Employment

Goals of the Agriculture Future Land Use:

Per the County's Comprehensive Plan, Agriculture areas are not expected to develop, except for limited areas of low density residential at one dwelling per thirty-five acres. These areas are intended for dryland or irrigated farming, pasturage, or other related food production uses. The proposed pipeline route runs through land designated for future agricultural use along the north side of East 120th Avenue, between Himalaya Street and Picadilly Road, and along either side of Powhatan Road from East 136th Avenue to East 168th Avenue and CO Highway 2. The segment of the pipeline in these areas will be buried underground and the right-of-way restored to its original condition after construction of the pipeline. Except initial construction of the pipelines, there are no other expected impacts to the current or future planned use of land in these areas. The properties in the areas will be able to continue to be used for farming activities.

Goals of the Parks and Open Space Future Land Use:

The Parks and Open Space areas are intended to provide for public parks, trails and open space. The proposed pipeline route runs through land designated for Parks and Open Space on the south end of the Barr Lake area. Specifically, from the east side of Colorado Interstate-76 eastward to Himalaya Street. The alignment follows 128th Avenue, the Barr Lake inlet and then along the 124th Avenue alignment. The pipeline in this area will be buried and the right-of-way restored to its original condition after construction. Construction of the pipeline in this area will not affect the current, or future planned use of land in this area.

Goals of the Estate Residential Future Land Use:

The Estate Residential areas are designated for single family housing at lower densities no greater than one unit per acre. Per the future land use map, the proposed pipeline route will not directly traverse through Estate Residential areas. However, a segment of the pipeline will run in close proximity to areas designated as Estate Residential. The pipeline as proposed, runs along the north side of East 136th Avenue from Sable Boulevard east to Chambers Road and then south, approximately 1 mile, to Interstate-76. The Residential Estate areas in close proximity to the pipeline are developed with single-family homes. However, after completion of construction, the pipeline will have no impact to these areas and in fact, it will reduce truck traffic associated with oil and gas development in the area.

Goals of the Urban Residential Future Land Use:

The Urban residential areas are designated for single and multiple family housing, typically at urban densities of one dwelling per acre or greater. Per the Comprehensive Plan, these areas are intended to provide for development of residential neighborhoods with a variety of housing types, with adequate urban services and transportation facilities. The pipeline route traverses the southern edge of a parcel designated as Urban Residential for approximately 1,300 feet west of Tower Road, along the northern unconstructed East 124th Avenue. There is currently one residence on this parcel. The proposed request would not impact this residence or impede further residential development of the area.

Goals of the DIA Reserve Future Land Use:

The DIA Reserve designation is set aside for the airport lands owned by and bordering the City and County of Denver for Denver International Airport, however, remains in the jurisdiction of Adams County. The goal of the DIA Reserve areas is to serve as a buffer around the airport and to remain primarily agricultural or as undeveloped open land. These lands and their uses were established by a 1988 Intergovernmental Agreement (IGA) between Denver and Adams County for the airport. The pipeline right-of-way located within areas designated as DIA Reserve is located along the north side of East 120th Avenue from Picadilly Road to Powhaton Road. According to the applicant, the pipeline right-of-way incorporates planned expansion of East 120th Avenue. Construction of the pipeline will not impact the current or future designated land use of the area.

Goals of the Mixed Use Employment Future Land Use:

The Mixed Use Employment future land use allows for a mixture of employment uses, including offices, retail, and clean, indoor manufacturing, distribution, warehousing, and airport and technology uses. Properties around Denver International Airport are designated as Mixed Use Employment to preserve future long-term opportunities for employment growth in these areas. The proposed pipeline right-of-way would be located 270 feet from the centerline of Powhaton Road, thus accommodating expansion of Powhaton Road. Current land use activities in this area are agricultural with some oil and gas activities. The proposed pipeline will not hinder development of the Mixed Use designated areas.

Goals of the Adams County – City of Brighton District Plan:

The goals of this plan are to conserve farmland and promote agritourism while allowing for a range of development opportunities that consider the most efficient and sustainable use of the land. The applicant’s request is consistent with that plan, as it allows the surface owner to maintain the land as productive cropland. Use of a pipeline also reduces truck traffic and potential disturbances to agricultural activities in the area.

Site Characteristics:

The property for the proposed CDP facility is designated A-3 and currently developed with a single-family home, agricultural outbuildings, and cultivated crop fields. The single family home and outbuildings are located on the southeastern corner of the property. The proposed CDP facility will be located on the southwestern corner. Oil and gas wells are also planned to be developed on the property. The County is currently reviewing these planned activities. From the submitted application, impacts from the CDP facility would largely be visual in nature and be mitigated through landscaping and fencing. Impacts to the cultivated fields will also be minimal due to extensive negotiations between the landowner and applicant to locate and screen the facility and still allow as much cultivated land as possible.

Surrounding Zoning Designations and Existing Use Activity for the CDP Facility:

Northwest Highway 85 Right-of-Way	North A-3 Agriculture	Northeast A-2 Berry Patch Farms Agriculture
West Highway 85 Right-of-Way	Subject Property A-3 CDP facility / Agriculture with home & outbuildings	East A-3 Berry Patch Farms Agriculture
Southwest A-3 Agriculture	South A-3 Agriculture & Residence	Southeast A-3 Nursery & Greenhouses

Compatibility with the Surrounding Land Uses:

The area surrounding the CDP site is comprised of agriculturally zoned and used properties. The property immediately to the north, northeast, and east of the property is zoned A-3 and A-2 and

developed with agriculture uses and one single-family dwelling with outbuildings. The property directly to the northwest and west is Highway 85 right-of-way. The properties directly to the southwest, south, and southeast are zoned A-3 and used for residential and a nursery with greenhouses. The proposed request would not negatively impact existing surrounding uses.

Regarding the pipeline, while the preferred route is longer in distance than the alternatives considered, the route bypasses the City of Brighton, the more populated areas of unincorporated Adams County, and Barr Lake State Park with little impact to local businesses and residential areas. General impacts to surrounding properties would be minimal. According to the applicant, the pipeline will be buried and strategically placed along perimeters of properties outside of future road right-of-ways to minimize potential impacts to surrounding properties.

Per Section 4-16 of the County's Development Standard and Regulations, a landscape plan shall be required with development of the property. The pipeline right-of-way requires no landscaping as the lines will be buried underground. The two remote block valve sites, described on page 4 of this report, will be painted with a tan color and not require landscaping. Per Section 4-16 of the County's Development Standards and Regulations, a minimum of ten percent of the CDP area shall be required to be landscaped. A minimum of one-third (1/3) of this required landscape area must be covered by living ground material. Overall, landscaping and screening required for development of the CDP project area will improve general aesthetics of the property and its surroundings.

The landscape plan submitted with the application exceeds the minimum required landscaping. A CUP allowing the property to be developed with a CDP facility is consistent with the existing developments in the area. There are five large-scale multi-well oil and gas developments existing or proposed in the immediate vicinity of the site. The pipeline and CDP facility will service all of oil and gas wells in the surrounding area and greatly reduce truck traffic associated with this proposed development. In addition, the pipeline is an important component of the overall system to gather, process, transport and market the natural resources from Adams County in a way that mitigates the impacts to the local transportation system.

Staff Recommendation:

Based upon the application, the criteria for conditional use permit approval, and a recent site visit, staff recommends approval of this request with thirty-three findings-of-fact and two conditions.

Findings of fact:

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.

4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plans for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.
9. Documentation that prior to site disturbance associated with the Proposed Project, the Applicant can and will obtain all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained or the Board may grant a Permit with conditions and/or conditions precedent which will adequately address outstanding concerns.
10. The Proposed Project considers the relevant provisions of the regional water quality plans.
11. The Applicant has the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.
12. The Proposed Project is technically and financially feasible.
13. The Proposed Project is not subject to significant risk from Natural Hazards.
14. The Proposed Project is in general conformity with the applicable comprehensive plans.
15. The Proposed Project does not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
16. The Proposed Project does not create an undue financial burden on existing or future residents of the County.
17. The Proposed Project does not significantly degrade any substantial sector of the local economy.
18. The Proposed Project does not unduly degrade the quality or quantity of recreational opportunities and experience.

19. The planning, design and operation of the Proposed Project reflects principals of resource conservation, energy efficiency and recycling or reuse.
20. The Proposed Project does not significantly degrade the environment. This includes the considerations that shall be used to determine whether there will be significant degradation of the environment. For purposes of this section, the term environment shall include:
 - Air quality,
 - Visual quality,
 - Surface water quality,
 - Groundwater quality,
 - Wetlands, flood plains, streambed meander limits, recharge areas, and riparian areas,
 - Terrestrial and aquatic animal life,
 - Terrestrial and aquatic plant life, and
 - Soils and geologic conditions.
21. The Proposed Project does not cause a nuisance and, if a nuisance has been determined to be created by the Proposed Project, the nuisance has been mitigated to the satisfaction of the County.
22. The Proposed Project does not significantly degrade areas of paleontological, historical, or archaeological importance.
23. The Proposed Project does not result in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the Board's consideration shall include:
 - Plans for compliance with Federal and State handling, storage, disposal and transportation requirements,
 - Use of waste minimization techniques, and
 - Adequacy of spill prevention and counter measures, and emergency response plans.
24. The benefits accruing to the County and its citizens from the proposed activity outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.
25. The Proposed Project is the best alternative available based on consideration of need, existing technology, cost, impact and these Regulations.
26. The Proposed Project shall not unduly degrade the quality or quantity of agricultural activities.
27. The proposed Project does not negatively affect transportation in the area.
28. All reasonable alternatives to the Proposed Project, including use of existing rights-of-way and joint use of rights-of-way wherever uses are compatible, have been adequately assessed

and the Proposed Project is compatible with and represents the best interests of the people of the County and represents a fair and reasonable utilization of resources in the Impact Area.

29. The nature and location of the Proposed Project or expansion will not unduly interfere with existing easements, rights-of-way, other utilities, canals, mineral claims or roads.
30. Adequate electric, gas, telephone, water, sewage and other utilities exist or shall be developed to service the site.
31. The proposed project will not have a significantly adverse Net Effect on the capacities or functioning of streams, lakes and reservoirs in the impact area, nor on the permeability, volume, recharge capability and depth of aquifers in the impact area.
32. The purpose and need for the Proposed Project are to meet the needs of an increasing population within the County, the area and community development plans and population trends demonstrate clearly a need for such development.
33. The Proposed Project is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area.

Recommended Conditions of Approval;

Recommended Conditions:

1. The applicant execute the Development Agreement for this project prior to the scheduled December 13, 2016 Board of County Commissioners hearing for this application. The executed Development Agreement shall be submitted to staff no later than December 9, 2016.
2. Once finalized and executed, the applicant shall comply with all terms and conditions of the Development Agreement between Discovery DJ Services, LLC and Adams County.

PUBLIC COMMENTS

Property Owners Notified	Number of Responses
129	3

Staff sent referrals to all property owners within 500 feet of the CDP facility and within 500 feet of each side of the pipeline route. As of writing this report, staff has received two comments from property owners with concerns and one from a property owner in support. Those in opposition expressed concerns about impact of the development on traffic in the area, environmental impacts, and damage to existing roads.

COUNTY AGENCY COMMENTS

Adams County Building Safety Division:

No comments

Adams County Code Compliance:

No violations were reported.

Adams County Environmental Analyst:

The Resources Review completed for this project was performed by a qualified environmental professional and adequately addressed the potential and identified resources in the area. The applicant has chosen a path for the pipeline that would avoid the removal of trees and shrub thickets that provide important terrestrial and aquatic wildlife habitat. The Environmental Analyst determined the 10-acre CDP facility will not impact important wildlife habitat areas.

Adams County Finance Department:

No comments

Adams County Office of Emergency Management (OEM)

OEM indicated no comments or concerns with the request.

Adams County Parks & Community Resources Department:

According to the County's Parks Department, the natural gas CDP is proposed to be constructed on a property adjacent to a property containing a conservation easement held by Adams County. Construction of the natural gas CDP should not impact or disturb the conservation values of this site. The preferred pipeline alignment also crosses property that is subject to a conservation easement held by Colorado Parks and Wildlife. The applicant located the CDP facility as far from the conservation easement as possible. In addition, the CDP facility will be screened by landscaping that exceeds the minimum requirements of the County.

Adams County Sheriff's Office:

No comments

Adams County Treasurer's Office

The Treasurer's Office had concerns about property taxes owed. However, the applicant has since paid the outstanding taxes.

Adams County Development Services Engineering

According to the Development Services Engineering staff, portions of the project will require a floodplain use permit. The applicant shall ensure compliance with federal, state, and local water quality requirements. All construction documents shall be reviewed and approved prior to issuance of construction permits. Also, the Developer shall repair or replace any broken or damaged County infrastructure.

Adams County Development Services Right-of-Way

Adams County requires that pipelines be located within easements that are outside of the ultimate right-of ways for roads, as determined by the Adams County Transportation Plan. Road crossings shall be allowed by permit only.

REFERRAL AGENCY COMMENTS

Responding with Comments or Concerns:

Anadarko Petroleum Corporation

- Anadarko Petroleum Corporation stated their company has recorded oil and gas leases and pipelines that could be impacted by the proposed project. Anadrko wanted to ensure their interests are addressed. The applicant has committed to continue discussions with Anadarko to address their concerns.

Brighton Fire District

- Brighton Fire requires a review for all proposed structures subject to the 2012 International Fire Code and amendments.

CDOT

- CDOT requires permits for any activities impacting state highways or interstates.

City of Brighton

- The City of Brighton stated support for the preferred alignment. The City also requests landscaping around the CDP facility to screen it from the area.

Colorado Parks and Wildlife

- Colorado Parks and Wildlife requested that during construction activities the applicant take into account nesting raptors, native vegetation and weed control, and prairie dogs. State Parks also stated they have worked with the applicant regarding easements held by the State.

Commerce City

- Commerce City indicated they were not in support of portions of the pipeline that traversed through the City. The applicant has relocated portions of the pipeline that were initially within Commerce City's jurisdiction. The City also wanted to ensure the pipeline would be located out of future road right-of-ways and not impede future development in the area. The proposed pipeline has been located out of potential future road right-of-ways and located within existing utility corridors to facilitate future growth.

Tri-County Health Department

- Tri-County Health submitted a letter with guidelines on sanitary and solid waste disposal, groundwater discharge, and protection of septic systems and above ground valves. The applicant has agreed to comply with these guidelines. The applicant also stated they will comply with all the requirements of Tri-County. The development agreement has a requirement for the applicant to comply with all Tri-County requirements included in the letter.

Xcel Energy

- Xcel Energy stated work performed within their easements or near Xcel infrastructure will require a permit.

Responding without Concerns:

Colorado Geological Survey

DIA

FAA

School District 27J

United Power

Notified but not Responding / Considered a Favorable Response:

Barr Lake State Park

Burlington Ditch Company

CDPHE

Century Link

City and County of Denver

Colorado Division of Wildlife

Colorado Historical Society

Colorado Oil & Gas Commission

Comcast

E-470 Authority

Fulton Ditch Company

Metro Wastewater Reclamation

Prairie Center Metro District

RTD

South Adams County Water & Sanitation

South Brighton Citizen Group

Union Pacific Railroad

Urban Drainage and Flood Control

US EPA

VanAire HOA

Weld County

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Exhibit 1- Maps

- 1.1 Zoning Map
- 1.2 Aerial Map
- 1.3 Future Land Use Map

Exhibit 2- Applicant Information

- 2.1 Applicant Written Explanation
- 2.2 Applicant Referral Response
- 2.3 Applicant Site Plans
- 2.4 The full application can be viewed at: <https://www.adcogov.org/planning/currentcases>

Exhibit 3- Referral Comments

- 3.1 Development Review Team Comments (Planning, Engineering, Right-of-Way, Building Safety, and Parks).
- 3.2 Adams County Treasurer's Department
- 3.3 Anadarko Petroleum Company
- 3.4 Brighton Fire District
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Exhibit 4- Citizen Comments

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Exhibit 5- Associated Case Materials

- 5.1 Certificate of Posting
- 5.2 Public Hearing Notice
- 5.3 Request for Comments
- 5.4 Property Owner Labels
- 5.5 Referral Labels
- 5.6 Development Agreement



To: Planning Commission
From: Christopher C. La Rue, Senior Planner
Subject: Boardwalk Pipeline Project / Case #RCU2016-00016
Date: December 8, 2016

If the Planning Commission does not concur with the staff recommendation of Approval, the following findings may be adopted as part of a decision of Denial:

ALTERNATIVE RECOMMENDED FINDINGS

1. The conditional use is not permitted in the applicable zone district.
2. The conditional use is not consistent with the purposes of these standards and regulations.
3. The conditional use will not comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is not compatible with the surrounding area, harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has not addressed all off-site impacts.
6. The site is not suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will not provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are not available and are not adequate to serve the needs of the conditional use as designed and proposed.
9. Documentation that prior to site disturbance associated with the Proposed Project, the Applicant cannot and will not obtain all necessary property rights, permits and approvals.

The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained or the Board may grant a Permit with conditions and/or conditions precedent which will adequately address outstanding concerns.

10. The Proposed Project does not consider the relevant provisions of the regional water quality plans.
11. The Applicant does not have the necessary expertise and financial capability to develop and operate the Proposed Project consistent with all requirements and conditions.
12. The Proposed Project is not technically and financially feasible.
13. The Proposed Project is subject to significant risk from Natural Hazards.
14. The Proposed Project is not in general conformity with the applicable comprehensive plans.
15. The Proposed Project has a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
16. The Proposed Project creates an undue financial burden on existing or future residents of the County.
17. The Proposed Project significantly degrades any substantial sector of the local economy.
18. The Proposed Project unduly degrades the quality or quantity of recreational opportunities and experience.
19. The planning, design and operation of the Proposed Project does not reflect principals of resource conservation, energy efficiency and recycling or reuse.
20. The Proposed Project significantly degrades the environment. Appendix A includes the considerations that shall be used to determine whether there will be significant degradation of the environment. For purposes of this section, the term environment shall include:
 - Air quality,
 - Visual quality,
 - Surface water quality,
 - Groundwater quality,
 - Wetlands, flood plains, streambed meander limits, recharge areas, and riparian areas,
 - Terrestrial and aquatic animal life,

- Terrestrial and aquatic plant life, and
 - Soils and geologic conditions.
21. The Proposed Project causes a nuisance and, if a nuisance has been determined to be created by the Proposed Project, the nuisance has been mitigated to the satisfaction of the County.
 22. The Proposed Project significantly degrades areas of paleontological, historical, or archaeological importance.
 23. The Proposed Project results in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the Board's consideration shall include:
 - Plans for compliance with Federal and State handling, storage, disposal and transportation requirements,
 - Use of waste minimization techniques, and
 - Adequacy of spill prevention and counter measures, and emergency response plans.
 24. The benefits accruing to the County and its citizens from the proposed activity do not outweigh the losses of any resources within the County, or the losses of opportunities to develop such resources.
 25. The Proposed Project is not the best alternative available based on consideration of need, existing technology, cost, impact and these Regulations.
 26. 18. The Proposed Project unduly degrades the quality or quantity of agricultural activities.
 27. The proposed Project negatively affects transportation in the area.
 28. All reasonable alternatives to the Proposed Project, including use of existing rights-of-way and joint use of rights-of-way wherever uses are compatible, have not been adequately assessed and the Proposed Project is not compatible with and does not represent the best interests of the people of the County and does not represent a fair and reasonable utilization of resources in the Impact Area.
 29. The nature and location of the Proposed Project or expansion will unduly interfere with existing easements, rights-of-way, other utilities, canals, mineral claims or roads.
 30. Adequate electric, gas, telephone, water, sewage and other utilities do not exist or shall not be developed to service the site.
 31. The proposed project will have a significantly adverse Net Effect on the capacities or functioning of streams, lakes and reservoirs in the impact area, or on the permeability, volume, recharge capability and depth of aquifers in the impact area.

32. The purpose and need for the Proposed Project are not to meet the needs of an increasing population within the County, the area and community development plans and population trends do not demonstrate clearly a need for such development.
33. The Proposed Project is not compatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area.

1.0 INTRODUCTION

Discovery DJ Services, LLC (Discovery), a joint venture between Discovery Midstream Partners, LLC and Ward Petroleum, is submitting this application for a Conditional Use Permit (CUP) to Adams County. The application is in accordance with the requirements outlined under Chapter 10 of the Adams County Development Standards and Regulations (CDS), the Conditional Use Permit Checklist, and additional requested submittal criteria for the Adams County Areas and Activities of State Interest (ASI) Checklist, as outlined during the conceptual review process and subsequent Adams County Conceptual Review Meeting Summary Letter dated December 11, 2014 and further discussed under Section 1.1 below.

This CUP application is organized in an order to address the requirements of i) the CUP Checklist ii) the specific additional applicable items from the ASI Checklist and iii) additional information as outlined in the conceptual review summary letter and requested by the Adams County Planning Department (CPD) staff.

1.1 PROPOSED PROJECT

Advances in oil and gas extraction technologies have resulted in a substantial increase in oil and gas activities across Colorado, more specifically in the Denver-Julesburg Basin and Wattenberg fields within Adams County. Crude oil and produced liquids (condensate, produced water) from these wells impede the natural gas production and require transportation to oil and gas facilities for processing, treatment, and either disposal or sale to regional markets. Currently, these liquids are transported by truck from the individual well pads resulting in an increasing number of trucks per day on the local city and county roads and state highways. Similarly, the existing natural gas infrastructure in and around these wells is at capacity or doesn't exist within areas of new drilling. Centralized collection of these liquids and more efficient means of transportation are required to reduce the local truck traffic and facilitate transportation of the natural gas and produced liquids to locations where they can be processed and sold to meet market demands. The Project is a necessary component of the overall system to gather, process, transport and market the area's natural resources in the Niobrara and Codell formations.

1.1.1 PROJECT LOCATION

Discovery is proposing to construct a new natural gas, crude oil and produced liquids gathering system and associated facilities outside of Brighton, Colorado to facilitate the centralized collection of crude oil and produced liquids while facilitating the delivery of pipeline quality natural gas and natural gas liquids to regional markets. This would include the construction of a new Central Delivery Point (CDP) facility located approximately 10 miles south of Brighton, Colorado in the SE of Section 11, Township 6S, Range 60W. From the CDP, wet natural gas will be transported via a new 1.5-mile natural gas gathering trunkline to a new natural gas compression and processing facility located approximately 1.5 miles northwest of Lochbuie, Colorado in the SW of Section 11, Township 6S, Range 60W where the gas will be processed to recover natural gas liquids (NGL) for delivery to a nearby third party via a new 1.5-mile NGL sales pipeline. Conversely, pipeline quality natural gas off of the new compression and processing facility will be delivered to a new custody meter station for sales to a third party transmission pipeline via a new 1.5-mile residue gas sales pipeline.

Similarly, a new 1.5-mile crude oil pipeline will be constructed concurrently with the proposed natural gas pipeline from the CDP site to the intersection of S. 11th Ave. and Powhatan Rd., where the crude oil pipeline will be capped and inerted in place for future crude oil gathering.

Sections 1.1.1 through 1.1.4 below further describe the key infrastructure located within Adams County.

1.1.1.1 Central Delivery Point (CDP) Facility

The CDP facility will incorporate a natural gas manifold, crude oil manifold, up to two inlet two phase separator, up to eight storage tanks (Bbl.), 1000 gal. API atmospheric tanks for storage of produced water, condensate, and as necessary crude oil, a vapor recovery unit (VRU), meters for leak detection, a flare knock-out drum, enclosed flare, pig launchers for inbound gathering and outbound natural gas trunkline and crude oil pipeline, a control building, and a ticket building.

The overall site will be approximately 100 acres and will be enclosed with a 10-foot chain link fence which meets floodplain requirements with a 10-foot outrigger and 10 strands of barbed wire.

1.2.2. Natural Gas Gathering Trunkline

The natural gas gathering trunkline will be constructed of 24-inch OD, 20-gauge, API X70, PSL2 or comparable line pipe coated with 400 mils of fusion bond epoxy for external corrosion protection. All state highway, railroad, city and county road, and other crossings will be crossed by bore or horizontal directional drill (HDD), thereby avoiding surface impacts in these areas, utilizing 24-inch OD, 20-gauge, API X70, PSL2 or comparable crossing pipe coated with 400 mils of fusion bond epoxy plus an additional 400 mils of abrasive resistant overlay coating.

Although the natural gas gathering trunkline does not fall under the jurisdiction of the Code of Federal Regulations (CFR), the trunkline will be designed and constructed to meet the requirements of CFR Part 192, Transportation of Natural and Other Gases by Pipeline. In general, under the CFR, Discovery is required to design and construct the trunkline for a Class 2 area classification utilizing a 1.0 design safety factor at a depth of 48 inches below ground level. As an additional recognized safety precaution, Discovery will design the pipeline for the more stringent Class 1 area classification utilizing a 1.5 design safety factor and all state highway, railroad, city and county road, and other crossing locations to a Class 1 area classification utilizing a 1.5 design safety factor. In addition, Discovery will bury the trunkline a minimum of 48 inches below grade. At all county and/or public roads crossings, the trunkline will be buried a minimum of 48 inches below the bottom of the bar ditches (SD) and Adams County Public Works Department requires a minimum of 48 inches. Discovery will comply with all local irrigation ditch company requirements as well as the Nationwide Plan permit for all waterway crossings, which allow waterways to be open cut or bored depending upon the condition of the waterway.

The natural gas trunkline will be designed to facilitate routine pigging operations to remove liquids that drop out in the pipeline as well as inline inspection of the line as required in accordance with the CFR.

Table 1.2.2 below summarizes key information for the natural gas trunkline.

**Table 1.2.2
Boardwalk Pipeline Project
Natural Gas Gathering Trunkline**

Pipeline Diameter	24 inches OD
Pipeline Wall Thickness	20-gauge OD, Line Pipe 20-gauge OD, Crossing Pipe 20-gauge OD
Yield Strength	70,000 psi (20-gauge) Grade 70
Total Pipeline Length	1.0 miles
Total Pipeline Length in Adams County	1.0 miles
Total Parcel Tract Count In Adams County	1

1.2.3. Crude Oil Pipeline

The crude oil pipeline will be constructed of 24-inch OD, 20-gauge, API X70, PSL2 or comparable line pipe coated with 400 mils of fusion bond epoxy for external corrosion protection. All state highway, railroad, city and county road, and other crossings will be crossed by bore or horizontal directional drill (HDD), thereby avoiding surface impacts in these areas, utilizing 24-inch OD, 20-gauge, API X70, PSL2 or comparable crossing pipe coated with 400 mils of fusion bond epoxy plus an additional 400 mils of abrasive resistant overlay coating.

Although the crude oil pipeline does not fall under the jurisdiction of the Code of Federal Regulations (CFR), the pipeline will be designed and constructed to meet the requirements of CFR Part 192, Transportation of Hazardous Liquids by Pipeline. In general, under the CFR, Discovery is required to construct the pipeline at a depth of 48 inches below ground level. As an additional recognized safety precaution, Discovery will bury the pipeline a minimum of 48 inches below grade. At all county and/or public roads crossings, the pipeline will be buried a minimum of 48 inches below the bottom of the bar ditches (SD) and Adams County Public Works Department requires a minimum of 48 inches. Discovery will comply all local irrigation ditch company requirements as well as the Nationwide Plan

□□ permit for all waterway crossings, which allow waterways to be open cut or bored depending upon the condition of the waterway.

□he crude oil pipeline will be designed to facilitate routine pigging operations as well as inline inspection of the line as required in accordance with the C□□.

□able □□□ below summarizes key information for the crude oil pipeline.

**Table 1.2.3
Boardwalk Pipeline Project
Crude Oil Pipeline**

Pipeline Diameter	□,□□□□□.□.
Pipeline Wall Thickness	□.□□□□W.□. □Line Pipe□□□.□□□□W.□. □Crossing Pipe□
Field Strength	□□,□□□ psi □□□□ □rade□
Total Pipeline Length	□□.□ miles
Total Pipeline Length in □dams County	□□.□ miles
Total Parcel □tract Count In □dams County	□□

□he ultimate capacity of the crude oil pipeline will be □□,□□□ barrels per day. Comparatively, a typical crude oil truck holds approximately □□□ barrels of crude oil, thus the Boardwalk crude oil pipeline will be able to carry the same amount of crude oil as □□□ trucks per day at the ultimate capacity.

□.□.□ □□M□□□ □□L□□□ SI□□S

□he natural gas gathering trunkline will have two □□□ remote valve sites located in □dams County. □he first valve site will be located approximately □□□ miles east of the C□P facility and approximately □.□□ miles south of the next downstream valve. □he valve will be an above ground, □□□ inch manually operated ball valve with blowdowns to facilitate pipeline maintenance, as necessary, and will be enclosed in a □□ foot wide by □□ foot long □ ft. chain link fence for security.

□he second valve site will be located approximately □.□□ miles north of the intersection of □. □□□th Ave. and Powhatan Rd. along the west side of Powhatan Rd. in the □W of Section □□, Township □S, Range □□W. □he valve site will be a series of above ground, □□□ inch manually operated ball valves with blowdowns to facilitate pipeline maintenance and expansion, as necessary, and will be enclosed in a □□ foot wide by □□ foot long □□ foot chain link fence with a □ foot outrigger and □ strands of barbed wire.

□verall, the natural gas trunkline will have three □□□ remote valves, with a third mainline valve located in Weld County, not including the isolation valves at the C□P facility and compression and processing facility.

□he crude oil pipeline will not require any remote valves beyond those provided at the C□P facility.

□.□ □□SC□IP□□□ □□P□□□□□□□□ PIP□LI□□ □□□□□

□he proposed route for the natural gas gathering trunkline and crude oil pipelines crosses the City of Brighton and unincorporated □dams County. □s outlined in figure □□ on the following page, the pipelines originate at the C□P facility located approximately □,□□□ ft. west of the intersection of □. □□□th Ave. and Potomac Street and travels in a general southeasterly direction through agricultural fields and rural residential areas crossing Colorado Interstate □□, B□S□ railroad, and various canal infrastructure and roads to a point approximately □,□□□ ft. east of the intersection of □ower Rd. and □. □□□th Ave. before turning due east along the north side of □. □□□th Ave. to the intersection of Powhatan Rd. and □. □□□th Ave., at which time the natural gas gathering trunkline turns north along Powhatan Rd. until it crosses into Weld County approximately □,□□□ ft. east of the intersection of □arvest Rd. and □. □□□th Ave. □County Road □.

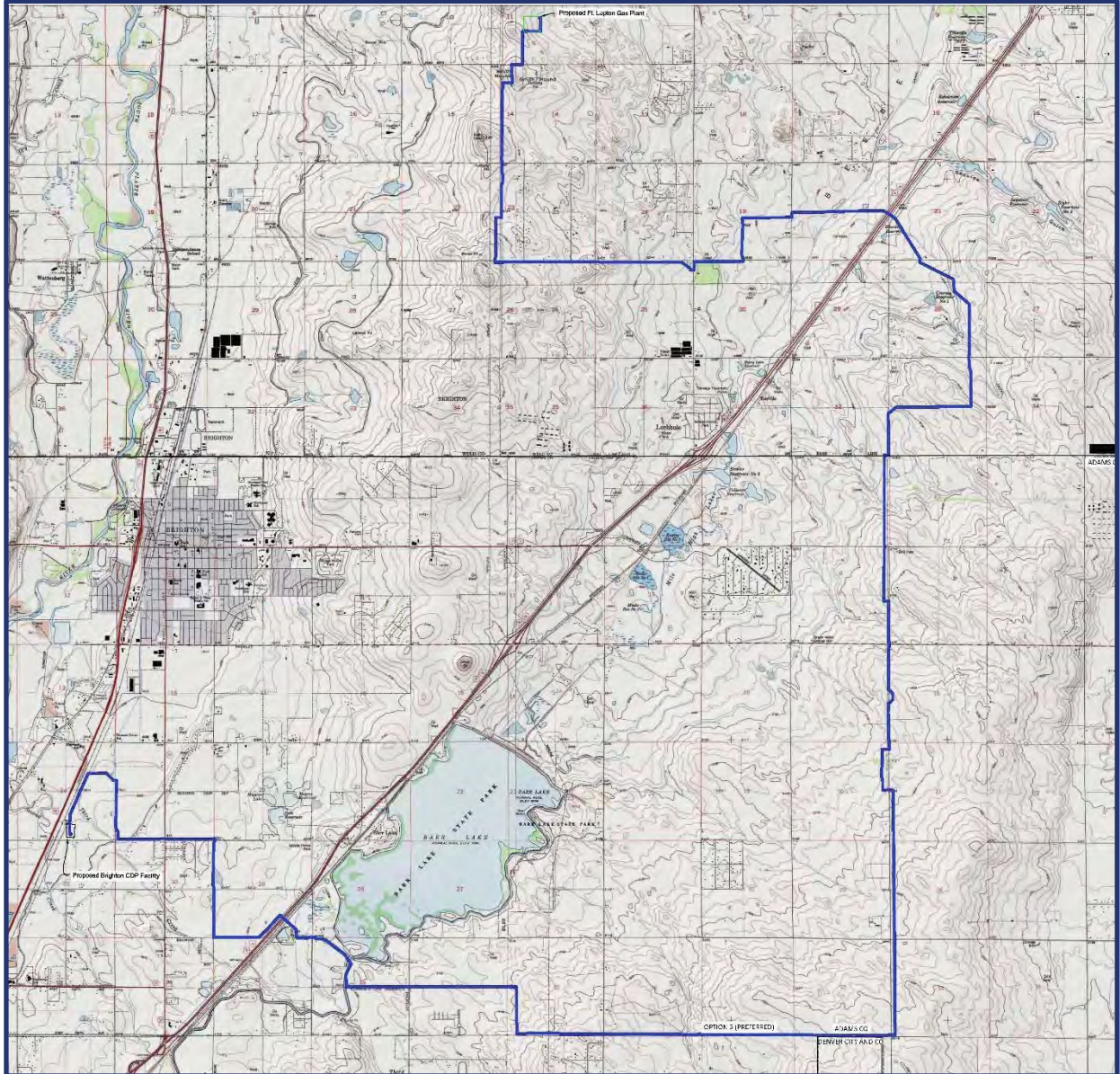


Figure 1.3 – Preferred Pipeline Route, Adams County

A total of 10 crossings, including state highway, railroad, city and county road, and irrigation canals are required. Table 1.3a below and the top of the following page summarizes the Adams County road crossings required along the preferred route. A complete list of other featured crossings along the preferred route is outlined under Table 1.3b on the following page.

Table 1.3a Boardwalk Pipeline Project Adams County Road Crossings			
No.	Road Crossed	Nearest Intersection	Distance to Intersection (Approximate)
1	Potomac St	Potomac St & 10th Ave	1,000 ft.
2	Sable Blvd	Sable Blvd & 10th Ave	500 ft.
3	10th Ave	Granby St & 10th Ave	500 ft.

Table 1.3a (Cont.) Boardwalk Pipeline Project Adams County Road Crossings			
No.	Road Crossed	Nearest Intersection	Distance to Intersection (Approximate)
01	1000th Ave	Sable Blvd 1000th Ave	0,000 ft.
02	Cameron Cir	Cameron Cir 1000th Ave	0,000 ft.
03	Buckley Rd	Buckley Rd 1000th Ave	0,000 ft.
04	Lower Rd	Lower Rd 1000th Ave	000 ft.
05	Picadilly Rd	Picadilly Rd 1000th Ave	000 ft.
06	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
07	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
08	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
09	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
10	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
11	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
12	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
13	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
14	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
15	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
16	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
17	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
18	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
19	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
20	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
21	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
22	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
23	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
24	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
25	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
26	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
27	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
28	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
29	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
30	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
31	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
32	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
33	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
34	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
35	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
36	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
37	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
38	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
39	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
40	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
41	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
42	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
43	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
44	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
45	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
46	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
47	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
48	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
49	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.
50	Powhatan Rd	Powhatan Rd 1000th Ave	0,000 ft.

Table 1.3b Boardwalk Pipeline Project Adams County Non-County Road Crossings			
No.	Type of Feature	Name / Description	Approximate Crossing Location
01	Creek	Chird Creek	0000000000, 0000000000W
02	Canal	Bulton Canal	0000000000, 0000000000W
03	Canal	Bulton Canal	0000000000, 0000000000W
04	Interstate	Interstate 0000 Highway 0	0000000000, 0000000000W
05	Railroad	B&O Railroad	0000000000, 0000000000W
06	Canal	Burlington Branch 0000IC	0000000000, 0000000000W
07	Canal	Burlington Branch Brian Canal 0000IC	0000000000, 0000000000W
08	Canal	Denver Hudson Canal 0000enrylyn	0000000000, 0000000000W

2.0 CONSTRUCTION SCHEDULE

Construction activities in Adams County will commence upon approval of the COP and completion of all conditions of approval. A final schedule for construction of the project has not yet been developed, however it is anticipated that pipeline construction within the County will take approximately 12 months, while construction of the COP facilities will take approximately 6 months, all weather permitting.

Following completion of all design activities and the applicable construction contractor has been selected, Discovery will provide the COP a detailed schedule prior to starting construction.

2.0 CONDITIONAL USE PERMIT APPLICATION

This COP application has been developed in accordance with the COP, Chapter 0, Section 00000000 Conditional Use Permit and the submittal criteria identified within the COP Checklist.

2.0 COP CHECKLIST SUBMITTAL CRITERIA

A completed copy of the COP Checklist has been provided under Exhibit 0 Conditional Use Permit Checklist.

1.0 PROJECT DESCRIPTION

1.1 The proposed development application has been provided under Exhibit B Development Application.

2.0 APPLICATION FEE

2.1 The check for the required application fee, made payable to Adams County, is submitted and accompanies this application.

3.0 CONCEPTUAL REVIEW MEETING SUMMARY LETTER (SUBMITTAL ITEM B)

3.1 A Conceptual Review Meeting was held on January 1, 2014 between Discovery and staff members from Adams County Planning Department and the Public Works Department, to begin the application process and discuss Discovery's planned location and scope for the COP site along with the preferred route for the natural gas pipeline through Adams County. A summary of the County's preliminary comments along with a breakdown of the applicable submittal requirements for the COP and additional items that would need to be addressed was provided by the COP in a letter dated December 11, 2013, and attached hereto under Exhibit C Conceptual Review Meeting Summary Letter. A Conceptual Review Meeting waiver is not applicable.

4.0 NEIGHBORHOOD MEETING SUMMARY

4.1 In accordance with CDS Section 100000 and following discussions with the COP, Discovery conducted a neighborhood meeting to inform owners of property located within 100 feet of the COP facility as well as those landowners within 100 feet of the pipeline permanent right-of-way ROW in Adams County. The neighborhood meeting was held on Monday, June 1, 2014 at Eagle View Adult Center, located in Brighton, Colorado. Notification of the neighborhood meeting was mailed to all identified property owners within 100 feet of the Project in accordance with CDS Section 100000. A copy of the notification brochure, along with the required summary of the neighborhood meeting is provided under Exhibit D Neighborhood Meeting Notification Summary.

5.0 CONSTRUCTION PERMITS

5.1 Prior to the commencement of construction activities, Discovery will secure a 10 year lease for the COP facility site, owned by Ms. Elaine E. Schaefer, et. al. (parcel no. 000000000000) along with the applicable easements and executed right-of-way agreements authorizing the right to construct, operate, and maintain the 48 inch natural gas and 48 inch crude oil pipelines on all privately and publically owned properties. As lease and easement holder, Discovery is not responsible for the payment of property taxes on the parcels, as that remains the responsibility of the landowner.

6.0 PERMITS AND RIGHT-OF-WAY

6.1 As described above in Section 5.1, Discovery is not the fee simple estate owner of the properties on which the COP facility, or respective pipelines will be located within Adams County. Discovery will acquire a 10 year lease for the COP facility and the applicable easements and right-of-way agreements from the owners prior to the commencement of construction activities, and will record these executed agreements with the Adams County Clerk and Recorder's office ahead of initiating construction activities. A list of the parcels within Adams County on which the COP facility and respective pipelines will be located are provided under Exhibit E Adams County Line List.

7.0 WATER AND SANITARY SERVICES

7.1 The operation of the COP facility, nor the respective pipelines, will not require water or sanitary services. During the construction phase of the project, water for hydrostatic testing and dust mitigation will be obtained from permitted sources in accordance with the applicable state and local requirements and will be supplied using water trucks. Temporary sanitary facilities will be provided for construction workers at the COP facility site and the staging areas along the right-of-way.

8.0 HEALTH DEPARTMENT PERMITS

8.1 A check payable to the Tri-County Health Department in the amount of \$1000.00 is being submitted with this application.

1.00 SOIL AND LOGIC PROS

Reference Section 1.1.

1.00 PERMITTING AND SPECIALS

The COP facility will be located on a 10-acre site within a 100-year floodplain. Overall, final elevations of the site will remain consistent with existing elevations. The imperviousness of the area will increase by approximately 1.00 due to the graveling of the site and the addition of eight 1000-gallon barrel, 30 ft. dia. 10 ft. tall tanks. A corrugated metal containment basin will be installed around the tanks for secondary containment and will incorporate an impervious liner, providing for approximately 1,000 barrels of containment, or 100 cu. yds. This volume is not expected to alter the existing drainage patterns.

An application for the associated Floodplain Use Permit will be submitted to the Adams County Transportation Department for floodplain review.

A detailed drainage study is not required for the respective pipeline easements as no permanent grade alterations or changes to existing drainage patterns are expected. The areas disturbed during construction of the pipelines will be returned to their original state after installation. There are no impervious surfaces or aboveground structures that are proposed as part of the respective pipelines, with the exception of two remote valve sites, where the above-ground appurtenances are minimal and will not affect overall drainage patterns. These remote valve sites will be located entirely in the pipeline right-of-way and will not significantly change in imperviousness due to the small footprint of the above-ground pipe. There are no plans to gravel these sites as the ground surface will be returned to its original state post-construction.

Prior to construction, a Stormwater Management Plan (SWMP) will be prepared and submitted to the County, as part of the Erosion and Sediment Control Plan to address water quality issues associated with construction activities. Stormwater Best Management Practices (BMPs) will be installed for the construction phase in accordance with the requirements of the SWMP.

1.00 PERMITTING AND SPECIALS

The COP facility will require utility service for minor electrical loads to operate an electric driven vapor recovery unit (VRCU), yard lighting, and instrumentation and controls for the facilities. A preliminary estimated load of approximately 1000 VA is anticipated to be required. Discovery has reviewed these load requirements and obtained confirmation from the local power utility, United Power Cooperative, that the required service can be provided to the site. A copy of the utility service confirmation letter is provided under Exhibit B [Utility Service Confirmation Letter](#).

Prior to construction, Discovery will execute agreements with United Power to provide the required service, and will provide copies of the executed agreements to COP accordingly.

1.00 CERTIFIED BOUNDARY SURVEY AND IMPROVEMENT LOCATION CERTIFICATE (ILC)

A certified copy of the boundary survey for the COP facilities is provided under Exhibit C. [Certified Boundary Surveys](#).

Route maps for the respective pipelines are provided under Exhibit D. [Discovery Boardwalk Pipeline Route Maps](#). Upon completion of construction, Discovery will provide Adams County with a legal description of the pipeline route in a format that is consistent with the U.S. Department of Transportation National Pipeline Mapping System requirements.

1.00 PERMITTING AND SPECIALS

A site plan for the COP facility has been provided under Exhibit E. [Brighton COP Facility Site Plan](#).

Pipeline alignment sheets, showing the planned location and route of the natural gas and crude oil pipelines, permanent easement, and temporary construction areas and associated above ground facilities and appurtenances (i.e. block valves, temporary staging areas, etc.) located within Adams County are provided under Exhibit F. [Pipeline Alignment Sheets](#).

Typical ditch details along the pipeline are provided under Exhibit G. [Typical Pipeline Ditch Details](#).

1.00 PLANNING AND DESIGN SERVICES AND CONSTRUCTION PERMITTING AND SUBMITTAL COMPLETION

1.01 PLANNING AND DESIGN SERVICES

Pursuant to C.S. Section 10-1-101, a conditional use is a land use which is presumptively compatible with other land uses authorized or permitted in a zone district, but, if approved, require more discretionary review than those uses which are authorized. Through consultation with the CIP, Discovery has been advised that the proposed CIP facility and respective pipelines use is classified as Industrial Use and subject to the County Conditional Use Permit review and approval. Consequently, Discovery respectfully submits this application for the Board of County Commissioners review and approval pursuant to regulations, procedures, and criteria for approval under the C.S. Section 10-1-101.

1.02 CONSTRUCTION AND PROTECTION

Section 10-1-101 of the C.S. outlines eight criteria for reviewing and approving a proposed conditional use. The following breaks down these criteria and the respective answers thereto for the Project.

- 1. Criteria the conditional use is permitted in the applicable zone district.

Response As outlined under section 1.01 above, Discovery has been advised by the CIP, that the proposed facilities and respective pipeline use is classified as industrial use within the affected zone districts and subject to the County Conditional Use Permit review and approval pursuant to C.S. Section 10-1-101, pages 10-1-101 through 10-1-101.

- 1. Criteria the conditional use is consistent with the purpose of these standards and regulations.

Response Admits County's land use and development standards and regulations are intended to control and assist in the orderly, efficient, and integrated development of the County, in order to preserve the health, safety, and welfare of the public. These standards and regulations designate, regulate, and restrict the location of the buildings, structures, and use of land for residence, commercial, industry, agriculture or other purposes; regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; establish minimum requirements for off-street parking, loading, and unloading; regulate and determine the minimum size of lots; regulate and determine the size of yards, landscaping, and other open spaces; regulate the density of population and buildings; and for said purposes, divide the unincorporated area of the County into zone districts of such number, shape and are as may be deemed best suited to carry out these standards and regulations and to provide for their administration, enforcement, and amendment.

Discovery's proposed facilities and underground pipelines will remain consistent with the purposes as detailed in the Admits County Standards and Regulations. In addition, all required and applicable permits for the Project have been, or will be, obtained from the appropriate Federal, State and Local agencies prior to construction, including:

- ❖ U.S. Fish and Wildlife Service (USFWS)
- ❖ U.S. Army Corp of Engineers (USACE)
- ❖ National Resource Conservation Service (NRCS)
- ❖ Colorado Department of Health and Public Environment (CDPE)
- ❖ State Historic Preservation Office (SHPO)
- ❖ Colorado Parks & Wildlife (CPW)

- 1. Criteria the conditional use will comply with the requirements of these standards and regulations, including but not limited to applicable performance standards.

Response Discovery will comply with the applicable performance standards as outlined under the Adams County Standards and Regulations, Chapter Design Requirements and Performance Standards. In addition, Discovery will maintain the facilities and respective pipelines to ensure compliance with federal regulatory requirements CWA Parts 131 and 132, Clean Water Act, etc.

- Criteria The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.

Response Of all facility locations and route alternatives considered, the preferred pipeline route has minimal impact on existing residential uses and is compatible, complimentary and consistent with agricultural uses 100 percent of the route. In addition

- ❖ The Discovery route is consistent with the character of the area i.e. agricultural use coexisting with underground pipelines and utilities.
 - ❖ Where applicable, anticipated future development will be accommodated in the easement agreement terms negotiated with landowners.
 - ❖ Of all facility locations and route alternatives considered, the preferred route has the fewest number of directly impacted businesses and landowners, the least impact on existing traffic patterns, and takes the most direct route practicable.
 - ❖ Of all route alternatives considered, the preferred route has the least environmental impact.
 - ❖ The one above ground remote valve site will be fenced and secured.
 - ❖ Noise during construction has been partially mitigated by the location of the route, avoiding dense population areas, following unpopulated and rural populated areas and the resulting noise will not be uncharacteristic of typical noise from day-to-day activities in the area.
 - ❖ Dust during construction will be controlled by a dust mitigation plan and will not be uncharacteristic of the dust created by existing agricultural activities.
 - ❖ Pipelines are the safest mode of transportation for natural gas, crude oil, and produced liquids, will in fact reduce the amount of truck traffic in the area, and are not detrimental to the health, safety, and welfare of inhabitants of the area.
 - ❖ vapors from the tanks at both the COP facility will be contained in a closed system, reducing emissions and mitigating odors from the respective facilities.
 - ❖ During construction, an increase in traffic will be required and impacts will be mitigated with established traffic plans.
 - ❖ No other off-site impacts to air or water quality are expected as a result of construction or operation of the facilities or respective pipelines.
 - ❖ The respective pipelines will be located underground and their operation would not produce any nuisances or inconveniences to nearby landowners or the general public. The pipelines will not change the existing character or harmony of the current adjacent land uses, reduce the economic viability of any parcels, nor threaten the health, safety, or welfare of the general public.
- Criteria The conditional use permit has addressed all off-site impacts.

Response Discovery has made every effort to address any potential off-site impacts due to the construction or operation of the facilities and respective pipelines both in the planning and development of facility locations as well as the preferred pipeline route, the design of the project, and the following operation of the respective facilities and pipelines.

- ❖ During construction, an increase in traffic will be required and impacts will be mitigated with established traffic plans.
 - ❖ As previously noted, dust and noise during construction will be mitigated and will not be uncharacteristic of the dust and noise in the area due to ongoing daily activities.
 - ❖ No other off-site impacts to air or water quality are expected as a result of construction or operation of the facilities or respective pipelines.
 - ❖ The flares at the CIP facility and crude oil terminal will be enclosed, mitigating any visual or thermal impacts to adjacent landowners.
- Criteria The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.

Response Discovery will obtain sufficient land, right-of-way, and temporary working space along with strategically placed access for ingress/egress to the pipeline right-of-way to safely construct the pipelines and associated facilities.

- ❖ The predominant agricultural land use near the facilities and along the pipeline route is both compatible and complimentary with the required facility and pipeline operations.
- Criteria The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.

Response Discovery has taken great care in considering the current and potential use of the properties and adjacent lands for the project, talking with both landowners directly impacted by the project, as well as adjacent landowners to ensure the project provides the most convenient and functional use of the properties and right-of-way, including

- ❖ The facility site plans provide ease of ingress/egress for traffic and space has been incorporated on the site to facilitate staging of trucks and parking for operations vehicles to avoid impacts to existing traffic patterns.
 - ❖ The perimeter of each facility will incorporate an 8-foot chain link fence with 3 strands of barbed wire along the top of the fence for security. Access drive gates will be placed to facilitate ingress/egress, and will be designed to accommodate emergency vehicles.
 - ❖ Signage for the facilities will be minimal, but will include the applicants name, facility name, and emergency contact information. All signage will be placed and secured to the chain link fencing. No monument signage will be required.
 - ❖ Facility lighting will be designed to minimize direct impact to adjacent landowners, with minimal, but sufficient, lighting for night time operations.
 - ❖ The underground pipelines will not interfere with the predominant use in the area agriculture.
 - ❖ The underground pipelines are predominantly routed near and parallel to section lines, property lines, and existing utility corridors so as to minimize impacts on future development.
- Criteria Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

Discovery has considered the utility requirements, fire and police protection, and ingress/egress to/from the facilities and pipeline right-of-way in the planning and the design of the project, including:

- ❖ The proposed facilities will not require sewer or water service since they will be unmanned facilities. Portable sanitary facilities will be provided to accommodate truck drivers and operations personnel while on-site. Site grading will facilitate natural storm water drainage and designed to meet the County drainage requirements. No storm water drainage infrastructure will be required.
- ❖ All access drives and facility drive gates will be designed to meet the ingress/egress requirements of the respective fire districts.
- ❖ The facilities will not impose an additional burden on police forces beyond their current responsibilities.
- ❖ The pipelines will be located underground and will not require utility services (i.e. sewer, water, storm water drainage, etc.) or the construction of new roads.
- ❖ The pipelines will not impose an additional burden on fire or police forces beyond their current responsibilities.

1.00 PPLIC

Not applicable. The project does not involve a request for rezoning.

1.00 SBMIL M S S LI W S S S S SBMIL M

Not applicable. The project does not involve a solid waste transfer station.

1.00 SBMIL M S S LI W S C M P S C I L I SBMIL M

Not applicable. The project does not involve a solid waste composting facility.

1.00 SBMIL M S S S C P I C C C I L I SBMIL M

Not applicable. The project does not involve a scrap tire recycling facility.

1.00 SBMIL M S I I L L SBMIL M

Not applicable. The project does not involve inert fill.

1.00 P L P M P P L I C B C S SBMIL M

Completed Applicant Feedback Survey form is provided under Exhibit I Applicant Feedback Survey

1.00 C I M C C W L M I SBMIL M

It is acknowledged that Adams County may charge a Traffic Impact Fee in conjunction with the building permits for the Project. A copy of the Traffic Impact Fee Acknowledgement Affidavit is provided under Exhibit I Traffic Impact Fee Acknowledgement Affidavit

1.00 L C I C S I L L S C I P

The written descriptions and legal Plats describing and depicting the C/P facility site and the permanent, temporary and construction pipeline easements, prepared and certified by a registered Colorado Professional Land Surveyor will be provided electronically prior to performing any construction activities.

Upon completion of construction, Discovery will provide Adams County with an electronic version of the pipeline alignment in a format that is consistent with the U.S. Department of Transportation National Pipeline Mapping System requirements.

1.00 Certification of Compliance with MI Natural Gas and Crude Oil Pipeline Safety Regulations

1.00.01 A copy of the certification of notice to the mineral estate owner for the COP facility site is provided under Exhibit L.1 COP Mineral Estate Owner Notification

Pursuant to CRS Section 17-2-101(1), a natural gas pipeline or crude oil pipeline does not constitute an application for development that would trigger the requirements of the Surface Development Notification Act, CRS Section 17-2-101(1), et. seq., and therefore is not applicable.

1.00 Application to State Certification of Compliance with MI Natural Gas and Crude Oil Pipeline Safety Regulations, Pursuant to C.S. 17-2-101(1), et. seq. B.1 SBMI L I M

Discovery will provide a recorded copy of the certification concerning qualifying surface development to the COP within thirty days after the initial public hearing for the Project. A preliminary copy of the certification has been included under Exhibit L.1 Applicant's Certification of Qualifying Surface Development as acknowledgement of this requirement.

1.00 Record Copy Certification of Compliance with MI Natural Gas and Crude Oil Pipeline Safety Regulations, Pursuant to SBMI L I M L

Discovery will provide a recorded copy of the certification concerning qualifying surface development to the COP within thirty days after the initial public hearing for the Project. A preliminary copy of the certification has been included under Exhibit L.1 Recorded Copy Certification of Qualifying Surface Development as acknowledgement of this requirement.

3.0 ADDITIONAL ITEMS REQUESTED

Pursuant to the Conceptual Review Summary Letter dated December 11, 2014, and attached hereto under Exhibit C Conceptual Review Meeting Summary Letter, additional items outlined under the Areas and Activities of State Interest (SI) checklist and requested by COP staff are addressed under Sections 1.1 through 1.2 below. A copy of the completed SI checklist is attached hereto under Exhibit M Areas and Activities of State Interest Checklist

1.00 Informational State Certification of Compliance with MI Natural Gas and Crude Oil Pipeline Safety Regulations

1.00.01 Application to State Certification of Compliance with MI Natural Gas and Crude Oil Pipeline Safety Regulations

1.00.01.01 Application to State Certification of Compliance with MI Natural Gas and Crude Oil Pipeline Safety Regulations

Discovery DJ Services, LLC
Attn: Mr. Cory Jordan
1111 Walnut Hill Lane, Suite 1000
Dallas, TX 75241

1.00.01.02 Record Copy Certification of Compliance with MI Natural Gas and Crude Oil Pipeline Safety Regulations

Discovery DJ Services, LLC
1111 Walnut Hill Lane, Suite 1000
Dallas, TX 75241
[Redacted]

1.00.02 Certification of Compliance with MI Natural Gas and Crude Oil Pipeline Safety Regulations Pursuant to SBMI L I M L

1.00.02.01 Record Copy Certification of Compliance with MI Natural Gas and Crude Oil Pipeline Safety Regulations

Cory Jordan
Discovery DJ Services, LLC
1111 Walnut Hill Lane, Suite 1000
Dallas, TX 75241
[Redacted]

1.00.02.02 Certification of Compliance with MI Natural Gas and Crude Oil Pipeline Safety Regulations

Jeff Brewster
Quality Check Energy Services, LLC
Candlewood suites
10000 South medical Center Drive
Brighton, CO 80601
781-222-1111

1.1.1.1 10000 South Medical Center Drive

Eric Berg
LW Consultants, Inc.
1000 Jefferson Drive
Berthoud, CO 80513
970-888-8888

1.1.1.1 Professional Services

Doug W. Chinn, PLS
McLam, Inc.
1000 Melluride St., Ste. 1
Brighton, CO 80601
781-222-1111

1.1.1.1 Professional Services

Andy Siegfried
Simon Engineering, LLC
10000 E. Maplewood Drive, Suite 1000
Greenwood Village, CO 80111
303-751-1111

1.1.1.1 Professional Services

Cory Jordan
Discovery DJ Services, LLC
10000 Walnut Hill Lane, Suite 1000
Dallas, TX 75244
972-222-1111

1.1.1.1 APPLICANTS' CIVIL CAPABILITY TO DEVELOP THE PROJECT

The applicant is financially capable to develop this Project. The project will be financed using equity from the private equity fund Old Ironsides Energy LLC and the management team. The management team has a \$10,000,000 equity commitment for the development of greenfield midstream projects in the continental United States, which is substantially more than adequate for the development of the Project.

The applicant possesses the technical capabilities to oversee the construction and operation of the Project, and is fully responsible for the Project. The Discovery management team recently spun out of Wildcat Midstream Holdings in 2014 where the team safely operated over 1000 miles of regulated and non-regulated natural gas and hazardous liquid pipelines and 100,000 Mcfd of cryogenic natural gas processing and treating assets in the states of Texas and Louisiana.

Only contractors with the experience and expertise to construct this Project will be pre-qualified to bid on this Project.

1.1.1.1 10000 Medical Center Drive Professional Services

1.1.1.1 10000 Hill Place Specifics

Reference Section 1.1.1.1 above.

1.1.1.1 10000 Hill Place Professional Services

Discovery has considered two alternative route alignments for the Project as outlined in Figure 3.2.2 below. Both alternatives offer a shorter, more direct, route between the CUP facility and the natural gas compression and processing facility located in Weld County; however, both alternatives are in close proximity to the new Prairie View shopping development area, have a greater impact on nearby landowners and the general public, and overall higher environmental impacts. In order to avoid direct impacts to the city of Brighton and more populated portions of nearby unincorporated Adams County, Bar Lae State Park, and the town of Lochbuie, the preferred pipeline route travels east in the most direct route possible taking into consideration local landowner preferences, environmental and cultural impacts, construction access and mitigating costs, while limiting the degree of disturbance during construction.

Similar to the preferred route, construction activities for both Alternative 1 and Alternative 2 will have minimal, temporary and short term, effects on the residents, businesses and natural environment of Adams County.

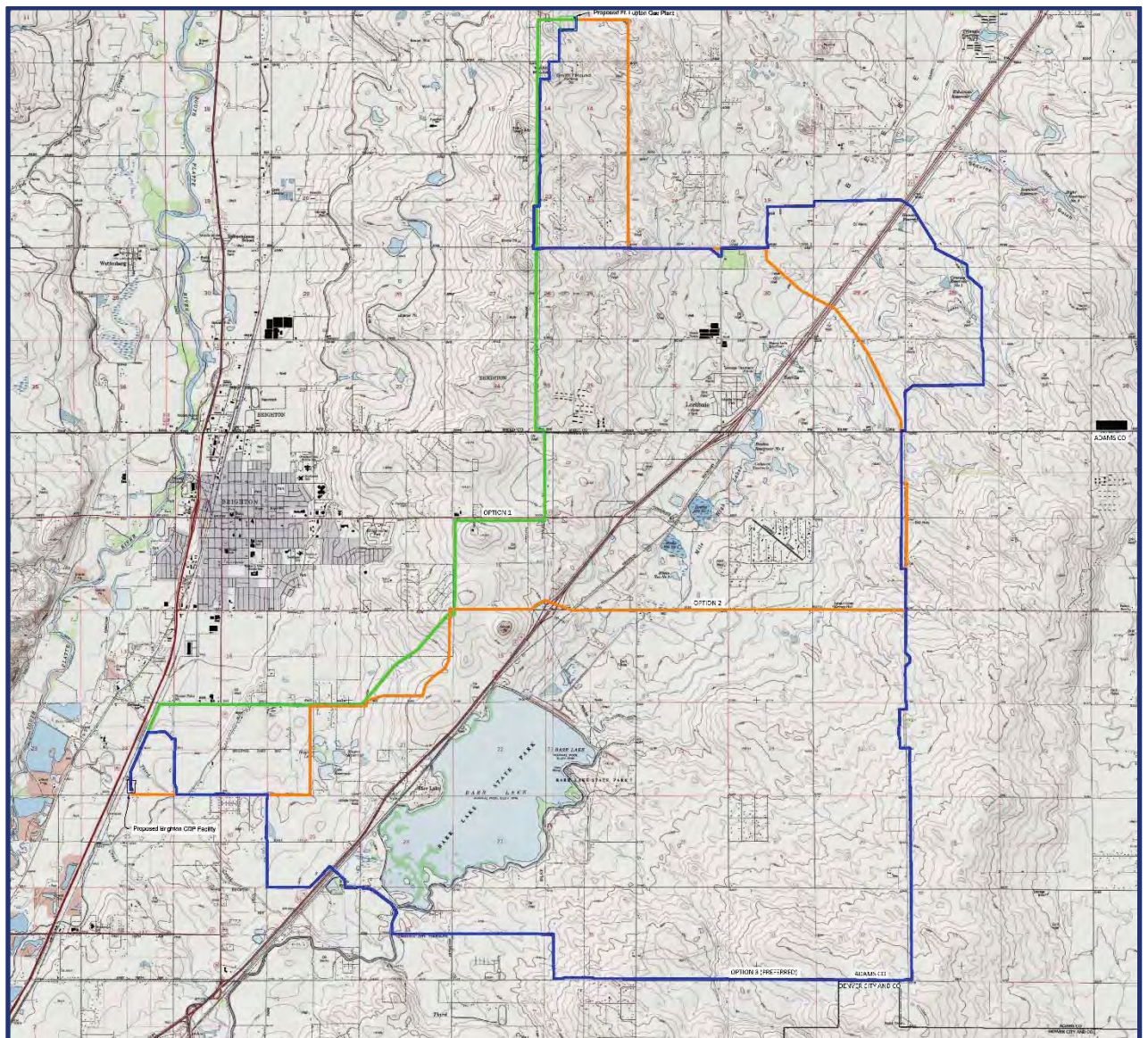


Figure 3.2.2 – Alternate Pipeline Route Map, Adams County

Table 1.1 below summarizes the respective route lengths and land affected by each alternative and the preferred route.

Table 1.1
Project Alternatives
Route Lengths & Land Affected, Adams County

Routes	Acres of Land Affected (Based on 80' wide area of disturbance)	Total Pipeline Length (miles)	No. Road Crossings
Alternative 1	11.0 acres	1.0	0
Alternative 2	11.0 acres	1.0	0
Preferred	11.0 acres	1.0	0

1.1.1.1 **Alternative 1**

Alternative 1 is north and west of the preferred route and is approximately 1.0 miles in total length, with approximately 1.0 miles in Adams County and would have the same originating point, approximately 1,000 ft. west of the intersection of E. 100th Ave. and Potomac Street, as the preferred route and transition into Weld County approximately 1,000 feet east of the intersection of E. 100th Ave. County Road 1 and WC 100. This Alternative would incorporate an area of disturbance of approximately 1.0 miles long and 80 feet wide, or approximately 11.0 acres, with a permanent easement of 1.0 miles long and 80 feet wide, or approximately 11.0 acres, and would traverse higher population density areas inside the City of Brighton. While shorter in distance than the preferred route, this Alternative would require winter construction in urban & semi-urban areas, incorporate a greater impact to local businesses and residential traffic, and require the same, if not longer, construction duration due to the complexities of working in heavily populated areas. Route Maps for this Alternative are provided under Exhibit 1.1 [Alternative Route 1.1.1.1 Route Maps](#).

1.1.1.2 **Alternative 2**

Alternative 2 is north of the preferred route and is approximately 1.0 miles in total length, with approximately 1.0 miles in Adams County and would have the same originating point, approximately 1,000 ft. west of the intersection of E. 100th Ave. and Potomac Street, as the preferred route and transition into Weld County approximately 1,000 ft. east of the intersection of Harvest Rd. and E. 100th Ave. County Road 1. This Alternative would bypass the most densely populated portion of the City of Brighton to the east and would incorporate an area of disturbance of approximately 1.0 miles long and 80 feet wide, or approximately 11.0 acres, with a permanent easement of 1.0 miles long and 80 feet wide, or approximately 11.0 acres. While shorter in distance than the preferred route and less alignment within the more densely populated portions of the City of Brighton, this Alternative would also require winter construction in semi-urban areas, incorporate a greater impact to local business and, while to a lesser extent, residential traffic, and require the same construction duration as the preferred alternative. Route Maps for this Alternative are provided under Exhibit 1.1 [Alternative Route 1.1.1.2 Route Maps](#).

1.1.1.3 **LI & L Alternatives**

The short-term emission sources impacting air quality would be the same for both alternatives and the preferred route and would include construction equipment, typically diesel driven, and traffic on the roadways and right-of-way. Both Alternative 1 and Alternative 2 are in the same airshed as the preferred route. While both Alternatives are shorter and incorporate less disturbed area than the preferred route, both Alternatives will require the same construction duration, if not longer, due to the construction activities in heavier populated and urban & semi-urban areas, resulting in equal if not greater impacts to overall air quality.

Construction for either Alternative or the preferred route is anticipated to occur in late early winter months based upon the anticipated receipt of the required permits. While it is not likely that dust suppression will be required during construction this time of year, Discovery would plan to utilize water suppression to reduce the amount of dust generated during construction, as necessary.

3.3.3 Preferred Route

The preferred route for the natural gas gathering trunkline and crude oil pipelines crosses the City of Brighton and unincorporated Adams County. As outlined in Figure 3.3 above, the pipelines originate at the COP facility located approximately 1,000 ft. west of the intersection of E. 100th Ave. and Potomac Street and travel in a general southeasterly direction through agricultural fields and rural residential areas crossing Colorado Interstate 70, BNSF railroad, and various canal infrastructure and roads to a point approximately 1,000 ft. east of the intersection of Lower Rd. and E. 100th Ave. before turning due east along the north side of E. 100th Ave. to the intersection of Powhatan Rd. and E. 100th Ave., at which time the natural gas gathering trunkline turns north along Powhatan Rd. until it crosses into Weld County approximately 1,000 ft. east of the intersection of Harvest Rd. and E. 100th Ave. County Road 1.

The preferred route would incorporate an area of disturbance of approximately 0.1 miles long and 100 feet wide, or approximately 100 acres, with a permanent easement of 0.1 miles long and 100 feet wide, or approximately 100 acres. While this route is longer in distance than the alternatives considered, the route bypasses the City of Brighton, the more populated areas of unincorporated Adams County, and Barr Lake State Park with a lesser impact to local businesses and residential areas. Route Maps for the preferred route are provided under Exhibit 3.3 Discovery Boardwalk Pipeline Route Maps.

3.3.4 Preferred Route Considerations

The preferred route was selected to mitigate the impacts to local businesses and residential neighborhoods conform with the comprehensive plans for the city of Brighton, Adams County, the town of Lochbuie, and Weld County minimize impacts to the environment and to the greatest degree possible, the preferences of local city and county landowners. The preferred route is located on lands within Adams County that are zoned as agricultural, with the exception of two parcels and zoned as I-1 and owned by the City and County of Denver. Discovery has contacted the City and County of Denver concerning the preferred route through these parcels and have been notified that the project and right-of-way easements would be approved pending proof of adherence to construction equipment height restrictions.

In areas zoned as agricultural, Discovery worked with each respective landowner to develop the preferred alignment to mitigate impacts to activity cultivated fields and productive areas, along with landowner considerations and preferences.

In addition to zoning and landowner considerations, numerous other factors were included in the decision process for the selection of the preferred route. Discovery has reviewed and considered the Adams County Comprehensive Plan as well as the Adams County Transportation Plan in selection of the preferred route, keeping the permanent right-of-way outside of County Road right-of-ways on roads such as E. 100th Ave. and E. 100th Ave., which are slated for expansion. The County trails, parks and open space have also been considered in the planning of the preferred route, resulting in no impact.

The preferred route does cross various canals associated with regional drainage and irrigation, such as the Fulton Canal, Farmers Reservoir and Irrigation Company (FRIC), Denver Hudson Canal and the Denver Hudson Canal systems. Discovery will plan to cross these canals via bore or horizontal direction drill, in accordance with the respective canal company requirements. Permit applications for these crossings, and other crossings along

the preferred route, including permits with CIP for the Interstate and BNSF railroad crossings, have been applied for and are pending at the time of this application submittal.

1.1.1 Permitting, Procurement, Construction and Performance of SCPL

The acquisition of land and right-of-way, engineering and design, procurement of equipment and materials, and the selection of the applicable contractor for the project will occur concurrently with the acquisition of the respective local, state, and federal permits required. This shall include, but not be limited to:

- ❖ Finalizing the lease agreement for the CIP facility site. Discovery is currently in the process of finalizing a 10 year lease on the proposed site.
- ❖ Finalizing landowner agreements and the acquisition of 100 foot permanent plus 100 foot temporary construction easements and required temporary work space from individual landowners. This is currently underway in both Adams and Weld Counties.
- ❖ Perform the applicable geotechnical investigations for engineering and design of the CIP facilities. This work is currently underway.
- ❖ Obtain the applicable local, state, and federal permits required for the project, including but not limited to, the applicable CIP, BNSF, and canal company crossing permits, stormwater general permit with the Colorado Department of Public Health and Environment (CIP, Water Quality Control Division, CIP discharge permit, CIP Air Quality Control Division, construction air permit, Army Corp of Engineers (CIP) nationwide permit, and applicable local building permit. A complete list and the current status of the applicable permits is outlined under Exhibit B Federal, State and Local Permits.
- ❖ Securing the required power service for the CIP facilities. Discovery has contacted United Power for the required service and is in the process of securing the applicable agreements.
- ❖ Detailed engineering and design of the CIP facilities and each respective pipeline. These activities are currently underway.
- ❖ Solicitation, bid and award of the applicable construction contracts to third part construction and non-destructive examination contractors.
- ❖ Pre-construction survey of the CIP facility site and pipeline alignment.
- ❖ Construction of the CIP facility and respective pipelines, including the associated remote valve sites, in Adams County. Discovery plans to begin construction in Adams County once all permits are received and the required land and right-of-way is acquired.

Following completion of construction, Discovery will commission the CIP facility and natural gas pipeline and place the Project in service.

Overall, the non-construction activities are anticipated to take approximately 12 months, followed by approximately 12 months of construction and 12 weeks of commissioning.

1.1.2 Project Context

Advances in oil and gas extraction technologies have resulted in a substantial increase in oil and gas activities across Colorado, more specifically in the Denver-Julesburg Basin and Wattenberg fields within Adams County. Crude oil and produced liquids (condensate, produced water) from these wells impede the natural gas production and require transportation to oil and gas facilities for processing, treatment, and either disposal or sale to regional markets. Currently, these liquids are transported by truck from the individual well pads resulting in an increasing number of trucks per day on the local city and county roads and state highways. Similarly, the existing natural gas infrastructure in and around these wells is at capacity or doesn't exist within areas of new drilling. Centralized collection of these liquids and more efficient means of transportation are required to reduce the local truck traffic and facilitate transportation of the natural gas and produced liquids to locations where they can be processed and sold to meet market demands. The Project is a necessary component of the overall

system to gather, process, transport and market the area's natural resources in the Niobrara and Codell formations.

1.1.1 Construction of Pipeline Construction of Construction

All pipelines will be buried to provide 36 inches of cover. The pipeline trench will be excavated mechanically. Pipe segments will then be strung along the ditch line and then welded together using welders and weld procedures qualified under the requirements of the Code of Federal Regulations. Each weld will be examined utilizing industry standard non-destructive examination, or X-ray, procedures by qualified technicians. The coating on the pipeline will be inspected for damage and repaired as necessary and then the line will be lowered into the trench and backfilled. The pipeline will subsequently be pressure tested using water hydrostatically tested to industry regulations.

All available topsoil will be conserved through a process known as "double-ditching" which excavates and removes and conserves topsoil where practical. Conserved topsoil will be windrowed separately from the underlying subsoil and stored along the construction right-of-way until the trench is backfilled, unless construction occurs during the winter with frozen soils. Under frozen soil conditions, topsoil salvage may be conserved using the following Best Management Practices (BMPs): topsoil would be ripped to a depth of 6 inches prior to stripping to allow for effective separation from the subsoil and topsoil would be sheared off from the subsoil layer to approximately 6 inches using appropriate equipment to accomplish topsoil salvage without mixing.

During construction, the applicant will follow BMPs described in the Stormwater Management Plan. Erosion control BMPs include silt fencing, straw wattles, hay bales, or combinations of these items, depending on the particular area requiring erosion control during construction.

Construction staking will occur to designate the pipeline centerlines and outside construction right-of-way boundaries. The limits of disturbance will be clearly marked/staked prior to construction including the construction right-of-way, temporary use areas, work space, and access roads. Utility lines will be located and marked to prevent accidental damage during pipeline construction. Sensitive areas to be protected from disturbance or that require monitoring will be indicated on engineering documents and construction drawings and staked and marked accordingly in the field prior to construction. The location of access road entry points will be properly marked. Flagging, signs, and other markings identifying the limits of disturbance would be maintained through all phases of construction. A survey crew would be available during construction to replace any stakes that have been damaged or inadvertently removed.

Wildlife and High Interest Species Wildlife and high interest species surveys will be performed prior to construction and the applicable agencies consulted. This shall include:

- ❖ Raptor nest survey will be completed if pipeline construction extends or is scheduled for the raptor nesting season (January to July). If active raptor nests are found near the ROW within 1/4 miles, the CWP will be consulted to determine if any nest protection measures are needed.
- ❖ Nesting Burrowing Owl Survey will be completed if any black-tailed prairie dog towns are crossed during the period of owl activity (March to October). If nesting burrowing owls are located consultations would occur with the CWP to determine if any nest protection measures are needed.
- ❖ Late ladies' tresses orchid and Colorado butterfly plant survey would be completed in all wetlands that are proposed to be crossed by trenching. This survey would be completed during the plants blooming period (late July through August). If either species is located consultation would occur with the SWS.
- ❖ The Colorado Parks and Wildlife District Wildlife Manager for the area will be consulted prior to construction. If there are any issues of wildlife mortality or entrapment in the trench, or other mortality, the District Wildlife Manager will be notified. Because the route is within the 1/4 mile buffer zone of a bald eagle nest (the nest was unknown/inactive in 2014), and an active great blue heron rookery, consultation with the State Park and District Wildlife Manager would be completed to ensure that no impacts to these resources would occur with project construction.

Archeology and Paleontology An on call archeologist and paleontologist would be available to consult if any potential archeological (stone tools, fire rings, foundations, bones) or paleontological (fossils) are found during construction excavation of the trench and ROW. Project construction would be temporarily stopped until review by the archeologist/paleontologist. If needed the State Historic Preservation Office (SHP) would be consulted. Impacts to historic canal/ditch crossings would be avoided by completing these crossings by horizontal directional drill (HDD).

Mobilization Construction equipment will be transported to the construction right-of-way via tractor trailer and unloaded within designated staging area. Transportation equipment will be removed from the site or parked within a staging area once offloading is completed.

Clearing and Grading Vegetation will be cleared and the construction right-of-way would be graded, to the degree necessary, to provide for safe and efficient operation of construction equipment and vehicles and to provide space for the storage of subsoil and topsoil. Construction activity and ground disturbance will be limited to approved, staged areas.

Where required, trees will be cut with a chain saw and/or mechanical shears and brush would generally be cut with a hydroaxe or similar equipment. Trees and brush will be cut as close to the ground as possible. Vegetative material will typically be shredded and scattered back across the surface to increase roughness, facilitate seeding establishment, and protect the construction right-of-way. Stumps that are not shredded or chipped and that are incorporated into the topsoil will be removed and disposed of at an approved disposal facility. Vegetation may also be brushlogged to preserve habitat.

Topsoil will be stockpiled separately from subsoil and will not be used to pad the trench or construct trench breakers. In areas where the construction right-of-way crosses ephemeral drainages, the drainages will not be blocked with topsoil or subsoil piles. Topsoil and subsoil would be placed on the banks of the drainages. Caps will be left periodically in the topsoil and subsoil piles to avoid ponding and excess diversion of natural runoff during storm events.

Trenching Trenching will be completed using track hoes or a mechanical trenching machine. The pipeline trench will be to one side of the construction right-of-way to allow for spoil to be placed opposite of the wider working side. It is not anticipated that blasting will be required during pipeline construction.

Access will be provided for landowners and grazing rights holders to move vehicles, equipment, and livestock across the trench where necessary and consistent with prior agreement with landowners. Livestock operators will be contacted and adequate crossing facilities would be provided as needed to ensure livestock are not prevented from reaching water sources because of the open trench.

The contractor will keep wildlife and livestock trails open and passable by adding soft plugs (areas where the trench is excavated and replaced with minimal compaction) during construction. Soft plugs with ramps on either side will be left at all well-defined livestock and wildlife trails and at no more than 1/4 mile intervals along the open trench to allow passage across the trench and to provide a means of escape for livestock and wildlife that may fall into the trench.

Trench breakers constructed of sand bags or polyurethane foam will be installed at specific spacing intervals to impede shallow groundwater from flowing down the trench.

Lowering in and Padding Before the pipe section is lowered into the trench, an inspection will be conducted to verify that the pipe is properly fitted and installed in the trench, minimum cover is provided, and the trench bottom is free of rocks and other debris that could damage the external pipe coating. The pipe sections will be simultaneously lifted in position over the trench and lowered in place. Sifted soil fines from the excavated subsoil will provide rock-free pipeline padding and bedding. Sandbags may be used to pad the bottom of the trench instead of, or in combination with, padding with soil fines. In rocky areas, padding material or a rock shield will be used to protect the pipe and coating. Topsoil will not be used to pad the pipe.

Backfilling Pipeline Shading and backfill will begin after a section of pipe has been successfully placed in the trench, inspected, and approved for backfill. Backfill will be conducted using a bulldozer or other suitable equipment. Subsoil excavated from the trench will generally be used to backfill the trench,

except in rocky areas where imported select fill material may be needed. Backfill will be graded and compacted, where necessary, for ground stability, by tamping or walking with a wheeled or tracked vehicle. Compaction will be conducted to the extent that there would be no voids in the trench. Any excavated materials or materials unfit for backfill will either be utilized elsewhere or properly disposed of in accordance with applicable laws, regulations and landowner agreements.

Cleanup and Restoration Cleanup and restoration will occur after the pipeline is installed and backfill is completed, or in the spring following construction if weather conditions would inhibit the proper restoration activities, so as to minimize the length of time that the open trench and unstabilized right-of-way is present. Cleanup of the surface along the construction right-of-way will include removal of construction debris and final grading to the finished contours. Permanent erosion control measures will be installed as required and seeding would occur in accordance with landowner requirements. Invasive and noxious weeds will be controlled after construction until the right-of-way is restored.

Road Crossings All county road crossings will be completed by conventional bore or directional drill methodology with sufficient depth to maintain a minimum of 36 inches of cover at the lowest bar ditch.

Waterbody Crossings All streams and named ditch/canal crossings will be completed so as to avoid disturbance of the stream and ditch bed and banks. Each crossing will begin, end and be of sufficient depth to ensure the pipeline is not subject to the hazard of stream scour during anticipated flood events. If the crossing avoids impact to all associated wetlands, a U.S. Army Corps of Engineers Section 404 permit will not be necessary for this crossing.

In areas with trenched wetland crossings, the construction right-of-way will be reduced from 60 feet in width to 30 feet in width, where only the ditch line will be topsoiled and the drive space will be matted with pipeline mats to mitigate disturbance. Blading would occur only over the trench line and the construction traffic access area would be matted to avoid vegetation disturbance. If standard open cut construction methods are used in wetland areas, Discovery will obtain the necessary Section 404 permits.

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Discovery has consulted the applicable federal, state, and local permitting authorities for all required occupational, environmental, and building work permits for the Project and is in the process of obtaining these permits. The following federal and state permits will be required for the Project:

Federal Permits

Army Corps of Engineers Section 404

- ❖ The proposed pipelines will cross several wetland areas, ditches and streams that are under the jurisdiction of the Section 404. Generally, pipeline construction does not result in the permanent fill of wetlands or waters of the U.S. Pipeline construction results in a temporary disturbance without loss or long term impacts. The Project should fall within the Nationwide Permit Nationwide Permit guidelines with the Section 404. Nationwide permits are regulated under Section 404 of the Clean Water Act. Required mitigation activities include removing all excess materials at wetland and stream crossings, stockpiling and restoring topsoil and restoration of the wetland or stream channel to pre-construction conditions and contours. Based upon review of National Wetland Inventory maps and aerial photography for the project the Project will cross more than 1000 feet of wetlands. Thus, Preconstruction Notification (PCN) with the Section 404 will be required for the project. Discovery is in the process of preparing and acquiring the applicable PCN and Nationwide permit authorizations from the Section 404 prior to construction.

State Permits

Colorado Department of Public Health and Environment Section 401P0000

- ❖ Stormwater General Permit Section 401P000 Water Quality Control Division. Discovery is in the process of acquiring the Stormwater General Permit, which will be obtained prior to performing

any construction activities. Stormwater Management Plan (SWMP) will be prepared as required by CDP.

- ❖ Colorado Discharge Permit System (CDPS) permit this permit is required from the CDP Water Quality Control Division for discharge of hydrostatic test water associated with pipeline integrity testing during construction. Required information for the permit includes the name and location of the Project, location of the test water discharge, dates of discharge, volumes of discharge, the source of test water, test water quality, and the BMPs for the test water discharge location. Testing of discharge water is also required as part of the permit. This permit will be obtained prior to construction once hydrostatic testing details have been determined.
- ❖ Construction Air Permit this permit is required from the CDP Air Quality Control Division. In Adams County this permit is needed for the construction of the CDP facilities. The preparation of the application for this permit is in process and will be obtained prior to construction.

A summary of the applicable permits and their current status is outlined under Exhibit D Federal, State and Local Permits. A copy of all permits applicable to Adams County will be provided prior to construction.

As outlined under Sections 1.1 and 1.2 above, Discovery has initiated the acquisition of a 10 year lease for the CDP facility site, owned by Ms. Elaine E. Schaefer, et. al. (parcel no. 000000000000), along with the applicable pipeline easements, temporary use areas, and rights-of-way with landowners along the preferred route. Copies of all lease, easement, and right-of-way agreements can be provided to the County upon request.

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Copies of all federal and state agency consultation correspondence will be provided under separate cover or transmittal.

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During construction, water will be utilized for dust mitigation and fire prevention purposes as well as for hydrostatic testing of the facility piping and respective pipelines in accordance with the applicable sections of the Code of Federal Regulations. Overall, approximately 100,000 gallons of water is anticipated to be required during construction based upon an estimated winter/spring construction timeline as follows:

- Dust Mitigation & Fire Protection 100,000 gallons
- Hydrostatic Testing 100,000 gallons

Water during construction will be obtained under permit or written approval from private landowners, as applicable. Table 3.3.3 below outlines potential water sources and their respective amounts.

**Table 3.3.3.
Boardwalk Pipeline Project
Construction Water Sources**

Source	Fill Location	Total Allowable Amount	Public / Private	Governing Agency	County of Source
000000	0000	000 Con	Private	CDP	Adams
Prairie View Subdivision	Prairie View Subdivision	100,000 gallons/day	Private	CDP	Adams

The buried pipelines are not expected to impact the natural aquifer recharge in the area, and neither the facilities nor respective pipelines will require water consumption during operation of the Project.

The surrounding communities will have little to no impact by the Project. As noted above, the proposed facilities and respective pipelines will have no impact on the current land use or future development plans of surrounding communities.

5. Description of the surrounding and/or impacted Cultural Resources

Reference Section 1.1.1.1

6. Description of existing and unique agricultural land in the area

The land where the proposed facilities will be located and that along the proposed pipeline route is largely undeveloped land that is utilized as pasture or row crop productions.

1.1.1.1 Local Maximum Speed Limits

1.1.1.1.1 The existing maximum speed limits for the local roads are as follows:

The Project will utilize existing infrastructure to facilitate construction and ongoing operation activities. These activities will not unduly impact existing roads or require the construction of new permanent public roads. Those vehicles using public roads to access the proposed facilities and/or pipeline right-of-way, will be operated within the county specified and adopted load limits. Any oversized loads will be approved and permitted by the County prior to their utilization of County roads. The existing infrastructure has the capacity to accommodate the activities associated with the construction, operation, and required maintenance of the proposed facilities and respective pipelines.

1.1.1.2 Impacts on Local Services in Adams County

The Project does not anticipate adversely impacting any local services by Adams County. Those workers associated with the construction of the facilities and respective pipelines are temporary, and will not overly burden the existing capacities of Adams County, or local districts' ability to provide services to its residents. Prior to construction, Discovery will coordinate with local fire protection and emergency services providers. Subsequently, prior to operation of the Project, Discovery will work with the local emergency responders concerning emergency response plans for the facilities and respective pipelines. Following start-up and operation of the Project, Discovery will work with the local emergency responders for periodic training drills, as required. It is not anticipated that the construction and operation of the Project will create additional demand for local government services.

1.1.1.3 Potential Impacts on Existing Transportation Network

The Project will not impact the existing transportation network. The temporary increase in traffic during construction will be more than offset by the decrease in truck transport traffic associated with the crude oil and liquids production compared to the respective pipeline capacities over the life of the Project.

1.1.2.1 Local Economic Statistics

Adams County is located in the northeastern quadrant of the Denver metropolitan area and covers over 1,000 square miles of land. It includes the cities of Arvada, Aurora, Bennett, Brighton, Commerce City, Federal Heights, Northglenn, Thornton, Westminster, and a substantial unincorporated area. Table 3.7a below and along the top of the following page outlines the top private, non-retail major employers in Adams County and Table 3.7b breaks down the employment and wage information by industry within the County.

**Table 3.7a
Major Employers – Private Non-Retail
Adams County, Colorado**

Rank	Company	Product / Service	Employment
1	University of Colorado Hospital	Healthcare Research	1,000
2	Children's Hospital Colorado	Healthcare	1,000
3	United Parcel Service	Parcel Delivery	1,000

Table 3.7a (Cont.)

Major Employers – Private Non-Retail
Adams County, Colorado

Rank	Company	Product / Service	Employment
1	Sturgeon Electric	Electrical Services	1,000
2	HealthPartners North Suburban Medical Center	Healthcare	1,000
3	US Alliance Data Systems	Network Credit Auth. Services	1,000
4	Shamrock Foods	Food Distribution	1,000
5	Spirigals	Bakery Product Manuf. Dist.	1,000
6	Centura Health St. Anthony's North Hospital	Healthcare	1,000
7	Platte Valley Medical Center	Healthcare	1,000

Source: Metro Denver Economic Development Corporation, June 2014 www.metrodenver.org

Table 3.7b
Employment & Wage Information
Adams County, Colorado

Industry	Avg. No. Establishments	Average Employment	Total Wage	Average Weekly Wage
Agriculture, Forestry, Fishing & Hunting	1	1	\$1,000,000	\$1,000
Mining	1	1	\$1,000,000	\$1,000
Utilities	1	1	\$1,000,000	\$1,000
Construction	1,000	1,000	\$1,000,000,000	\$1,000
Manufacturing	100	100	\$100,000,000	\$1,000
Wholesale Trade	100	100	\$100,000,000	\$1,000
Retail Trade	100	100	\$100,000,000	\$1,000
Transportation and Warehousing	100	100	\$100,000,000	\$1,000
Information	1	1	\$1,000,000	\$1,000
Finance and Insurance	100	100	\$100,000,000	\$1,000
Real Estate and Rental and Leasing	100	100	\$100,000,000	\$1,000
Professional and Technical Services	100	100	\$100,000,000	\$1,000
Management of Companies and Enterprises	1	1	\$1,000,000	\$1,000
Administrative and Waste Services	100	100	\$100,000,000	\$1,000
Educational Services	100	100	\$100,000,000	\$1,000
Health Care and Social Assistance	100	100	\$100,000,000	\$1,000
Arts, Entertainment, and Recreation	1	1	\$1,000,000	\$1,000
Accommodation and Food Services	100	100	\$100,000,000	\$1,000
Other Services, except Public Admin	100	100	\$100,000,000	\$1,000
Public Administration	1	1	\$1,000,000	\$1,000
Unclassified	1	1	\$1,000,000	\$1,000

Source: Colorado Department of Labor, September 2014 <http://www.adamscountycd.com/site/selection/data/labor/market/data>

The construction of the proposed facilities and respective pipelines in Adams County will not negatively impact the existing tax burden or fee structure for government services applicable to Adams County residents and property owners, but will in fact result in an increased tax revenue for the County. Based upon the

property Mill Levy of \$1.000 for the proposed property, the 0.5 mile pipeline and associated facilities will add approximately \$100,000 in additional total annual tax revenue to the County.

The daily operation of the proposed facilities and pipeline will create jobs for trade technicians, supervisory personnel, and administrative assistance with an estimated potential annual combined income of \$100,000.

Overall, pipelines are the safest, most reliable, and efficient way to transport natural gas, crude oil, and produced liquids from their point of production to end consumers. The Project will increase the efficiency of transporting the local oil and gas production to the domestic marketplace and will reduce local truck traffic, providing a net reduction in air emissions. These benefits along with the increase in ad valorem tax revenues for Adams County, result in the Project presenting a positive impact on Adams County and the surrounding community.

2.0 COLUMBIAN PIPELINES

The preferred route crosses private lands and is primarily located in rural areas. Recreation in these areas is limited to dispersed activities including hunting, hiking, biking, etc use and other similar activities. The most important developed recreation area in the vicinity of the Project is Barr Lake State Park. This state park is approximately 1.5 to 2.0 miles to the north and northeast of the Project area.

Construction impacts to recreational uses will be minimal, especially considering the anticipated winter construction timeline and typical recreational activities in the area. No impacts to recreational use of Barr Lake State Park would occur during construction activities. Once in service, there will be no impact to recreational activities.

2.1 SCIPPAW POND PARK AND POTOMAC PARK LOCAL TRAILS

A review of the trail, parks and open space maps provide on the Adams County Parks and Community Resources webpage indicates that the proposed route does not cross or impact any existing Adams County parks or trails.

2.2 MAP OF POTOMAC PARK LOCAL TRAILS

A map is not necessary since the preferred route does not cross or impact any existing Adams County Parks or trails.

2.3 IMPACTS TO LOCAL TRAILS AND POTOMAC PARK LOCAL TRAILS

Since the preferred route does not cross any Adams County parks or trails, there will be a zero impact on present and future recreational opportunities.

Based on the Adams County Open Space, Parks and Trails Master Plan dated November 11, 2011, the preferred route would cross the Local Food Production District, Barr Lake Buffer or Third Creek Greenway, existing Open Space with No Public Access, and Old Open Space Reserve. The Project is consistent with the future master plan as the existing agricultural areas will still be able to use the temporary construction and permanent right-of-ways for agricultural uses in the Local Food Production District. The Barr Lake Buffer or Third Creek Greenway would be preserved, with no above grade structures in those areas and no floodplain modifications are anticipated. The existing Open Space with No Public Access is currently used for Sod farming and the Project will pose no hazard to the lands current use. The Old Open Space Reserve will be preserved as the permanent right-of-way will present no above ground appurtenances beyond required pipeline signage within the reserve. The temporary construction right-of-way will include work with equipment for the construction of the respective pipelines. The specifications, including height of the anticipated construction equipment will be provided to the governing authority in order to verify height restrictions based on local regulations.

2.4 POTOMAC PIPELINE LOCAL TRAILS

The Project Area will be comprised of a 10-acre COP facility site and approximately 0.5 miles of pipeline right-of-way that will be 60 feet wide (0.11 acres), with a permanent 100 foot easement, 0.5 miles long (0.11 acres). The Project Area originates approximately 1,000 ft. west of the intersection of N. 100th Ave. and Potomac Street and travels in a general southeasterly direction through agricultural fields passing rural residential areas

crossing Colorado Interstate 70, the BNSF railroad, and various canal infrastructure and roads to a point approximately 1,000 ft. east of the intersection of Lower Rd. and E. 100th Ave. before turning due east along the north side of E. 100th Ave. to the intersection of Powhatan Rd. and E. 100th Ave., at which time the natural gas gathering trunkline turns north along Powhatan Rd. until it crosses into Weld County approximately 1,000 ft. east of the intersection of Harvest Rd. and E. 100th Ave. County Road 1.

Figure 3.9 below outlines the proposed facility locations and project route, and depicts the areas that will be temporarily impacted within Adams County.

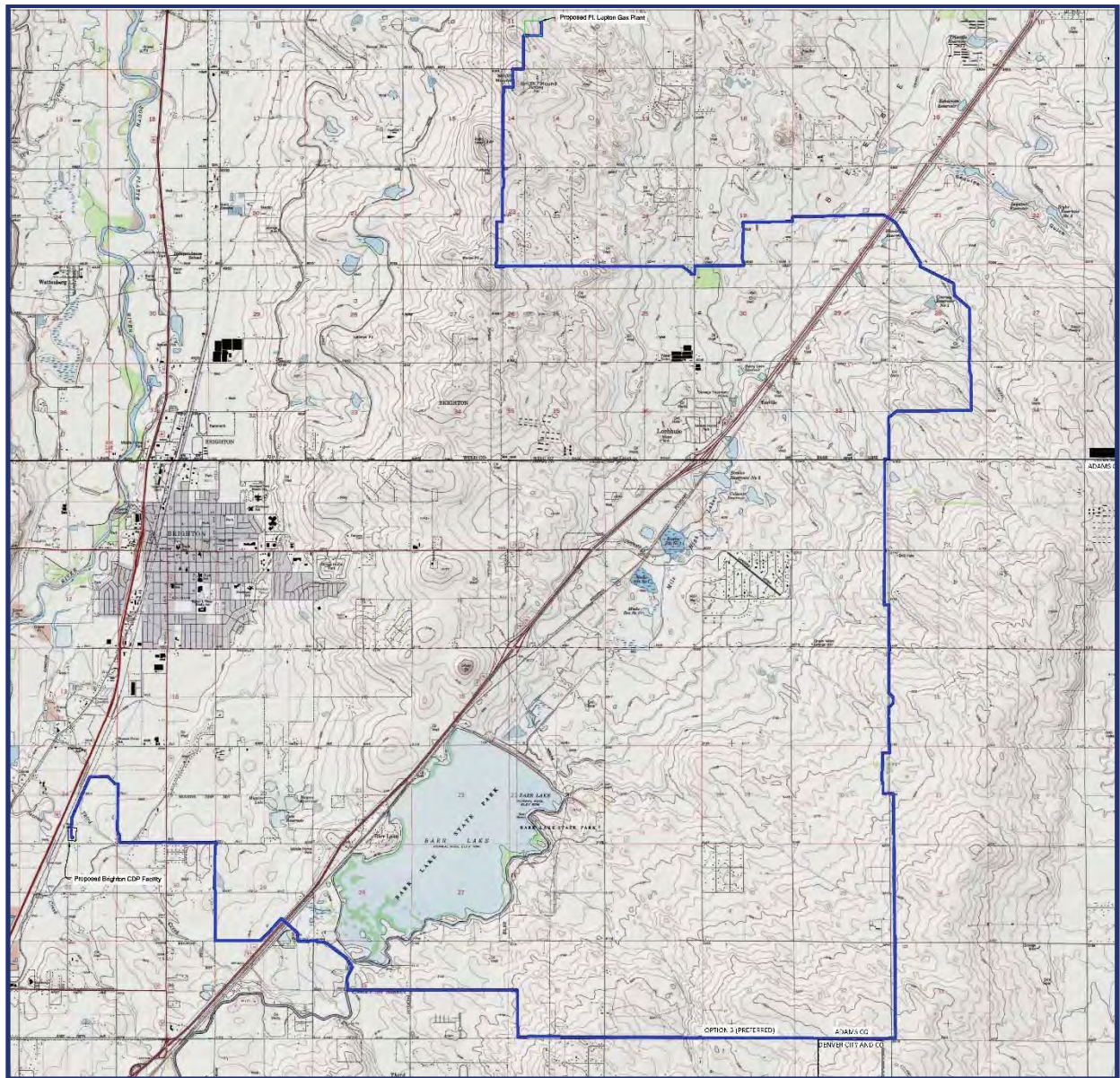


Figure 3.9 – Preferred Pipeline Route, Adams County

The following photographs depict the typical terrain, contours, and vegetation of the Project Area.



Image #1 – CDP Facility Site (Looking North)



Image #2 – Potomac Rd. Crossing (Looking East)



Image #3 – Parallel to E. 120th Ave. (Looking East)



Image #4 – Tower Rd. Crossing (Looking West)



Image #5 – Powhatan Rd. (Looking North)



Image #6 – Powhatan Rd. & E. 128th Ave. (Looking North)



Image #7 – Powhaton Rd. & E. 160th Ave. (Looking North)



Image #8 – County Rd. 2 Crossing (Looking South)

Sections 3.3.1 through 3.3.10 outline the Project's potential effects on the Air Quality, Visual Quality, Surface Water Quality, Groundwater Quality and Quantity, Wetland and Riparian Areas, Terrestrial Biotics, Animals and Habitat, Terrestrial Aquatic Plant Life, Soils, Geological Conditions, Cultural Resources, Suisances, Archeological and Hazardous Materials, Benefits and Losses, and Mitigation and how Discovery proposes to comply with the applicable approval criteria in Section 3.3.1 of the CUS Chapter 3.

3.3.1 3.3.1.1 LI

The project area will be located in an air shed that includes the Denver metropolitan area, the Denver International Airport areas along the Platte River drainage. The region has been designated as a marginal nonattainment area for the 8-hour ozone National Ambient Air Quality Standard. The region has been designated as attainment for all other air quality standards. Table 3.9.1 below summarizes the National Ambient Air Quality Standards.

Table 3.9.1
Ambient Air Quality Standards and PSD Increments (ug/m³)

Pollutant/Averaging Time	NAAQS	CAAQS	PSD Class I Increment ₁	PSD Class II Increment ₁
CO				
1-hour	4,000	4,000	10	10
24-hour	9,000	9,000	10	10
NO₂				
1-hour	100	100	10	10
Annual	40	40	1	1
O₃				
1-hour	120	120	10	10
PM ₁₀				
1-hour	150	150	0	0
Annual	12	12	0	0
PM_{2.5}				
1-hour	35	35	0	0
Annual	12	12	0	0
SO₂				
1-hour	350	350	10	10
1-hour	3,500	350	10	10
1-hour	10	10	0	0
Annual	10	10	0	0

- The PS□ demonstrations serve information purposes only and do not constitute a regulatory PS□ increment consumption analysis.
- No more than one exceedance per year.
- No PS□ increments have been established.
- Annual arithmetic mean.
- The □□□□S for this averaging time for this pollutant has been revised by □P□.
- An area is in compliance with the standard if the fourth highest daily maximum □hour □one concentrations in a year, averaged over □ years, is less than or equal to the level of the standard.
- An area is in compliance with the standard if the highest □□hour PM□□ concentrations in a year, averaged over □ years, is less than or equal to the level of the standard.
- An area is in compliance with the standard if the □□th percentile of daily maximum □hour □□□ concentrations in a year, averaged over □ years, is less than or equal to the level of the standard.
- An area is in compliance with the standard if the □□th percentile of daily maximum □hour S□□ concentrations in a year, averaged over □ years, is less than or equal to the level of the standard.

Winds typically follow the Platte River drainage predominately coming out of the southwest and the northeast. □ windrose of wind frequencies monitored at the □. St. Vrain power plant area are shown in □igure □□□ below.

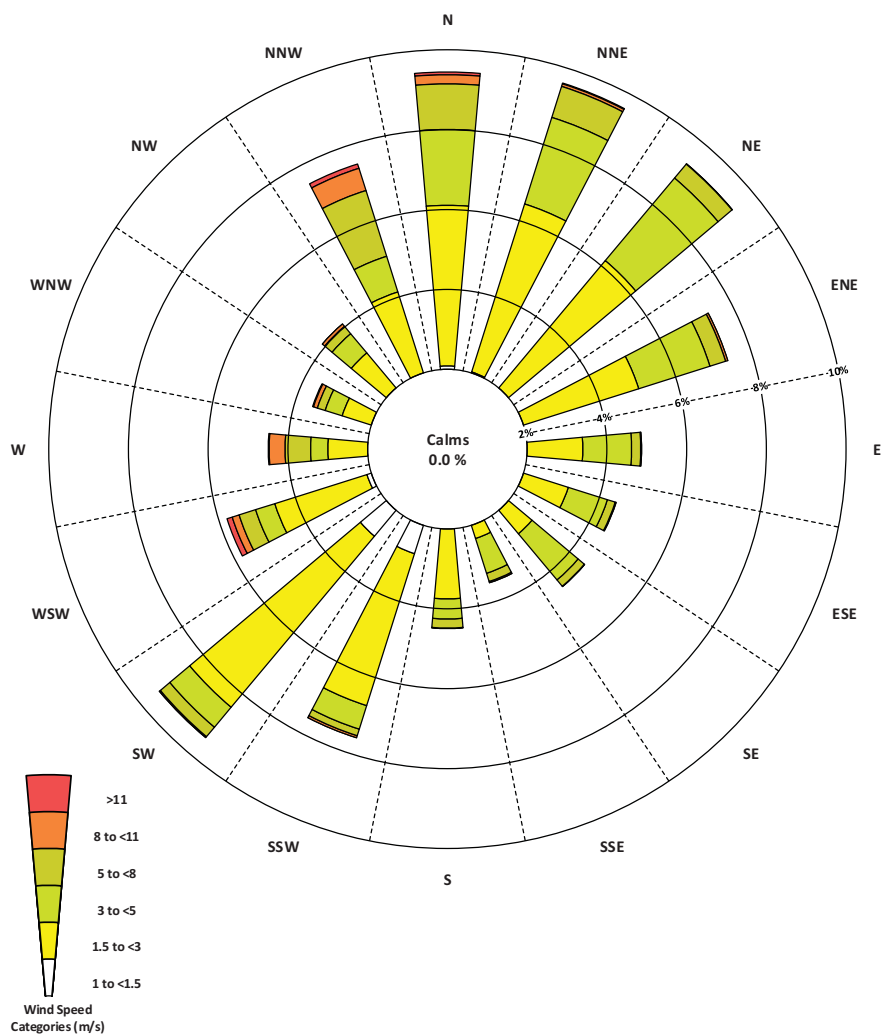


Figure 3.9.1– Wind Frequencies – St. Vrain Power Plant, Adams County

Intermittent and short-term air pollutant emissions during construction activities will occur through the operation of diesel-fired heavy construction equipment. Emissions for primarily fugitive particulate matter (PM₁₀ and PM_{2.5}) will occur from vehicle traffic, pipeline trench excavation and diesel combustion emissions. Emissions of CO, SO_x, C₁, volatile organic compounds (VOC) and particulate matter (PM₁₀, PM_{2.5}) will occur from the operation of diesel-fired equipment. Water dust suppression will be utilized by the applicant to mitigate fugitive particulate matter emissions.

Emissions from the processing facilities will be the only source of long term emissions. Low emission internal combustion engines equipped with oxidation catalysts will be utilized to mitigate combustion emissions, and enclosed flares will be utilized to mitigate process vent VOC emissions. These facilities are also required to secure a construction air permit from the Colorado Department of Health and Environment that will further stipulate emission reducing requirements, as well as monitoring and recording requirements.

3.3.3.3 ISOL LI

1. Map and description of ground cover and vegetation, tree canopies, waterfalls and streams or other natural features.

Figure 3.9a below shows wetland and stream crossings along the ROW in Adams County. Figure 3.9a also shows vegetation types crossed by the project. The majority of the route in Adams County crosses agricultural lands. The route also crosses areas of native grassland and wetlands. Project construction has been routed in Adams County to avoid removal of all trees and shrub thickets.



Figure 3.9a – Wetland & Stream Crossing Map (1 of 3), Adams County



Figure 3.9a – Wetland & Stream Crossing Map (1 of 3), Adams County



Figure 3.9a – Wetland & Stream Crossing Map (1 of 3), Adams County

2. *Description of view sheds, scenic vistas, unique landscapes or land formations.*

The right-of-way in Adams County crosses flat areas of mainly agricultural land. Portions of the right-of-way are located in areas that are undergoing urbanization. The route is located approximately 1.5 miles north of Denver International Airport and 1.5 to 2.0 miles south and west of Barr Lake State Park. Figure 1.1a shows the view sheds in these areas provide vistas across the front range.

3. *Map and description of buildings, structure design and materials to be used for the Project. Include elevations of proposed buildings and other structures.*

The only permanent buildings and structures in the Project area will be at the COP site. The COP site is currently agricultural land but there is an existing well pad just to the east, and a large commercial greenhouse operation 1000 feet to the south east. The COP buildings will be no more visually intrusive than surrounding commercial buildings. A site plan for the COP facility has been provided under Exhibit 1.1, Brighton COP Facility Site Plan.

4. *Descriptions of the impacts and Net Effect that the Project would have on visual quality.*

During the construction phase, construction equipment (bulldozer, tractor, backhoe, trucks, trencher and other equipment) would be visible along the right-of-way. Once construction is complete the right-of-way will be restored to preconstruction conditions and contours. Agricultural land will return to agricultural uses, native grassland habitats would be reseeded. No long term effects to visual quality would occur from pipeline construction.

The only permanent buildings would be associated with the 10 acre COP site. All buildings and tanks would be painted a natural color to blend into the surrounding farmlands. This site would include one 1000 building, approximately 100 feet tall. It is not anticipated that the COP site would affect visual quality in the area.

1.1.1.1 **Surface Water Quality**

1. *Map and description of all surface waters, including applicable State water quality standards, to be affected by the project.*

Figure 1.1a shows stream, ditch and wetland crossings in Adams County. Table 1.1.1 summarizes these crossings (name, type, approximate crossing length and crossing method).

WETLAND/STREAM ID	DESCRIPTION	CROSSING DISTANCE	LOCATION
Adams S1	Third Creek	<30 feet	1S 66W S24
Adams S2	Unnamed Ditch flowing to Fulton Ditch 1 mile south	<20 feet	1S 66W S19
Adams S3	Fulton Ditch flowing > 5 miles to Platteville Ditch	< 20 feet	1S 66W S19
Adams W1	Wetland	185 feet	1S 66W S29
Adams W2	Wetland	125 feet	1S 66W S29
Adams S4	Burlington Ditch flowing 1/2 mile to Barr Lake and/or Brighton Lateral Ditch	70 feet	1S 66W S29
Adams W3	Wetland	475 feet	1S 66W S29
Adams S5	O'Brian Canal flowing 1/4 mile to Barr Lake	25 feet	1S 66W S33

	and Denver-Hudson Canal		
Adams S5	Unnamed stream flowing 2.75 miles to Denver-Hudson Canal	20 feet	1S 66W S36
Adams S7	Unnamed stream flowing ½ mile to Denver-Hudson Canal	<20 feet	1S 65W S9
Adams S8	Denver-Hudson Canal	20 feet	1S 65W S5
Adams W4	Wetland	275 feet	1S 65W S5
Adams W5	Wetland	230 feet	1S 65W S5

Note Wetland Stream I corresponds to figure 1a

The route would cross unnamed irrigation ditches canals, and one named creek crossing of Third Cree. The route does not cross any major streams or rivers. All stream and major ditch canal crossings would be by pipe.

Project construction is not expected to impact State water quality standards at any crossing locations. Crossings would be made by pipe with no discharge of sediments or pollutants into the stream or ditch canal.

2. *Descriptions of the immediate and long term impact and Net Effects that the Project would have on the quantity and quality of surface water under both average and worst case conditions.*

All streams and major canals ditches would be crossed by pipe. No disturbance of stream or ditch bed and banks would occur. Project construction would follow standard BMPs to avoid minimize offsite sedimentation and erosion. Project construction is expected to have minimal to no impacts to surface water quality.

Project construction is expected to have no impacts to surface water quantity. No permanent dewatering or loss of water flow would occur as a result of project construction. During construction water would be needed for dust control and hydrostatic testing of the pipe. This water would be obtained from local sources and would not impact surface water quantity or flows in any local streams or ditches.

3. *Descriptions of the immediate and long term impacts and Net Effects that the project would have on the meandering characteristics and limits of the streambed under both average and worst case conditions.*

There would be no long or short term impacts to meandering characteristics of streams. All ditch and stream crossings would be by pipe. Pipe crossings would avoid all stream and ditch impacts. No impacts to ditch or stream banks, streambeds, stream or ditch side vegetation, future or current water flows would occur with project construction.

3.9.4a 3.9.4a W 3.9.4a LI 3.9.4a 3.9.4a

The Project Area is located within the Denver Basin, with a portion of the project in both the Rapahoe Formation and the Denver Formation. The project area also briefly crosses into the South Platte River Alluvial Aquifer which overlays the Denver Basin. The proposed project area does not fall within any Colorado Water Division Designated Basins and is entirely within the Colorado Division of Water Resources South Platte Division. Reference Figures 3.9.4a-c below and on the following pages for the applicable water division and basin delineations, along with the project location.

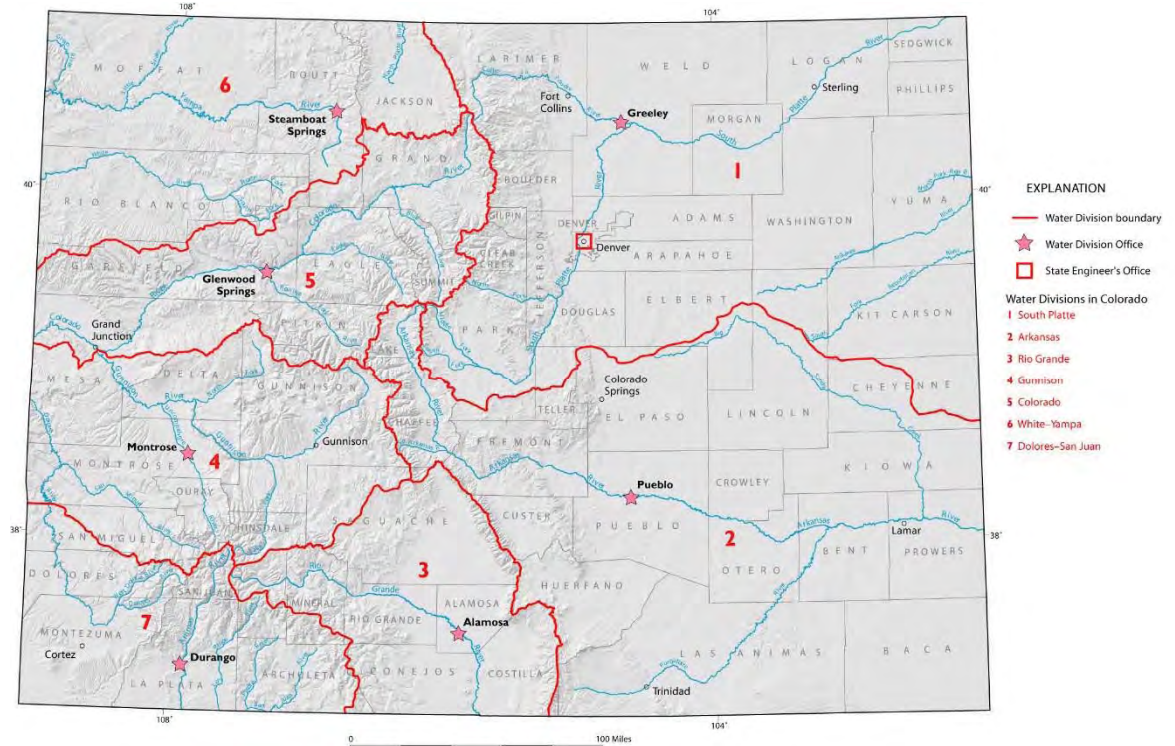


Figure 3.9.4a – Colorado Division of Water Resources, Water Division Map

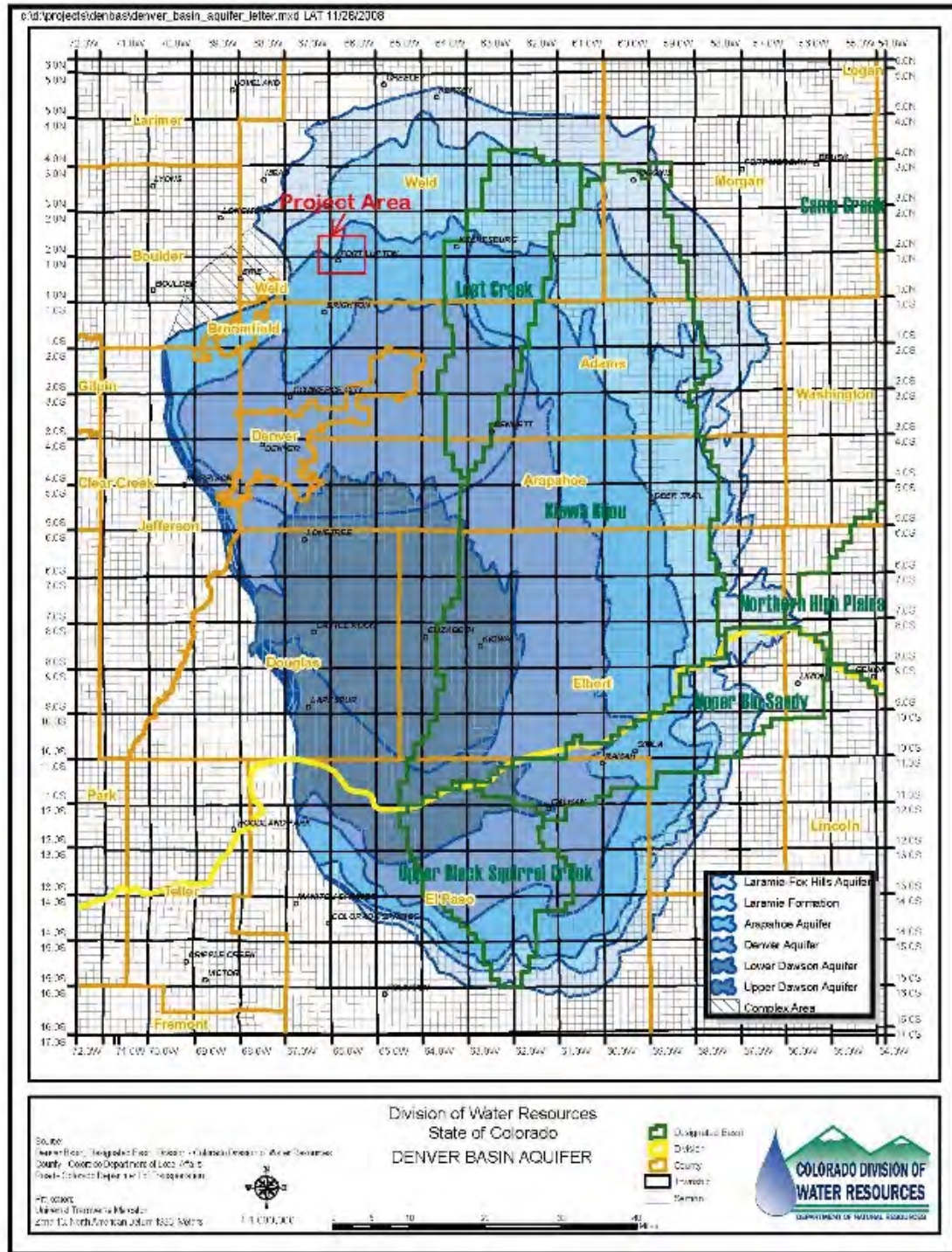


Figure 3.9.4b – Division of Water Resources, Denver Basin Aquifer Map

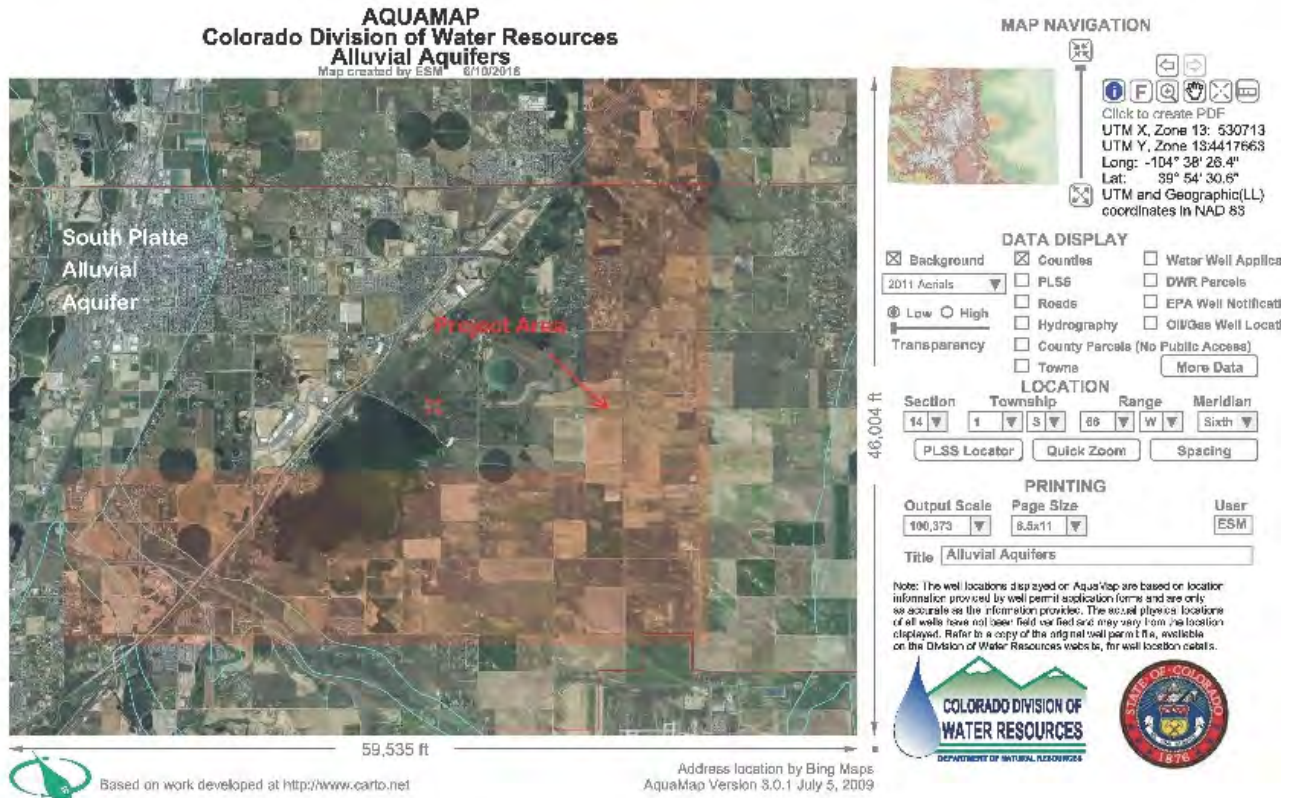


Figure 3.9.4c – Project Area & South Platte Alluvial Aquifer Delineation Map, Adams County

The Denver Basin and Arapahoe Aquifers

The Denver Basin is a structural sedimentary basin and is a layered, multi-aquifered system. In the Project area, groundwater typically flows from south to north towards the South Platte River as outlined in Figure 3.9.4d below and continued on the following page.

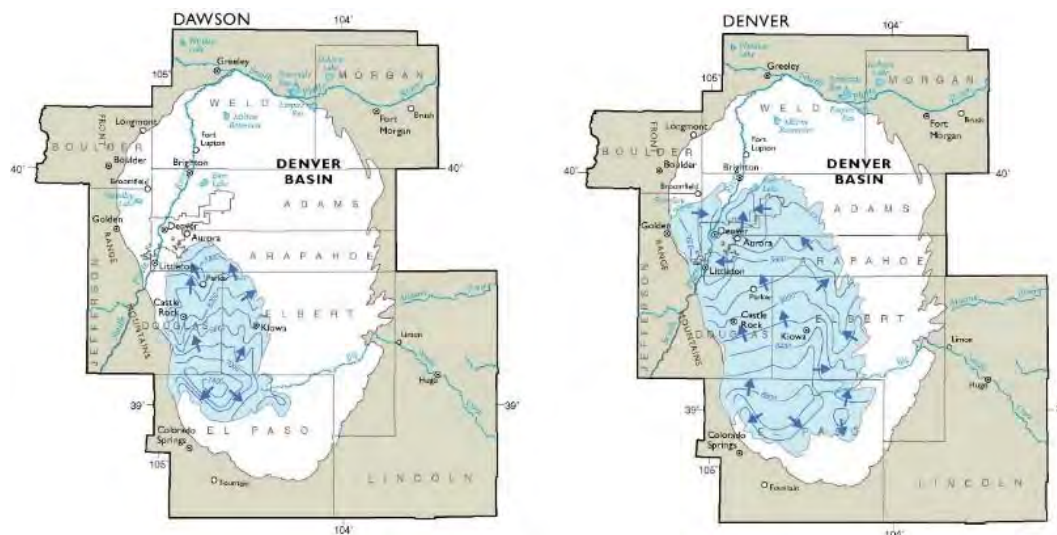


Figure 3.9.4d – Denver Basin, Groundwater Flow Patterns

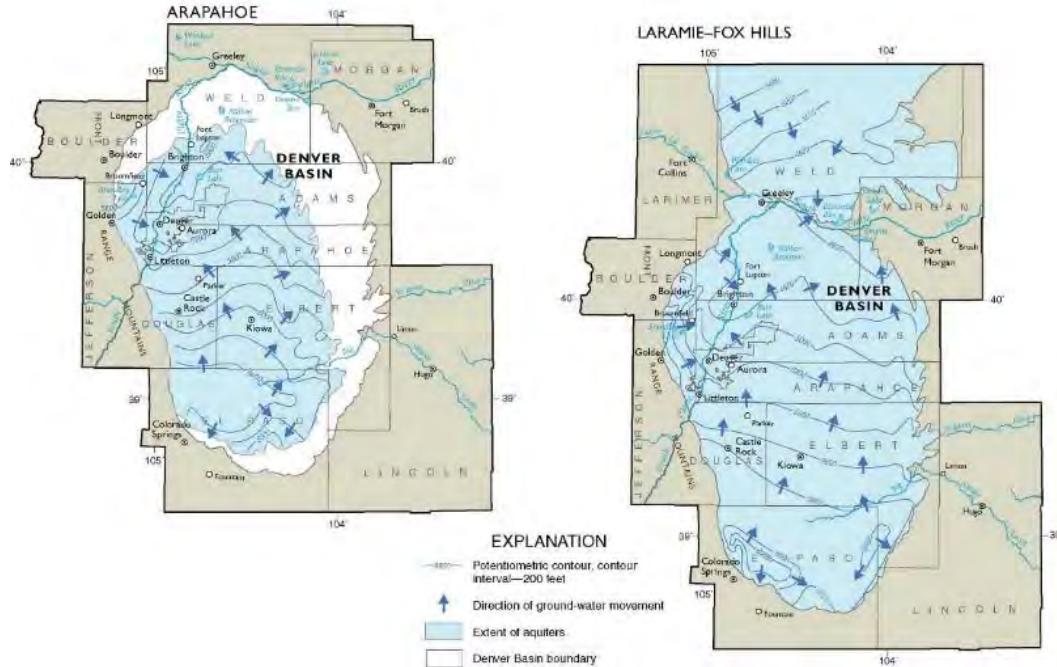


Figure 3.9.4d (cont.) – Denver Basin, Groundwater Flow Patterns

The Denver Basin is a heavily used system and the demand for water has changed the natural groundwater flow processes. Historical discharge to streams and alluvial aquifers has been reduced and in some cases eliminated. The proposed pipeline, however, will be buried approximately 60 inches below existing grade and therefore should have no impact on groundwater quality or quantity in the Denver Basin aquifers. The depth to the Arapahoe and Denver Bedrock aquifers is a half mile or more below at the surface.

The groundwater in the Arapahoe and Denver Basins has total dissolved solids that range from 100 to 2,000 milligrams per liter. Values and delineations are outlined in Figure 3.9.4e below and continued on the following page.

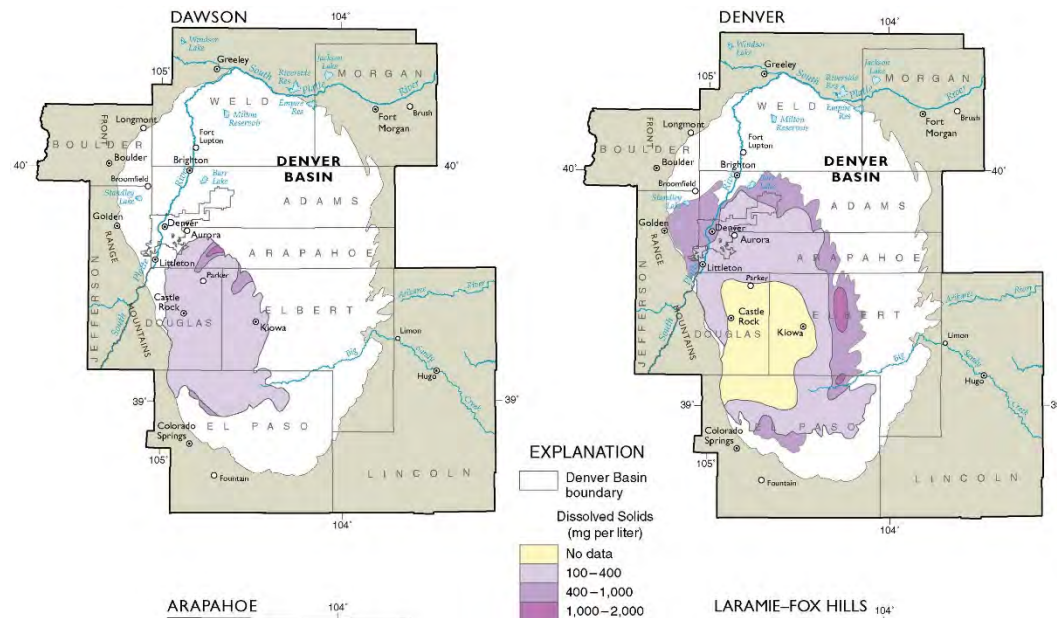


Figure 3.9.4e – Denver Basin, Total Dissolved Solids

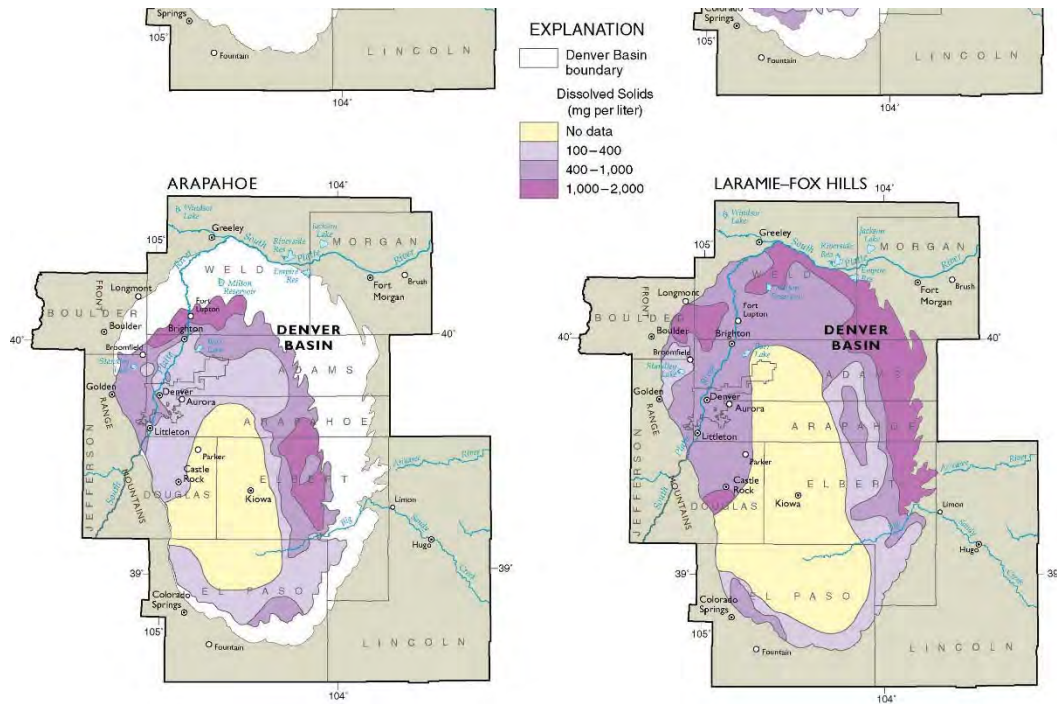


Figure 3.9.4e (cont.) – Denver Basin, Total Dissolved Solids

The South Platte River Basin

The South Platte River alluvial aquifer is fed by surface waters within the Project area. Similar to the Denver Basin, the general flow is south to north as most surface water within the Project area are tributaries of the South Platte River as outlined in Figure 3.9.4f below.

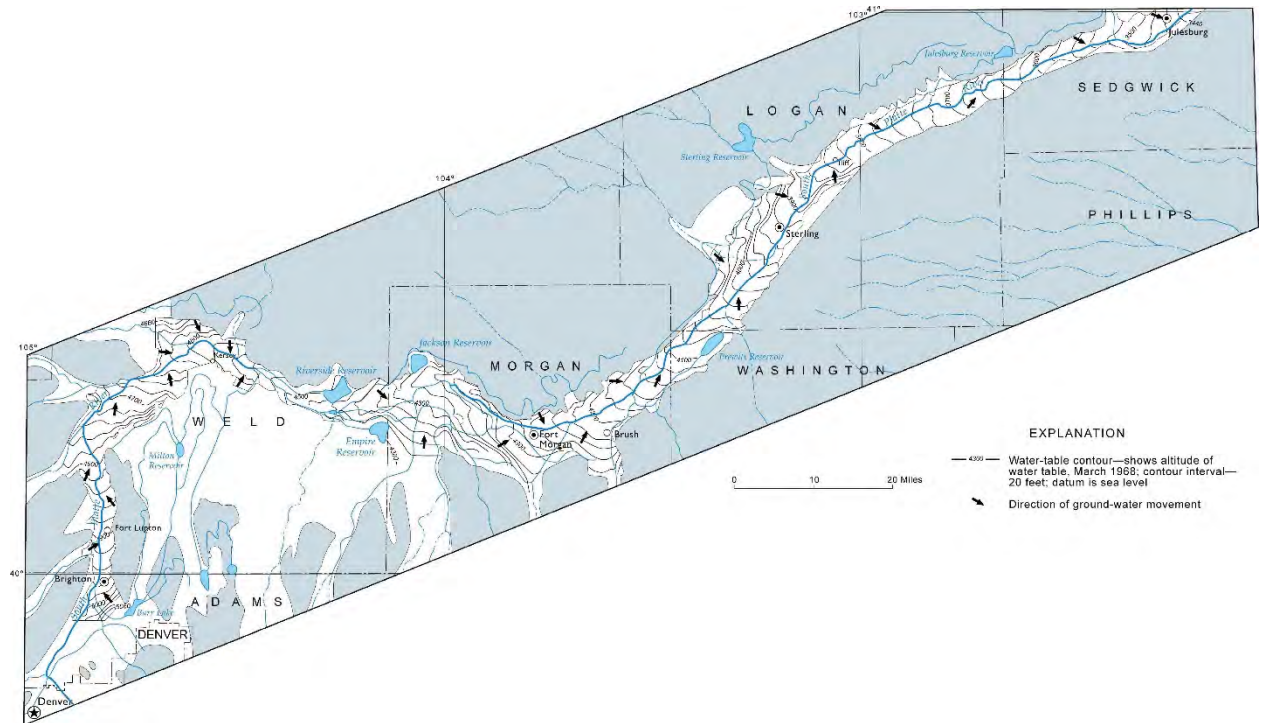


Figure 3.9.4f – South Platte River Basin, Groundwater Flow Patterns

It is possible that alluvial groundwater flow in the Lower South Platte alluvial aquifer could be impacted if trenching intersects with shallow groundwater. However, the route crosses through very few floodplains or areas with riparian vegetation, and therefore it is not anticipated that much shallow groundwater will be encountered. Additionally, the historical depths to the alluvial aquifer in the Project area are between 10 and 50 feet as outlined in Figure 3.9.4g below.

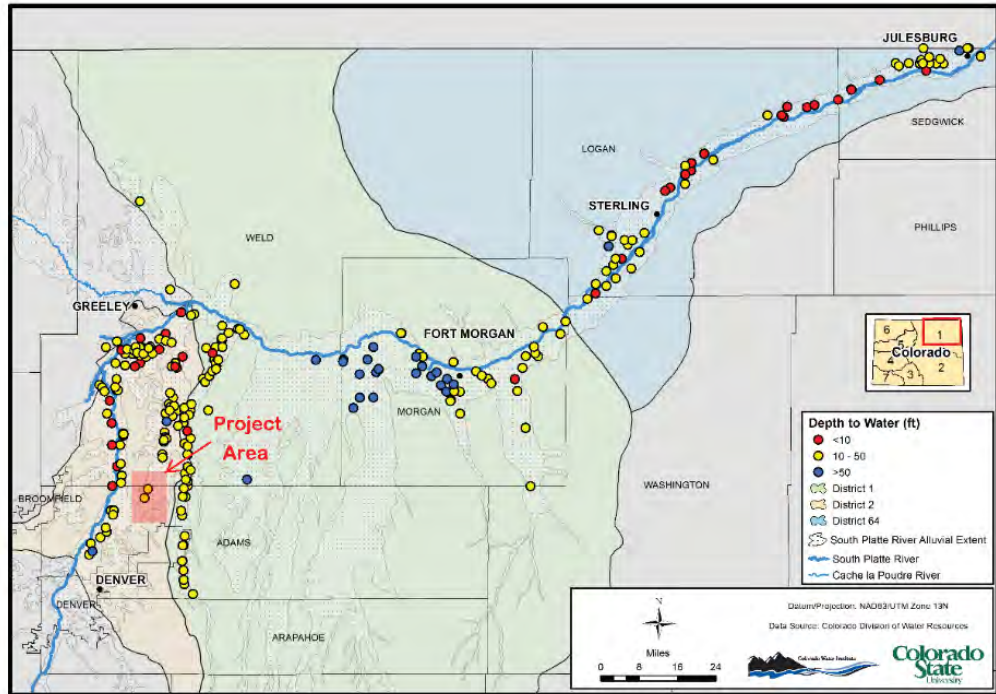


Figure 3.9.4g – South Platte River Alluvial Aquifer, Groundwater Table Depths

As mentioned above, the pipeline will be located 48 inches below grade, with a bottom of ditch depth of approximately 54 inches, and therefore no impact on groundwater is anticipated. Similarly, horizontal directional drill crossings associated with the construction of the respective pipelines will be at 48 ft. depths or less. If groundwater is encountered during trenching or horizontal directional drill activities, dewatering methods may be employed and the water will be pumped and discharged to alluvial/colluvial sediments close to the pipeline trench. During construction, the applicable BMPs will be employed to mitigate any erosion issues, in accordance with the written Stormwater Management Plan.

The groundwater in the Lower South Platte River aquifer has total dissolved solids that range from 500 to 4,000 milligrams per liter. Values and delineations are outlined under Figure 3.9.4h below.

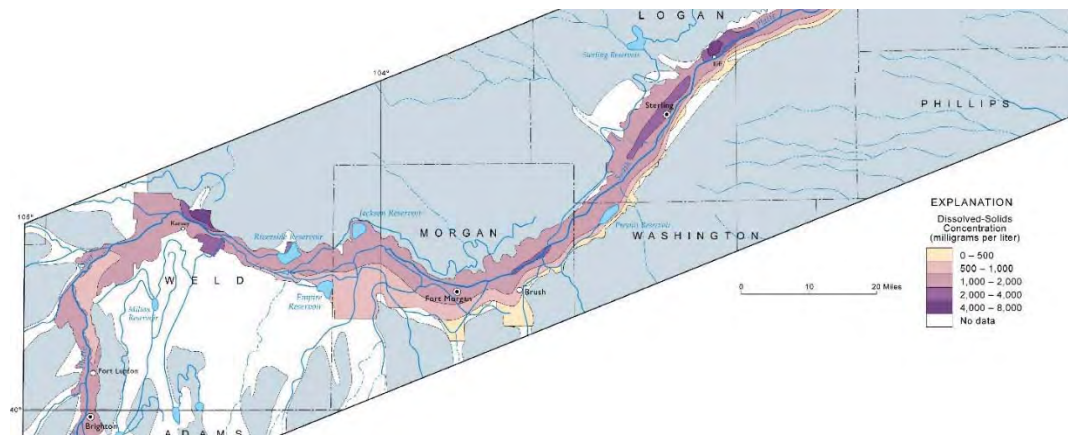


Figure 3.9.4h – South Platte River Alluvial Aquifer, Total Dissolved Solids

Colorado Division of Water Resources South Platte Division

In the South Platte Division, the Colorado Division of Water Resources lists that 100,000 wells constructed producing between 1 and 1,000 gallons per minute (gpm). The lower capacity wells (100-1,000 gpm) are primarily used for domestic household use and livestock watering. The higher capacity wells are used for industrial, municipal and irrigation purposes. Water well application locations are depicted in the figure 3.9.4j below. Similarly, figure 3.9.4k on the following page outlines current wells and well fields within the Project area. Denver aquifer wells typically have flowrates between 100-1,000 gallons and has about 100 high capacity wells with total annual permitted withdrawals of more than 100,000 acre feet. Rapahoe wells can yield up to 1,000 gallons per minute. Rapahoe aquifer has more than 100 high capacity wells with maximum total annual withdrawals of more than 100,000 acre feet. The Project's area does include both domestic and agricultural water wells. The Applicant will coordinate with private landowners to ensure that groundwater quality is not affected by construction or operation of the Project.

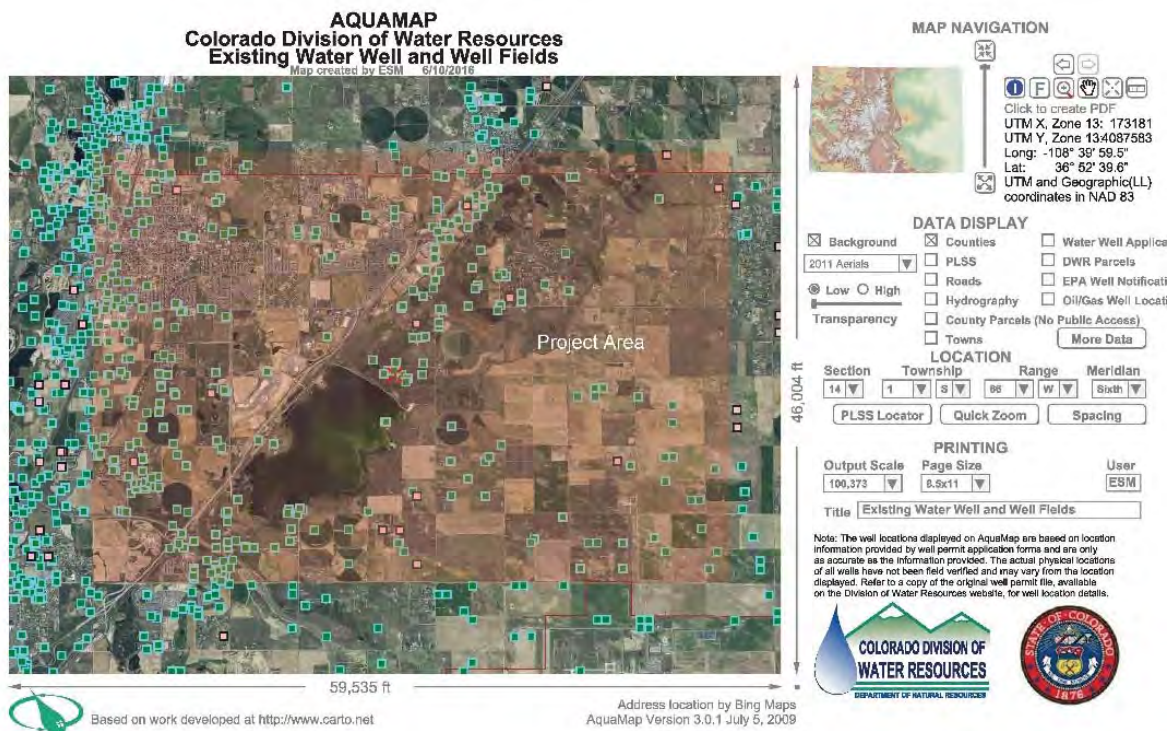


Figure 3.9.4j – Water Well Applications within the Project Area

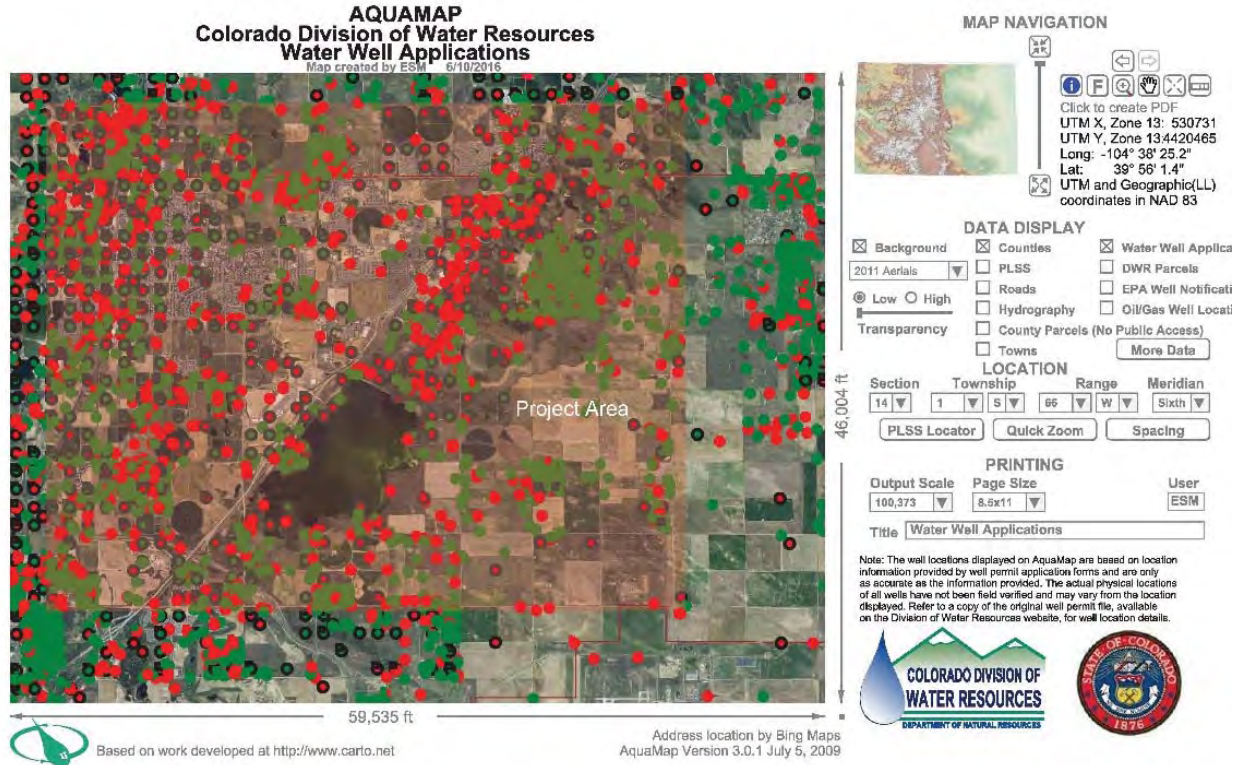


Figure 3.9.4k – Existing Water Wells and Well Fields within the Project Area

Alluvial groundwater flow could be impacted if trenching intersects with shallow groundwater which could occur in areas with riparian vegetation or developing floodplains. If groundwater is encountered during trenching or horizontal directional drill activities, dewatering methods may be employed and the water will be pumped and discharged to alluvial/colluvial sediments close to the pipeline trench. During construction, the applicable BMPs will be employed to mitigate any erosion issues, in accordance with the written Stormwater Management Plan. If necessary, trench breakers will be installed to keep seasonal high water tables from diverting any flow to the pipeline trench.

Overall, the Project area should have no impact on groundwater.

3.3.3 WOODLANDS AND RIPARIAN AREAS

1. Map and description of all floodplains, wetlands, and riparian areas to be affected by the project, including a description of each type of wetlands, species composition, and biomass.

Figure 3.3.3 on the following page shows flood hazard areas crossed by the right-of-way in Adams County. The right-of-way crosses approximately 0.5 miles of areas with a 100-year annual risk of flooding. The right-of-way crosses approximately 0.5 miles of riparian floodplain and does not cross any 100-year regulatory floodways. The COP site and associated access road are located within the 100-year floodplain.

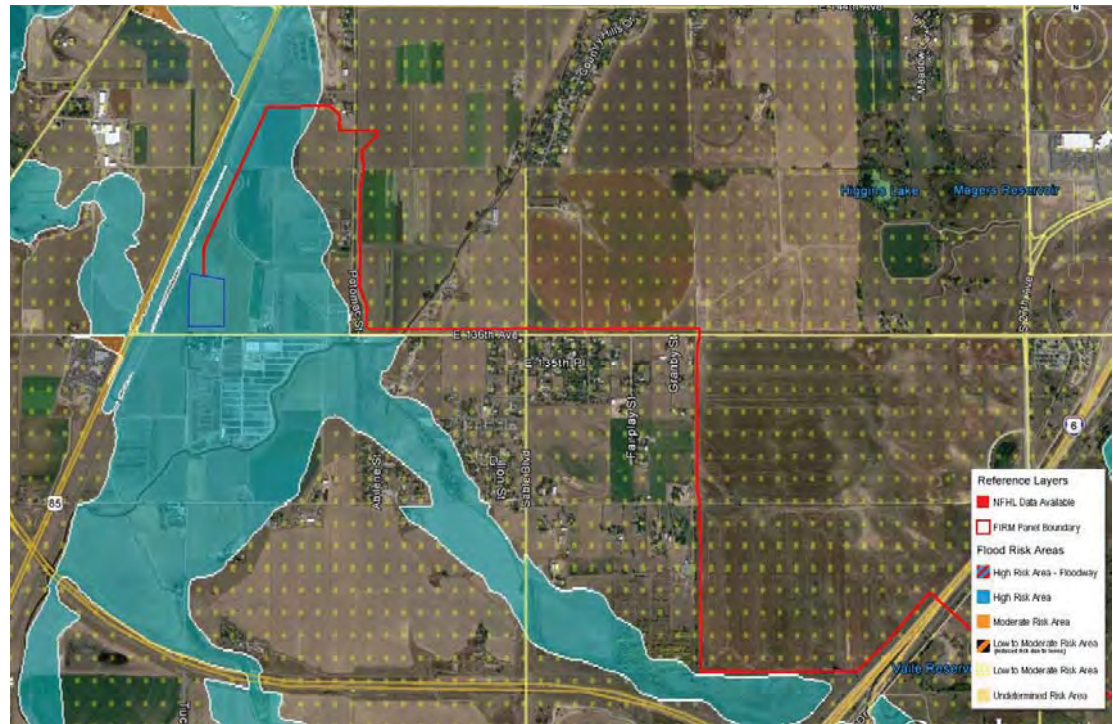


Figure 3.9.5 – Flood Hazard Areas, Adams County

Wetland crossing locations were determined by review of National Wetland Inventory Mapping (NWIM) and State Wetland Inventory (SWI) followed by field review and verification. Figure 3.9.5 above shows approximate boundaries of wetlands crossed by the pipeline in Adams County and Table 3.9.1 summarizes these crossings. The route would cross approximately 1,000 feet of wetlands in Adams County. Dominant plants in these wetland areas include Baltic rush, American three square, cattail, reed canarygrass, Nebraska sedges and other species.

The only riparian habitat crossed is located along the crossing of Bird Creek, the riparian habitat along this creek is dominated by wetland plants. Note this area would be crossed by the pipeline with no disturbance of the riparian habitat area.

2. Description of the source of water interacting with the surface systems to create each wetland (i.e., side-slope runoff, over-bank flooding, groundwater seepage, etc.).

The majority of wetlands along the route are fed by groundwater via a high water table. Standing water and saturated soils are present at most wetland areas. Seepage from irrigation and ditches also provides or supplements the hydrology of some wetland areas.

3. Description of the impacts and Net Effect that the Project would have on the floodplains, delineated flood hazard zone(s), wetlands and riparian areas.

The temporary right-of-way disturbance during construction across 0.5 miles of flood hazard areas would not impact flood flows or future flood hazards. Once construction is completed in the flood hazard area there would be no above ground structures, berms or other features that could affect flood water flows. The CUP and access road are located in the 100 year floodplain. All buildings and structural elements of the CUP would be built to withstand the static and hydrodynamic pressures of a 100 year flood.

Project construction would temporarily impact 100 acres of wetlands. Where possible wetland crossings would be completed with horizontal directional drills. In areas with trenched wetland crossings the construction right-of-way would be reduced from 100 feet to 50 feet in width, where only the ditch line will be topsoiled and the drive space will be matted with pipeline mats to mitigate

disturbance. Blading would occur only over the trench line, the traffic lane would be matted with no vegetation disturbance. Construction vehicles would drive on the matted area. Once construction is completed wetlands will be restored to preconstruction conditions and contours, topsoil will be replaced and the wetland will be reseeded. Wetlands should return to preconstruction conditions within two growing seasons.

No impacts are anticipated to the limited riparian habitat along Third Cree. This area would be crossed by the pipeline with no disturbance of the stream, stream bank or adjacent riparian vegetation.

3.3 SPECIAL STUDIES 3.3.1 IC 3.3.1.1 BIRDS

1. Map and description of terrestrial and aquatic animals including the status and relative importance of game and non-game wildlife, livestock and other animals.

The project is located in an area with extensive human disturbance (agriculture, roads, houses). Wildlife species present include those that are adapted to human use and presence. Wildlife species that are common in the area include coyote, red fox, a variety of small mammals (deer mouse, house mouse, raccoon, rabbit, cottontail rabbit), a variety of birds (meadow lark, mourning dove, house finch, English sparrow, horned lark, black-billed magpie, starling, American kestrel, red-tailed hawk, ring-necked pheasant, Canada goose, and other species) and a few reptiles (western terrestrial garter snake, gopher snake) and amphibians (bullfrog, leopard frog, spadefoot toad, tiger salamander). Andrews and Richter (2000), Colorado Division of Parks and Wildlife (2000), O'Connell et al. (2000), Hammerson (2000).

Figures 3.9.6a-f below and on the following pages show locations of important wildlife habitat areas near or crossed by the project (Colorado Division of Parks and Wildlife (2000)). The project crosses yearlong white-tailed and mule deer range. Deer concentration areas are located at Barr Lake. There are no mapped or known big game migration corridors in the area. The route crosses approximately 1,000 feet of black-tailed prairie dog colonies (Figure 3.9.6f). Several raptor species have the potential to nest in the area (the most common red-tailed hawk, Swainson's hawk, northern harrier, American kestrel, great-horned owl). The route crosses approximately 1,000 feet of a 0.5-mile buffer around a bald eagle nest (note this nest is classified as unknown/inactive). The route is outside of the 0.5-mile buffer of one of the active bald eagle nest at Barr Lake. The route crosses within the 0.5-mile buffer of the great blue heron rookery at Barr Lake. The route is located at the outside edge of these buffers.

Figure 3.9.6a – Bald Eagle Nest and 0.5 mile Buffer, Barr Lake State Park (Red Circle, Purple Circles are inactive nests, Yellow is roost)

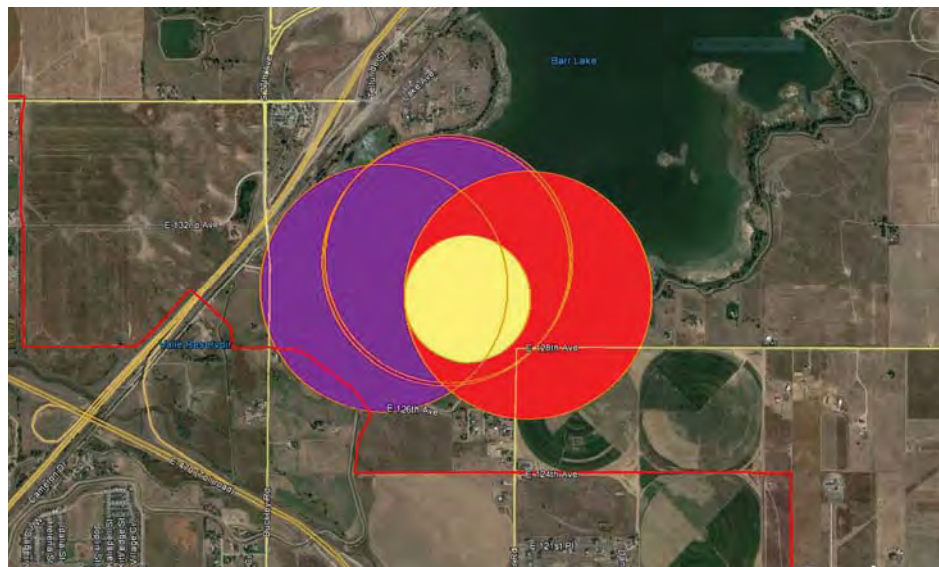


Figure 3.9.6b – Great Blue Heron Rookery and 0.25 mile Buffer, Barr Lake State Park

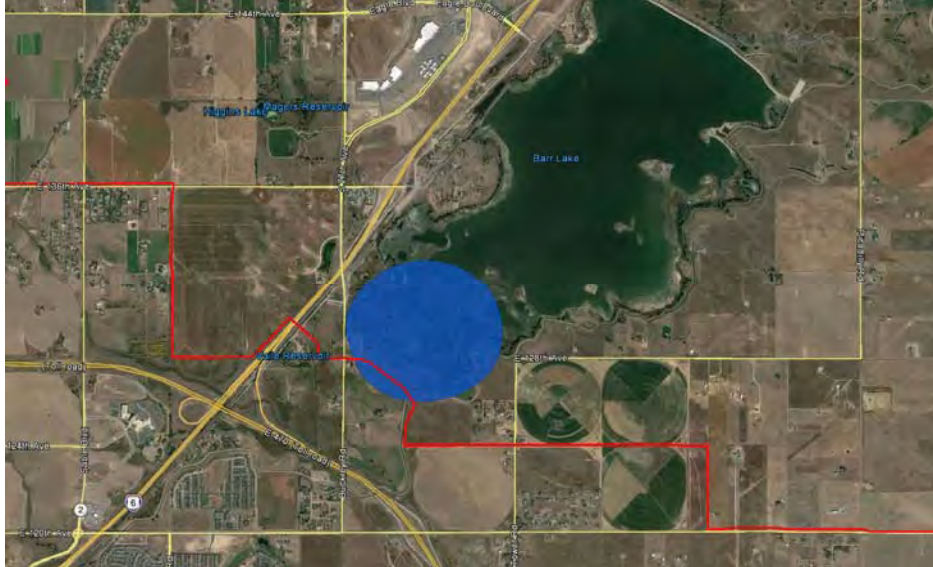


Figure 3.9.6c – Osprey Nest and 0.25 mile Buffer, Barr Lake State Park

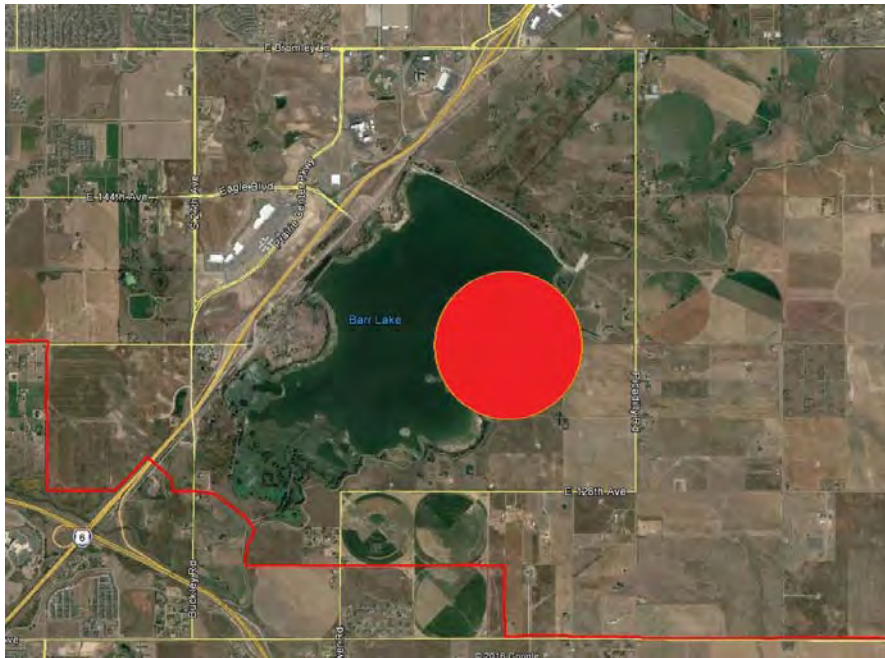


Figure 3.9.6d – White-Tailed Deer Concentration & Crossing Areas, Barr Lake State Park
(Green – Concentration Areas, Orange – Crossing Areas)

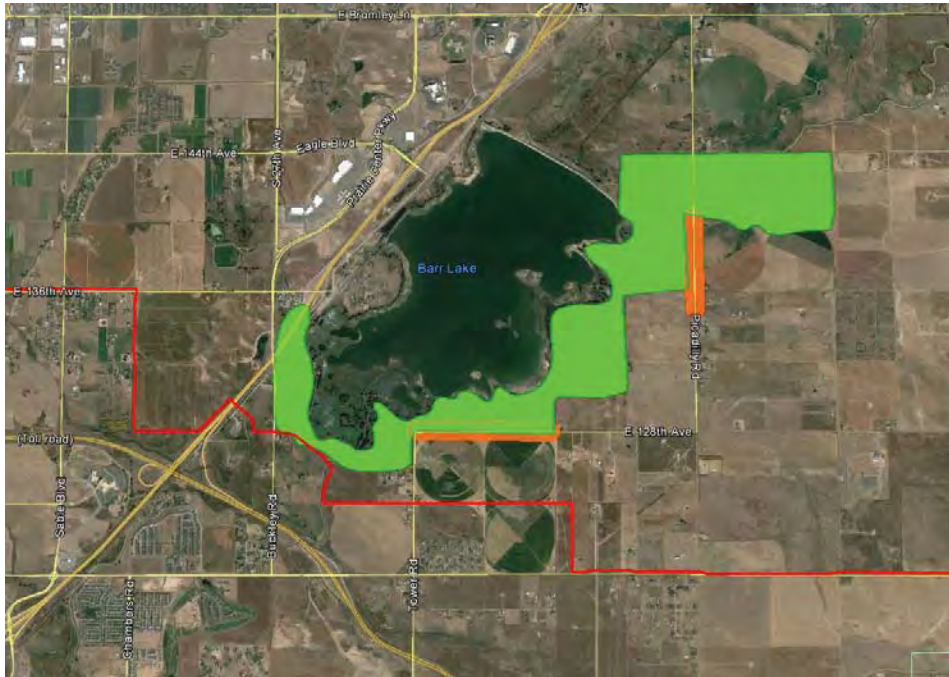


Figure 3.9.6e – Mule Deer Habitat Areas near Barr Lake State Park
(Blue – Winter Range, Green – Concentration Area, Orange – Crossing Area)



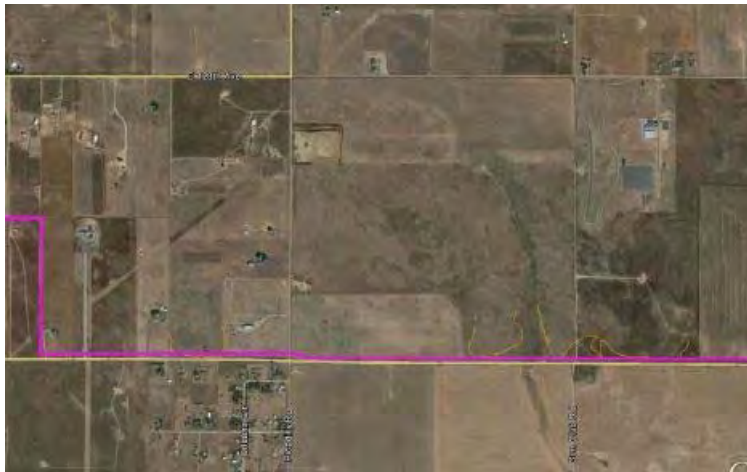


Figure 3.9.6f – Black Tailed Prairie Dog Crossings, Adams County

2. *A description of stream flows and lake levels needed to protect the aquatic environment.*

The project would not impact stream flows or lake levels. All streams and ditches would be crossed by the pipeline with no disturbance of the stream bed or banks. No lakes would be crossed or impacted by project construction.

3. *Description of threatened or endangered animal species and their habitat.*

LW reviewed habitat conditions on the site to determine if the area provides potential habitat to any federally listed species that are protected under the Endangered Species Act (ESA). Species that are federally listed or formerly listed as endangered or threatened are protected by the ESA. The U.S. Fish and Wildlife Service (USFWS) is the federal agency responsible for administering the ESA. An USFWS Critical Habitat (CH) data base search was completed for the project. Based on a search of the USFWS CH data base there are several listed species that have the potential to occur in the project area. USFWS (2016) Table 1.0 on the following pages summarizes species that have the potential to occur in the vicinity of the proposed project as well as the potential for the species to occur in the area.

**Table 3.9.6
Federally-Listed and Proposed Threatened and Endangered Species
Potentially Occurring in the Area (USFWS 2016b)**

Common Name Scientific Name	Status ¹ Federal/State	Habitat	Potential to Occur on the Site, Project Effects Determination
Plants			
Colorado Butterfly Plant <i>Gaura neomeicana</i> var. <i>coloradensis</i>	□□	□rows on sub□irrigated alluvial soils at elevations between □□□□ and □□□□ feet. Populations are commonly found in floodplains and drainage bottoms and in depressions along slow□moving streams.	Potential habitat areas □wetland□are crossed. □here are no □nown locations within □□miles of the project. Past surveys in the general area have been negative. □he species is unli□ely to be present
□ite Ladies□ tresses <i>Spiranthes diluvialis</i>	□□	□reas with seasonally wet soils and wet meadows nears springs, la□es, or perennial streams and their associated flood plains below □,□□□ feet above sea level in the South Platte □iver □rainage	Potential habitat area □wetland□ are crossed. □here are no □nown locations of this plant species in the area. Past surveys in this area have been negative. □he species is unli□ely to be present
Western Prairie □ringed □rchid <i>Platanthera praeclara</i>	□□	□he species occurs in Iowa, □ansas, Minnesota, Missouri, □ebras□a, □orth □a□ota, and □□lahoma. □pstream depletions to the Platte □iver system in Colorado and Wyoming may affect the species in □ebras□a.	□ccurs in native mid and tall grass prairie habitat. □o occurrence in Colorado. □ny depletion of water that flows to the South Platte □iver system that results from project development could impact this species. □his project would not re□uire water depletions and would not impact this species □o □ffect
Fish			
Pallid Sturgeon <i>Scaphirhynchus albus</i>	□□	□iverine □ones, Platte □iver	□o potential to occur on site. □ny depletion of water that flows to the South Platte □iver system that results from project development could impact this species. □his project would not re□uire water depletions and would not impact this species. □o □ffect

Table 3.9.6 (Cont.)
 Federally-Listed and Proposed Threatened and Endangered Species
 Potentially Occurring in the Area (USFWS 2016b)

Common Name Scientific Name	Status ¹ Federal/State	Habitat	Potential to Occur on the Site, Project Effects Determination
Birds			
Least Tern <i>Sterna antillarum</i>	☐☐	Sandy beaches, shorelines, islands	☐o potential habitat on site. ☐ny depletion of water that flows to the South Platte ☐iver system that results from project development could impact this species. ☐his project would not require water depletions and would not impact this species.
Bald eagle <i>Haliaeetus leucocephalus</i>	☐elisted	Many wetland and forest habitats typically associated with reservoirs, deep water lakes, large rivers, and some coastal wetlands. ☐enerally nest in large trees, typically conifers, near water bodies.	Could be present on the site foraging, especially in winter. Bald eagle nest site, roost site and foraging area at Barr Lake.
Mexican Spotted Owl <i>Strix occidentalis lucida</i>	☐☐	☐esidents of old growth or mature forests that possess complex structural components ☐uneven aged stands, high canopy closure, multi-storied levels, high tree density. ☐anyons with riparian or conifer communities are also important components.	☐he project area is located on the plains. ☐here is no potential habitat for this species on or near the site. It is highly unlikely that this species occurs on or near the site ☐o effect
Piping Plover <i>Charadrius melodus</i>	☐☐	Sandy beaches, shorelines, islands.	☐o potential habitat on the site. ☐ny depletion of water that flows to the South Platte ☐iver system that results from project development could impact this species. ☐his project would not require water depletions and would not impact this species ☐o effect

Table 3.9.6 (Cont.)
Federally-Listed and Proposed Threatened and Endangered Species
Potentially Occurring in the Area (USFWS 2016b)

Common Name Scientific Name	Status ¹ Federal/State	Habitat	Potential to Occur on the Site, Project Effects Determination
Birds (Cont.)			
Whooping Crane <i>Grus americana</i>	☐☐	Wetlands, lakes, agricultural fields, pastures	☐ very rare migrant in the region. ☐o potential habitat for the species on site. ☐ny depletion of water that flows to the South Platte River system that results from project development could impact this species. ☐his project would not require water depletions and would not impact this species ☐o effect
Mammals			
Preble's Meadow Jumping Mouse <i>Haplosopus hudsonius preblei</i>	☐☐	thick shrubby and tree dominated riparian zones.	☐he project does not cross any good potential habitat. ☐here is no thick riparian habitat on Bird Creek. Past trapping in good habitat in this area has been negative. ☐nlikely to impact this species.

Notes

☐ Regulatory Status

☐☐ ☐ Federally listed as threatened

☐☐ ☐ Federally listed as endangered

Sources: ☐☐☐☐ USFWS, ☐☐☐☐ USFWS Species List, Boardwalk Project

Project construction is unlikely to impact any federally listed species. The only Creek crossing Bird Creek does not support the thick riparian habitat thick shrub and tree cover that is preferred by the Preble's meadow jumping mouse. In addition, this creek would be crossed by ☐☐☐ with no disturbance of the creek bed or adjacent habitat.

The route does cross potential habitat for the white ladies tresses orchid and Colorado butterfly plant at wetland crossings. There are no known locations for either plant species within ☐☐ miles of the project area. Surveys for these species were completed in August ☐☐☐☐, neither species was found in potential habitat areas (wetlands and wet meadows) along the ☐☐W in ☐dams County. If either species is located consultation would be completed with the ☐☐☐☐.

4. *Map and description of critical wildlife habitat and livestock range to be affected by the project including migration routes, calving areas, summer and winter range, and spawning beds.*

The project area does not cross or impact critical wildlife habitat areas. There are no big game winter concentration areas or migration corridors in the area. The nearest important wildlife habitat area is located at Barr Lake State Park approximately 1.5 miles north and northeast of the right-of-way. Barr Lake State Park supports a bald eagle nest, bald eagle roost, bald eagle winter concentration area, bald eagle foraging area, osprey nest, great blue heron rookery, mule and white-tailed deer concentration areas, other raptor nests, and good potential nesting habitat to a wide variety of neotropical migrating birds (figures 3.9.7a, 3.9.7b, C-10W 00000).

The most important wildlife habitat areas crossed by the C-10W include wetlands, native grassland areas and black-tailed prairie dog colonies (figures 3.9.7a, 3.9.7b). Important wildlife habitat areas (bald eagle nest and roost sites, great blue heron rookery, osprey nest, white pelican concentration area, mule and white-tailed deer concentration areas, and important nesting habitat for neotropical migrating birds) is present around Barr Lake.

The Project does not cross any important fisheries, aquatic habitats and no spawning beds.

5. *Description of the impacts and Net Effect that the Project would have on terrestrial and aquatic animals, habitat and food chain.*

Project construction would cause the temporary disturbance of 1000 acres of agricultural lands, 100 acres of native grasslands, and 100 acres of wetlands. Disturbance of these habitat areas would be limited to one growing season. Once construction is completed the C-10W would be restored to preconstruction conditions and contours, topsoil would be replaced, and the C-10W would be reseeded (not on agricultural lands). Approximately 100 acres of farmland would be lost due to construction of the C-10P site. The temporary loss of habitat is not anticipated to impact any populations of local wildlife, or wildlife food chains.

Project construction related disturbance (traffic, noise, and increased human activity) could result in the temporary displacement of wildlife near construction zones. Limited mortality of small and less mobile animals (small mammals, some reptiles and amphibians) would occur with construction. No long term disturbance impacts would occur once construction along the C-10W is completed and the C-10W is restored.

C-10W restoration, preconstruction raptor and burrowing owl surveys (if construction is proposed during the nesting season for these species), C-10W of stream and canal crossings and other mitigation/minimization and restoration measures proposed will help reduce impacts to wildlife and habitats (see Section 3.9.7 Wildlife and Habitat Conservation Measures).

3.9.7 00000S-10L 0 00000IC PL0000 LI000

1. *Map and description of terrestrial and aquatic plant life including the type and density, and threatened or endangered plant species and habitat.*

Figure 3.9.7a above shows vegetation types crossed by the proposed route. Table 3.9.7 below shows the length of crossing of each vegetation type.

Table 3.9.7 Vegetation Types Crossed by Boardwalk Pipeline System			
	Agriculture	Native Grassland	Wetlands
Miles	0.000, 000 feet	0.000, 000 feet	0.000, 000 feet
Acres of Temporary Impact	000, 00	000	000
Acres of Permanent Impact	000 (note 00)		

Notes:

0 C-10P Facility Site.

The route crosses areas of agricultural lands, native grassland and wetlands.

Agricultural lands crossed include irrigated lands (corn, alfalfa, truck crops) dryland (mainly winter wheat) and pasture lands (seeded grassland/pasture areas)

The native grasslands areas crossed by the route typically occur on very sandy soil areas that are not suitable to farming. Dominant plants include blue grama, side-oats grama, western wheatgrass, needle and thread grass, yucca, prickly pear cactus, and sand sagebrush. The quality of native grassland areas crossed tends to be reduced due to past livestock grazing and invasive plant species (weeds)

Wetlands that are crossed include palustrine emergent wetlands associated with areas of high ground water.

2. *Descriptions of the impacts and Net Effect that the Project would have on terrestrial and aquatic plant life.*

Table 1.1.1 above shows the acres of temporary and permanent impacts to plant communities. Temporary impacts to 1000 acres of agricultural lands, 100 acres of native grasslands, and 100 acres of wetlands would occur with project construction. After construction the 100W would be restored to preconstruction conditions and contours, topsoils would be replaced and the 100W would be reseeded. A temporary impact to the vegetation in the right-of-way would occur for 100 growing seasons.

Note there are no impacts to aquatic plant life other than that discussed regarding wetlands.

1.1.1 SOILS, GEOLOGIC CONDITIONS AND NATURAL HAZARDS

1. *Map and description of soil, geologic conditions, and Natural Hazards including but not limited to soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas.*

Figures 1.1.1a and 1.1.1b below and on the following page outline the soil types crossed by the pipeline route.

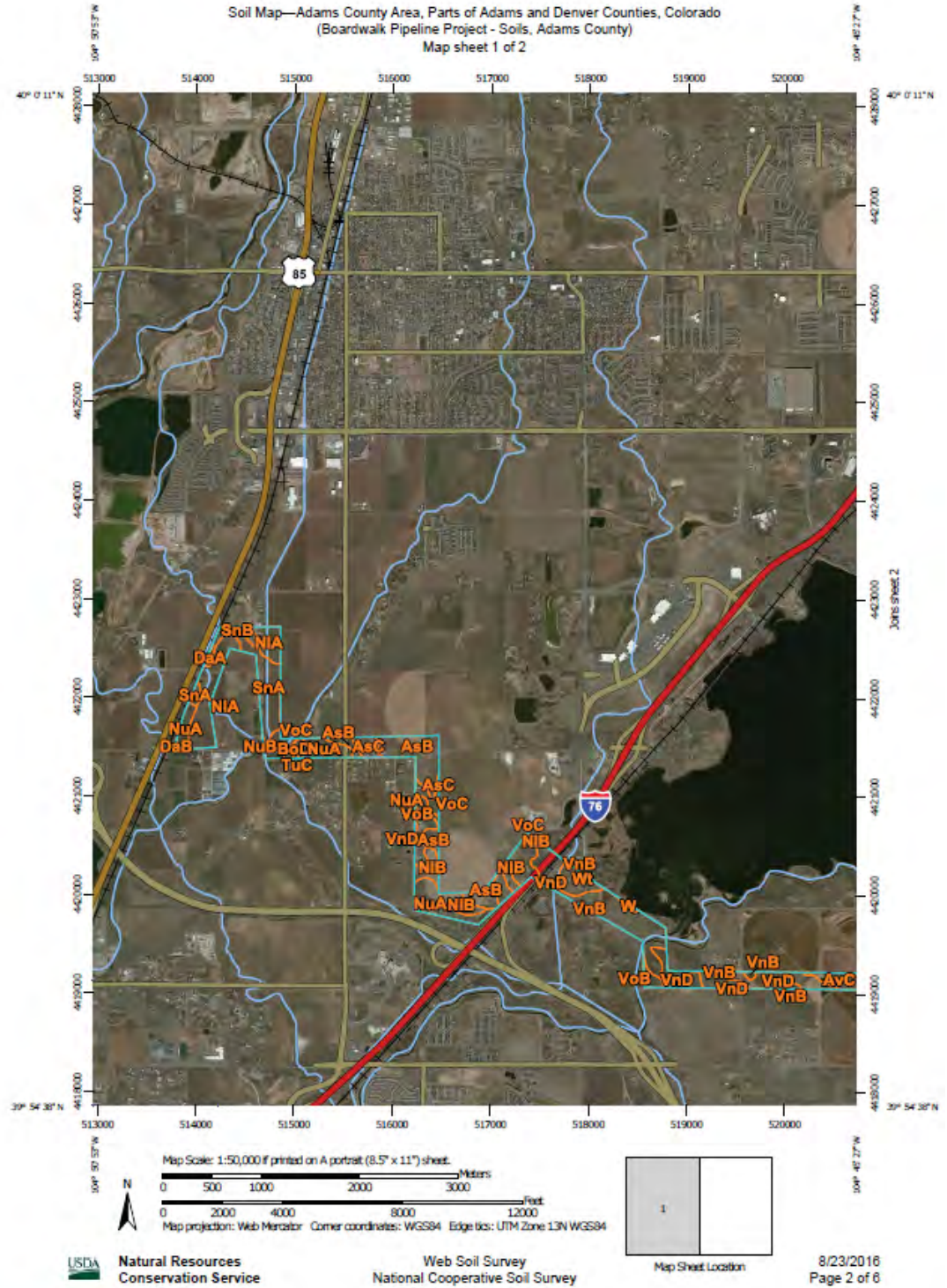


Figure 3.9.8a – Boardwalk Pipeline Project – Soils, Adams County (Map 1 of 2)
 Source: websoilsurvey.sc.gov.usda.gov

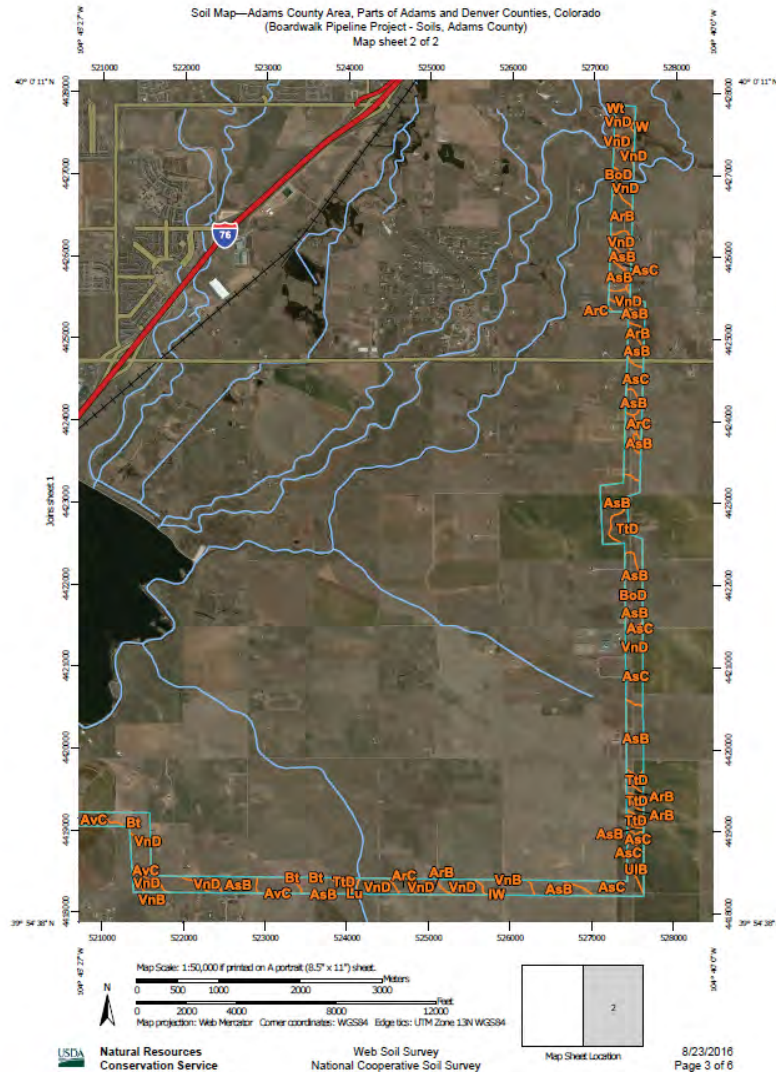


Figure 3.9.8b – Boardwalk Pipeline Project – Soils, Adams County (Map 2 of 2)
Source: websoilsurvey.sc.egov.usda.gov

There are no mapped faults within 0.5 miles of the project area. There is a low probability of a greater than 1/1000 earthquake occurring in the area within 100 years. There are no known geological hazards (landslides, steep slope areas, potential mud flows) in the Project area.

Due to the lack of identified natural hazards, it is highly unlikely the Project area will be affected by a natural hazard nor would the Project exacerbate the potential of generating a natural hazard.

The NRCS soil descriptions as well as a full report for the Project area soils is provided under Exhibit P.001 NRCS Soils Report. In addition, geotechnical investigations of the soils along the pipeline route have been performed at select crossing locations along the pipeline route. A copy of the Terracon Consultants, Inc. geotech report (dated May 11, 2016) is provided under Exhibit P.002 Terracon Geotech Report.

2. Descriptions of the risks to the Project from Natural Hazards.

There is a low risk to the project from natural hazards. Topography is gentle along the pipeline. There are no steep slopes, areas with landslide risk, or fault areas along the route.

3. Descriptions of the impact and net effect of the project on soil and geologic conditions in the area, and their effects on streambed meander limits and aquifer recharge areas.

Records were also consulted in an effort to identify historic trails, transportation routes, homesteads, or other historic resources that intersect the study area.

Results of the Class I Cultural Resource survey completed for the Project are provided under Exhibit C Class I Cultural Resource Report Centennial Archeology, LLC.

Twenty-six of the previously recorded sites in the Class I study area are located in Adams County. Eighteen of these sites are historic in age, while the remaining eight sites are prehistoric. Of the 18 historic sites, seven have been evaluated as NEP eligible, and eleven are not eligible. Seven of the prehistoric sites are evaluated as not eligible, and one is assessed as needs data.

A review of historic 1:25,000 scale 15 minute S&S topographic maps for Adams County, including the Brighton and Mile High Lakes quadrangles, shows buildings within the study area that are 100 years in age or older, if they are still in existence. These maps also depict three irrigation features crossing through the study area in Adams County, including the Fulton ditch, the Brian Canal, and the Denver-Hudson Canal. The 1900 and 1910 maps also suggest that numerous roads intersecting the study area are at least 100 years old, including I-70, Highway 10, East 100th Ave., East 110th Ave., East 120th Ave., East 130th Ave., East 140th Ave., East 150th Ave., Potomac St., Sable Blvd., Crystal St., Kennedy Ave., Airplay St., Cranby St., Picadilly Rd., Sun Club Rd., and Powhatan Rd. Additionally, the Chicago, Burlington, and Quincy Railroad (now the Burlington and Northern Railroad) is also shown intersecting the study area on the Brighton Quadrangle.

A PL survey plat from 1910 of Township 2S, Range 6W shows an unnamed road trending northwest-southeast through sections 33, 34, 35, 36, and 37. This road would have passed within the buffered Class I study area. The 1910 survey plat of Township 2S, Range 6W shows an unnamed road or trail trending northwest-southeast that intersects the study area in the NW 1/4 of the NE 1/4 of Section 33 and the SW 1/4 of the SW 1/4 of Section 34. No other structures were depicted on the PL survey plats for Adams County in the Class I study area.

Table 3.9.10 below and on the following page summarizes past surveys of Cultural Resources near the Project area Adams County Centennial Archeology, LLC.

**Table 3.9.10
Past Cultural Resource Surveys in the Project Area
Adams County, Colorado**

Survey ID	County	Year	Project Name	Organization
M.C.001	Adams	2010	Colorado LICL S... P... S... I...W... MS C..., C...	Colorado Department of Highways
M.C.002	Adams	2010	C...L...S...C... I...S...B...W...S... I...W...B...ML...L... MS C..., C...	Colorado Department of Transportation
M.C.003	Adams	2010	P...C...I...S... B...ML...L...	Sally Pearce
M.C.004	Adams	2010	C...L...LICL... IS...LICL S... I...S... I...C..., MSC...	Centennial Archeology, Inc.
M.C.005	Adams	2010	...W...P...C..., I... I...C...	Front Range Research Associates

Table 3.9.10 (Cont.)
Past Cultural Resource Surveys in the Project Area
Adams County, Colorado

Survey ID	County	Year	Project Name	Organization
01M.0.000	Adams	2000	011S0000 0000000000 B0100000 S0BS000000, 000MS C00000, C0L00000. 000C 000 000000	00oothills 00Engineering 00Consultants
01M.00.000	Adams	2000	CL0SS III C0L00000L 00S000C0 I000000000 000 000 000000 P0W00 III 0000SMISSI00 S0S00M IMP0000M000 P0000C0 I0 000MS C00000, C0L00000	0etra 0ech 0C, Inc.
MC.00.000	Adams, Denver, Weld	2000	0 CL0SS III C0L00000L 000 CL0SS I P0L00000L00IC0L 00S000C0S S00000 00 SP000000 00 000 00000 000000 PIP0LI00 P0000C0 0000 000000M 00,W0L0, 000MS, 000P0000, 0LB000, 000 0L P0S0 C00000S, C0L00000	0t0ins 0orth 0merica, Inc.
MC.C0.0000	Adams, Morgan	2000	00C0000L00IC0L I000S000000S 000 S0MPL0 00 000 P00P0S00 0P00C0000C000 S0P00 C0LLI000 0CC0SS 0000S I0 000MS 000 M00000 C00000S, C0L00000	Colorado 0epartment of 0ighways
MC.C0.0000	Adams	2000	0IS000IC 00S000C0S S00000 00P0000000S00M000 I0, 00000 000000 00 I000 00000	0ermesen 0onsultants
MC.C0.000	Adams, Denver	2000	0I00L 00P000 00 C0L00000L 00S000C0 I000000000 000 000 P00P0S00 00000C000I000, 0000L0S, 000P0000, 000000, B000M00L0, 000 000MS C00000S, C0L00000	Colorado 0epartment of 0ighways
MC.C0.000	Adams, Weld	2000	00 00C0000L00IC0L I000000000 00 000 00000 C0MM00IC00I00S W00MI00C0L00000 B00000 00 000000 S00M000, W0S00C0 000C0 0IB00 B0IL0, 00000000 C0L00000	Centennial 0rchaeology, Inc.
MC.0.000	Weld	2000	00 W00000B000 0000SMISSI00, L.L.C. 00000 0000000 PIP0LI00 S0S00M 000MS 000 W0L0 C00000S, C0L00000C0L0000L 00S000C0 I000000000 00P000 00	0reystone
MC.0.000	Adams, Denver, Weld	2000	00 I0000SI00 C0L00000L 00S000C0 S00000 0L000 I0000S0000 00B00W000 00000 000000 000 S0000 0I00W00 0, 000MS C00000	Colorado 0epartment of 0ransportation

There are no chemical or waste storage facilities associated with the Project. The produced water, condensate, and crude oil storage tanks at the CUP site will incorporate a secondary steel containment with impervious liner.

Pipeline burial depths will conform to U.S. Department of Transportation, state, and local requirements with a minimum depth of cover of 36 inches. In addition, the Project includes the placement of three remote isolation valves, two of which will be located in Adams County, for the purpose of providing emergency safety isolation along the pipeline.

Outline maintenance of the Project will be performed on scheduled intervals, and as needed basis in accordance with the guidelines and requirements set forth by the U.S. Department of Transportation and Discovery's internal maintenance procedures, which meet or exceed regulatory requirements. Trained and qualified technicians will be stationed out of the compression and processing facility located in Weld County to facilitate the proper maintenance of the Project. Maintenance activities associated with the Project will include, but not be limited to:

- ❖ Implementation of a damage prevention program, including observation of any construction activities by others on or near the permanent easement participation in the State's one-call program and responding to one-calls.
 - ❖ Implementation of a public education program
 - ❖ Installation and maintenance of pipeline markers
 - ❖ Inspection and maintenance of corrosion control systems
 - ❖ Inspection of block valves
 - ❖ Inspection of crossings by other pipelines, highways, utilities
 - ❖ Inspection and maintenance of safety, control, mechanical and electrical equipment
 - ❖ Maintenance of communication equipment and
 - ❖ Calibration of all instruments to comply with USDOH regulations.
2. *Location of storage areas designated for equipment, fuel, lubricants, chemical and waste storage with an explanation of spill containment measures.*

Temporary storage areas and laydown yards will be required during construction for construction personnel vehicles, staging of contractor equipment and materials, and general construction activities. The project will incorporate one acre storage area located at the CUP site in Adams County.

Following construction, there will be no storage of fuels, lubricants chemicals or waste at the CUP site or on pipeline right-of-way except on a temporary basis during maintenance activities.

3. *Reportable quantities, emergency response plan, spill prevention, and counter measures plan due to the proposed project.*

Spill response and emergency Plan specific to the area will be developed for the Project, providing detail for responding to spills during all weather conditions. It will provide detailed information on response procedures to be followed and actions taken in the event of a spill or natural gas release. The plan will include the type and location of equipment and type of personnel training required to implement the plan. Containment and cleanup procedures will also be addressed. The plan will include:

- ❖ Notification procedures for initiating the response and for regulatory reporting
- ❖ Description of initial response actions, including immediate response steps, securing the source of the spill release, safety and health considerations, emergency medical treatments, sampling procedures, storage/disposal of waste materials and documentation of the response

- ❖ Description of response teams and their responsibilities
- ❖ Command posts and staging areas
- ❖ Communication equipment
- ❖ Resources available for response

Measures to contain or control any spill that may occur and to contact appropriate emergency offices and personnel are formulated and designed in accordance with federal, state, and local requirements.

1.1.3 Benefits and Losses

1. *Description of foreseeable benefits of natural, agricultural, recreational, range or industrial resources within the County and opportunities to develop those resources in the future.*

Project construction would allow local fossil fuels to be developed and marketed. The gathering line would allow for the safe transport of locally produced fossil fuels.

2. *Description of foreseeable losses of natural, agricultural, recreational, range or industrial resources within the County and loss of opportunities to develop those resources in the future.*

Project construction and operation would result in the temporary loss of production of 100 acres of agricultural lands, 100 acres of rangeland, 100 acres of wetlands. Impacts to these areas are not anticipated to extend past 100 growing seasons. Impacts to agriculture, range resources, recreation would be short term.

The pipeline right-of-way has been routed with landowner input to maximize use of existing ROWs, property boundaries, and avoid potential future conflicts with land use and development.

1.1.4 Mitigation and PL

1. *Description of all Mitigation for the Project.*

- a. *Describe how and when Mitigation shall be implemented and financed.*

Mitigation will be completed during construction, and after construction until the ROW has been restored. Long term air quality compliance monitoring for the life of the project will be completed at the CUP site. The project proponent will fund all mitigation and restoration activities.

- b. *Describe impacts that are unavoidable that cannot be mitigated.*

Project construction and operation would result in the loss of approximately 100 acres of agricultural lands due to construction of the CUP site. All other disturbed areas will be restored to preconstruction uses and vegetation.

Fugitive emissions from flanged valve and equipment connections will result in 10 tons per year of volatile organic compound (VOC) emissions, which are covered under the applicable Colorado Department of Health and Environment Air Quality General Permit.

2. *Description of methodology used to measure impacts of the project and effectiveness of proposed Mitigation measures.*

The project will follow restoration requirements of the Colorado General Stormwater Permit. Requires restoration of the entire ROW to 100% vegetation cover, Air Quality General Permit recovery of tan vapors, complete combustion with enclosed flare in upset conditions, Army Corps of Engineers 404 Permit. Requires restoration of all disturbed wetlands to 100% cover and other appropriate permits.

ROW restoration will be also completed according to the requirements of individual landowners.

3. *Description, location and intervals of proposed monitoring to ensure that Mitigation shall be effective.*

Construction monitoring for stormwater, erosion control, air quality, wildlife, cultural and historic resources on call experts and other resources will be completed during the entire construction phase. If there are issues related to these and other resources project construction may be temporarily halted, additional BMPs or other measures may be added to mitigate impacts.

Post construction monitoring will be completed for stormwater erosion, WW restoration, and weed control until all permit requirements have been met and all landowners requirements have been met.

4.0 SAFETY

4.1 Safety Measures

The pipeline will be covered under an emergency response Plan. The pipeline will be designed and constructed per code. Control and shut off valves will be strategically placed along the pipeline route and are required to be inspected twice a year on our mainline system. Overpressure protection devices will be installed and inspected annually or as required by code. Additionally, a hydrostatic test will be performed prior to start up. The pipeline will be protected with a leak detection system and monitored by a 24 hour control room through a SCADA system. The pipeline will be identified through pipeline markers. The pipeline will be cathodically protected to mitigate corrosion as well as above ground portions will be inspected through an atmospheric inspection program. Company employees are covered under training programs, including our operator qualification Program. Moreover, the company follows a detailed Public awareness program.

4.2 PICIL Incident Response Plan

Discovery maintains an emergency response plan which addresses responses to leaks or spills. This response plan contains detailed information on the steps needed to address any emergency event reasonably anticipated to be encountered during pipeline operations. The response plan contains contact information, detailed step by step spill/leak response information, emergency phone numbers for local responders and spill/leak contractors. The response plan is reviewed on a regular basis.

4.3 Public Safety Statistics

Discovery has no recordable or non-recordable incidents.



September 9, 2016

**Adams County, Colorado
Community & Economic Development Department**

4430 South Adams County Parkway
1st Floor, Suite W 2000
Brighton, CO 80601-8204

Reference: Discovery DJ Services, LLC – Boardwalk Pipeline Project
Project Number: RCU2016-00016
Conditional Use Application: Development Review Team Comments
RCU2016-00016 Boardwalk Pipeline Case Comments.pdf

The following address the questions and comments by the Adams County Development Review Team (“DRT”) and applicable referral agencies pertaining to the Discovery DJ Services, LLC (“Discovery”) – Boardwalk Pipeline Project and received via e-mail and summarized in the RCU2016-00016 Boardwalk Pipeline Case Comments.pdf dated July 26, 2016.

Commenting Division: Building Review

Name of Reviewer: Justin Blair

Date: 07/08/2016

Comment: No Comment

Response: No Response Required.

Commenting Division: Engineering Review

Name of Reviewer: Greg Labrie

Date: 07/05/2016

See comments emailed to Chris LaRue, Case Manager, on 7/5/16.

- 1) ENG1 Comment: The proposed project is shown on the following Flood Insurance Rate Maps (FIRM’s):

FIRM Panels for “Option 1” are: 08001C0329H, 08001C0333H, 08001C0334H, 08001C0332H, 08001C0050H.

FIRM Panels for “Option 2” are: 08001C0329H, 08001C0333H, 08001C0334H, 08001C0332H, 08001C0355H, 08001C0360H, 08001C00075H.

FIRM Panels for “Option 3” are: 08001C0329H, 08001C0333H, 08001C0341H, 08001C0342H, 08001C0365H, 08001C0370H, 08001C0360H, 08001C0075H.

Federal Emergency Management Agency, panels dated March 5, 2007. According to the above references, portions of the “Boardwalk Pipeline Project” WILL be located within a delineated 100-year flood hazard zone; a floodplain use permit will be required for these options.

ENG1 Response: Floodplain Use Permit applications will be submitted to the Adams County Transportation Department for each regulatory floodplain crossing prior to construction for the selected pipeline alignment.

- 2) ENG2 Comment: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. Several sections of the "Boardwalk Pipeline Project" are located within the County's MS4 Stormwater Permit area. The applicant shall be responsible to prepare the SWMP plan using the Adams County ESC Template, and obtain both a County SWQ Permit and State Permit COR-030000.

ENG2 Response: A Stormwater Management Plan (“SWMP”) will be prepared and both the Adams County SWQ Permit and the Colorado State Permit COR-030000 will be obtained and copies of each permit provided to County prior to the start of construction.

- 3) ENG3 Comment: Prior to issuance of construction permits, the developer is required to submit for review and receive approval of all construction documents (construction plans and reports). Construction documents shall include, at a minimum, site plan(s) and profile(s) showing the specific location of the pipeline, both horizontally and vertically, in any area within the Adams County jurisdiction. All construction documents must meet the requirements of the Adams County Development Standards and Regulations. The developer shall submit to the Adams County Development Review Engineering division the following: Engineering Review Application, three (3) copies of all construction documents. There is no development review fee for utility projects.

ENG3 Response: Three sets of all Adams County applicable construction documents will be submitted to the Adams County Development Review Engineering division for their review and approval prior to the start of construction. This shall include, but not be limited to the applicable pipeline route maps, alignment sheets, bored and directionally drilled crossing drawings, open cut and other crossing drawings, typical pipeline construction drawings, remote valve site plans, piping and associated civil / structural / mechanical drawings, and the applicable preliminary hydrotest profile drawings.

- 4) ENG4 Comment: Several sections of the proposed pipeline project run through jurisdictions that are outside of Adams County authority. Adams County cannot permit or approve the pipeline location or construction in these areas. The developer is responsible for meeting all requirements of other jurisdictions. The applicant shall only submit the detailed design and construction drawings for the segment of pipeline within Adams County jurisdiction.

ENG4 Response: Discovery has submitted applications with the applicable city, county, and state agencies as well as the required third party authorities. A complete list of these permits, the applicable permitting authority / agency, and the current status of these applications is summarized under Attachment A “Permit Summary & Status”, and is also provided under Exhibit O “Federal, State, & Local Permit List” to the Application for the Conditional Use Permit, which has also been updated to reflect the current status and submitted under separate cover.

Discovery is aware and acknowledges that Adams County cannot permit or approve the pipeline location or construction in areas outside of Adams County’s jurisdiction, and will work with the respective permitting authorities in addition to the County to acquire the applicable permits prior to construction. As outlined under ENG3 response above, copies of only the applicable portions of the detail design and construction drawings for the segments of the pipelines and associated infrastructure within Adams County’s jurisdiction for review and approval by the Adams County Development Review Engineering division.

- 5) ENG5 Comment: Adams County does not allow gas pipelines to be located within the County’s Right-of-Way, excepting perpendicular crossings only. The pipeline shall be installed outside of the future right-of-way of all Adams County Roadways. Applicant shall verify the ultimate widths of the impacted right-of-way through the Adams County Transportation Plan adopted in 2012.

ENG5 Response: The proposed pipeline alignment will parallel the following County Road Rights-of-Way: Potomac St., E. 136th Ave., E. 124th Ave., E. 128th Ave., E. 120th Ave., and Powhatan Road. Table ENG5 at the top of the following page summarizes the functional classification and required right-of-way for each County Road as outlined under Figure 6a “Roadway Plan (West)” and Table 6 on pages 25-26 of the 2012 Adams County Transportation Plan (“The Plan”).

**Table ENG5
Boardwalk Pipeline Project
Paralleled County Road Classification & Right-of-Way Requirements**

No.	County Road	Functional Classification	Right-of-Way Width Required	Notes & Comments
1	Potomac Street	Collector	80 ft.	
2	E. 136 th Avenue	Major Arterial	140 ft.	
3	E. 128 th Avenue	Rural Collector	80 ft.	
4	E. 124 th Avenue	Not-Classified	80 ft.	Assumed Collector Road
5	E. 120 th Avenue	Regional / Rural Regional Arterial	140 ft.	
6	Powhatan Road	Rural Collector	80 ft.	

The proposed alignment and the associated planned 30 ft. permanent easement has been reviewed and verified against these ultimate County Road right-of-way requirements. Where conflicts were identified, the proposed alignment has been adjusted to ensure the pipeline(s) and associated easement remain outside of that specified by The Plan for the respective County Roads. The following further describes the proposed alignment in relation to each paralleled County Road:

Potomac Street

The proposed pipeline alignment parallels Potomac Street along the east side from a point approximately 2,100 ft. south of E. 144th Street to E. 136th Ave. This section of Potomac Street has been classified as a Rural Collector Road with a planned right-of-way width of 80 ft. Figure ENG5.1 below, and provided under Attachment B “County Road Right-of-Way & Ditch Details” to this response letter, depicts the relation between the proposed pipeline, associated easement, and the future designated right-of-way for Potomac Street.

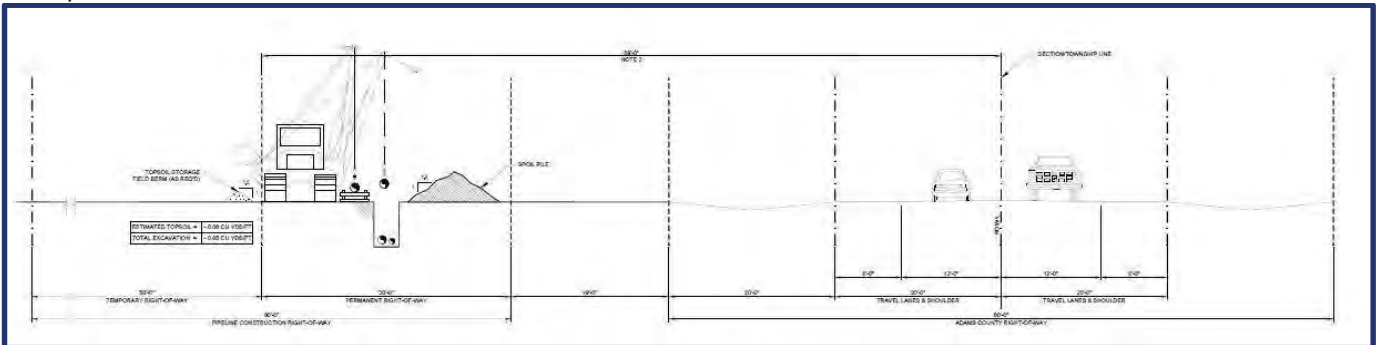


Figure ENG5.1 – Potomac Street ROW Ditch Profile, Collector (Rural)

E. 136th Ave.

The proposed pipeline alignment parallels E. 136th Ave. along the north from Potomac Street approximately 5,200 ft. east, before turning south and crossing E. 136th Ave. This section of E. 136th Ave. has been classified as a Major Arterial with a required future 140 ft. right-of-way. As confirmed in e-mail correspondence with the Adams County planning, right-of-way, and transportation departments, the County plans to establish the centerline of the future right-of-way along the respective section / township lines, thus requiring a 70 ft. offset from the applicable section line(s). The proposed pipeline alignment is located 85 ft. north of the section line, such that the southern boundary of the associated 30 ft. easement abuts the future County Road right-of-way. Figure ENG5.2 at the top of the following page, and provided under Attachment B “County Road Right-of-Way & Ditch Details” to this response letter, depicts the relation between the proposed pipeline, associated easement, and the future designated right-of-way for E. 136th Ave.

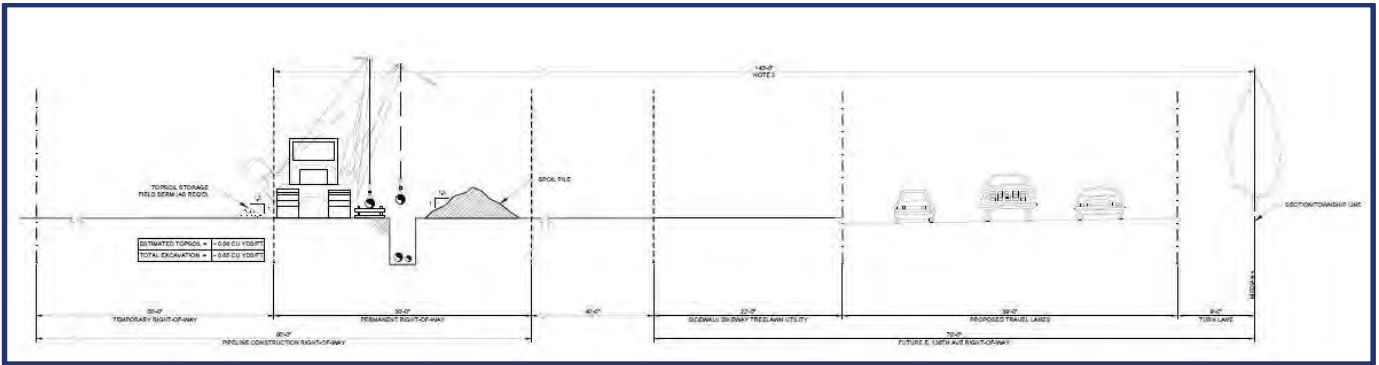


Figure ENG5.2 – E. 136th Ave. ROW Ditch Profile, Regional Arterial / Major Arterial (Urban)

E. 124th Ave.

The proposed pipeline parallels E. 124th Ave. from Tower Road east approximately 2,300 ft. before turning south, crossing E. 124th Ave., and continuing to E. 120th Ave. This section of E. 124th Ave. is not specifically identified under The Plan, and has been assumed to be a Rural Collector Road with a planned right-of-way width of 80 ft. Figure ENG5.3 below, and provided under Attachment B “[County Road Right-of-Way & Ditch Details](#)” to this response letter, depicts the relation between the proposed pipeline, associated easement, and the right-of-way for E. 124th Ave.

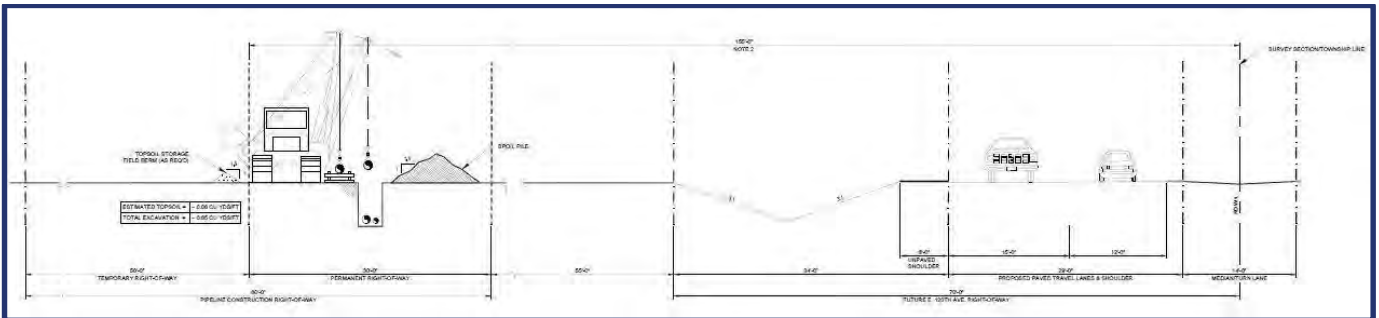


Figure ENG5.3 – E. 124th Ave. ROW Ditch Profile, Collector (Rural)

E. 128th Ave.

The proposed pipeline parallels E. 128th Ave. from Buckley Road to a point approximately 2,300 ft. east before crossing the Farmers Reservoir Irrigation Canal Company Burlington O’Brian Ditch Canal and turning south towards E. 124th Ave. This section of E. 128th Ave. is classified as a Rural Collector Road with a planned right-of-way width of 80 ft. Figure ENG5.4 below, and provided under Attachment B “[County Road Right-of-Way & Ditch Details](#)” to this response letter, depicts the relation between the proposed pipeline, associated easement, and the right-of-way for E. 128th Ave.

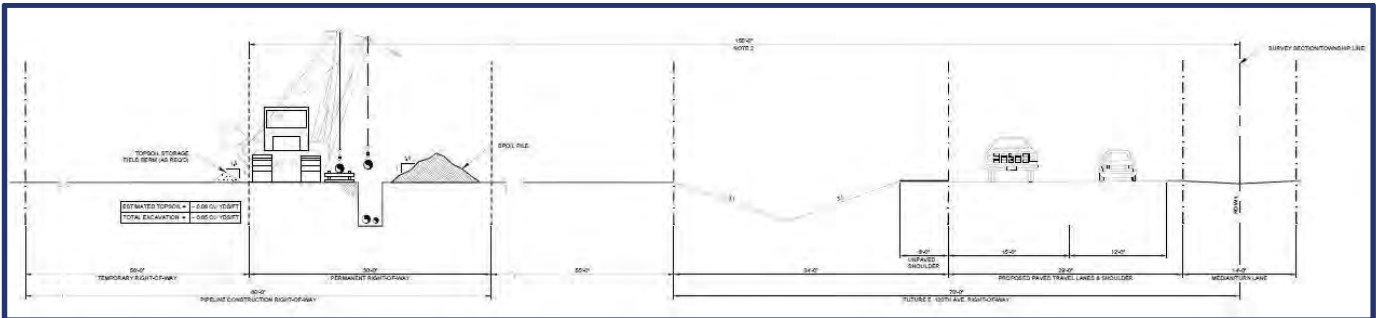


Figure ENG5.4 – E. 128th Ave. ROW Ditch Profile, Collector (Rural)

E. 120th Ave.

The proposed pipeline parallels E. 120th Ave. from a point approximately 6,700 ft. west of Piccadilly Rd. to a point approximately 300 ft. east of Powhatan Rd. This section of E. 120th Ave. is classified as a Rural Regional Arterial / Major Arterial with a planned right-of-way width of 140 ft. Similarly, this portion of E. 120th Ave. falls entirely in land designated for future DIA Technology in the DIA North Special Planning Area under the City of Commerce City Future Land Use Plan, with a required future right-of-way width of 150 ft. (Ref. Response PLN8 on Page 14 for further discussions pertaining to the City of Commerce City Future Land Use Plan). Figures ENG5.5a and ENG5.5b below, and provided under Attachment B “County Road Right-of-Way & Ditch Details” to this response letter, depicts the relation between the proposed pipeline, associated easement, and the right-of-way for E. 120th Ave.

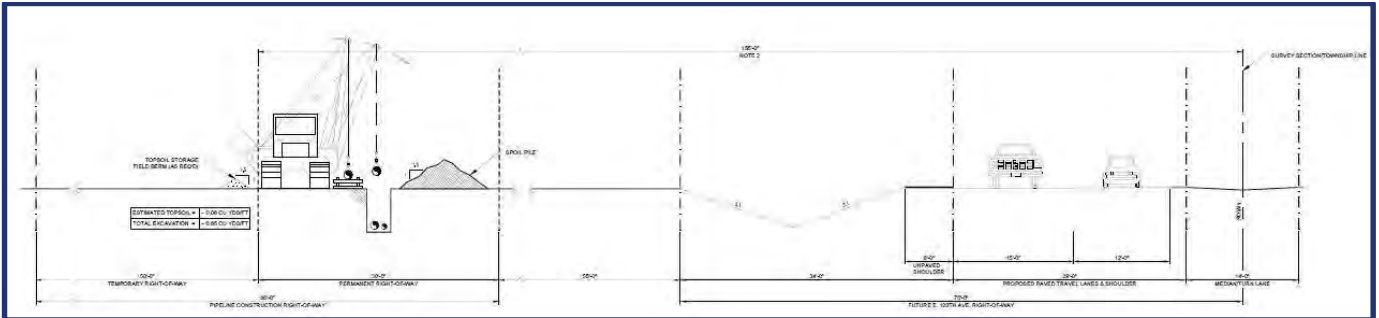


Figure ENG5.5a – E. 120th Ave. (Area 1) ROW Ditch Profile, Regional Arterial / Major Arterial (Rural)

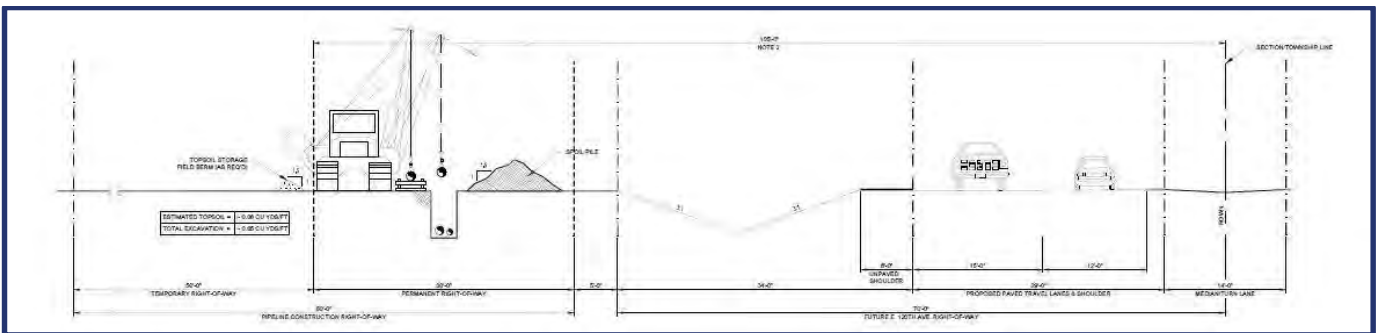


Figure ENG5.5b – E. 120th Ave. (Area 2) ROW Ditch Profile, Regional Arterial / Major Arterial (Rural)

Powhatan Road

The proposed pipeline parallels Powhatan Road from E. 120th Ave. north to E. 168th Ave. / CO Highway 2, crossing Powhatan Road three (3) times, moving from the east side of the road to the west side and then back to the east following existing utility corridors and accommodating the respective landowner preferences. This section of Powhatan Road is classified as a Rural Collector Road with a planned right-of-way width of 80 ft. under The Plan. Similarly, the portion of Powhatan Road between E. 120th Ave. and E. 136th Ave. falls entirely in land designated for future DIA Technology in the DIA North Special Planning Area under the City of Commerce City Future Land Use Plan, with a required future right-of-way width of 120 ft. (Ref. Response PLN8 on Page 14 for further discussions pertaining to the City of Commerce City Future Land Use Plan). Figures ENG5.6a, ENG5.6b and ENG5.6c on the following page, and provided under Attachment B “County Road Right-of-Way & Ditch Details” to this response letter, depicts the relation between the proposed pipeline, associated easement, and the future designated right-of-way for Powhatan Road.

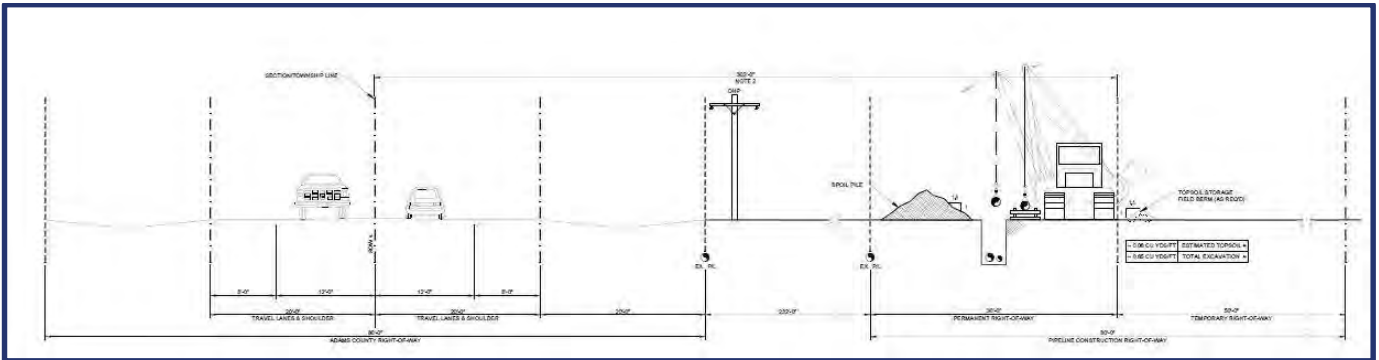


Figure ENG5.6a – Powhatan Rd. (Area 3) ROW Ditch Profile, Collector (Rural)

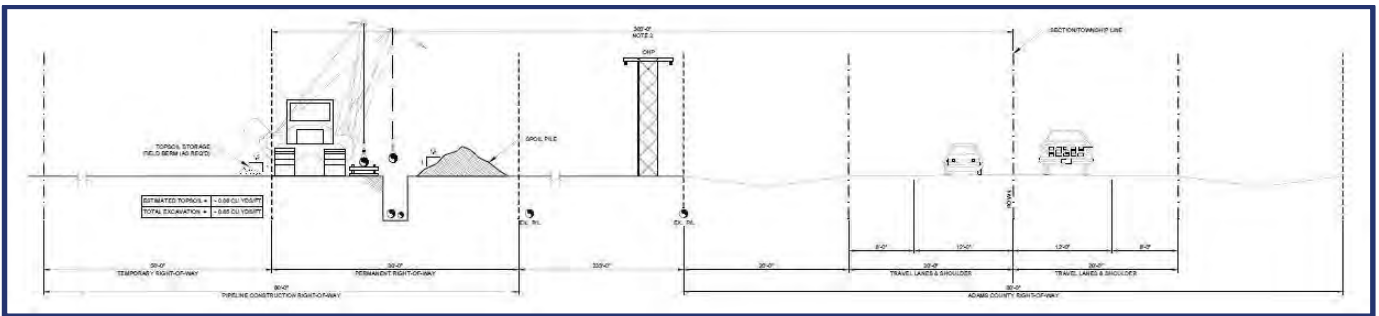


Figure ENG5.6b – Powhatan Rd. (Area 2) ROW Ditch Profile, Collector (Rural)

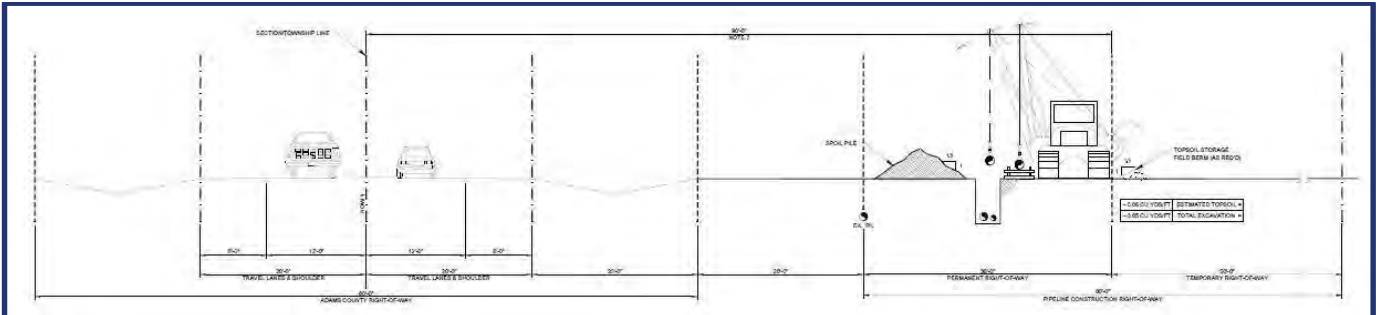


Figure ENG5.6c – Powhatan Rd. (Area 1) ROW Ditch Profile, Collector (Rural)

In addition, the proposed alignment will cross sixteen (16) County Roads as summarized in Table 1.3a “Adams County Road Crossings” on pages 9 and 10 of the CUP Application Package. This table has been updated to include the associated County Road classification as specified under Table 6 on Page 26 of the 2012 Adams County Transportation Plan (“The Plan”). Each of these crossings will be performed utilizing either bored or horizontal directional drill (“HDD”) construction methodologies from outside of the respective County Road Rights-of-Way as outlined in The Plan, providing a minimum 5 ft. depth of cover below the lowest bar ditch pursuant to County requirements.

- 6) **ENG6 Comment:** The developer is responsible for the repair or replacement of any broken or damaged County infrastructure damaged by the construction of this project.

ENG6 Response: Discovery acknowledges that they will be responsible for the repair or replacement of any damaged or broken County infrastructure due to the construction of the Boardwalk Pipeline and associated facilities, to the satisfaction of the County.

- 7) ENG7 Comment: The proposed project alignment(s) are within the boundaries of the following regional drainage studies:

Beebe Draw and Barr Lake Tributary Areas – Outfall Systems Planning Study, Prepared for Urban Drainage and Flood Control District, Adams County, City of Brighton and, Farmers Reservoir and Irrigation Company. Prepared by Wright Water Engineers, Inc., May 1992. (Pipeline Alignments: Options 1, 2 & 3)

Brighton Watershed Tributary to South Platte River Outfall System Planning, Prepared for Urban Drainage and Flood Control District, Adams County and, City of Brighton. Prepared by WRC Engineering, Inc., December 1998. (Pipeline Alignments: Options 1, 2 & 3)

Flood Hazard Area Delineation Beebe Draw and Left Bank Tributaries, Prepared for Urban Drainage and Flood Control District. Prepared by Kiowa Engineering Corp., July 1993. (Pipeline Alignments: Option 2)

Third Creek (Downstream of DIA) Outfall Systems Planning Study Update, Prepared for Urban Drainage and Flood Control District, Adams County, City of Brighton and, Commerce City. Prepared by Kiowa Engineering Corp., September 2005. (Pipeline Alignments: Option 3)

For the regional drainage facilities mentioned in the studies listed above, it is recommended that the applicant either avoid them or install the line to a depth below the facility to provide sufficient cover and avoid potential utility conflicts. Show these regional facilities on the plans.

ENG7 Response: The aforementioned regional drainage studies have been reviewed to identify any potential conflicts with the preferred alignment (Option 3). Two (2) such drainage facilities along the alignment were identified.

The first drainage facility incorporates two detention basins located on both the north and south side of E. 136th Ave., approximately 1,750 ft. east of Potomac Street. The plan for these detention basins incorporate four (4) equalization lines between the basins with a planned invert depth of 7 ft. The proposed alignment in this area is offset 85 ft. north of the southern section line (Township 1S, Range 66W, Section 19), 15 ft. north of the future E. 136th Ave. right-of-way as defined in the 2012 Adams County Transportation Plan, and 10 ft. north of the south edge of the northern detention basin. Discovery will construct this portion of the respective pipelines via horizontal direction drill (“HDD”) to a minimum depth of cover of 10 ft., providing a future separation of 3 ft. below the detention basin and associated equalization lines.

The second drainage facility is located approximately 2,800 ft. east of Sable Blvd., north of E. 132nd Ave. This facility incorporates a single detention basin with an invert depth of 8 ft. Discovery will construct this portion of the respective pipelines via horizontal directional drill (“HDD”) to a minimum depth of cover of 10 ft., providing a future separation of 4 ft. below the detention basin.

The alignment sheets provided under Exhibit H.2 to the Conditional Use Permit Application have been updated to show these regional facilities, along with the entry and exit points for the respective HDD’s. Copies of the preliminary HDD designs are also provided under Attachment C “Regional Drainage Facilities – Horizontal Directional Drill Profile Drawings” with this response letter.

- 8) ENG8 Comment: Full street closings are generally not allowed within Adams County, unless approved by Construction Management. It is recommended that street crossing be bored, when possible, to prevent street closures (even partial closures).

ENG8 Response: All County Roads will be bored or horizontally directionally drilled, and therefore will have no impact to the respective traffic patterns or require full (or partial) street closings.

- 9) ENG9 Comment: All work within County ROW, properties or County regulated floodplains will require construction permitting.

ENG9 Response: Discovery acknowledges that all work within County Right-of-Ways, properties, or County regulated floodplains will require construction permitting. All applicable construction permits will be acquired prior to performing any construction activities.

Commenting Division: Environmental Analyst Review

Name of Reviewer: Jen Rutter

Date: 07/26/2016

Comment: The Resources Review that was completed for this project was performed by a qualified environmental professional and adequately addressed the potential and identified resources in the area. The applicant has chosen a path for the pipeline that would avoid the removal of trees and shrub thickets that provide important terrestrial and aquatic wildlife habitat.

It was determined that the 10-acre CDP facility will not impact important wildlife habitat areas.

Response: No Response Required.

Commenting Division: Parks Review

Name of Reviewer: Aaron Clark

Date: 07/20/2016

- 1) PRK1 Comment: The natural gas CDP is proposed to be constructed on a property adjacent to a property subject to a conservation easement held by Adams County: Parcel #0157124401007. Construction of the natural gas CDP should not impact or disturb the conservation values of this site.

PRK1 Response: No Response Required.

- 2) PRK2 Comment: The preferred pipeline alignment crosses property that is subject to a conservation easement held by Colorado Parks and Wildlife (Parcel #0156934200001, 0156934100005, and #0156934400001). If this option is chosen, please be sure to contact CPW.

PRK2 Response: Discovery has been in contact with Colorado Parks and Wildlife and is currently working with them to finalize the applicable easement agreement for Parcels #0156934200001, 0156934100005, and #0156934400001. Copies of these agreements will be provided to the County prior to starting construction.

Commenting Division: Planner Review

Name of Reviewer: Chris LaRue

Date: 07/26/2016

- 1) PLN1 Comment: Provide an update on the status of other Federal, State, and local permit requirements (chart form is preferred). If you have obtained any permits please provide copies. Provide a status of your permits through the Cities of Brighton and Commerce City.

PLN1 Response: The proposed pipeline alignment has been revised to re-route around Commerce City and avoid the need for the applicable Conditional Use Permit in Commerce City. Figure PLN1 at the top of the following page shows the original route in BLUE and new proposed re-route around parcels within the limits of Commerce City in RED. Table PLN1 on the following page breaks down the parcels added and those removed for the Commerce City re-route.

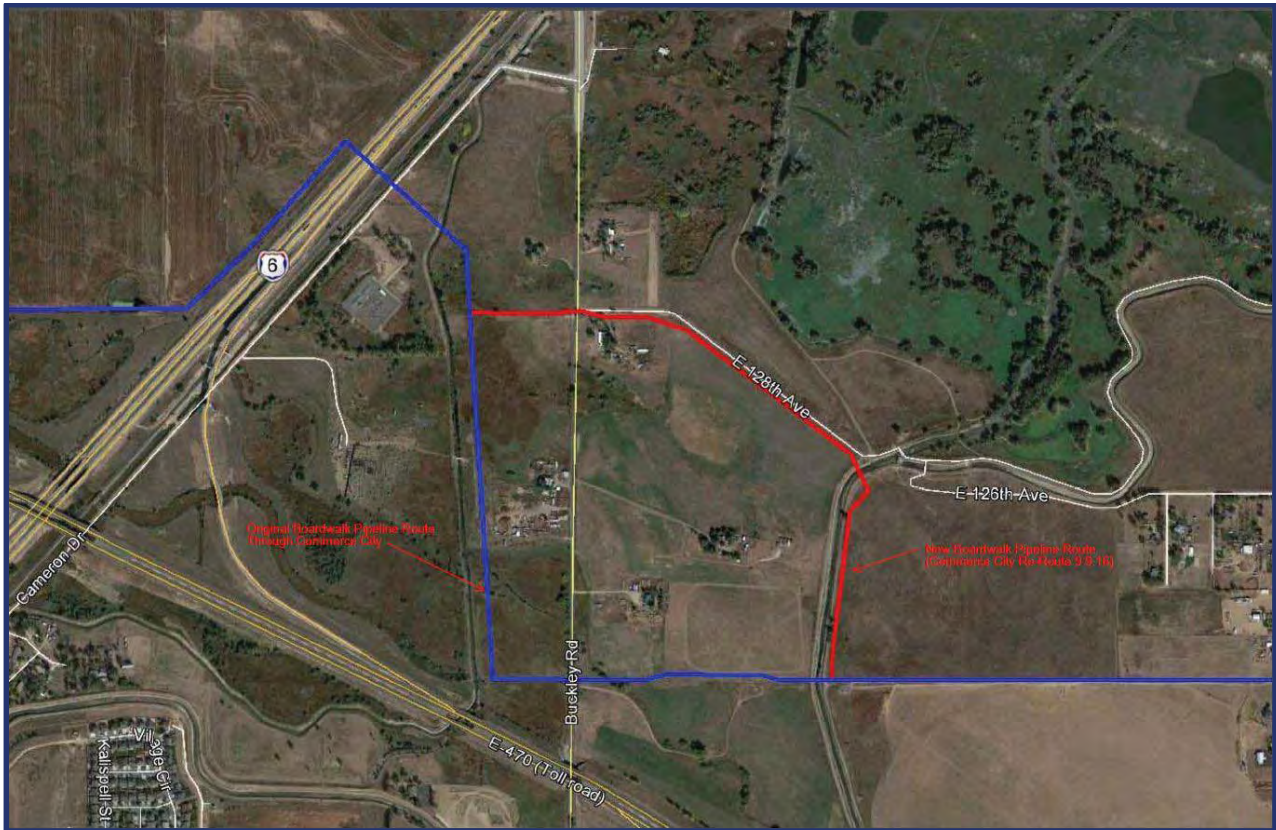


Figure PLN1 – Boardwalk Pipeline, Commerce City Re-Route Alignment

Table PLN1 Commerce City Re-Route Required Parcel Changes					
Parcels Added			Parcels Removed		
No.	Owner	Parcel No.	No.	Owner	Parcel No.
1	Wolf, Joseph A & Wolf, Rose M	156928000016	1	Cutler, Dan V ET AL	156932100004
2	Ledy Phillip / Beverly Family Trust	156933005001	2	Gerke, Byron A & Gerke, Ellen M	156933000015

A copy of the updated CUP Application and associated Exhibits reflecting the Commerce City re-route has been provided under separate cover, as requested by the County.

The application for the City of Brighton Conditional Use Permit was submitted to the City Community Development Department on June 17, 2016 and referral comments were received on July 7, 2016. Responses to the referral comments were submitted to the City on August 17, 2016 and approval of the CUP application package was received on August 29, 2016 and the City Council public hearing has been scheduled for October 18, 2016.

A tabulation of the applicable permits required for the Boardwalk Pipeline Project, and their current status is provided under Attachment A “Permit Summary & Status”, to this response letter, and has also been updated under Exhibit O “Federal, State & Local Permits” in the CUP Application Package, provided under separate cover.

- 2) **PLN2 Comment:** Prepare a Development Agreement that outlines the requirements regarding the pre-construction, construction, post-construction, and maintenance requirements of the Project (an example was previously provided). We have not yet received a draft of the required development agreement to review. This needs to be completed.

PLN2 Response: A preliminary draft of the Development Agreement has been provided under Attachment D “Draft Development Agreement”, along with an electronic copy submitted along with this referral response.

- 3) PLN3 Comment: The proposal would pass through or near several subdivisions and residential areas. Please provide an analysis on likely impacts and outreach activities that will take place. How will impacts be mitigated?

PLN3 Response: The proposed project would incorporate short-term temporary impacts to nearby subdivisions and residential areas during construction activities, including temporary impacts to air quality, visual quality, construction noise, and fugitive dust. Intermittent and short-term air pollutant emissions during construction activities will occur through the operation of diesel-fired heavy construction equipment. Emissions for primarily fugitive particulate matter (PM10 and PM2.5) will occur from vehicle traffic, pipeline trench excavation and diesel combustion emissions. Emissions of NOX, SO2, CO, volatile organic compounds (VOC) and particulate matter (PM10, PM2.5) will occur from the operation of diesel-fired equipment. All construction equipment will be properly maintained and serviced to mitigate the temporary air pollutant emissions throughout construction.

Visual impacts will include fugitive dust along with construction equipment (bulldozer, trackhoe, back hoe, trucks, ditching and other equipment) and pipe and associated pipeline materials for construction, visible along the pipeline right-of-way. Water dust suppression will be utilized to mitigate fugitive dust emissions and the construction equipment size, type, and activity will conform to that associated with routine construction and maintenance activities in the area.

Noise due to construction activities will be mitigated utilizing restricted work hours during daylight hours between 7:00 a.m. and 5:00 p.m. In areas where residential neighborhoods may be affected by construction traffic, signage will be posted, prior to and throughout construction, warning of construction traffic in the area. Construction traffic will only be permitted along the pipeline construction right-of-way, and will not be allowed on public roads. No construction traffic will be permitted on private roads without prior written agreement from the respective property owner.

All disturbances associated with construction of the pipeline(s) will be restored to their prior condition. Any road surfaces damaged as a result of construction activities will be repaired or replaced to the satisfaction of the private landowner, County, or respective governing public works department.

Discovery has met with each landowner traversed by the project and will remain in contact with them throughout construction and restoration of the pipeline right-of-way. Neighboring landowner and community outreach has been performed through continued discussions during the planning, routing, and initial permitting efforts for the project. In addition, a Neighborhood Meeting was conducted on Monday, June 6, 2016. A summary of the Neighborhood Meeting is provided under Exhibit D to the CUP Application.

- 4) PLN4 Comment: Can you provide more information about temporary construction locations and uses? How would impacts from these locations be mitigated?

PLN4 Response: During construction of the pipeline, additional Temporary Work Spaces (“TWS”) are required to accommodate additional spoil at points of intersection, where the pipeline changes direction, to accommodate the installation and tie-in of pipeline fittings; on either side of highway, canal, railroad, county road crossings or other crossings requiring installation by bore or horizontal directional drill to accommodate space for equipment and materials required for constructing the crossing; temporary space for layout out (“stringing”) and welding pipe for crossings prior to installation at crossing locations where there is an insufficient linear space to allow the pipe to be strung and welded up within the 80 foot construction right-of-way; and finally for staging of equipment and materials along the right-of-way during construction.

These Temporary Work Spaces will be included in the easement agreements with the respective property owners and will be restored in accordance with the applicable construction permits and respective property owner agreements.

Impacts from these Temporary Work Spaces will be mitigated utilizing the same conservation and mitigation methods outlined under Section 3.2.5 of the CUP Application for the pipeline right-of-way. This will include staking the Temporary Work Space along with the pipeline centerlines and outside construction right-of-way boundaries. The disturbance within these TWS locations will be maintained only to the degree required to perform the specified work at that location. Flagging, signs, and other markings identifying the limits of disturbance would be maintained throughout construction, and a survey crew would be available during construction to replace any stakes or flagging that is damaged or inadvertently removed.

Vegetation within the TWS locations will be cleared and the location graded, only to the degree necessary, to provide for safe and efficient operation of construction equipment and vehicles and to provide space for the storage of subsoil and topsoil. Construction activity and ground disturbance will be limited to approved, staked areas.

The topsoil within the TWS locations will be stockpiled separately from any subsoil or vegetation, for replacement following construction activities and for restoration of the location.

Cleanup and restoration of each TWS location will occur after the pipeline is installed and backfill is completed, or in the spring following construction if weather conditions would inhibit the proper restoration activities, so as to minimize the length of time that the area remains un-stabilized. Cleanup of the surface of the TWS will include removal of construction debris and final grading to the original grade contours. Permanent erosion control measures will be installed as required and seeding and restoration would occur in accordance with the applicable permit and landowner requirements. Invasive and noxious weeds will be controlled after construction until the right-of-way and respective TWS locations are restored.

- 5) PLN5 Comment: Safety Record. Please provide operational safety records for all parties involved in the construction, operation and maintenance of the pipeline and facilities. Report and describe items such as deaths, injuries, explosions, leaks and spills. Detail the steps to prevent such occurrences in the future. With the application describe other relevant safeguards, protocols, and reporting/notification systems that would be in place to respond to safety and security incidents involving the proposed infrastructure. Your application indicates Discovery has no recordable or non-recordable incidents. Does this take into account a nationwide review? Can you provide a safety review of Ward Petroleum?

PLN5 Response: The proposed project will be the first project executed by Discovery DJ Services LLC, a subsidiary of Discovery Midstream Partners, LLC. Discovery Midstream Partners LLC and Discovery DJ Services LLC (“Discovery”) and its management team are owners in Wildcat Midstream Partners LLC and its affiliates (“Wildcat”). In 2012, the Discovery management team founded, engineered, developed, and has operated the Wildcat midstream assets without a recordable incident, as defined by the Occupational Safety and Health Administration (“OSHA”), death or injury or explosion, leak, spill or other inadvertent release as defined by the Pipeline and Hazardous Materials Safety Administration (“PHMSA”). These assets include facilities and associated infrastructure comparable to that proposed under this CUP application, and include a 140 MMscfd cryogenic facility in Desoto Parish Louisiana along with approximately 100 miles of gas gathering and NGL pipelines, approximately 20,000 horsepower of compression, 400 GPM of amine treating facilities, and multiple residue and natural gas liquid downstream interconnects. Discovery’s management team also developed, engineered, owned and operated a 50 mile crude gathering and transportation system in the West Texas Permian Basin from June 2012 until September 2013 under the name Wildcat Permian Services LLC.

The continued safety, health and environment of the local community is of paramount importance to Discovery and key considerations have been taken in the planning and design of the project accordingly. This includes the pipeline route selection, planning and layout of the associated facilities, and care and consideration in the selection of the management, engineering, quality control, and construction teams for the project.

While not required under local, state, or federal guidelines, the proposed pipelines and associated facilities will be designed, and constructed to, the more stringent Federal Department of Transportation (“DOT”) requirements. For the natural gas pipeline and CDP Facilities, this would be the Code of Federal Regulations (“CFR”) 49 Part 192 “Transportation of Natural and Other Gas By Pipeline”, the American Society of Mechanical Engineers (“ASME”) B31.8

“Gas Transmission and Distribution Piping”, and the applicable portions of the latest editions of the oil and gas industry codes and standards.

Similarly, the crude oil pipeline has been designed, and will be constructed to, CFR 49 Part 195 “Transportation of Hazardous Liquids by Pipeline”, ASME B31.4 “Pipeline Transportation Systems for Liquids and Slurries”, all local, state and federal requirements, and the applicable portions of the latest editions of the oil and gas industry codes and standards.

Under these standards, the design of the proposed pipeline and associated facilities incorporates an additional safety factor when specifying and selecting the applicable materials for construction and limits the allowable operating pressure and temperature of the pipelines. Similarly, an additional level of quality control and oversight in the construction of the pipelines and associated facilities will be implemented, including 100% non-destructive examination of the welds along the pipeline(s) vs. 10% of the welds performed by each welder each day as required by code. Inspectors, reviewing the quality of the construction of the pipelines and associated facilities, will provide quality control oversight of each phase of construction, including the clearing and grading of the right-of-way, excavation of the pipeline ditch, stringing of the pipe, welding, coating, lowering the pipe into the ditch, backfilling, and restoration activities to ensure compliance with the applicable codes, local, state, and federal requirements, and Discovery’s written construction specifications.

All piping will also be hydrostatically tested to 98% of its Specified Minimum Yield Strength (“SMYS”), or maximum allowable limits as defined under the respective industry codes, prior to operation, and will operate below their code allowed Maximum Allowable Operating Pressure (“MAOP”).

Prior to construction, Discovery will coordinate with local fire protection and emergency services providers and ensure that the applicable emergency contact information is provided to management and construction personnel. Subsequently, prior to operation of the Project, Discovery will work with the local emergency responders concerning emergency response plans for the respective pipeline(s) and associated facilities. Following start-up and operation of the Project, Discovery will work with the local emergency responders for periodic training drills, as required.

Prior to commissioning of the respective pipeline, Discovery will also develop and implement a Spill Prevention and Control Countermeasures (“SPCC”) plan, pursuant to federal, state and local regulations. A copy of the Discovery SPCC plan will be provided to the County, prior to commissioning and operation of the facilities and respective pipelines.

At this time, the construction contractor(s) for the pipeline(s) and respective facilities have not been selected. Potential contractor(s), however, will be required to submit their safety manual along with their safety records for review and approval prior to award of the project and copies of this information for the selected contractor(s) will be provided to the County prior to performing any construction activities. All incidents regarding safety and security of the Project will be reported to Discovery within 24 hours along with the applicable governmental agencies within the timeframes required by law. Additional safety measures and emergency response protocols conducted by Discovery are outlined under Section 4.0 of the CUP Application.

A letter outlining the relationship between Discovery DJ Services LLC and Wildcat Midstream Partners LLC, along with a copy of Ward Petroleum’s safety record (OSHA Form 300A) is provided under Attachment E “Safety Documentation”, and include all employees and their respective nationwide operations.

- 6) PLN6 Comment: Provide updated status information regarding securing permissions from private property owners where the infrastructure will traverse/impact.

PLN6 Response: A copy of the current Adams County line list, outlining the status for securing permissions from private property owners is provided under Attachment F “Adams County Line List Update”, to this referral response, and has also been updated under Exhibit E “Adams County Line List” under the CUP Application, submitted under separate cover.

- 7) PLN7 Comment: Adequate landscaping/screening shall be installed where areas can be seen from the public right-of-way or any other sensitive area (residential). There are concerns with the visual impact the CDP facility would have on the area around 136th Avenue. Can you provide details on how the CDP facility will look at the ground level?

Also, how would the two valves sites planned in Adams County look? It does not appear you provided a landscaping and screening plan for any aspect of the above ground facilities. Please provide more information.

PLN7 Response: Screening of the CDP Facility and other above grade facilities will be performed utilizing a combination of an 8 ft. chain link security fence with green epoxy coated fencing materials combined with artificial hedge inserts, or similar, faux screening material similar to that shown in Figure PLN7.1 below:



Figure PLN7.1 – CDP Facility, Security Fencing & Screening Concept

Additional screening around the perimeter of the CDP facility will be provided utilizing a combination of perennial and deciduous trees common to the front range.

Due to the location of the CDP facility in a flood plain, the security fencing and screening materials will be designed to meet the Federal Emergency Management Agency (“FEMA”) requirements. This will require a breakaway, or collapsible, panel design extending from ground level to a minimum of 6-inches above the specified flood plain depth. Figure PLN7.2 at the top of the following page provides a conceptual design for security fencing meeting FEMA standards, which has previously been approved and installed within other locations in Adams County.

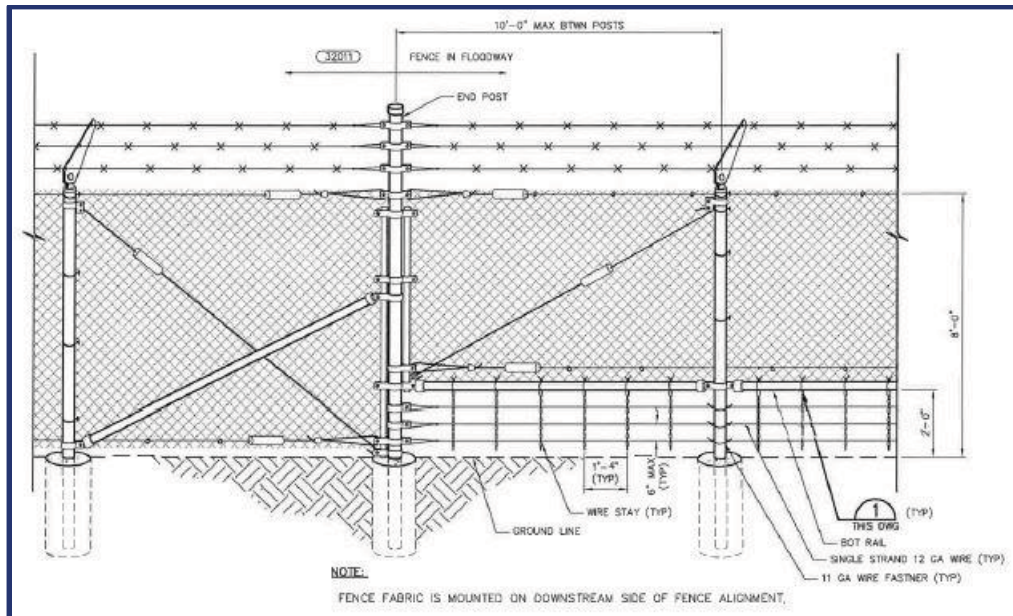


Figure PLN7.1 – CDP Facility, Security Fencing & Screening Concept

Attachment G.1 “Brighton CDP Facility Landscape Plan”, includes the landscaping plan for the CDP site as well as elevations depicting the planned vegetation screening around the perimeter of the CDP Facility. Conceptual computer generated renderings of what the CDP Facilities are anticipated to look like is provided under Attachment G.2 “Brighton CDP Facility Concepts”.

Similarly, the two block valve sites will have an 8 ft. chain link security fence with green epoxy coated fencing materials around the perimeter of the site. The southern site closest to 120th Ave and Powhatan Rd. will be 135 feet from the centerline of 120th Ave and will be completely within the pipeline right-of-way. This site is also approximately 285 feet from the Powhatan Rd centerline. The northern valve site along Powhatan Rd. will be approximately 325 feet from the centerline of Powhatan Rd. and is also completely within the pipeline right-of-way. The piping at both sites will be painted desert tan to facilitate blending with the surrounding landscape. Attachment G.3 “Typical Remote Block Valve Site” provides conceptual computer generated renderings of what a typical remote block valve site will look like.

- 8) PLN8 Comment: Please take into account future growth areas for cities and provide an analysis of this topic. See the comments from both the Cities of Brighton and Commerce City.

PLN8 Response: Please reference the responses pertaining to the future growth areas for the Cities of Brighton and Commerce City as outlined below and further discussion provided with the response to the respective City comments on pages 18 and 21 of this referral response, respectively.

City of Brighton Future Growth Analysis: The proposed route falls within the current Brighton city limits on the north side of 136th Avenue from Sable Blvd. to a point approximately 2,720 feet east of Sable Blvd where the pipeline crosses 136th Ave. to the south. The future land uses indicated by maps provided by the City of Brighton show that the west end of the route along US Highway 85, Potomac St. and along E. 136th Ave. to Sable to be designated for agricultural use. The portion of the route south of E. 136th Ave. to approximately 2,585 feet south of E. 132nd Ave. and then east to Colorado Interstate 76 and along CO I-76 for approximately another 1,650 ft. where the route crosses CO I-76, is located in an area that is designated for future Parks and Open Space which skirts the edges of an area slated as a future Regional Commerce Area. The west side of this segment is bordered by an existing Low Density Residential area. On the east side of CO I-76 the route is located in areas designated for agricultural use. The pipeline route runs along the north side of E. 120th Ave. from a point approximately 4,660 ft. west of Picadilly Rd. to Picadilly Rd. where the pipeline route leaves the City of Brighton IGA boundary and enters the Commerce City Growth Area.

The pipeline(s) in this area will be buried to a minimum depth of 4 ft. and will not incorporate any above ground facilities within the current, or future planned growth areas for the City of Brighton. Following construction, the pipeline right-of-way and all Temporary Work Space (“TWS”)’s will be restored to their original, or better, conditions in accordance with the permit requirements and applicable landowner agreements, ultimately complimenting the current and future use for these areas with no impact to the City of Brighton’s long term growth plans.

City of Commerce City Future Growth Analysis: The proposed pipeline route does not fall within the current City of Commerce City (“CCC”) limits. The route does however, fall within the CCC IGA Growth Boundary as outlined under the City’s Future Land Use Plan dated September 27, 2010. The pipeline route enters the CCC IGA area at the intersection of E. 120th Ave. and Picadilly Rd. and continues east along E. 120th Ave. to Powhaton Rd, where the route turns north to E. 136th Ave. and the limits of the CCC IGA Boundary. This area has a future land use designation of “DIA Reserve”. Within this segment from Gun Club Rd. to a point approximately 2,285 ft. to the east of Gun Club Rd. the route runs through the future Adams County Regional Public Safety Center frontage along E. 120th Ave. and is located a minimum of 90 ft. north of the respective section / township lines, thus facilitating the CCC future expansion of E. 120th Ave. as a future principal arterial roadway, requiring a 150 ft. wide right-of-way (75 ft. offset north of the respective section / township lines).

From the intersection of E. 120th Ave. and Powhaton Rd. north to E. 136th Ave falls entirely in land designated for future DIA Technology in the DIA North Special Planning Area. The proposed 30 foot pipeline right-of-way runs along the east frontage of Powhaton Rd. and overlaps a Panhandle Eastern Pipeline Company easement. The right-of-way is also located east of a Public Service Company of Colorado easement for high voltage power lines and the associated utility corridor.

The CCC future growth plan identifies Powhaton Road as a future minor arterial roadway, requiring a 120 ft. wide right-of-way (60 ft. offset each side of the respective section / township lines and center of the existing road). The proposed pipeline alignment in this area provides a minimum offset of 227 ft. east of the center of Powhaton Rd. facilitating the City’s planned expansion of Powhaton Rd. In addition, the proposed pipeline follows existing utility corridors from E. 120th Ave. to E. 136th Ave. and thus compliments the current and future use for these areas with no impact to the City of Commerce City’s long term growth plans.

9) PLN9 Comment: Please provide an analysis with the County’s Comprehensive Plan as it relates to the project and the potential for future uses. It is important to ensure the anticipated future uses along the project will not be compromised. The following designations are impacted or are in close proximity to the project:

- Agriculture
- Parks and Open Space
- Estate Residential
- Urban Residential
- DIA Reserve
- Mixed Use Employment

PLN9 Response: Please reference the responses pertaining to the future growth areas for the County, outlined below:

- Agricultural – The proposed pipeline route runs through land designated for future agricultural use along the north side of E. 120th Ave., between Himalaya St. and Picadilly Rd., and along either side of Powhaton Rd. from E. 136th Ave. to E. 168th Ave./CO Highway 2 as outlined under the Adams County Future Land Use map within the Adams County Comprehensive Plan. The pipeline(s) in these areas will be buried to a minimum depth of 4 ft. and the right-of-way restored to its original, or better, condition following construction and are not expected to have any impact to the current, or future planned use in this area.

The west end of the proposed pipeline right-of-way between US Highway 85 and I-76 is located in an area designated as an Agricultural Tourism Study Area. The proposed pipeline runs along the edges of current

agricultural properties and along E. 136th Ave. and Potomac St., and will not pose a hindrance to the County's future development vision for this area.

- **Parks and Open Space** – The proposed pipeline route traverses land designated for Parks and Open Space on the south end of the Barr Lake area from the East side of Colorado Interstate 76 eastward to Himalaya St. The alignment primarily follows 128th Ave., the Barr Lake inlet and then along what would be E. 124th Ave. which lies between current agricultural tracts. The pipeline(s) in this area will be buried to a minimum depth of 4 ft. and the right-of-way restored to its original, or better, condition following construction and is not expected to have any impact to the current, or future planned use in this area.
- **Estate Residential** – Per the Future Land Use map within the Adams County Comprehensive Plan, the current proposed route will skirt, but will not affect areas designated for Estate Residential use. The pipeline right-of-way in the area of consideration runs along the north side of E. 136th Ave. from Crystal Street east for approximately 3,350 feet to what would be Chambers Rd. and then south approximately 3,600 feet.
- **Urban Residential** – The pipeline route skirts the southern edge of a tract designated as Urban Residential use for approximately 1,300 feet west of Tower Rd. along what would be E. 124th Ave. There is currently one residence abutting the proposed pipeline right-of-way; however, the Project would not impact this residence and would not impede further residential development of the designated area.
- **DIA Reserve** – The pipeline right-of-way is located within land designated for future use as DIA Reserve on the north side of E. 120th Ave. from Picadilly Rd. to Powhaton Rd. The DIA Reserve land is to remain undeveloped and is currently utilized for agriculture. The proposed pipeline would run along E. 120th Ave. on the north in this area, within the future planned utility offset and accommodating the County's planned expansion of E. 120th Ave. as previously outlined in the response to ENG5 above, and will be buried at a minimum depth of 4 ft. so as not to impact the current or future designated use for this area.
- **Mixed Use Employment** – The portion of the proposed pipeline right-of-way along the east side of Powhaton Rd. from E. 120th Ave. to E. 136th Ave. falls within the an area designated for future Mixed Use Employment. The proposed 30 foot right-of-way would be located 270 feet from the centerline of Powhaton Rd. allowing further development/expansion of the Powhaton Rd. right-of-way as outlined above. The current land use in this area is agricultural with some oil and gas well pad activity. The Project will not hinder development of the area for Mixed Use to service DIA North employment opportunities.

Commenting Division: ROW Review

Name of Reviewer: Robert Kovacs

Date: 07/22/2016

- 1) ROW1 Comment: Pipelines should be located in easements on private property

ROW1 Response: The pipeline(s) are located in easements on private property for the majority of the pipeline route. In various locations, however, the pipeline is located on public lands owned by the City and County of Denver, Adams County and Colorado State Lands as well as perpendicular crossings of County roads delineated by the Adams County Transportation Plan approved 2012. Easements for rights-of-way on these lands will be negotiated with the applicable landowners and public entities in accordance with typical pipeline right-of-ways acquisition practices and per the requirements of the agencies in control of these properties. Currently, approximately 50% of the respective easements have been secured and more than 80% are in the process of being finalized. Attachment F "Adams County Line List Update", outlines the current status of the acquisition of all easements. Copies of all easements for the Project will be provided to the County prior to the start of construction.

- 2) ROW2 Comment: Said easements should be placed outside of the ultimate Right-of-ways of County roads as delineated by the Adams County Transportation Plan, approved 2012.

ROW2 Response: The easement will be placed outside of the ultimate Right-Of-Ways of County roads, excluding perpendicular crossings, as delineated by the Adams County Transportation Plan, approved 2012. For more information, please see the ENG5 Response above.

- 3) ROW3 Comment: Crossings of County roads should be as near as possible to right angles and County Engineering staff should review.

ROW3 Response: Acknowledged. The crossings are designed to be as near as possible to be perpendicular to the County Right-Of-Way.

- 4) ROW4 Comment: Permits to construct in the Right-of-way should be secured for constructing crossings of County roadways.

ROW4 Response: Acknowledged. Permits to construct in the County Right-Of-Way will be acquired prior to construction.

- 5) ROW5 Comment: A seventy (70) foot dedication of Right-of-way is requested from parcel containing the Central Delivery Point for the north side of E. 136th Ave. west of Potomac St. Dedication should be from the South line of Section 24 T1S R67W to a line 70 feet north. E. 136th Ave. is classified as a Major Arterial by the approved 2012 Transportation Plan.

ROW5 Response: Discovery has obtained the County's Standard Dedication Contract for this dedication and has delivered the contract to the landowner for their review and signature. A fully executed copy of the signed Dedication Contract will be provided to the County upon receipt.

- 6) ROW6 Comment: The services of a licensed Professional Land Surveyor should be secured to create the description of the dedication.

ROW6 Response: A licensed Professional Land Surveyor, Douglas W. Chinn, RPLS, PLS, created the description of the dedication, provided under Attachment H "CDP Facility E. 136th Ave. Dedication".

- 7) ROW7 Comment: Secure a Title Commitment in conjunction with design of proposed construction so as not to construct on other party's recorded easements.

ROW7 Response: Titles for all third party easements paralleled or crossed by the proposed pipeline alignment have been obtained and taken into consideration in the design and routing of the pipeline(s). The pipeline alignment sheets have been updated to incorporate the Third Party recorded easements, and are provided under Attachment J "Alignment Sheets", to this referral response, and have also been updated under Exhibit H.2 "Alignment Sheets" under the CUP Application, submitted under separate cover.

Commenting Division: Emergency Management Coordinator, Office of Emergency Management

Name of Reviewer: Richard Atkins

Date: 07/21/2016

Comment: No comments on this request.

Response: No response required.

Commenting Division: Treasurer Technician, Adams County Treasurer's Office**Name of Reviewer: Jennifer Lothrop****Date: 07/29/2016**

Comment: The attached parcels are paid in full with exception of parcel #'s 0156708100004, 0156900000077, and 0156935400003. I have attached a statement of taxes due for each account.

Response: The outstanding taxes due for parcel #'s 0156708100004, 0156900000077, and 0156935400003 have been paid by Discovery. A copy of the Statement of Taxes paid has been provided under Attachment K "Statement of Taxes Paid".

Commenting Division: Fire Inspector, Brighton Fire Rescue District**Name of Reviewer: Whitney Means****Date: 07/29/2016**

Comment: Any construction of structures will require a review from Brighton Fire Rescue and will be subject to the 2012 International Fire Code and amendments.

Response: Zion Engineering LLC met with Ms. Whitney Means of the Brighton Fire Rescue District on August 18, 2016 to discuss the structures on site at the CDP Facility, and those associated with the Project. Attachment L "Brighton Fire Rescue District Meeting Confirmation" documents Zion's meeting with Ms. Means and providing information for ordering a Knox Box for allowing access by Brighton Fire Rescue in the event of an emergency while the site gate is locked.

Commenting Division: CDOT Permits Unit**Name of Reviewer: Steve Loeffler****Date: 07/21/2016****Email: RCU2016-00016, Boardwalk Pipeline**

Comment: I have reviewed the request for CUP to construct a new natural gas, crude oil, and produced liquids gathering system and Central Delivery Point (CDP) facility and have the following comment:

Any work in the State Highway or Interstate Right-of-Way will require a permit from our office. Contact for that permit is Mike Smith, who can be reached at 303-667-2831 or michael.smith@state.co.us

Response: An application for a CDOT Utility/Special Use Permit for a perpendicular, underground utility crossing of Interstate 76 was submitted on June 24, 2016. Permit No. 1160678-U was received on August 23, 2016; however, the permit incorporated an error in the description and is currently being corrected by CDOT. The corrected is anticipated to be received in the next few days and a copy of which will be provided to Adams County prior to construction.

Commenting Division: Community Development Department, City of Brighton**Name of Reviewer: Joshua Tetzlaff****Date: 07/11/2016****Email: Boardwalk Pipeline Project - RCU2016-00016**

- 1) Comment: The City of Brighton's preferred alignment is the preferred alignment shown within the Plans (the one that circles the City).

Response: Acknowledged. Discovery plans to proceed with the preferred alignment, which circles the outskirts of the City of Brighton.

- 2) Comment: The City of Brighton requests 360 degree screening of the CDP due to City growth in area, both current growth and planned future growth.

Response: Screening of the CDP Facility will be performed utilizing a combination of an 8 ft. chain link security fence with green epoxy coated fencing materials combined with artificial hedge inserts, or similar, faux screening material. Additional screening around the perimeter of the CDP facility will be provided utilizing a combination of perennial and deciduous trees common to the front range. Reference the PLN7 Response above for additional information the planned screening design.

Attachment G.1 "Brighton CDP Facility Landscape Plan", includes the landscaping plan for the CDP site as well as elevations depicting the planned vegetation screening around the perimeter of the CDP Facility.

- 3) Comment: The City of Brighton requests that all accesses align themselves as much as possible with existing driveways and away from the railroad as much as possible.

Response: The CDP access drive will be collocated with the access drive to the Ward Petroleum Schaeffer Well Pad located immediately adjacent to the CDP Facility on the east. This access drive aligns with the existing access drive to on the south side of E. 136th Ave.

- 4) Comment: The Transportation Plan for the City of Brighton has 136th designated as a major arterial. With this designation, the City ask for ROW dedication in the future to accommodate future growth.

Response: Pursuant to the Brighton Transportation Master Plan, Adopted by City Council March 1, 2016, the future growth right-of-way planned for E. 136th Ave. is shown as a 140 ft., which also corresponds with that required under the Adams County 2012 Adams County Transportation Plan. The proposed pipeline alignment along E. 136th Ave. is located 85 ft. north of the section line, such that the southern boundary of the associated 30 ft. easement abuts the future expanded E. 136th Ave. right-of-way. Attachment B "County Road Right-of-Way & Ditch Details" to this response letter, depicts the relation between the proposed pipeline, associated easement, and the future designated right-of-way for E. 136th Ave., and is further discussed in the ENG5 response above.

- 5) Comment: Boardwalk Pipeline is currently going through a Conditional Use Permit (CUP) with the City of Brighton. Before construction can begin, this CUP will need to be approved.

Response: Acknowledged. The application for the City of Brighton Conditional Use Permit was submitted to the City Community Development Department on June 17, 2016 and referral comments were received on July 7, 2016. Responses to the referral comments were submitted to the City on August 17, 2016 and approval of the CUP application package was received on August 29, 2016. The City Council public hearing is currently scheduled for October 18, 2016.

Commenting Division: Colorado Parks and Wildlife

Name of Reviewer: Liza Hunholz

Date: 07/16/2016

Email: Boardwalk Pipeline Project RCU2016-00016

I have reviewed your request for comments on the above project. The project will include construction for a Central Delivery Point facility and a pipeline. There will be 12 miles of crude oil pipeline and 18 miles of natural gas gathering trunkline in Adams County. District Wildlife Manager Joe Padia did not visit the entire project area but is familiar with the proposed route.

Comment - Nesting Raptors: Colorado Parks and Wildlife (CPW) strongly recommends a nesting bird survey to locate all raptor nests, both active and inactive, along the project area. It is our understating that most of the project except for the Central Delivery Point facility, will involve temporary disturbance during the construction period and the pipeline will be underground. This will help minimize long-term effects to wildlife through habitat loss, but care must be taken not to disturb protected species. All raptor and active nests are protected by the Migratory Bird Species Act and the harassment and / or take of raptors or their eggs is illegal. To prevent take, accidental or otherwise, CPW recommends strict adherence to

recommend buffer zones for active raptor nests during the breeding season unless a site visit for the nest and project area with CPW determines that factors exist that mitigate the recommended buffer zone for that particular nest. I have included that information for your review.

Response: Discovery will perform the applicable wildlife and high interest species surveys prior to construction and the applicable agencies consulted. These surveys shall include, but not be limited to:

1. A Raptor nest survey will be completed if pipeline construction extends or is scheduled for the raptor nesting season (January 15 to July 31). If active raptor nests are found near the ROW (within 0.3 miles) the CDPW will be consulted to determine if any nest protection measures are needed.
2. A nesting Burrowing Owl Survey will be completed if any black-tailed prairie dog towns are crossed during the period of owl activity (March 15 to October 31). If nesting burrowing owls are located consultations would occur with the CDPW to determine if any nest protection measures are needed.
3. A Ute ladies' tresses orchid and Colorado butterfly plant survey would be completed in all wetlands that are proposed to be crossed by trenching. This survey would be completed during the plants blooming period (late July through August). If either species is located consultation would occur with the USFWS.
4. The Colorado Parks and Wildlife District Wildlife Manager for the area will be consulted prior to construction. If there are any issues of wildlife mortality (entrapment in the trench, or other mortality) the District Wildlife Manager will be notified.

Comment - Whitehorse State Wildlife Area and Conservation Easements: The proposed pipeline will go through Whitehorse State Wildlife Area located at 124th and Tower Road. CPW holds a conservation easement on the property which is privately owned. It is our understanding the project staff has been in contact with the landowner and has agreed to bore under the property to prevent surface disturbance. Whitehorse SWA is used primarily as a youth/mentor waterfowl hunting property and we recommend avoiding construction during the goose season from mid-November through mid-February to prevent disturbance to CPW activities. Waterfowl season dates vary annually but can be provided to project staff when available. CPW staff has also been in contact with Chris Roberts regarding this project and our conservation easement on Whitehorse SWA. CPW also holds a conservation easement on at least one other parcel (0156933100001) and an internal review is necessary to determine if pipeline construction is allowed on the properties and if the project affects other easements.

Response: Acknowledged. Discovery does plan to bore under the Whitehorse State Wildlife Area located at E. 124th Ave. and Tower Rd. to mitigate the surface disturbance during construction, and will work with the CPW to avoid construction activities in the area during the mid-November to mid-February goose season. Should any additional questions, or comments arise out of the CPW's internal review regarding the conservation easement on parcel 0156933100001, we will work with the CPW to address accordingly.

Comment - Native Vegetation and Noxious Weed Control: The CPW also recommends that land within the project area be restored to native habitat. To improve wildlife habitat after construction, the CPW recommends using native plant species along the project area. We also recommend planting trees, shrubs, and grasses so that they are mixed within the landscape. A landscape that has a good mix of trees, grasses and shrubs is more beneficial to wildlife than a landscape with all trees in one area and all grasses and shrubs in others.

Response: Once construction is complete the right-of-way will be restored to preconstruction conditions and contours. Agricultural land will return to agricultural uses, native grassland habitats would be reseeded. Invasive and noxious weeds will be controlled after construction until the right-of-way is restored. Trees and shrubs will not be planted over the pipeline to allow access and line of site for pipeline maintenance and inspection.

Comment - Prairie Dogs: There are prairie dogs in the project area, so the State threatened burrowing owl becomes a concern. They live and nests in abandoned prairie dog burrows and migrate to Colorado in March and leave the state by November (March 15-October 31). Any prairie dogs should be humanely killed prior to earthmoving and we recommend a burrowing owl survey if construction activities will occur on sties with prairie dogs from March 15 through October 31. There will be no human encroachment within 150 feet of a burrowing owl nest (burrow) during this period. The CPW has a survey protocol for burrowing owls and will provide this protocol and can assist with such a survey.

Response: Discovery will complete a nesting burrowing owl survey if any black-tailed prairie dog towns are crossed during the period of owl activity (March 15 to October 31). If nesting burrowing owls are located consultations would occur with the CDPW to determine if any nest protection measures are needed. Any prairie dogs will be either relocated or humanely killed prior to earthmoving.

Commenting Division: Colorado Geological Survey

Name of Reviewer: Jill Carlson

Date: 07/22/2016

Subject: Boardwalk Pipeline – Conditional Use Permit Application

Case No. RCU2016-00016, Adams County, CO; CGS Unique No. AD-16-0023

Comment: The Colorado Geological Survey has reviewed the Boardwalk Pipeline conditional use permit application referral. I understand the applicant proposes a natural gas, crude oil, and produced liquids gathering system and Central Delivery Point (CDP) facility. The preferred pipeline alignment is approximately 29.4 miles (18 miles in Adams County), and the project will involve a disturbance area of approximately 174.5 acres. With this referral, we received a Request for Comments (June 28, 2016), a zoning and location map, and pages 6- 10 and 19-22 of Boardwalk Pipeline Project Application for Conditional Use Permit (Zion Engineering, LLC, June 2016).

The proposed CDP facility is located within a mapped 100-year flood zone (FEMA Panel 08001C0329H, effective March 5, 2007). The proposed CDP facility and pipeline alignment are not undermined, and are not exposed to any geologic hazards that would preclude the proposed construction. **Provided a geotechnical investigation is conducted to characterize subsurface engineering properties for use in design, and the CDP facility and pipeline are constructed and maintained to prevent erosion and environmental contamination, CGS has no objection to approval of the conditional use permit as proposed.**

Response: Geotechnical investigations have been conducted for this project and the associated CDP site was included in Exhibit P.2 Terracon Project No. 25165224. Discovery acknowledges that the CDP facility and pipeline will be constructed and maintained to prevent erosion and mitigate any environmental contaminations. A copy of the associated geotechnical report is provided under Attachment M "Facilities Geotechnical Report", to this referral response.

Commenting Division: Community Development Department, City of Commerce City

Name of Reviewer: Steve Timms

Date: 07/22/2016

Subject: RCU2016-00016

Comment: Any proposed staging or storage lots need to be screened from adjacent residential properties and from right-of-way.

Response: The staging of equipment and materials for the project will be performed out of the CDP Facility site located in Adams County, and the northern portion of the project will be staged out of the Gas Plant located in Weld County. All Temporary Work Spaces ("TWS")'s along the pipeline right-of-way will be maintained in an orderly and clean fashion, free from trash, debris, and unsightly equipment or materials outside of the normal construction equipment and materials typical for pipeline construction. These TWS locations will only be utilized during daylight hours and periodically through the course of construction, but are not anticipated to be used for the storage or staging of equipment and materials and therefore screening will not be necessary.

Comment: Any proposed value set areas should be surrounded by a wrought iron or CMU/masonry wall rather than chain link and barbed wire. This is in keeping with the requirement within Commerce City.

Response: The two block valve sites will have an 8 ft. chain link security fence with green epoxy coated fencing materials around the perimeter of the site. The southern site closest to 120th Ave and Powhaton Rd. will be 135 feet from the centerline of 120th Ave and will be completely within the pipeline right-of-way. This site is also approximately 285 feet from the Powhaton

Rd centerline. The northern valve site along Powhatan Rd. will be approximately 325 feet from the centerline of Powhatan Rd. and is also completely within the pipeline right-of-way. The piping at both sites will be painted desert tan to facilitate blending with the surrounding landscape. Attachment G.3 “Typical Remote Block Valve Site” provides conceptual computer generated renderings of what a typical remote block valve site will look like.

Comment: The area of the proposed pipeline is included within Commerce City’s growth area and should be expected, at some time in the future, to be fully annexed into Commerce City. The Commerce City Transportation Plan (dated July 12, 2010) shows E. 120th Avenue as future principal arterial and Powhatan Road as future minor arterial. These will require 150 feet and 120 feet of Right-of-Way respectively. At eventual build out, E. 120th Avenue will accommodate 6 lanes, while Powhatan Road will accommodate four lanes. It will be important to design the location of this pipeline to accommodate full build out width of these arterials roadways, to avoid conflicts and relocation and disruption of services in the long term.

Response: The Commerce City Transportation Plan dated July 12, 2010 has been reviewed and the proposed pipeline route adjusted, as necessary to conform with the current and future plans for the expansion of E. 120th Ave. and Powhatan Rd. Reference the ENG5 response outlined above.

Comment: The City requests that Adams County work with the applicant and our Public Works Department to ensure that the future full ROW of these arterials are effectively accommodated with no or little conflict occurring by the location of this pipeline. This strategic coordination was done on previous pipelines in this area and it resulted in a win-win situation for all parties.

Response: Discovery has updated the route alignment to move outside of current City of Commerce City boundaries and has adjusted the alignment to parallel roads at a spacing beyond the specified ROW identified in the Commerce City Transportation Plan, dated July 12, 2010. The road crossings have been specified so that the Class III piping follows the future ROW width as specified in the above Plan. Reference the comment and associated response above.

Comment: In addition, the city has this area called out for “DIA Technology” land uses in the future and would also ask that the approved pipeline placement would not jeopardize the location of potential long term ED prospects, which would directly benefit both Commerce City and Adams County along these future arterial corridors. This would be done through the effective placement of the pipeline as it relates to building and property setbacks and the allowance of landscaping and parking to be placed over the pipeline corridor.

Response: The proposed pipeline 30 foot right-of-way along Powhatan Rd from 120th Ave. to 136th Ave in the area designated as DIA Technology is set at 260 to 270 feet from the centerline of Powhatan Rd. and parallels the existing utility corridor. Discovery met with Commerce City staff to review and discuss potential plans for the DIA Technology land use on August 4, 2016 and again on September 7, 2016. At this time the City has not defined specific plans to enable Discovery the review the route against; however, the pipeline has been routed to follow the existing utility corridor running along the east side of Powhatan Rd. to maximize the constructible areas within the respective parcels in an attempt to facilitate the City’s future development plans. There are no above grade facilities associated with the Project in this area, and the pipeline will be installed with a minimum cover of 4 ft. below grade and thus poses no detrimental impact to future landscaping or parking area development.

Comment: In summary, Commerce City requests the following, with the understanding that close and collaborative communication will foster a better process and product long term:

Commerce City requests that these comments be incorporated into the County’s review, or as a condition(s), and have the applicant address these comments/conditions, unless an alternative alignment is presented where they would not apply.

Response: Discovery has reviewed and to the best of our abilities, address the City’s comments.

Comment: Commerce City requests a copy of the comment letter that Adams County compiles and sends out to the applicant. This will help Commerce City gain an early understanding of concerns and comments from various groups.

Response: No response required.

Comment: As the Adams County public hearings approach, Commerce City would request a copy of the proposed staff reports for both Planning Commission and the County Commissioners.

Response: No response required.

Comment: Commerce City would like to see alternative routes considered that do not bring the proposed pipeline so close to the city's current and future boundaries. If you have any questions, please contact me at stimms@c3gov.com.

Response: Discovery has evaluated numerous potential routes in the planning and design of the project, ultimately analyzing three (3) viable routes, which have been outlined under the CUP application. While two of the three analyzed routes do avoid Commerce City's future development area, they pose a greater impact to the Cities of Brighton and more populated areas within unincorporated Adams County. Through the planning and preliminary design efforts of the project, Discovery spoke with numerous landowners and businesses within the Project area, ultimately determining that the proposed route following E. 120th Ave. and Powhatan Rd., which does fall into the Commerce City future development area presented the least impact to both current landowners and businesses in the area, as well as better accommodating the future plans for the City of Brighton, Adams County, and Commerce City.

Commenting Division: Airport Infrastructure Management – Planning, Denver International Airport,

Name of Reviewer: Alisha Hammett

Date: 07/22/2016

Subject: Request for Comments: RCU2016-00016 Boardwalk Pipeline

- 1) Comment: A portion of the proposed pipeline (approximately 7,500 feet) will be located on Airport property found along the north side of 120th Avenue in Adams County. As such, the Proponent will need a License Agreement with DEN for the use of airport property prior to start of construction.

Response: Acknowledged. Discovery has previously contacted DEN and is in the process of preparing a License Agreement with DEN amiable to both parties. This agreement, and the associated easement for the pipeline(s), will be completed and in place prior to performing any construction activities on airport property.

- 2) Comment: The proposed pipeline(s) will not conflict with any existing or future airport development.

Response: Acknowledged. Discovery has been in contact with DEN in the routing of the pipeline(s) across airport property, and will continue to work with DEN to ensure that the Project does not impact current or future airport development plans.

- 3) Comment: The proposed pipeline will be located approximately 6,885 ft. north of the north end of existing Runway 16R and approximately 5,957 ft. north of the north end of Runway 16L at DEN. The location falls within the CFR Title 14 Part 77 surfaces associated with DEN.

Response: Discovery acknowledges that this location falls within CFR Title 14 Part 77 surfaces and will abide by the requirements specified therein.

- 4) Comment: Because portions of the pipeline will be constructed on airport property we are required to submit a FAA Form 7460-1 *Notice of Proposed Construction or Alteration* on the proponents behalf. Review of this notice may take 60-90 days by the FAA. Without FAA approval, construction may not begin on airport property.

Response: Discovery will work with DEN to ensure that that all of the required information to fill out and submit the required FAA Form 7460-1 *Notice of Proposed Construction or Alteration*. Discovery acknowledges this process may

take up to 90 days and will not perform any construction on airport property, prior to receiving the applicable FAA approval.

Commenting Division: Planning, School District 27J

Name of Reviewer: Kerrie Monti

Date: 07/21/2016

Subject: Re: FW: RCU2016-00016 Boardwalk Pipeline request for comments

Comment: The District has no objection to this case. Thanks, as always, for asking!

Response: No response required.

Commenting Division: Tri-County Health Department

Name of Reviewer: Kerrie Monti

Date: 07/21/2016

RE: Boardwalk Pipeline, TCHD Case No. 3977

- 1) Comment - On-Site Wastewater Treatment Systems: Houses and other buildings equipped with plumbing facilities on properties located along the preferred and alternate pipeline routes are serviced by Onsite Wastewater Treatment Systems (OWTS). Our review of the pipeline routes indicates that sections of the pipeline routes may encroach on OWTS on some properties. TCHD recommends that the applicant review the locations of the pipeline routes to determine if they may encroach on OWTS. If it appears that encroachment will occur, it may be necessary to revise the pipeline location or relocate the OWTS. TCHD can provide specific permit information and system diagrams on OWTS for the affected properties.

Response: Specific permit information and system diagrams for OWTS's on the affected properties, as well as those within the general project area, were received and overlaid against the proposed pipeline alignment along with data for the location of all above ground infrastructure and known subsurface infrastructure captured during survey of the proposed alignment. Following review of this data, Discovery has contacted each respective landowner with identified OWTS's on their property and verified the project and associated proposed alignment will not impact the respective Onsite Wastewater Treatment Systems. Easements crossing each respective property along the proposed alignment are in the process of being secured with the landowner's input and approval to ensure existing, or planned, OWTS's and other property, will not be impacted.

- 2) Comment - Groundwater Quality Protection: A scan of the area proposed for the pipeline routes indicates that there may be water wells on the properties where the pipeline is located. Heavy equipment may inadvertently drive over wells during construction, causing damage that may expose the water in the wells to contamination. Where wells are within or close to pipeline routes, we recommend the applicant protect the wells by identifying the areas around wells so that they are visible to vehicle operators/construction crews. This can be accomplished by delineating the area around each well with stakes, colored tape or orange plastic netting.

If the pipeline routes cross over streams and/or wetlands, alluvial groundwater flow could be impacted if trenching intersects the shallow groundwater. If trench dewatering is necessary, the water will be pumped and discharged to alluvia/colluvial sediments close to the stream channel. If discharge of groundwater is necessary during construction, a discharge permit from the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division will be necessary

Response: All existing infrastructure, including existing water wells within close proximity to the construction right-of-way will be located and protected with stakes and orange construction fencing throughout the duration of construction. Where necessary, additional warning signs will be placed to ensure construction traffic is aware of any obstacles along the construction right-of-way.

The route will cross approximately 2,900 feet of wetlands, temporarily impacting approximately 3.3 acres of wetlands in Adams County. Dominant plants in these wetland areas include: Baltic rush, American three square, cattail, reed canarygrass, Nebraska sedges and other species.

Where possible wetland crossings would be completed with horizontal directional drills. In areas with trenched wetland crossings the construction right-of-way would be reduced from 80 feet to 50 feet in width, where only the ditch line will be top soiled and the drive space will be matted with pipeline mats to mitigate disturbance. Blading would occur only over the trench line, the traffic lane would be matted with no vegetation disturbance. Construction vehicles would drive on the matted area. Once construction is completed wetlands will be restored to preconstruction conditions and contours, topsoil will be replaced and the wetland will be reseeded. Wetlands should return to preconstruction conditions within 1-2 growing seasons.

If groundwater is encountered during trenching or horizontal directional drill activities, de-watering methods may be employed and the water will be pumped and discharged to alluvial/colluvial sediments close to the pipeline trench. During construction, the applicable BMP's will be employed to mitigate any erosion issues, in accordance with the written Stormwater Management Plan. If necessary, trench breakers will be installed to keep seasonal high water tables from diverting any flow to the pipeline trench.

A Colorado Discharge Permit System ("CDPS") permit will be obtained from the Colorado Department of Public Health and Environment ("CDPHE"), Water Quality Control Division prior to construction.

Overall, the Project area should have no impact to existing water wells or regional groundwater supply or groundwater quality.

- 3) Comment - Protection of Above-Ground Valves: Above-Ground valves may be damaged or vandalized once they are installed and placed into use. On page 8 of the application, it is indicated that there will be two valve sites in Adams County. The application also states that the valves will be enclosed in chain link fences for security. TCHD commends the applicant for identifying and ensuring the valve sites are secure.

Response: No response required

- 4) Comment - Sanitary and Solid Waste Disposal: The application does not specify how sanitary and solid waste will be provided during the construction for construction workers. We anticipate that trash dumpsters and portable toilets will be necessary during construction. TCHD has no objection to the use of portable toilets, provided they are properly maintained. TCHD recommends that the applicant address these, in terms of numbers, locations, and vendor.

Please feel free to contact me at (720) 200-1585 or lbroten@tchd.org if you have any questions regarding TCHD's comments.

Response: During construction, all liquid and solid waste will be stored and removed for disposal according to applicable local, state and federal regulations. Temporary sewage disposal units (i.e., portable toilets) and applicable waste receptacles will be placed at the Central Delivery Point facility site located on the north side of E. 136th Ave. in the SE of Section 24, Township 1S, Range 67W, approximately 0.5-miles west of the intersection of Potomac St. and E. 136th Ave. as well as at staging areas along the construction right-of-way. These facilities will be furnished by the selected contractor, which has not yet been identified, and will be routinely emptied and properly maintained throughout the course of construction.

The table at the top of the following page outlines the anticipated staging area locations where sanitary and solid waste disposal facilities will be located.

Boardwalk Pipeline Project Sanitary & Solid Waste Disposal Facilities Locations Adams County, CO			
No.	Road Crossed	Nearest Intersection	Distance to Intersection (Approximate)
1*	Potomac St	Potomac St & E 144th Ave	2,025 ft.
2*	Sable Blvd	Sable Blvd & E 136th Ave	125 ft.
3*	E 136th Ave	Granby St & E 136th Ave	400 ft.
4	E 132nd Ave	Sable Blvd & E 132nd Ave	2,725 ft.
5	Cameron Dr	Cameron Dr & Buckley Rd	1,730 ft.
6	Buckley Rd	Buckley Rd & E 128th Ave	2,650 ft.
7	Tower Rd	Tower Rd & E 124th Ave	50 ft.
8	Picadilly Rd	Picadilly Rd & E 120th Ave	125 ft.
11	Powhaton Rd	Powhaton Rd & E 133rd Cir	4,000 ft.
12	Powhaton Rd	Powhaton Rd & E 152nd Ave	5,350 ft.
13	E 152nd Ave	Powhaton Rd & E 152nd Ave	100 ft.
14	Powhaton Rd	Powhaton Rd & E 152nd Ave	2,400 ft.
15	E 160th Ave	Powhaton Rd & E 160th Ave	200 ft.
16	CR 2 / E 168th Ave	Harvest Rd & CR 2 / E 168th Ave	5,100 ft.
*At least one side of the Road are within the City of Brighton City limits.			

Commenting Division: United Power

Name of Reviewer: Marissa Dale

Date: 07/08/2016

Subject: RE: RCU2016-0016 Boardwalk Pipeline request for comments

Thank you for allowing United Power, Inc. to review and comment on the Boardwalk Pipeline RCU 2016-00016 referral.

United Power, Inc. has no objection as long as our electric facilities are not affected in a negative manner.

Developer must contact Catherine Bailey at United Power, Inc. 303-637-1360 for any modification/installation of new electric service. Additional easements may need to be acquired by separate document.

Response: Discovery contacted Mr. Michael Hess with United Power in May of 2016 to review the Project power needs and United Power's ability to service the required facilities. Applications for power service for the Project were submitted on July 18, 2016 and a subsequent kick-off meeting with Mr. Hess, Ms. Catherine Bailey, and other United Power staff, was conducted on August 4, 2016. United Power is currently in the process of conducting the applicable internal engineering for the respective power service, which is anticipated to be completed later this month. Discovery will continue to work with Ms. Bailey to ensure the applicable easements are in place and the appropriate power service provided for the Project.

Commenting Division: Xcel Energy, Contract Right of Way Referral Processor

Name of Reviewer: Donna George

Date: 07/21/2016

RE: Boardwalk Pipeline Project, Case # RCU2016-0016

Comment: Public Service Company of Colorado's (PSCO) Right of Way and Permits Referral Desk has determined there are conflicts with the above captioned project. Public Service Company has existing electric transmission lines and existing high pressure natural gas transmission pipelines and associated land rights in various areas throughout the proposed pipeline project. Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require Public Service Company approval. Encroachments across Public Service Company's easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a Public Service

Company License Agreement to be executed with the property owner. PSCo is requesting that, prior to any final approval of the development plan, it is the responsibility of the property owner/developer/contractor to contact a land rights agent for development plan review and execution of a License Agreement:

- Mike Diehl, Siting and Land Rights Manager at 303-571-7260 with regards to electric transmission facilities
- Cheryl Diedrich, Senior Right-of-Way Agent at 303-571-3116 with regards to natural gas transmission facilities

Plan and profile drawings may be required.

PSCo also has existing natural gas distribution facilities throughout the pipeline project. Should there be grading changes, PSCo Gas Engineering approval is required. The contractor must call the Utility Notification Center at 1-800-922-1987 to have all utilities located prior to any construction. Utmost care must be exercised around exposed facilities to help avoid extreme hazards. Use caution when excavating within 18-inches of each side of the marked facilities. Please be aware that all risk and responsibility for this request are unilaterally that of the Requestor/Applicant.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center at 1-800-922-1987 to have all utilities located prior to any construction.

Should you have any questions with this referral response, please contact me at 303-571-3306.

Response: Discovery acknowledges that the proposed pipeline(s) cross, and in some cases, parallel PSCo easements. Mr. Chris Roberts with Discovery has contacted Mr. Mike Diehl and submitted the completed PSCo Company License Agreement for review on July 25, 2016. Discovery will continue to work with PSCo to acquire the applicable approvals prior to construction.

Discovery also acknowledges the requirement to perform the applicable “One-Call” notification with the Utility Notification Center prior to performing construction activities and will comply with this requirement.

Commenting Division: Homeowner, 13550 Granby Street

Name of Reviewer: Brett Fletcher

Date: 07/15/2016

Reference: case number RCU2016-0016

Comment: I received a request for comments (RFC) letter dated June 28, 2016, comments for this project are due by July 22, 2016. I have tried to access additional information on the project repeatedly, via the website given in the RFC letter; however, the full text of the proposed request and the additional colored maps referenced in the RFC letter are not on the website. In fact the project is not even listed. Is this project still proposed? Since I own and live on a parcel adjacent to a portion of the proposed work area I have specific concerns on the increased heavy traffic on 136 Ave., which is already in poor condition. I also have some environmental concerns on other portions of the pipeline alignment and construction timing, specifically pertaining to Bald Eagle and other raptor and migratory bird nesting areas.

In order to make accurate and lucid comments, I am request all available and reviewable information.

Thank you,
Brett Fletcher
13550 Granby Street

Response: Both Discovery’s Construction Manager, Mr. Jeff Brewster, and Land Agent, Mr. Chris Roberts, have made repeated attempts to contact Mr. Fletcher to review the Project, provide any requested information that would be helpful to Mr. Fletcher, and discuss his concerns without any response.

Overall, pipelines are the safest, most reliable, and efficient way to transport natural gas, crude oil, and produced liquids from their point of production to end consumers. The Project will increase the efficiency of transporting the local oil and gas production to the domestic marketplace and reduce overall local truck traffic, providing a net reduction in air emissions. The

temporary increase in traffic during construction will be more than offset by the decrease in truck transport traffic associated with the crude oil and produced liquids compared to the respective pipeline capacities over the life of the Project.

A Raptor nest survey will be completed if pipeline construction extends or is scheduled for the raptor nesting season (January 15 to July 31). If active raptor nests are found near the ROW (within 0.3 miles) the Colorado Department of Parks & Wildlife will be consulted to determine if any nest protection measures are needed. Discovery is sensitive to the environment and wildlife in and around the Project area, and will work diligently to take the necessary precautions, working with the local authorities and regulatory agencies to ensure protection of the environment.

Commenting Division: Homeowner, 11981 Orleans Circle

Name of Reviewer: Jim Hoeffner

Date: 07/21/2016

Subject: Pipe-Line

Commissioners,

My name is Jim Hoeffner and I reside at 11981 Orleans Circle, just behind part of the proposed route of the line. We already have a fairly large oil operation operating just north of 120th ave. along Piccadilly road. I am always concerned and uncomfortable when new pipeline or any underground activity is proposed. All of our water resources come from our own wells. I am opposed to this and would prefer an alternate route. Thanks for taking the time to read this.

Jim Hoeffner

Response: Discovery's Construction Manager, Mr. Jeff Brewster, contacted Mr. Hoeffner and discussed his concerns about oil and gas fracking, their water wells and the Project. Discovery will not in any way be involved with fracking operations, but rather only the design, construction, and operation of the pipeline(s) and respective facilities. A copy of the e-mail correspondence between Mr. Brewster and Mr. Hoeffner is provided under Attachment N "Mr. Hoeffner Concerns Correspondence".

Attachments

Attachment A – Permit Summary & Status

Attachment B – County Road Right-of-Way & Ditch Details

Attachment C – Regional Drainage Facilities – Horizontal Directional Drill Profile Drawings

Attachment D – Draft Development Agreement

Attachment E – Safety Documentation

Attachment F – Adams County Line List Update

Attachment G.1 – Brighton CDP Facility Landscape Plan

Attachment G.2 – Brighton CDP Facility Concepts

Attachment G.3 – Typical Remote Block Valve Site

Attachment H – CDP Facility E. 136th Ave. Dedication

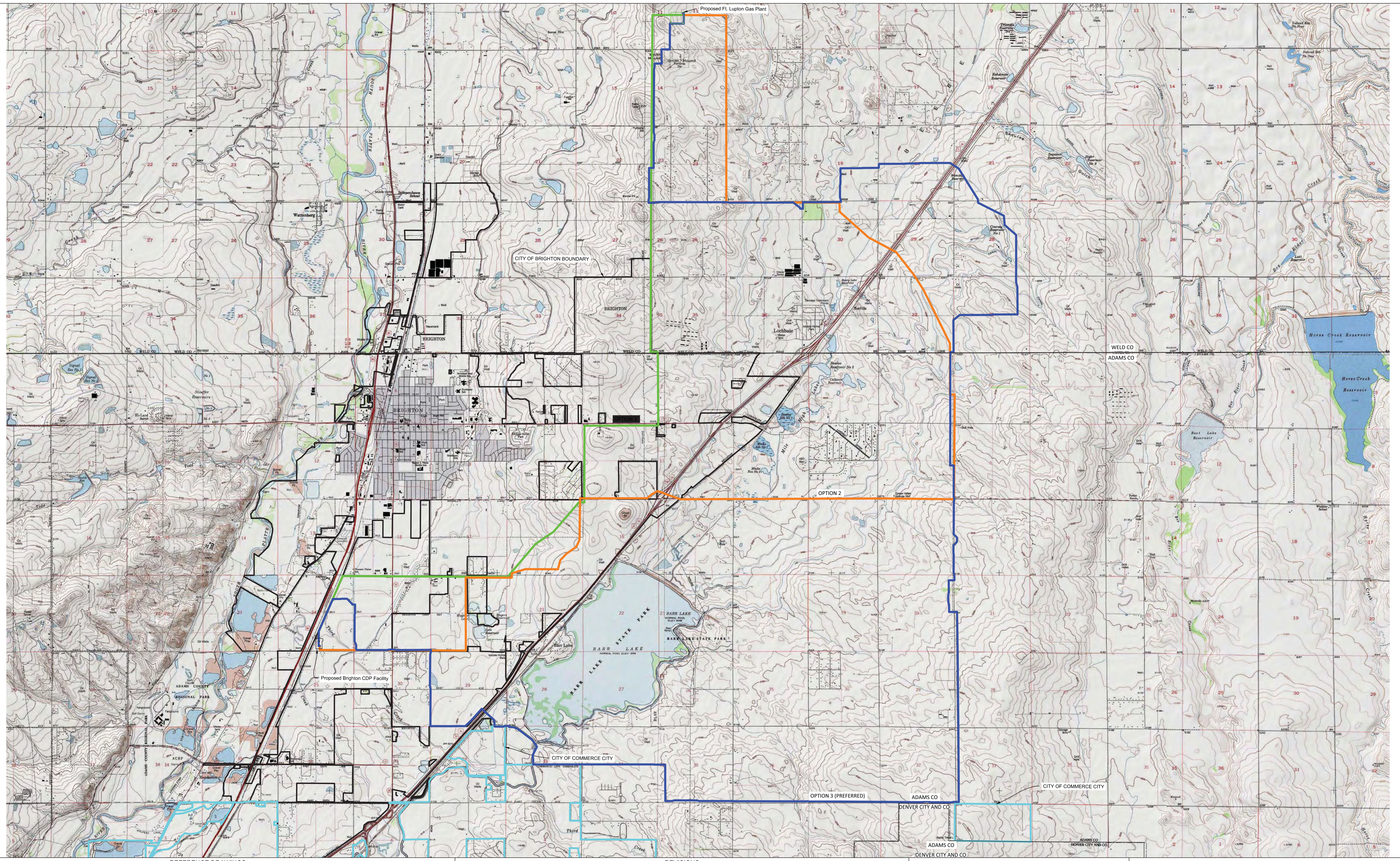
Attachment J – Alignment Sheets

Attachment K – Statement of Taxes Paid

Attachment L – Brighton Fire Rescue District Meeting Confirmation

Attachment M – Facilities Geotechnical Report

Attachment N – Mr. Hoeffner Concerns Correspondence



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DRAWING NO	DESCRIPTION

No	DESCRIPTION	BY	CHKD	APPVD	DATE
B	REVISED TO INCORPORATE C3 RE-ROUTE/RE-ISSUED FOR PERMIT APPLICATION	ZEW	BSM	ALS	09/02/16
A	ISSUED W/ PERMIT APPLICATION	ZEW	BSM	ALS	06/17/16

DISCOVERY

ZION ENGINEERING, LLC

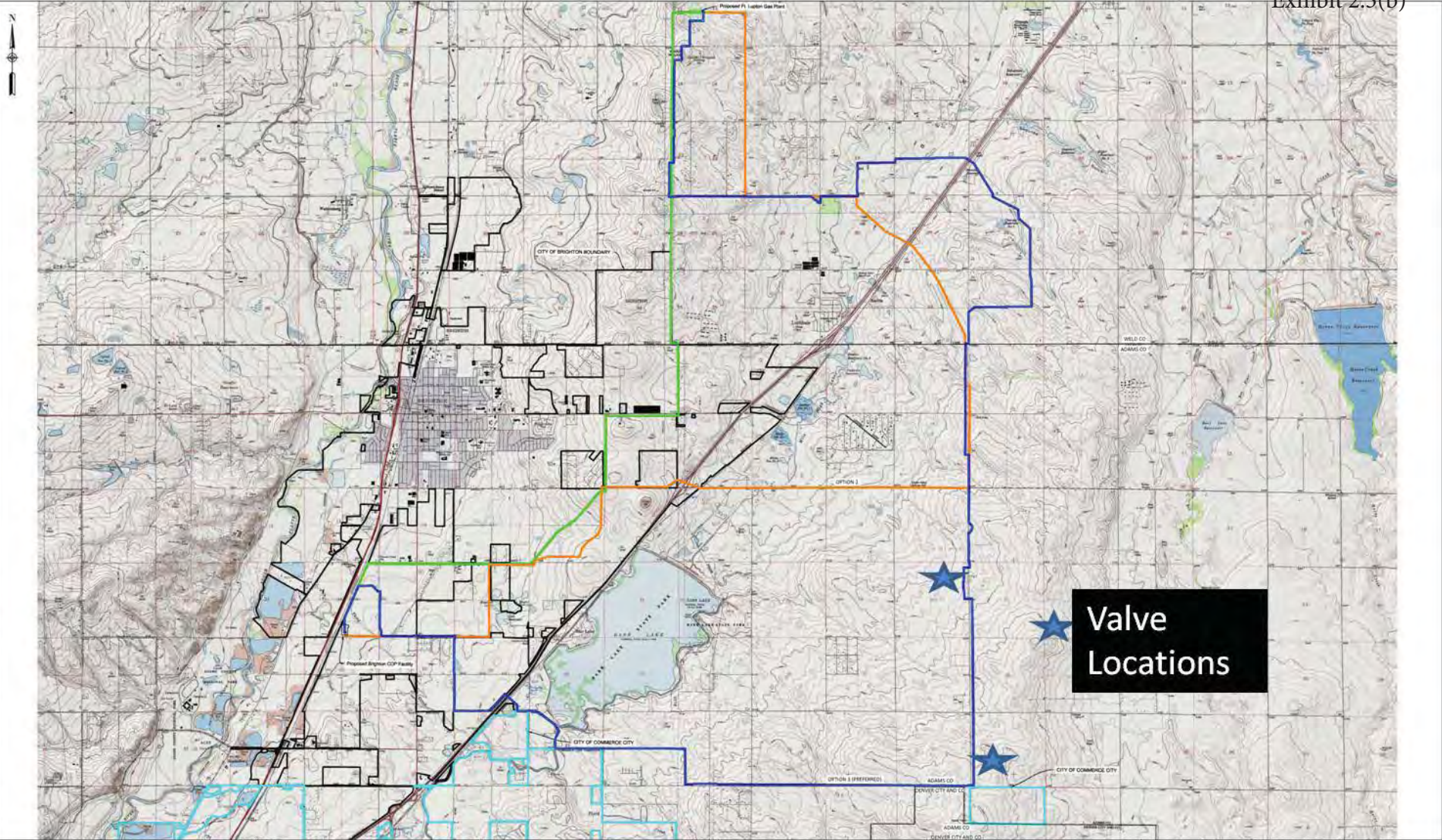
8100 E. Maplewood Ave., Suite 100
Greenwood Village, CO 80111
303-243-3050

DISCOVERY DJ SERVICES, LLC.

BOARDWALK PIPELINE PROJECT
OVERALL
ROUTE MAP

SCALE: 1:3200	DRAWING NO: 16016-M-2000	REV: B
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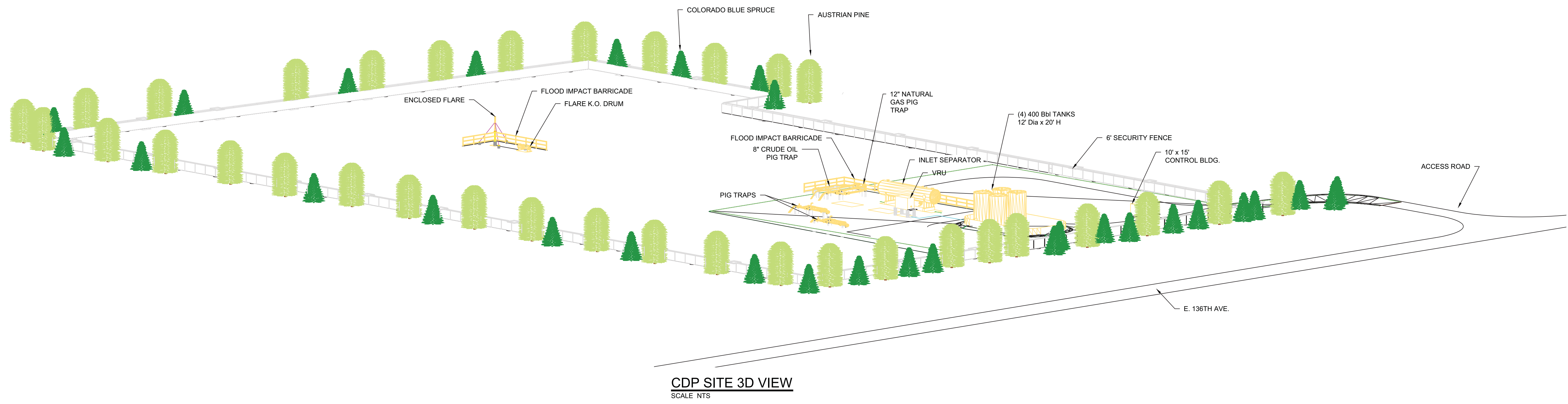
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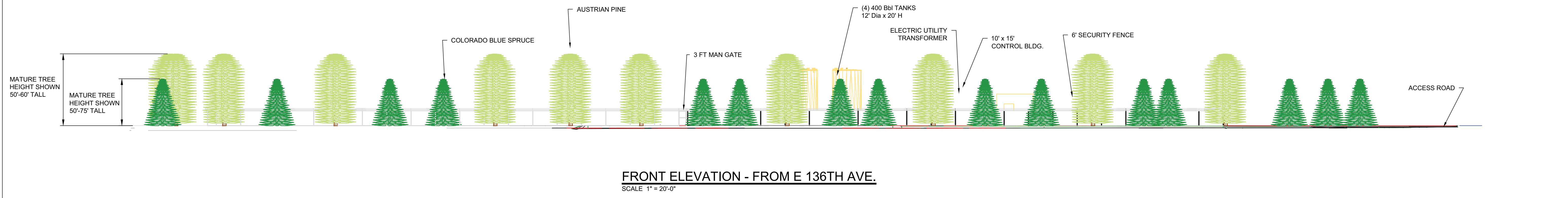
Valve Locations

REFERENCE DRAWINGS		REVISIONS	
DRAWING NO	DESCRIPTION	No	DESCRIPTION
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		A	ISSUED W/ PERMIT APPLICATION

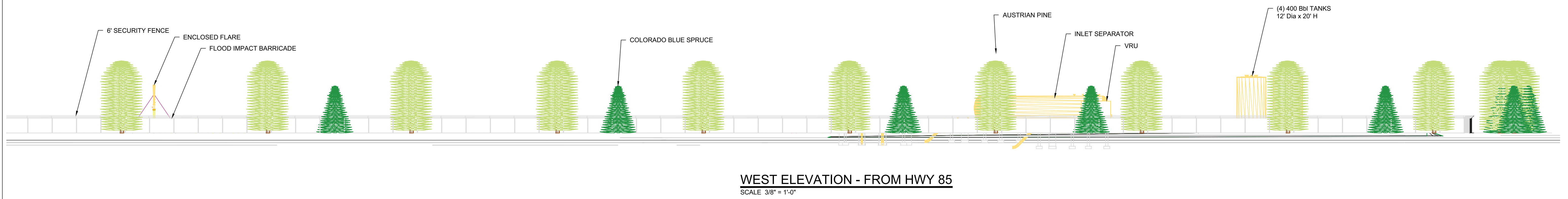
 		DISCOVERY DJ SERVICES, LLC. BOARDWALK PIPELINE PROJECT OVERALL ROUTE MAP	
8100 E. Madeline Ave., Suite 100 Greenwood Village, CO 80111 303.343.3000		SCALE: 1:3200	DRAWING NO: 16016-M-2000
BY	CHKD	APPROV	DATE
ZJW	BSM	ALS	06/20/16
ZJW	BSM	ALS	06/17/16
REV			
			B



CDP SITE 3D VIEW
SCALE NTS



FRONT ELEVATION - FROM E 136TH AVE.
SCALE 1" = 20'-0"



WEST ELEVATION - FROM HWY 85
SCALE 3/8" = 1'-0"

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REFERENCE DRAWINGS		REVISIONS		DISCOVERY		DISCOVERY DJ SERVICES, LLC.	
16016-G-1101	SITE LANDSCAPING PLAN, NOTES & DETAILS	A	ISSUED FOR PERMIT	GO	BSM	ALS	08/05/16
DRAWING NO	DESCRIPTION	No	DESCRIPTION	BY	CHKD	APPVD	DATE
						8100 E. Maplewood Ave., Suite 100 Greenwood Village, CO 80111 303-243-3050	
				AS SHOWN		DRAWING NO: 16016-G-1102	
						REV: A	



3D PLAN VIEW
SCALE: NONE

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REFERENCE DRAWINGS	
DRAWING NO	DESCRIPTION

REVISIONS						
NO	DESCRIPTION	BY	CHKD	APPVD	DATE	
A	ISSUE WITH REFERRAL RESPONSE	GO	BSM	ALS	09/09/16	
No						

DISCOVERY

ZION ENGINEERING, LLC

8100 E. Maplewood Ave., Suite 100
Greenwood Village, CO 80111
303-243-3050

<i>DISCOVERY DJ SERVICES, LLC.</i>		
BOARDWALK PIPELINE PROJECT BRIGHTON CDP FACILITY 3D PLAN VIEW BRIGHTON, CO		
SCALE: NTS	DRAWING NO: 16016-SK-003	REV: A

Please go to the following link to review all the case materials:

<https://www.adcogov.org/planning/currentcases>

Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Development Review Team Comments

Date: 7/26/2016

Project Number: RCU2016-00016

Project Name: Boardwalk Pipeline Project

Note to Applicant:

The following review comments and information from the Development Review Team is based on submitted documents only. For submission of revisions to applications, a cover letter addressing each staff review comments must be provided. The cover letter must include the following information: restate each comment that require a response and provide a response below the comment; respond to each comment with a description of the revisions and the page of the response on the site plan. And identify any additional changes made to the original document other than those required by staff.

Commenting Division: Building Review

Name of Reviewer: Justin Blair

Date: 07/08/2016

Email:

No Comment

Commenting Division: Engineering Review

Name of Reviewer: Greg Labrie

Date: 07/05/2016

Email:

Complete

See comments emailed to Chris LaRue, Case Manager, on 7/5/16.

Commenting Division: Environmental Analyst Review

Name of Reviewer: Jen Rutter

Date: 07/26/2016

Email:

Complete

The Resources Review that was completed for this project was performed by a qualified environmental professional and adequately addressed the potential and identified resources in the area. The applicant has chosen a path for the pipeline that would avoid the removal of trees and shrub thickets that provide important terrestrial and aquatic wildlife habitat.

It was determined that the 10-acre CDP facility will not impact important wildlife habitat areas.

Commenting Division: Parks Review

Name of Reviewer: Aaron Clark

Date: 07/20/2016

Email:

Complete

PRK1: The natural gas CDP is proposed to be constructed on a property adjacent to a property subject to a conservation easement held by Adams County: Parcel #0157124401007. Construction of the natural gas CDP should not impact or disturb the conservation values of this site.

PRK2: The preferred pipeline alignment crosses property that is subject to a conservation easement held by Colorado Parks and Wildlife (Parcel #0156934200001, 0156934100005, and #0156934400001). If this option is chosen, please be sure to contact CPW.

Commenting Division: Planner Review

Name of Reviewer: Chris LaRue

Date: 07/26/2016

Email:

Resubmittal Required

PLN1. Provide an update on the status of other Federal, State, and local permit requirements (chart form is preferred). If you have obtained any permits please provide copies. Provide a status of your permits through the Cities of Brighton and Commerce City.

PLN2. Prepare a Development Agreement that outlines the requirements regarding the pre-construction, construction, post-construction, and maintenance requirements of the Project (an example was previously provided). We have not yet received a draft of the required development agreement to review. This needs to be completed.

PLN3. The proposal would pass through or near several subdivisions and residential areas. Please provide an analysis on likely impacts and outreach activities that will take place. How will impacts be mitigated?

PLN4. Can you provide more information about temporary construction locations and uses? How would impacts from these locations be mitigated?

PLN5. Safety Record. Please provide operational safety records for all parties involved in the construction, operation and maintenance of the pipeline and facilities. Report and describe items such as deaths, injuries, explosions, leaks and spills. Detail the steps to prevent such occurrences in the future. With the application describe other relevant safeguards, protocols, and reporting/notification systems that would be in place to respond to safety and security incidents involving the proposed infrastructure. Your application indicates Discovery has no recordable or non-recordable incidents. Does this take into account a nationwide review? Can you provide a safety review of Ward Petroleum?

PLN6. Provide updated status information regarding securing permissions from private property owners where the infrastructure will traverse/impact.

PLN7. Adequate landscaping/screening shall be installed where areas can be seen from the public right-of-way or any other sensitive area (residential). There are concerns with the visual impact the CDP facility would have on the area around 136th Avenue. Can you provide details on how the CDP facility will look at the ground level? Also, how would the two valves sites planned in Adams County look? It does not appear you provided a landscaping and screening plan for any aspect of the above ground facilities. Please provide more information.

PLN8. Please take into account future growth areas for cities and provide an analysis of this topic. See the comments from both the Cities of Brighton and Commerce City.

PLN9. Please provide an analysis with the County's Comprehensive Plan as it relates to the project and the potential for future uses. It is important to ensure the anticipated future uses along the project will not be compromised. The following designations are impacted or are in close proximity to the project:

- Agriculture
- Parks and Open Space
- Estate Residential
- Urban Residential
- DIA Reserve
- Mixed Use Employment

Commenting Division: ROW Review

Name of Reviewer: Robert Kovacs

Date: 07/22/2016

Email:

Complete

ROW1: Pipelines should be located in easements on private property

ROW2: Said easements should be placed outside of the ultimate Right-of-ways of County roads as delineated by the Adams County Transportation Plan, approved 2012.

ROW3: Crossings of County roads should be as near as possible to right angles and County Engineering staff should review.

ROW4: Permits to construct in the Right-of-way should be secured for constructing crossings of County roadways

ROW5: A seventy (70) foot dedication of Right-of-way is requested from parcel containing the Central Delivery Point for the north side of E. 136th Ave. west of Potomac St. Dedication should be from the South line of Section 24 T1S R67W to a line 70 feet north. E. 136th Ave. is classified as a Major Arterial by the approved 2012 Transportation Plan.

ROW6: The services of a licensed Professional Land Surveyor should be secured to create the description of the dedication.

ROW7: Secure a Title Commitment in conjunction with design of proposed construction so as not to construct on other party's recorded easements.

Development Review Engineering Comments for:
RCU2016-00016 – Boardwalk Pipeline Project
Greg Labrie
7/5/16

ENG1: The proposed project is shown on the following Flood Insurance Rate Maps (FIRM's):

FIRM Panels for "Option 1" are: 08001C0329H, 08001C0333H, 08001C0334H, 08001C0332H, 08001C0050H.

FIRM Panels for "Option 2" are: 08001C0329H, 08001C0333H, 08001C0334H, 08001C0332H, 08001C0355H, 08001C0360H, 08001C00075H.

FIRM Panels for "Option 3" are: 08001C0329H, 08001C0333H, 08001C0341H, 08001C0342H, 08001C0365H, 08001C0370H, 08001C0360H, 08001C0075H.

Federal Emergency Management Agency, panels dated March 5, 2007. According to the above references, portions of the "Boardwalk Pipeline Project" WILL be located within a delineated 100-year flood hazard zone; a floodplain use permit will be required for these options.

ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. Several sections of the "Boardwalk Pipeline Project" are located within the County's MS4 Stormwater Permit area. The applicant shall be responsible to prepare the SWMP plan using the Adams County ESC Template, and obtain both a County SWQ Permit and State Permit COR-030000.

ENG3: Prior to issuance of construction permits, the developer is required to submit for review and receive approval of all construction documents (construction plans and reports). Construction documents shall include, at a minimum, site plan(s) and profile(s) showing the specific location of the pipeline, both horizontally and vertically, in any area within the Adams County jurisdiction. All construction documents must meet the requirements of the Adams County Development Standards and Regulations. The developer shall submit to the Adams County Development Review Engineering division the following: Engineering Review Application, three (3) copies of all construction documents. There is no development review fee for utility projects.

ENG4: Several sections of the proposed pipeline project run through jurisdictions that are outside of Adams County authority. Adams County cannot permit or approve the pipeline location or construction in these areas. The developer is responsible for meeting all requirements of other jurisdictions. The applicant shall only submit the detailed design and construction drawings for the segment of pipeline within Adams County jurisdiction.

ENG5: Adams County does not allow gas pipelines to be located within the County's Right-of-Way, excepting perpendicular crossings only. The pipeline shall be installed outside of the future right-of-way of all Adams County Roadways. Applicant shall verify the ultimate widths of the impacted right-of-way through the Adams County Transportation Plan adopted in 2012.

ENG6: The developer is responsible for the repair or replacement of any broken or damaged County infrastructure damaged by the construction of this project.

ENG7: The proposed project alignment(s) are within the boundaries of the following regional drainage studies:

Beebe Draw and Barr Lake Tributary Areas – Outfall Systems Planning Study, Prepared for Urban Drainage and Flood Control District, Adams County, City of Brighton and, Farmers Reservoir and Irrigation Company. Prepared by Wright Water Engineers, Inc., May 1992.
(Pipeline Alignments: Options 1, 2 & 3)

Brighton Watershed Tributary to South Platte River Outfall System Planning, Prepared for Urban Drainage and Flood Control District, Adams County and, City of Brighton. Prepared by WRC Engineering, Inc., December 1998.
(Pipeline Alignments: Options 1, 2 & 3)

Flood Hazard Area Delineation Beebe Draw and Left Bank Tributaries, Prepared for Urban Drainage and Flood Control District. Prepared by Kiowa Engineering Corp., July 1993.
(Pipeline Alignments: Option 2)

Third Creek (Downstream of DIA) Outfall Systems Planning Study Update, Prepared for Urban Drainage and Flood Control District, Adams County, City of Brighton and, Commerce City. Prepared by Kiowa Engineering Corp., September 2005.
(Pipeline Alignments: Option 3)

For the regional drainage facilities mentioned in the studies listed above, it is recommended that the applicant either avoid them or install the line to a depth below the facility to provide sufficient cover and avoid potential utility conflicts. Show these regional facilities on the plans.

ENG8: Full street closings are generally not allowed within Adams County, unless approved by Construction Management. It is recommended that street crossing be bored, when possible, to prevent street closures (even partial closures).

ENG9: All work within County ROW, properties or County regulated floodplains will require construction permitting.

From: [Richard Atkins](#)
To: [Chris LaRue](#)
Cc: [Eric Guenther](#); [Jen Rutter](#)
Subject: RE: RCU2016-00016 Boardwalk Pipeline request for comments
Date: Thursday, July 21, 2016 5:07:30 PM

Chris,

No comments on this request. Thanks!

Richard

Richard H. Atkins

Emergency Management Coordinator, *Office of Emergency Management*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway, Brighton, CO 80601

o: 720.523.6602 | c: 303.517.5457 | p: 720.521.2182

ratkins@adcogov.org | adcogov.org

From: Jen Rutter
Sent: Tuesday, June 28, 2016 12:20 PM
To: Richard Atkins
Subject: FW: RCU2016-00016 Boardwalk Pipeline request for comments

Jen Rutter

Environmental Analyst, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6841 | jrutter@adcogov.org

www.adcogov.org

From: Chris LaRue
Sent: Tuesday, June 28, 2016 9:13 AM
To: Aaron Clark; Amanda Overton; Ben Dahlman; Brigitte Grimm; Christine Francescani; Eric Guenther; Greg Labrie; Jen Rutter; Justin Blair; Marc Pedrucci; Mark Moskowitz; Matthew Emmens; Michael Kaiser; Nathan Mosley; Nikki Blair; Patsy Melonakis; Robert Kovacs; Tonia Fuller; Augusta Allen; Gail Moon; Scott Miller
Subject: RCU2016-00016 Boardwalk Pipeline request for comments

Please note there is a lot of information related to this project. The attachment only has a general overview. Please follow the link to current cases for the full text and maps for this case.

The Adams County Planning Commission and Board of County Commissioners are requesting comments on the following request:

From: [Jennifer Lothrop](#)
To: [Chris LaRue](#)
Cc: [Brigitte Grimm](#)
Subject: RCU2016-00016 Boardwalk Pipeline request for comments
Date: Wednesday, June 29, 2016 3:34:50 PM
Attachments: [request for comemnts general overview.pdf](#)
[0156708100004.pdf](#)
[0156900000077-R.pdf](#)
[0156900000077-W.pdf](#)
[0156935400003.pdf](#)
[image001.png](#)

Case Name: Boardwalk Pipeline Project
Case Number: RcU2016-00016
Parcel #'s ... Attached

The attached parcels are paid in full with exception of parcel #'s 0156708100004, 0156900000077, and 0156935400003. I have attached a statement of taxes due for each account.

Jennifer Lothrop
Treasurer Technician

Adams County Treasurer's Office
4430 S. Adams County Pkwy., Ste. C2436
Brighton, CO 80601
720.523.6761 | www.adcotax.com
Mon. - Fri. 7am - 5pm



Adams County Mission
To responsibly serve the Adams County Community with integrity and innovation.



From: [Jennifer Lothrop](#)
To: [Chris LaRue](#)
Cc: [Brigitte Grimm](#)
Subject: RCU2016-00016 Boardwalk Pipeline Project
Date: Wednesday, September 28, 2016 9:18:35 AM
Attachments: [1\) revised request for comments.pdf](#)
[image001.png](#)

Case Name: Boardwalk Pipeline Project
Case Number: RCU2016-00016
Parcel #'s 0156928000016 and 0156933005001

The above mentioned parcels are paid in full, therefore, the Treasurer's Office has no negative input regarding this revised request.

Jennifer Lothrop
Treasurer Technician

Adams County Treasurer's Office
4430 S. Adams County Pkwy., Ste. C2436
Brighton, CO 80601
720.523.6761 | www.adcotax.com
Mon. - Fri. 7am - 5pm



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October 14, 2016

VIA E-MAIL

Adams County – Community & Economic Development Department
Christopher LaRue, Senior Planner
4430 South Adams County Parkway
Brighton, CO 80601
clarue@adcogov.org

**NOTICE OF OIL AND GAS LEASEHOLD INTERESTS OWNED BY KERR-McGEE
OIL & GAS ONSHORE LP, EXISTING PIPELINES OWNED BY KERR-McGEE
GATHERING LLC AND OBJECTION**

Re: RCU2016-00016 – Boardwalk Pipeline Project
Cory G. Jordan – “Applicant”
Multiple Parcels
Adams County, Colorado

Mr. LaRue:

This letter is being sent by Anadarko Petroleum Corporation on behalf of its subsidiaries Kerr-McGee Oil & Gas Onshore LP (“KMG”) and Kerr-McGee Gathering LLC (“KMGG”) in response to the Request for Comments relating to the proposed Boardwalk Pipeline Project (“Project”). KMG is the owner of valid oil and gas leases underlying numerous parts of the Project (“Leased Lands”) and KMGG is the owner of numerous existing pipelines along or in close proximity to the proposed Project route. KMGG and KMG are submitting this comment and objection timely, in accordance with State of Colorado and the County’s procedural requirements.

KMG’s recorded oil and gas leases are real property interests entitling it to produce oil and gas from the Leased Lands (and, as may be applicable, adjacent lands). KMG has the right to utilize the Leased Lands to produce from existing wells, to maintain, rework, recomplete, and fracture those existing wells to enhance production, and to drill new wells to produce oil and gas, in accordance with applicable Colorado Oil and Gas Conservation Commission regulations and Colorado Statutes. KMG’s oil and gas assets have significant value, and the Company is consequently concerned about any development, surface use, plan of use, PUD, zoning or rezoning, or other action by the County that would impair or preclude its ability to develop its oil and gas interests.

KMGG owns and operates numerous existing pipelines along the proposed Project route, and consequently is concerned about any nearby construction activity. Our initial review of the

Project indicates there are approximately forty-seven proposed crossings of existing KMGG pipelines.

KMG and KMGG have determined that the proposed Project also will intrude upon several oil and gas drilling windows within Adams County (as prescribed by statute and the Colorado Oil and Gas Conservation Commission). KMG must object to any approval by the County for the Applicant's plans that fail to fully accommodate KMG's right to explore for, develop and produce oil and gas from its leasehold interests or the Leased Lands. KMG and KMGG request that the County withhold final approval until such time as the Applicant, KMG and KMGG have addressed all concerns.

Please contact me at 720-929-3013 if you have any questions or comments about this matter. KMG and KMGG hope to resolve all outstanding issues with the Applicant, and we look forward to working with the County to accomplish its land use planning goals.

Sincerely,
ANADARKO PETROLEUM CORPORATION

A handwritten signature in black ink, appearing to read "Paul Ratliff", written in a cursive style.

Paul Ratliff
Landman

cc: Jeff Fiske, Lead Counsel
Ron Olsen
Justin Shoulders
Don Jobe

From: [Means, Whitney](#)
 To: [Chris LaRue](#)
 Subject: RE: RCU2016-00016 Boardwalk Pipeline request for comments
 Date: Friday, July 22, 2016 3:45:52 PM

Good afternoon Chris,

After review of the request for a Conditional Use Permit, we have the following comment:

- 1) Any construction of structures will require a review from Brighton Fire Rescue and will be subject to the 2012 International Fire Code and amendments.

Whitney Means

Fire Inspector
 Brighton Fire Rescue District
 500 S. 4th Ave. 3rd Floor
 Brighton, CO 80601
 303-654-8041
www.brightonfire.org

From: Chris LaRue [mailto:CLaRue@adcogov.org]

Sent: Tuesday, June 28, 2016 9:26 AM

To: 'Andrew Todd CDPHE - Solid Waste Unit' <andrew.todd@state.co.us>; 'Bob Olivier West Adams Soil Conservation' <bob.olivier@merrick.com>; 'Bradley Sheehan' <bradley.sheehan@state.co.us>; 'Chris Quinn RTD' <chris.quinn@rtd-denver.com>; 'Craig Simmonds Metro Wastewater Reclamation' <csimmonds@mwr.dst.co.us>; 'David Mallory - Urban Drainage and Flood Control' <dmallory@udfcd.org>; 'Donna George Xcel Energy' <donna.l.george@xcelenergy.com>; 'George Lombardi West Adams Soil Conservation' <sambelle1@msn.com>; 'James Dileo CDPHE - Air Quality' <jim.dileo@state.co.us>; 'Jill Carlson Colorado Geological Survey' <cgs_lur@mines.edu>; 'Land Use Tri-County Health' <landuse@tchd.org>; 'Michael Weakley Tri-County Health' <mweakley@tchd.org>; Prather, Holly <hprather@brightonco.gov>; 'Monte Deatrich Tri-County Health' <mdeatrich@tchd.org>; 'Patrick J. Pfaltzgraff CDPHE - Water Quality Protection' <patrick.j.pfaltzgraff@state.co.us>; 'Sheryl Wailes East Adams Soil Conservation' <sheryl.wailes@nacdn.net>; 'Steven Loeffler' <steven.loeffler@state.co.us>; 'Suzanne Sellers Colorado Division of Water Resources' <svesellers@hotmail.com>; 'Warren Brown Tri-County Health' <wbrown@tchd.org>; 'West Adams Soil Conservation District' <westadamsd@gmail.com>; 'Bill Poole' <William.Poole@flydenver.com>; 'Tom Reed' <Tom.Reed@flydenver.com>; 'christensen.stanley@epa.gov' <christensen.stanley@epa.gov>; 'kmonti@sd27j.org' <kmonti@sd27j.org>; 'tparko@co.weld.co.us' <tparko@co.weld.co.us>; Means, Whitney <wmeans@brightonfire.org>; 'Steve Voehringer' <SVoehringer@sacwsd.org>; 'brandyn.wiedrich@centurylink.com' <brandyn.wiedrich@centurylink.com>; 'linda.bruce@faa.gov' <linda.bruce@faa.gov>; 'rkerns@c3gov.com' <rkerns@c3gov.com>; 'carol.brown@ci.denver.co.us' <carol.brown@ci.denver.co.us>; Burke, Ed <eburke@brightonco.gov>; 'thomas_lowe@cable.comcast.com' <thomas_lowe@cable.comcast.com>; 'barr.lake@state.co.us' <barr.lake@state.co.us>; 'jemashek@up.com' <jemashek@up.com>; 'Patrick J. Pfaltzgraff CDPHE -

From: [Loeffler - CDOT, Steven](#)
To: [Chris LaRue](#)
Subject: RCU2016-00016, Boardwalk Pipeline
Date: Thursday, July 21, 2016 11:52:57 AM

Chris,

I have reviewed the request for CUP to construct a new natural gas, crude oil, and produced liquids gathering system and Central Delivery Point (CDP) facility and have the following comment:

- Any work in the State Highway or Interstate Right-of-Way will require a permit from our office. Contact for that permit is Mike Smith, who can be reached at 303-667-2831 or michaell.smith@state.co.us

Thank you for the opportunity to review this referral.

Steve Loeffler
Permits Unit



P 303.757.9891 | F 303.757.9886
2000 S Holly Street, Denver, CO 80222
steven.loeffler@state.co.us | www.codot.gov | www.cotrip.org



From: [Loeffler - CDOT, Steven](#)
To: [Chris LaRue](#)
Subject: RCU2016-00016, Boardwalk Pipeline
Date: Tuesday, October 04, 2016 8:36:58 AM

Chris,

I have reviewed the submittal named above and have the following comments:

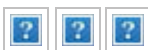
- We previously provided comments for this request, dated July 21, 2016, and all previous comments still apply.
- One change to the previous comments is that for any work in the State Highway or Interstate Right-of-Way, a permit from our office will be needed. The contact for that permit is Robert Williams, robert.williams@state.co.us or 303-757-9882.

Thank you for the opportunity to review this referral.

Steve Loeffler
Permits Unit



P 303.757.9891 | F 303.757.9886
2000 S Holly Street, Denver, CO 80222
steven.loeffler@state.co.us | www.codot.gov | www.cotrip.org



From: [Tetzlaff, Joshua](#)
To: [Chris LaRue](#)
Subject: Boardwalk Pipeline Project - RCU2016-00016
Date: Monday, July 11, 2016 2:48:00 PM

Mr. LaRue,

Thank you for sending a referral to the City of Brighton Community Development Department. The following comments are City regarding the above mentioned project.

- 1) The City of Brighton's preferred alignment is the preferred alignment shown within the Plans (the one that circles the City).
- 2) The City of Brighton requests 360 degree screening of the CDP due to City growth in area, both current growth and planned future growth.
- 3) The City of Brighton requests that all accesses align themselves as much as possible with existing driveways and away from the railroad as much as possible.
- 4) The Transportation Plan for the City of Brighton has 136th designated as a major arterial. With this designation, the City ask for ROW dedication in the future to accommodate future growth.
- 5) Boardwalk Pipeline is currently going through a Conditional Use Permit (CUP) with the City of Brighton. Before construction can begin, this CUP will need to be approved.

Thanks again for allowing the City of Brighton to review this project.

Joshua M. Tetzlaff

Planner II, Community Development Department

Phone :: 303.655.2072

Email :: jtetzlaff@brightonco.gov

Address :: 500 South 4th Avenue
Brighton, CO 80601

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MEMO

To: Chris LaRue
From: Steve Timms
Subject: RCU2016-00016
Date: July 22, 2016

Mr. LaRue,

Thank you for allowing Commerce City to comment on land use cases in the County that will impact current and future land uses in our community.

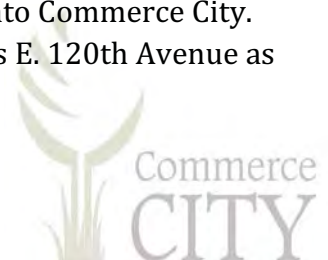
The proposed pipeline is regional in nature and will impact several communities within Adams County, including Commerce City. Many of the referral agencies for this request will be reviewing the same request within their local jurisdictions. Therefore, please notify the applicant that a portion of their pipeline is shown within Commerce City's jurisdictional boundaries and will require the city's approval through our local Conditional Use Permit (CUP) process. The CUP process in Commerce City is generally a 4 to 6 month process that requires approval by Commerce City's City Council. Given the current information that has been provided, staff is unlikely to support their request within the city's boundaries as it does not meet the necessary approval criteria.

Commerce City has the following direct comments on this specific application as it relates to Adams County's application:

Any proposed staging or storage lots need to be screened from adjacent residential properties and from right-of-way.

Any proposed value set areas should be surrounded by a wrought iron or CMU/masonry wall rather than chain link and barbed wire. This is in keeping with the requirement within Commerce City.

The area of the proposed pipeline is included within Commerce City's growth area and should be expected, at some time in the future, to be fully annexed into Commerce City. The Commerce City Transportation Plan (dated July 12, 2010) shows E. 120th Avenue as



MEMO CONTINUED

future principal arterial and Powhatan Road as future minor arterial. These will require 150 feet and 120 feet of Right-of-Way respectively. At eventual build out, E. 120th Avenue will accommodate 6 lanes, while Powhatan Road will accommodate four lanes. It will be important to design the location of this pipeline to accommodate full build out width of these arterials roadways, to avoid conflicts and relocation and disruption of services in the long term.

The City requests that Adams County work with the applicant and our Public Works Department to ensure that the future full ROW of these arterials are effectively accommodated with no or little conflict occurring by the location of this pipeline. This strategic coordination was done on previous pipelines in this area and it resulted in a win-win situation for all parties.

In addition, the city has this area called out for “DIA Technology” land uses in the future and would also ask that the approved pipeline placement would not jeopardize the location of potential long term ED prospects, which would directly benefit both Commerce City and Adams County along these future arterial corridors. This would be done through the effective placement of the pipeline as it relates to building and property setbacks and the allowance of landscaping and parking to be placed over the pipeline corridor.

In summary, Commerce City requests the following, with the understanding that close and collaborative communication will foster a better process and product long term:

1. Commerce City requests that these comments be incorporated into the County’s review, or as a condition(s), and have the applicant address these comments/conditions, unless an alternative alignment is presented where they would not apply.
2. Commerce City requests a copy of the comment letter that Adams County compiles and sends out to the applicant. This will help Commerce City gain an early understanding of concerns and comments from various groups.



MEMO CONTINUED

3. As the Adams County public hearings approach, Commerce City would request a copy of the proposed staff reports for both Planning Commission and the County Commissioners.

4. Commerce City would like to see alternative routes considered that do not bring the proposed pipeline so close to the city's current and future boundaries.

If you have any questions, please contact me at stimms@c3gov.com.



MEMO

To: Chris LaRue
From: Steve Timms
Subject: RCU2016-00016
Date: October 14, 2016
Mr. LaRue,

Thank you for allowing Commerce City to comment on land use cases in the County that will impact future land uses in our community.

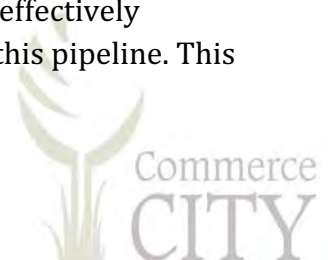
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MEMO CONTINUED

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3. As the Adams County public hearings approach, Commerce City would request a copy of the proposed staff reports for both Planning Commission and the County Commissioners.
4. Commerce City would like to see alternative routes considered that do not bring the proposed pipeline so close to the city’s current and future boundaries.

If you have any questions, please contact me at stimms@c3gov.com.





COLORADO

Parks and Wildlife

Department of Natural Resources

Northeast Region
6060 Broadway
Denver, CO 80216
(303) 291-7227

July 16, 2016

Chris LaRue
Department of Community and Economic Development
4430 South Adams County Parkway
Suite W2000A
Brighton, CO 80601-8216

RE: Boardwalk Pipeline Project RCU2016-00016

Dear Mr. LaRue:

I have reviewed your request for comments on the above project. The project will include construction of a Central Delivery Point facility and a pipeline. There will be 12 miles of crude oil pipeline and 18 miles of natural gas gathering trunkline in Adams County. District Wildlife Manager Joe Padia did not visit the entire project area but is familiar with the proposed route.

Nesting Raptors

Colorado Parks and Wildlife (CPW) strongly recommends a nesting bird survey to locate all raptor nests, both active and inactive, along the project area. It is our understanding that most of the project, except for the Central Delivery Point facility, will involve temporary disturbance during the construction period and the pipeline will be underground. This will help minimize long-term effects to wildlife through habitat loss, but care must be taken not to disturb protected species. All raptors and active nests are protected by the Migratory Bird Species Act and the harassment and/or take of raptors or their eggs is illegal. To prevent take, accidental or otherwise, CPW recommends strict adherence to recommended buffer zones for active raptor nests during the breeding season unless a site visit of the nest and project area with CPW determines that factors exist that mitigate the recommended buffer zone for that particular nest. I have included that information for your review.

Whitehorse State Wildlife Area and Conservation Easements

The proposed pipeline will go through Whitehorse State Wildlife Area located at 124th and Tower Road. CPW holds a conservation easement on the property which is privately owned. It is our understanding the project staff has been in contact with the landowner and has agreed to bore under the property to prevent surface disturbance. Whitehorse SWA is used primarily as a youth/mentor waterfowl hunting property and we recommend avoiding construction during the goose season from mid November through mid February to prevent disturbance to CPW activities. Waterfowl season dates vary annually but can be provided to



project staff when available. CPW staff has also been in contact with Chris Roberts regarding this project and our conservation easement on Whitehorse SWA. CPW also holds a conservation easement on at least one other parcel (0156933100001) and an internal review is necessary to determine if pipeline construction is allowed on the properties and if the project affects other easements.

Native Vegetation and Noxious Weed Control

The CPW also recommends that land within the project area be restored to native habitat. To improve wildlife habitat after construction, the CPW recommends using native plant species along the project area. We also recommend planting trees, shrubs, and grasses so that they are mixed within the landscape. A landscape that has a good mix of trees, grasses, and shrubs is more beneficial to wildlife than a landscape with all trees in one area and all grasses and shrubs in others.

Prairie Dogs

There are prairie dogs in the project area, so the State Threatened burrowing owl becomes a concern. They live and nests in abandoned prairie dog burrows and migrate to Colorado in March and leave the state by November (March 15-October 31). Any prairie dogs should be humanely killed prior to earthmoving and we recommend a burrowing owl survey if construction activities will occur on sites with prairie dogs from March 15 through October 31. There will be no human encroachment within 150 feet of a burrowing owl nest (burrow) during this period. The CPW has a survey protocol for burrowing owls and will provide this protocol and can assist with such a survey.

Thank you for the opportunity to comment on this project. If you have questions, concerns, would like a field visit with CPW, or if things change in regards to wildlife occurrence on the site, please contact District Wildlife Manager Joe Padia at 303-947-1798 or by email at joe.padia@state.co.us.

Sincerely,



Liza Hunholz
Area Wildlife Manager

Cc: T.Kroening, M. Leslie, J. Padia



RECOMMENDED BUFFER ZONES AND SEASONAL RESTRICTIONS FOR COLORADO RAPTORS

Tolerance limits to disturbance vary among as well as within raptor species. As a general rule, Ferruginous Hawks and Golden Eagles respond to human activities at greater distances than do Ospreys and America Kestrels. Some individuals within a species also habituate and tolerate human activity at a proximity that would cause the majority of the group to abandon their nests. Other individuals become sensitized to repeated encroachment and react at greater distances. The tolerance of a particular pair may change when a mate is replaced with a less tolerant individual and this may cause the pair to react to activities that were previously ignored. Responses will also vary depending upon the reproductive stage. Although the level of stress is the same, the pair may be more secretive during egg laying and incubation and more demonstrative when the chicks hatch.

The term "disturbance" is ambiguous and experts disagree on what actually constitutes a disturbance. Reactions may be as subtle as elevated pulse rate or as obvious as vigorous defense or abandonment. Impacts of disturbance may not be immediately evident. A pair of raptors may respond to human intrusion by defending the nest, but well after the disturbance has passed, the male may remain in the vicinity for protection rather than forage to feed the nestlings. Golden eagles rarely defend their nests, but merely fly a half mile or more away and perch and watch. Chilling and over heating of eggs or chicks and starvation of nestlings can result from human activities that appeared not to have caused an immediate response.

A 'holistic' approach is recommended when protecting raptor habitats. While it is important for land managers to focus on protecting nest sites, equal attention should focus on defining important foraging areas that support the pair's nesting effort. Hunting habitats of many raptor species are extensive and may necessitate interagency cooperation to assure the continued nest occupancy. Unfortunately, basic knowledge of habitat use is lacking and may require documentation through telemetry investigations or intensive observation. Telemetry is expensive and may be disruptive so a more practical approach is to assume that current open space is important and should be protected.

Although there are exceptions, the buffer areas and seasonal restrictions suggested here reflect an informed opinion that if implemented, should assure that the majority of individuals within a species will continue to occupy the area. Additional factors, such as intervening terrain, vegetation screens, and the cumulative impacts of activities should be considered.

These guidelines were originally developed by CDOW raptor biologist Gerald R. Craig (retired) in December 2002. To provide additional clarity in guidance, incorporate new information, and update the conservation status of some species, the guidelines were revised in January 2008. Further revisions of this document may become necessary as additional information becomes available.

RECOMMENDED BUFFER ZONES AND SEASONAL RESTRICTIONS

BALD EAGLE

Nest Site:

No surface occupancy (beyond that which historically occurred in the area; see 'Definitions' below) within ¼ mile radius of active nests (see 'Definitions' below). Seasonal restriction to human encroachment (see 'Definitions' below) within ½ mile radius of active nests from October 15 through July 31. This closure is more extensive than the National Bald Eagle Management Guidelines (USFWS 2007) due to the generally open habitat used by Colorado's nesting bald eagles.

Winter Night Roost:

No human encroachment from November 15 through March 15 within ¼ mile radius of an active winter night roost (see 'Definitions' below) if there is no direct line of sight between the roost and the encroachment activities. No human encroachment from November 15 through March 15 within ½ mile radius of an active winter night roost if there is a direct line of sight between the roost and the encroachment activities. If periodic visits (such as oil well maintenance work) are required within the buffer zone after development, activity should be restricted to the period between 1000 and 1400 hours from November 15 to March 15.

Hunting Perch:

Diurnal hunting perches (see 'Definitions' below) associated with important foraging areas should also be protected from human encroachment. Preferred perches may be at varying distances from human encroachment and buffer areas will vary. Consult the Colorado Division of Wildlife for recommendations for specific hunting perches.

GOLDEN EAGLE

Nest Site:

No surface occupancy (beyond that which historically occurred in the area) within ¼ mile radius of active nests. Seasonal restriction to human encroachment within ½ mile radius of active nests from December 15 through July 15.

OSPREY

Nest Site:

No surface occupancy (beyond that which historically occurred in the area) within ¼ mile radius of active nests. Seasonal restriction to human encroachment within ¼ mile radius of active nests from April 1 through August 31. Some osprey populations have habituated and are tolerant to human activity in the immediate vicinity of their nests.

FERRUGINOUS HAWK

Nest Site:

No surface occupancy (beyond that which historically occurred in the area) within ½ mile radius of active nests. Seasonal restriction to human encroachment within ½ mile radius of active nests from February 1 through July 15. This species is especially prone to nest abandonment during incubation if disturbed.

RED-TAILED HAWK

Nest Site:

No surface occupancy (beyond that which historically occurred in the area) within 1/3 mile radius of active nests. Seasonal restriction to human encroachment within 1/3 mile radius of active nests from February 15 through July 15. Some members of this species have adapted to urbanization and may

tolerate human habitation to within 200 yards of their nest. Development that encroaches on rural sites is likely to cause abandonment.

SWAINSON'S HAWK

Nest Site:

No surface occupancy (beyond that which historically occurred in the area) within ¼ mile radius of active nests. Seasonal restriction to human encroachment within ¼ mile radius of active nests from April 1 through July 15. Some members of this species have adapted to urbanization and may tolerate human habitation to within 100 yards of their nest.

PEREGRINE FALCON

Nest Site:

No surface occupancy (beyond that which historically occurred in the area) within ½ mile radius of active nests. Seasonal restriction to human encroachment within ½ mile of the nest cliff(s) from March 15 to July 31. Due to propensity to relocate nest sites, sometimes up to ½ mile along cliff faces, it is more appropriate to designate 'Nesting Areas' that encompass the cliff system and a ½ mile buffer around the cliff complex.

PRAIRIE FALCON

Nest Site:

No surface occupancy (beyond that which historically occurred in the area) within ½ mile radius of active nests. Seasonal restriction to human encroachment within ½ mile radius of active nests from March 15 through July 15.

NORTHERN GOSHAWK

No surface occupancy (beyond that which historically occurred in the area) within ½ mile radius of active nests. Seasonal restriction to human encroachment within ½ mile radius of active nests from March 1 through September 15.

BURROWING OWL

Nest Site:

No human encroachment within 150 feet of the nest site from March 15 through October 31. Although Burrowing Owls may not be actively nesting during this entire period, they may be present at burrows up to a month before egg laying and several months after young have fledged. Therefore it is recommended that efforts to eradicate prairie dogs or destroy abandoned towns not occur between March 15 and October 31 when owls may be present. Because nesting Burrowing Owls may not be easily visible, it is recommended that targeted surveys be implemented to determine if burrows are occupied. More detailed recommendations are available in a document entitled "Recommended Survey Protocol and Actions to Protect Nesting Burrowing Owls" which is available from the Colorado Division of Wildlife

Recommended Buffer Zones and Seasonal Restrictions Around Raptor Use Sites

Species and Use	Buffer	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Bald Eagle													
ACTIVE NEST - No Surface Occupancy	¼ Mile												
ACTIVE NEST - No Human Encroachment	½ Mile												
ACTIVE WINTER NIGHT ROOST without a direct line of sight- No Human Encroachment	¼ Mile												
ACTIVE WINTER NIGHT ROOST with a direct line of sight - No Human Encroachment	½ Mile												
HUNTING PERCH - No Human Encroachment	Contact CDOW												
Golden Eagle													
ACTIVE NEST - No Surface Occupancy	¼ Mile												
ACTIVE NEST - No Human Encroachment	½ Mile												
Osprey													
ACTIVE NEST - No Surface Occupancy	¼ Mile												
ACTIVE NEST - No Human Encroachment	¼ Mile												
Ferruginous Hawk													
ACTIVE NEST - No Surface Occupancy	½ Mile												
ACTIVE NEST - No Human Encroachment	½ Mile												
Red-tailed Hawk													
ACTIVE NEST - No Surface Occupancy	1/3 Mile												
ACTIVE NEST - No Human Encroachment	1/3 Mile												
Swainson's Hawk													
ACTIVE NEST - No Surface Occupancy	¼ Mile												
ACTIVE NEST - No Human Encroachment	¼ Mile												
Peregrine Falcon													
ACTIVE NEST - No Surface Occupancy	½ Mile												
ACTIVE NEST - No Human Encroachment	½ Mile												
Prairie Falcon													
ACTIVE NEST - No Surface Occupancy	½ Mile												
ACTIVE NEST - No Human Encroachment	½ Mile												
Northern Goshawk													
ACTIVE NEST - No Surface Occupancy	½ Mile												
ACTIVE NEST - No Human Encroachment	½ Mile												
Burrowing Owl													
ACTIVE NEST - No Human Encroachment	150 feet												
		= time period for which seasonal restrictions are in place.											

DEFINITIONS

Active nest – Any nest that is frequented or occupied by a raptor during the breeding season, or which has been active in any of the five previous breeding seasons. Many raptors use alternate nests in various years. Thus, a nest may be active even if it is not occupied in a given year.

Active winter night roost – Areas where Bald Eagles gather and perch overnight, and sometimes during the day in the event of inclement weather. Communal roost sites are usually in large trees (live or dead) that are relatively sheltered from wind and are generally in close proximity to foraging areas. These roosts may also serve a social purpose for pair bond formation and communication among eagles. Many roost sites are used year after year.

Human encroachment – Any activity that brings humans in the area. Examples include driving, facilities maintenance, boating, trail access (e.g., hiking, biking), etc.

Hunting perch – Any structure on which a raptor perches for the purpose of hunting for prey. Hunting perches provide a view of suitable foraging habitat. Trees are often used as hunting perches, but other structures may also be used (utility poles, buildings, etc.).

Surface occupancy – Any physical object that is intended to remain on the landscape permanently or for a significant amount of time. Examples include houses, oil and gas wells, tanks, wind turbines, roads, tracks, etc.

CONTACT

For further information contact:

David Klute
Bird Conservation Coordinator
Colorado Division of Wildlife
6060 Broadway
Denver, CO 80216
Phone: 303-291-7320
Email: david.klute@state.co.us

REFERENCES

- Bechard, M.J., and J.K. Schmutz. 1995. Ferruginous Hawk (*Buteo regalis*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/172>
- Buehler, D.A. 2000. Bald Eagle (*Haliaeetus leucocephalus*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/506>
- Call, M. 1979. Habitat management guides for birds of prey. Technical Note No.338, U.S. Bureau of Land Management, Denver Service Center, Denver, CO. 69pp.

- Energy Research and Development Administration (ERDA). 1977. EIA for CUI Venture application for geothermal loan guarantee (Beryl and Lund, Utah). EIA/GE/77-8. Washington, D.C. 109pp.
- England, A.S., M.J. Bechard, and C.S. Houston. 1997. Swainson's Hawk (*Buteo swainsoni*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/265>
- Greater Yellowstone Bald Eagle Working Group. 1996. Greater Yellowstone bald eagle management plan: 1995 update. Greater Yellowstone Bald Eagle Working Group, Wyoming Game & Fish Dept., Lander WY 82520. 47p
- Grier, J.W., F.J. Gramlich, J. Mattisson, J.E. Mathisen, J.V. Kussman, J.B. Elder, and N.F. Green. 1983. The bald eagle in the northern United States. *Bird Cons.* 144-66.
- Haug, E.A., B.A. Millsap, and M.S. Martell. 1993. Burrowing Owl (*Athene cunicularia*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/061>
- Holmes, Tamara L. 1993. Behavioral responses of grassland raptors to human disturbance. MS Thesis. Colo. State Univ., Fort Collins. 62pp.
- Holthuijzen, A.M.A., W.G. Eastland, A.R. Ansell, M.N. Kochert, R.D. Williams, and L.S. Young. 1990. Effects of blasting on behavior and productivity of nesting prairie falcons. *Wildl. Soc. Bull.* 18:270-281.
- Kochert, M. N., K. Steenhof, C. L. McIntyre, and E. H. Craig. 2002. Golden Eagle (*Aquila chrysaetos*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/684>
- Martin, D.J. 1973. Selected aspects of burrowing owl ecology and behavior. *Condor* 75:446-456.
- Northern States Bald Eagle Recovery Team. 1983. Northern States Bald Eagle Recovery Plan. U.S. Fish and Wildlife Service. 75pp.
- Olendorff, R. R., and W.D. Zeedyk. 1978. Land management for the conservation of endangered birds. Pages 419-428 in S.A. Temple, ed. *Endangered birds*. University of Wisconsin Press, Madison, Wisconsin.
- Poole, A.F., R.O. Bierregaard, and M.S. Martell. 2002. Osprey (*Pandion haliaetus*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/683>
- Preston, C.R., and R.D. Beane. 1993. Red-tailed Hawk (*Buteo jamaicensis*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/052>

- Reynolds, R., R.T. Graham, H.M. Reiser. 1992. Management recommendations for the northern goshawk in the southwestern United States. Gen. Tech. Rep. RM-217. Fort Collins, CO. U.S. Dept of Agri., Forest Service, Rocky Mountain Forest and Range Experiment Station. 90pp.
- Richardson, C.T. and C.K. Miller. 1997. Recommendations for protecting raptors from human disturbance: a review. Wildl. Soc. Bull. 25(3):634-638.
- Rocky Mountain/Southwest Peregrine Falcon Recovery Team. 1984. American peregrine falcon Rocky Mountain/Southwest population recovery plan. U.S. Fish and Wildlife Serv. 105pp.
- Squires, J.R., S.H. Anderson, and R. Oakleaf. 1993. Home range size and habitat-use patterns of nesting prairie falcons near oil developments in northeastern Wyoming. J. Field Ornithol. 64:1-10.
- Steenhof, Karen. 1998. Prairie Falcon (*Falco mexicanus*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/346>
- Squires, J.R., and R.T. Reynolds. 1997. Northern Goshawk (*Accipiter gentilis*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/298>
- Suter, G.W. and J.L. Jones. 1981. Criteria for Golden Eagle, Ferruginous Hawk, and Prairie Falcon nest site protection. J. Raptor Res. 15(1):12-18.
- Swenson, J.E. 1979. Factors affecting status and reproduction of ospreys in Yellowstone National Park. J. Wildl. Manage. 43:595-601.
- Thomsen, L. 1971. Behavior and ecology of burrowing owls on the Oakland Municipal Airport. Condor 73:177-192.
- U.S. Fish and Wildlife Service. 2007. National Bald Eagle Management Guidelines. <http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>
- White, C.M., N.J. Clum, T.J. Cade, and W.G. Hunt. 2002. Peregrine Falcon (*Falco peregrinus*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/660>

Revised 02/2008



COLORADO

Parks and Wildlife

Department of Natural Resources

Northeast Region
6060 Broadway
Denver, CO 80216
(303) 291-7227

September 28, 2016

Chris LaRue
Department of Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601-8216

RE: REVISED Boardwalk Pipeline Project RCU2016-00016

Dear Mr. LaRue:

Colorado Parks and Wildlife has reviewed this revised application. We have also been working with the project proponents to address CPW concerns and recommendations identified in our original letter. This letter is meant to update Adams County on the work that has been done and agreements that have been made and is not a replacement to the original letter.

Nesting Raptors:

Colorado Parks and Wildlife (CPW) still recommends a nesting bird survey to locate all raptor nests, both active and inactive, along the project area. Eric Berg with LWR Consultants contacted CPW and told us the proposed pipeline alignment would be within the recommended ½ mile buffer of a Bald eagle nest at Barr Lake State Park. CPW assessed the pipeline alignment and District Wildlife Managers, CPW biologists, and US Fish and Wildlife Service concur that construction is allowed, but should be completed by January 1, 2017 to avoid disturbance during the nesting season.

Whitehorse State Wildlife Area and Conservation Easements:

CPW staff conducted the internal review that was mentioned in the original letter to determine if pipeline construction is allowed on the properties and if the project affects other easements. CPW identified all easements and found that construction of the pipeline was not restricted by the easements. Letters were written and mailed to landowners on the easements. Please see the attached letters for details. There is one additional landowner that may be receiving a similar letter as well (Joseph and Rose Wolf parcel 1569280000). Letters were not written for Whitehorse State Wildlife Area. District Wildlife Manager Joe Padia has been working directly with Chris Roberts on this project and has verbally told Mr. Roberts that the pipeline construction is not restricted by the easement on Whitehorse SWA. Mr. Roberts and the landowner on Whitehorse SWA can work on terms of construction through the property and Wildlife Manager Joe Padia will also work directly with Mr. Roberts to minimize impacts to the public hunting activities on Whitehorse.



Thank you for the opportunity to comment on this revised project. If you have questions or concerns please contact District Wildlife Manager Joe Padia at 303-947-1798 or by email at joe.padia@state.co.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Liza Hunholz', with a stylized flourish at the end.

Liza Hunholz
Area Wildlife Manager

cc: Leslie, Kroening, Seubert, Padia

COLORADO GEOLOGICAL SURVEY

□□□□ □□th Street
 □olden, Colorado □□□□



□aren Berry
 State □eologist

July 22, 2016

Chris LaRue
 Adams County
 Planning and Development Department
 4430 S. Adams County Parkway, Suite W2000A
 Brighton, CO 80601-8216

Pipeline Starting Location:

SE¼ Section 24,
 T1S, R67W of the 6th PM
 39.9436°, -104.8363°

Subject: Boardwalk Pipeline – Conditional Use Permit Application
Case No. RCU2016-00016, Adams County, CO; CGS Unique No. AD-16-0023

Dear Chris:

The Colorado Geological Survey has reviewed the Boardwalk Pipeline conditional use permit application referral. I understand the applicant proposes a natural gas, crude oil, and produced liquids gathering system and Central Delivery Point (CDP) facility. The preferred pipeline alignment is approximately 29.4 miles (18 miles in Adams County), and the project will involve a disturbance area of approximately 174.5 acres. With this referral, we received a Request for Comments (June 28, 2016), a zoning and location map, and pages 6-10 and 19-22 of Boardwalk Pipeline Project Application for Conditional Use Permit (Zion Engineering, LLC, June 2016).

The proposed CDP facility is located within a mapped 100-year flood zone (FEMA Panel 08001C0329H, effective March 5, 2007). The proposed CDP facility and pipeline alignment are not undermined, and are not exposed to any geologic hazards that would preclude the proposed construction. **Provided a geotechnical investigation is conducted to characterize subsurface engineering properties for use in design, and the CDP facility and pipeline are constructed and maintained to prevent erosion and environmental contamination, CGS has no objection to approval of the conditional use permit as proposed.**

Thank you for the opportunity to review and comment on this project. If you have questions or need additional review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

Jill Carlson, C.E.G.
 Engineering Geologist

COLORADO GEOLOGICAL SURVEY

□□□□ □□th Street
 □olden, Colorado □□□□



□aren Berry
 State □eologist

October 14, 2016

Chris LaRue
 Adams County
 Planning and Development Department
 4430 S. Adams County Parkway, Suite W2000A
 Brighton, CO 80601-8216

Pipeline Starting Location:

SE¼ Section 24,
 T1S, R67W of the 6th PM
 39.9436°, -104.8363°

**Subject: Boardwalk Pipeline – Conditional Use Permit Application – Additional parcels and geotech
 Case No. RCU2016-00016, Adams County, CO; CGS Unique No. AD-16-0023 2**

Dear Chris:

The Colorado Geological Survey has reviewed the Boardwalk Pipeline conditional use permit application resubmittal and Applicant Response to Referral Comments (Zion Engineering, September 9, 2016). Several additional parcels have been included in the project, and additional geotechnical information was made available as part of the referral documents.

Terracon's Geotechnical Exploration Services Letter, Proposed Canal Crossings, Lochbuie (May 16, 2016) provides a valid description of subsurface conditions at railroad and canal crossings. Terracon's Geotechnical Engineering Report, Boardwalk Pipeline Facilities, Various Locations, Lochbuie (July 8, 2016) characterizes subsurface conditions and makes valid design recommendations for structures, storage tanks, roads, etc. at the proposed Plant, CDP, and Terminal facilities.

CGS's July 22, 2016 review comments have been satisfactorily addressed.

Thank you for the opportunity to review and comment on this project. If you have questions or need additional review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

Jill Carlson, C.E.G.
 Engineering Geologist

From: [Hammett, Alisha - DIA](#)
To: [Chris LaRue](#)
Cc: [Reed, Tom - DIA](#); [Howes, Brandon - DIA](#); [Hilaire, Jeannette - DIA](#); [Poole, William - DIA](#); [Overn, Debra - DIA](#); [Tenenbaum, Irina - DIA](#)
Subject: Request for Comments: RCU2016-00016 Boardwalk Pipeline
Date: Friday, July 22, 2016 3:05:15 PM
Attachments: [image001.png](#)

Mr. LaRue,

The Denver International Airport (DIA) Planning Office has received the Adams County Planning Commission's Request for Comments, dated June 28, 2016 regarding the Conditional Use Permit to construct a new natural gas, crude oil and produced liquids gathering system and Central Delivery Point (CDP) facility. Case Name: Boardwalk Pipeline Project. Case Number: RCU2016-00016

We offer the following comments:

1. A portion of the proposed pipeline (approximately 7,500 feet) will be located on Airport property found along the north side of 120th Avenue in Adams County. As such, the Proponent will need a License Agreement with DEN for the use of airport property prior to start of construction.
2. The proposed pipeline(s) will not conflict with any existing or future airport development.
3. The proposed pipeline will be located approximately 6,885 ft. north of the north end of existing Runway 16R and approximately 5,957 ft. north of the north end of Runway 16L at DEN. The location falls within the CFR Title 14 Part 77 surfaces associated with DEN.
4. Because portions of the pipeline will be constructed on airport property we are required to submit a FAA Form 7460-1 *Notice of Proposed Construction or Alteration* on the proponents behalf. Review of this notice may take 60-90 days by the FAA. Without FAA approval, construction may not begin on airport property.

Thank you for the opportunity to comment on this proposal. Should you or the proponent have any questions regarding our comments, please contact the DEN Planning Office.



ALISHA KWON HAMMETT
ASSOCIATE PLANNER

Denver International Airport
Airport Infrastructure Management- Planning
Airport Office Building | 7th Floor
8500 Peña Boulevard | Denver, CO 80249-6340
(303) 342-2601 | (720) 296-5187

ALISHA.HAMMETT@FLYDENVER.COM | WWW.FLYDENVER.COM

[Click here](#) to visit DEN on social media

From: [Kerrie Monti](#)
To: [Chris LaRue](#)
Subject: Re: FW: RCU2016-00016 Boardwalk Pipeline request for comments
Date: Thursday, July 21, 2016 4:37:19 PM

Hello Chris,

The District has no objection to this case. Thanks, as always, for asking!

[Kerrie Monti | Planning](#)

School District 27J | 18551 E 160th Avenue | Brighton, CO 80601
303-655-2984 | Fax 303-655-2805

kmonti@sd27j.net | www.sd27j.org

Please note new email address.

On Tue, Jun 28, 2016 at 9:25 AM, Chris LaRue <CLaRue@adcogov.org> wrote:

Please note there is a lot of information related to this project. The attachment only has a general overview. Please follow the link to current cases for the full text and maps for this case.

The Adams County Planning Commission and Board of County Commissioners are requesting comments on the following request:

Requesting a Conditional Use Permit to construct a new natural gas, crude oil and produced liquids gathering system and Central Delivery Point (CDP) facility.

This request is located at Multiple Parcels (See Map and application).

Please forward any written comments on this application to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 (720) 523-6800 by **07/22/2016** in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to CLaRue@adcogov.org.

The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

From: [Tanner Dahlman](#)
To: [Chris LaRue](#)
Subject: Request for Comments: Boardwalk Pipeline Project #RCU-2016-00016
Date: Friday, October 07, 2016 11:38:37 AM
Attachments: [image.png](#)

Chris,

This is to notify Adams County that at this time School District 27J does not have any objections regarding the above case names and numbers.

Please let me know if you have any further questions.

Thank you and have a wonderful weekend.

Tanner Dahlman
Executive Secretary/Operations & Planning
School District 27J
tdahlman@sd27j.net 303-655-2827





July 1, 2014

Chris LaRue
 Adams County
 Community & Economic Development Department
 1000 S Adams County Pkwy, Suite W1000
 Brighton, CO 80601

Re: Boardwalk Pipeline
 Case No. 14-0000

Dear Mr. LaRue:

Thank you for the opportunity to review and comment on the Conditional Use Permit to construct a new natural gas, crude oil and produced liquids gathering system and Central Delivery Point (CDP) facility. Tri-County Health Department staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, CHD has the following comments.

On-Site Wastewater Treatment Systems

Houses and other buildings equipped with plumbing facilities on properties located along the preferred and alternate pipeline routes are serviced by On-site Wastewater Treatment Systems (OWTS). Our review of the pipeline routes indicates that sections of the pipeline routes may encroach on OWTS on some properties. CHD recommends that the applicant review the locations of the pipeline routes to determine if they may encroach on OWTS. If it appears that encroachment will occur, it may be necessary to revise the pipeline location or relocate the OWTS. CHD can provide specific permit information and system diagrams on OWTS for the affected properties.

Groundwater Quality Protection

A scan of the area proposed for the pipeline routes indicates that there may be water wells on the properties where the pipeline is located. Heavy equipment may inadvertently drive over wells during construction, causing damage that may expose the water in the wells to contamination. Where wells are within or close to pipeline routes, we recommend the applicant protect the wells by identifying the areas around wells so that they are visible to vehicle operators/construction crews. This can be accomplished by delineating the area around each well with stakes, colored tape or orange plastic netting.

If the pipeline routes cross over streams and/or wetlands, alluvial groundwater flow could be impacted if trenching intersects the shallow groundwater. If trench dewatering is necessary, the water will be pumped and discharged to alluvial/colluvial sediments close to the stream channel. If discharge of groundwater is necessary during construction, a discharge permit from the Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division will be necessary.

Protection of Above-Ground Valves

Above-ground valves may be damaged or vandalized once they are installed and placed into use. On page 10 of the application, it is indicated that there will be two valve sites in Adams

Boardwalk Pipeline

July 1, 2014

Page 1 of 1

County. The application also states that the valves will be enclosed in chain link fences for security. C-1 commends the applicant for identifying and ensuring the valve sites are secure.

Sanitary and Solid Waste Disposal

The application does not specify how sanitary and solid waste will be provided during the construction for construction workers. We anticipate that trash dumpsters and portable toilets will be necessary during construction. C-1 has no objection to the use of portable toilets, provided they are properly maintained. C-1 recommends that the applicant address these, in terms of numbers, locations, and vendor.

Please feel free to contact me at [redacted] or lbroten@tchd.org if you have any questions regarding C-1's comments.

Sincerely,



Laurel Broten, MP
Land Use and Built Environment Specialist
TriCounty Health Department

CC: Sheila Lynch, Monte Beatrich, C-1

From: [Marisa Dale](#)
To: [Chris LaRue](#)
Subject: RE: RCU2016-00016 Boardwalk Pipeline request for comments
Date: Friday, July 08, 2016 8:47:51 AM

Chris,

Thank you for allowing United Power, Inc. to review and comment on the Boardwalk Pipeline RCU 2016-00016 referral.

United Power, Inc. has no objection as long as our electric facilities are not affected in a negative manner.

Developer must contact [Catherine Bailey](#) at [United Power, Inc.](#) 303-637-1360 for any modification/installation of new electric service. Additional easements may need to be acquired by separate document.

Thank you,
Marisa

Marisa Dale, RWA| Engineering & Rates ROW | [United Power, Inc.](#) | 500 Cooperative Way, Brighton, CO 80603
mdale@unitedpower.com | office 303.637.1387 | mobile 720.334.5282
7:00am-5:30pm, off on Wednesdays



From: Chris LaRue [mailto:CLaRue@adcogov.org]
Sent: Tuesday, June 28, 2016 9:26 AM
To: 'Andrew Todd CDPHE - Solid Waste Unit'; 'Bob Olivier West Adams Soil Conservation'; 'Bradley Sheehan'; 'Chris Quinn RTD'; 'Craig Simmonds Metro Wastewater Reclamation'; 'David Mallory - Urban Drainage and Flood Control'; 'Donna George Xcel Energy'; 'George Lombardi West Adams Soil Conservation'; 'James Dileo CDPHE - Air Quality'; 'Jill Carlson Colorado Geological Survey'; 'Land Use Tri-County Health'; 'Michael Weakley Tri-County Health'; 'Prather, Holly'; 'Monte Deatrich Tri-County Health'; 'Patrick J. Pfaltzgraff CDPHE - Water Quality Protection'; 'Sheryl Wailes East Adams Soil Conservation'; 'Steven Loeffler'; 'Suzanne Sellers Colorado Division of Water Resources'; 'Warren Brown Tri-County Health'; 'West Adams Soil Conservation District'; 'Bill Poole'; 'Tom Reed'; 'christensen.stanley@epa.gov'; 'kmonti@sd27j.org'; 'tparko@co.weld.co.us'; 'wmeans@brightonfire.org'; 'Steve Voehringer'; 'brandyn.wiedrich@centurylink.com'; 'linda.bruce@faa.gov'; 'rkerns@c3gov.com'; 'carol.brown@ci.denver.co.us'; 'eburke@brightonco.gov'; 'thomas_lowe@cable.comcast.com'; 'barr.lake@state.co.us'; 'jemashek@up.com'; 'Patrick J. Pfaltzgraff CDPHE - Water Quality Protection'; 'Jill Carlson Colorado Geological Survey'; 'joe.padia@state.co.us'; 'eliza.hunholz@state.co.us'; 'Steven Loeffler'; 'caschow@up.com'; Marisa Dale; Monica Hansen
Subject: FW: RCU2016-00016 Boardwalk Pipeline request for comments

Please note there is a lot of information related to this project. The attachment only has a general overview. Please follow the link to current cases for the full text and maps for this case.

From: [Marisa Dale](#)
To: [Chris LaRue](#)
Subject: RE: RCU2016-00016 Boardwalk Pipeline revised request for comments
Date: Tuesday, September 27, 2016 2:15:10 PM

Chris,

United Power, Inc. owns and maintains Overhead and Underground electric utility facilities in much of this area.

We have no objection to the conditional use permit.

Thank you,
Marisa

From: Chris LaRue [mailto:CLaRue@adcogov.org]
Sent: Thursday, September 22, 2016 7:31 PM
To: Chris LaRue; 'Andrew Todd CDPHE - Solid Waste Unit'; 'Bob Olivier West Adams Soil Conservation'; 'Bradley Sheehan'; 'Chris Quinn RTD'; 'Craig Simmonds Metro Wastewater Reclamation'; 'David Mallory - Urban Drainage and Flood Control'; 'Donna George Xcel Energy'; 'George Lombardi West Adams Soil Conservation'; 'James Dileo CDPHE - Air Quality'; 'Jill Carlson Colorado Geological Survey'; 'Land Use Tri-County Health'; 'Michael Weakley Tri-County Health'; 'Prather, Holly'; 'Monte Deatrich Tri-County Health'; 'Patrick J. Pfaltzgraff CDPHE - Water Quality Protection'; 'Sheryl Wailes East Adams Soil Conservation'; 'Steven Loeffler'; 'Suzanne Sellers Colorado Division of Water Resources'; 'Warren Brown Tri-County Health'; 'West Adams Soil Conservation District'; 'Bill Poole'; 'Tom Reed'; 'christensen.stanley@epa.gov'; 'kmonti@sd27j.org'; 'tparko@co.weld.co.us'; 'wmeans@brightonfire.org'; 'Steve Voehringer'; 'brandyn.wiedrich@centurylink.com'; 'linda.bruce@faa.gov'; 'rkerns@c3gov.com'; 'carol.brown@ci.denver.co.us'; 'eburke@brightonco.gov'; 'thomas_lowe@cable.comcast.com'; 'barr.lake@state.co.us'; 'jemashek@up.com'; 'Patrick J. Pfaltzgraff CDPHE - Water Quality Protection'; 'Jill Carlson Colorado Geological Survey'; 'joe.padia@state.co.us'; 'eliza.hunholz@state.co.us'; 'Steven Loeffler'; 'caschow@up.com'; Marisa Dale; Monica Hansen
Subject: RE: RCU2016-00016 Boardwalk Pipeline revised request for comments

To all:

Please see the attached revised request for comments regarding Case # RCU2016-00016. Please note the case will be added to our website very soon.

Thank you,

Christopher C. LaRue

Senior Planner, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, W2000A

Brighton, CO 80601

o: 720.523.6858 | clarue@adcogov.org

www.adcogov.org

From: Chris LaRue

Sent: Tuesday, June 28, 2016 9:26 AM

To: 'Andrew Todd CDPHE - Solid Waste Unit'; 'Bob Olivier West Adams Soil Conservation'; 'Bradley Sheehan'; 'Chris Quinn RTD'; 'Craig Simmonds Metro Wastewater Reclamation'; 'David Mallory - Urban Drainage and Flood Control'; 'Donna George Xcel Energy'; 'George Lombardi West Adams Soil Conservation'; 'James Dileo CDPHE - Air Quality'; 'Jill Carlson Colorado Geological Survey'; 'Land Use Tri-County Health'; 'Michael Weakley Tri-County Health'; 'Prather, Holly'; 'Monte Deatrich Tri-County Health'; 'Patrick J. Pfaltzgraff CDPHE - Water Quality Protection'; 'Sheryl Wailes East Adams Soil Conservation'; 'Steven Loeffler'; 'Suzanne Sellers Colorado Division of Water Resources'; 'Warren Brown Tri-County Health'; 'West Adams Soil Conservation District'; 'Bill Poole'; 'Tom Reed'; 'christensen.stanley@epa.gov'; 'kmonti@sd27j.org'; 'tparko@co.weld.co.us'; 'wmeans@brightonfire.org'; 'Steve Voehringer'; 'brandyn.wiedrich@centurylink.com'; 'linda.bruce@faa.gov'; 'rkerns@c3gov.com'; 'carol.brown@ci.denver.co.us'; 'eburke@brightonco.gov'; 'thomas_lowe@cable.comcast.com'; 'barr.lake@state.co.us'; 'jemashek@up.com'; 'Patrick J. Pfaltzgraff CDPHE - Water Quality Protection'; 'Jill Carlson Colorado Geological Survey'; 'joe.padia@state.co.us'; 'eliza.hunholz@state.co.us'; 'Steven Loeffler'; 'caschow@up.com'; 'mdale@UnitedPower.com'; 'mhansen@unitedpower.com'

Subject: FW: RCU2016-00016 Boardwalk Pipeline request for comments

Please note there is a lot of information related to this project. The attachment only has a general overview. Please follow the link to current cases for the full text and maps for this case.

The Adams County Planning Commission and Board of County Commissioners are requesting comments on the following request:

Requesting a Conditional Use Permit to construct a new natural gas, crude oil and produced liquids gathering system and Central Delivery Point (CDP) facility.

This request is located at Multiple Parcels (See Map and application).

Please forward any written comments on this application to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 (720) 523-6800 by **07/22/2016** in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to CLaRue@adcogov.org.

The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thanks,

Christopher C. LaRue

Senior Planner, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, W2000A

Brighton, CO 80601

o: 720.523.6858 | clarue@adcogov.org

www.adcogov.org

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Right of Way & Permits

1000 West 1st Avenue
Denver, Colorado 80202
Telephone 303.571.3306
Facsimile 303.571.3306
donna.l.george@xcelenergy.com

July 11, 2016

Adams County Community and Economic Development Department
1000 South Adams County Parkway, 1st Floor, Suite W1000
Brighton, CO 80601

Attn: Chris LaRue

Re: Boardwalk Pipeline Project, Case # RCU2016-00016

Public Service Company of Colorado's PSCo Right of Way and Permits Referral Desk has determined **there are conflicts** with the above captioned project. Public Service Company has existing electric transmission lines and existing high pressure natural gas transmission pipelines and associated land rights in various areas throughout the proposed pipeline project. **Any activity** including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way **will require Public Service Company approval**. Encroachments across Public Service Company's easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a Public Service Company License Agreement to be executed with the property owner. **PSCo is requesting that, prior to any final approval of the development plan, it is the responsibility of the property owner/developer/contractor to contact a land rights agent for development plan review and execution of a License Agreement.**

- **Mike Diehl, Siting and Land Rights Manager at 303-571-7260** with regards to electric transmission facilities
- **Cheryl Diedrich, Senior Right-of-Way Agent at 303-571-3116** with regards to natural gas transmission facilities

Plan and profile drawings may be required.

PSCo also has existing natural gas distribution facilities throughout the pipeline project. **Should there be grading changes, PSCo Gas Engineering approval is required.** The contractor must call the **Utility Notification Center** at 1-800-922-1987 to have all utilities located prior to any construction. utmost care must be exercised around exposed facilities to help avoid extreme hazards. Use caution when excavating within 12 inches of each side of the marked facilities. Please be aware that all risk and responsibility for this request are unilaterally that of the Requestor/Applicant.

As a safety precaution, PSCo would like to remind the developer to call the **Utility Notification Center at 1-800-922-1987** to have all utilities located prior to any construction.

Should you have any questions with this referral response, please contact me at 303.571.3306.

Donna George
Contract Right of Way Referral Processor
Public Service Company of Colorado

From: Marsha.Hofer@faa.gov
To: [Chris LaRue](mailto:Chris.LaRue@faa.gov)
Subject: FW: RCU2016-00016 Boardwalk Pipeline revised request for comments
Date: Friday, September 30, 2016 7:44:44 AM
Attachments: [revised request for comments.pdf](#)

The Federal Aviation Administration (FAA) reviews planning and construction proposals through the submittal of FAA Form 7460-1, Notice of Proposed Construction or Alteration. If any portion of the proposal is located within 20,000 feet of a public use runway (and breaks a 100:1 plane coming off the nearest point of the nearest runway); or, is more than 200 feet above ground level at any location, the FAA requires the project's proponent to file a Form 7460-1. If the proposal does not meet any of the criteria above, it may still be necessary to file a Form 7460-1 if the structure requires an FCC license or there is a potential for navigational equipment interference. The FAA uses information provided on this form to conduct an airspace analysis to determine if the proposal will pose an aeronautical hazard and to minimize the adverse effects to aviation. FAA Form 7460-1 can be filed electronically at www.oaaaa.faa.gov. Please use the notice criteria tool on this website to determine whether or not the proponent is required to file.

Marsha Hofer
Program Specialist
Denver Airports District Office

From: Bruce, Linda (FAA)
Sent: Friday, September 23, 2016 2:28 PM
To: Hofer, Marsha (FAA)
Subject: FW: RCU2016-00016 Boardwalk Pipeline revised request for comments

See message below.

Linda Bruce
Colorado State Planner
Federal Aviation Administration
Denver Airports District Office
(303) 342-1264

From: Chris LaRue [<mailto:CLaRue@adcogov.org>]
Sent: Thursday, September 22, 2016 7:31 PM
To: Chris LaRue; 'Andrew Todd CDPHE - Solid Waste Unit'; 'Bob Olivier West Adams Soil Conservation'; 'Bradley Sheehan'; 'Chris Quinn RTD'; 'Craig Simmonds Metro Wastewater Reclamation'; 'David Mallory - Urban Drainage and Flood Control'; 'Donna George Xcel Energy'; 'George Lombardi West Adams Soil Conservation'; 'James Dileo CDPHE - Air Quality'; 'Jill Carlson Colorado Geological Survey'; 'Land Use Tri-County Health'; 'Michael Weakley Tri-County Health'; 'Prather, Holly'; 'Monte Deatrich Tri-County Health'; 'Patrick J. Pfaltzgraff CDPHE - Water Quality Protection'; 'Sheryl Wailes East Adams Soil Conservation'; 'Steven Loeffler'; 'Suzanne Sellers Colorado Division of Water Resources'; 'Warren Brown Tri-County Health'; 'West Adams Soil Conservation District'; 'Bill Poole'; 'Tom Reed'; 'christensen.stanley@epa.gov'; 'kmonti@sd27j.org'; 'tparko@co.weld.co.us'; 'wmeans@brightonfire.org'; 'Steve Voehringer'; 'brandywiedrich@centurylink.com'; Bruce, Linda (FAA); 'rkerns@c3gov.com'; 'carol.brown@ci.denver.co.us'; 'eburke@brightonco.gov'; 'thomas_lowe@cable.comcast.com'; 'barr.lake@state.co.us'; 'jemashek@up.com'; 'Patrick J. Pfaltzgraff CDPHE - Water Quality Protection'; 'Jill Carlson Colorado Geological Survey'; 'joe.padia@state.co.us'; 'eliza.hunholz@state.co.us'; 'Steven Loeffler'; 'caschow@up.com'; 'mdale@UnitedPower.com'; 'mhansen@unitedpower.com'
Subject: RE: RCU2016-00016 Boardwalk Pipeline revised request for comments

To all:

From: [Chris LaRue](#)
To: "Brett Fletcher"
Subject: RE: Request for comments Boardwalk Pipeline Project
Date: Monday, July 18, 2016 8:24:00 AM

Sir:

Please utilize the following Google drive link to access the case materials submitted by the applicant:

https://drive.google.com/folderview?id=0B29MCLRumT_xY25mVmExUI9WZ28&usp=sharing

The case is still under review. We look forward to receiving further comments from you.

Thank you,
Chris LaRue

Christopher C. LaRue

Senior Planner, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, W2000A

Brighton, CO 80601

o: 720.523.6858 | clarue@adcogov.org

www.adcogov.org

From: Brett Fletcher [mailto:bff.wetlands@gmail.com]
Sent: Friday, July 15, 2016 8:37 PM
To: Chris LaRue
Subject: Request for comments Boardwalk Pipeline Project

Reference: case number RCU2016-00016

I received a request for comments (RFC) letter dated June 28, 2016, comments for this project are due by July 22, 2016. I have tried to access additional information on the project repeatedly, via the website given in the RFC letter; however, the full text of the proposed request and the additional colored maps referenced in the RFC letter are not on the website. In fact the project is not even listed. Is this project still proposed? Since I own and live on a parcel adjacent to a portion of the proposed work area I have specific concerns on the increased heavy traffic on 136 Ave., which is already in poor condition. I also have some environmental concerns on other portions of the pipeline alignment and construction timing, specifically pertaining to Bald Eagle and other raptor and migratory bird nesting areas.

In order to make accurate and lucid comments, I am request all available and reviewable information.

Thank you,
Brett Fletcher
13550 Granby Street

From: [Jim Hoeffner](#)
To: [Chris LaRue](#)
Subject: Pipe-Line
Date: Thursday, July 21, 2016 4:03:25 PM

Commissioners,

My name is Jim Hoeffner and I reside at 11981 Orleans Circle, just behind part of the proposed route of the line. We already have a fairly large oil operation operating just north of 120th ave. along Piccadilly road. I am always concerned and uncomfortable when new pipeline or any underground activity is proposed. All of our water resources come from our own wells. I am opposed to this and would prefer an alternate route. Thanks for taking the time to read this.

Jim Hoeffner

From: jatnurse@comcast.net
To: [Chris LaRue](#)
Subject: Boardwalk Pipeline Project Case Number: RCU2016-00016
Date: Tuesday, October 11, 2016 7:42:56 AM

Hello Mr. LaRue,

My name is James Allen, Allen James Revocable Trust The. I am the owner of the property located at 20211 E 120th Ave., Commerce City, CO 80022.

My property affects the Boardwalk Pipeline Project, Case Number RCU2016-00016.

I have no objections to the Pipeline. I am requesting if you can keep me informed when changes/ and or updates occur. I would like to know when the Planning Commission and County Commissioners will vote and hear the case. I would like to be present so can you either call me at 303-287-7762 or email me at this email and give me those dates and any updates on the property? Thank you.

Respectfully,

James Allen

CERTIFICATE OF POSTING



I, Christopher C. La Rue do hereby certify that I had the property posted at

Multiple Parcels with unincorporated Adams County

on November 23, 2016

in accordance with the requirements of the Adams County Zoning Regulations

Christopher C. La Rue

Christopher C. La Rue

Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Public Hearing Notification

Case Name:	Boardwalk Pipeline Project
Case Number:	RCU2016-00016
Planning Commission Hearing Date:	12/08/2016 at 6:00 p.m.
Board of County Commissioners Hearing Date:	12/13/2016 at 9:30 a.m.

November 4, 2016

A public hearing has been set by the Adams County Planning Commission and the Board of County Commissioners to consider the following request:

Requesting a Conditional Use Permit to construct a new natural gas, crude oil and produced liquids gathering system and Central Delivery Point (CDP) facility.

The proposed use will be: Oil and gas pipeline and associated infrastructure

This request is located at: Multiple parcels thought Adams County

The Assessor's Parcel Number(s): 0156700000051, 0156700000062, 0156700000063,
0156700000066, 0156700000093, 0156700000240, 0156700000242, 0156700000249,
0156700000250, 0156700000326, 0156700000344, 0156700000345, 0156705100001,
0156705400001, 0156708100002, 0156708100003, 0156708100004, 0156708400001,
0156716200001, 0156716200003, 0156716200004, 0156721100001, 0156728100001,
0156728200001, 0156731300001, 0156732100001, 0156900000077, 0156919000002,
0156919000005, 0156919000015, 0156920000017, 0156928000016, 0156929000006,
0156929100001, 0156932100004, 0156933000007, 0156933005001, 0156933100001,
0156933200002, 0156933300003, 0156934100005, 0156934200001, 0156935300001,
0156935300002, 0156935300005, 0156935400001, 0156935400003, 0156935400004,
0157124000017, 0157124000040, 0157124000041, 0172500000129, 157124000017

Applicant Information: CORY G. JORDAN
7859 WALNUT HILL LANE STE 335
DALLAS, CO 75230

The hearing will be held in the Adams County Hearing Room located at 4430 South Adams County Parkway, Brighton CO 80601-8216. This will be a public hearing and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. If you require any special accommodations (e.g., wheelchair

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Erik Hansen
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Jan Pawlowski
DISTRICT 5

accessibility, an interpreter for the hearing impaired, etc.) please contact the Adams County Community and Economic Development Department at (720) 523-6800 (or if this is a long distance call, please use the County's toll free telephone number at 1-800-824-7842) prior to the meeting date.

For further information regarding this case, please contact the Department of Community and Economic Development, 4430 S Adams County Parkway, Brighton, CO 80601, 720-523-6800. This is also the location where maps and/or text certified by the Planning Commission may be viewed. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

A handwritten signature in black ink that reads "Christopher C. LaRue". The signature is written in a cursive style with a large initial 'C'.

Christopher C. LaRue
Senior Planner

Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Revised Request for Comments

Case Name:	Boardwalk Pipeline Project
Case Number:	RCU2016-00016

September 22, 2016

The Adams County Planning Commission and Board of County Commissioners are requesting comments on the following request:

Requesting a Conditional Use Permit to construct a new natural gas, crude oil and produced liquids gathering system and Central Delivery Point (CDP) facility.

This request is located at: Multiple parcels with Adams County

The Assessor's Parcel Numbers are (please note highlighted/bold parcels are new):

0156700000051, 0156700000062, 0156700000063, 0156700000066, 0156700000093,
0156700000240, 0156700000242, 0156700000249, 0156700000250, 0156700000326,
0156700000344, 0156700000345, 0156705100001, 0156705400001, 0156708100002,
0156708100003, 0156708100004, 0156708400001, 0156716200001, 0156716200003,
0156716200004, 0156721100001, 0156728100001, 0156728200001, 0156731300001,
0156732100001, 0156900000077, 0156919000002, 0156919000005, 0156919000015,
0156920000017, **0156928000016**, 0156929000006, 0156929100001, 0156932100004,
0156933000007, **0156933005001**, 0156933100001, 0156933200002, 0156933300003,
0156934100005, 0156934200001, 0156935300001, 0156935300002, 0156935300005,
0156935400001, 0156935400003, 0156935400004, 0157124000017, 0157124000040,
0157124000041, 0172500000129, 157124000017

Applicant Information: CORY G. JORDAN
7859 WALNUT HILL LANE STE 335
DALLAS, CO 75230

Please forward any written comments on this application to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 (720) 523-6800 by **10/14/2016** in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to CLaRue@adcogov.org. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

BOARD OF COUNTY COMMISSIONERS

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DISTRICT 2

Erik Hansen
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Jan Pawlowski
DISTRICT 5

Thank you for your review of this case.

A handwritten signature in black ink that reads "Christopher C. LaRue". The signature is written in a cursive style with a large initial 'C' and a long, sweeping tail on the 'e'.

Christopher C. LaRue

Senior Planner

Exhibit 5.4

2025 INVESTMENTS LLC
730 W 62ND AVE
DENVER CO 80216-1020

BERRY STEVEN A AND
BERRY SHARON A
26575 E 160TH AVE
BRIGHTON CO 80603

ACKARD NORTH LTD
11503 ROYAL SILVER DR
HOUSTON TX 77082

BESSER MIANNE L AND
BESSER BROOKE
14640 E 136TH AVE
BRIGHTON CO 80601-6948

ADAMS COUNTY
4430 SOUTH ADAMS COUNTY PKWY
BRIGHTON CO 80601-8204

BORDEN KENNETH W AND
BORDEN TAMARA L
13532 KENNEDY AVE
BRIGHTON CO 80601

ALIRES BENJAMIN T JR AND
ALIRES ANNALEE L
13560 GRANBY ST
BRIGHTON CO 80601-6959

BRIGHTON LAKES LLC
200 W HAMPDEN AVE STE 201
ENGLEWOOD CO 80110-2407

ALLEN JAMES REVOCABLE TRUST THE
6060 PONTIAC ST
COMMERCE CITY CO 80022-4136

BROBST CARL D AND
BROBST ANN
21504 ORLEANS CIR
COMMERCE CITY CO 80022-9623

ALLGEIER ROGER AND
ALLGEIER VERNA
27000 E 168TH AVENUE
BRIGHTON CO 80603

BROMLEY WINIFRED LEE
12801 BRIGHTON RD
BRIGHTON CO 80603

ANDERSON THOMAS D LIVING TRUST 1/2 INT
ANDERSON PATRICIA A LIVING TRUST 1/2
15250 E 132ND AVE
BRIGHTON CO 80601-6936

BUCKLEY ROAD LLC
C/O MILDRED P JONES
PO BOX 681
KREMMLING CO 80459-0681

AVERCH DOUGLAS AND
AVERCH JULIE
13963 POWHATON ROAD
BRIGHTON CO 80603

CHAPP KENNETH G
25875 E 160TH AVE
BRIGHTON CO 80603-8430

AVERCH DOUGLAS S AND
AVERCH JULIE BETH
13963 POWHATON ROAD
BRIGHTON CO 80603

CHAVEZ LUIS CARLOS
14950 POWHATON RD
BRIGHTON CO 80603-8310

BARNES KEVIN A AND CHRISTINE M
14810 E 136TH AVE
BRIGHTON CO 80601

CITY AND COUNTY OF DENVER
C/O MANAGER OF AVIATION
8500 PENA BLVD
DENVER CO 80249-6340

CITY OF BRIGHTON
500 S 4TH AVE
BRIGHTON CO 80601-3165

CUTLER DAN V ET AL
12635 BUCKLEY ROAD
BRIGHTON CO 80601

CLARK GARY MICHAEL AND
CLARK SUZANNE E
21584 E ORLEANS CIR
COMMERCE CITY CO 80022-9623

CUTLER DANIEL V AND DANA
12325 TOWER RD
COMMERCE CITY CO 80022

CLEMENS MARCHETA H
21555 ORLEANS CIR
COMMERCE CITY CO 80022-9623

D SCHLUP LTD
ONE BELLEVIEW DRIVE
GREENWOOD VILLAGE CO 80121

COLORADO SINGH SABHA
20555 E 120TH AVE
COMMERCE CITY CO 80022-9702

DEFRANCO INGRID J AND
BERRYMAN JOHN R
15570 POWHATON ROAD
BRIGHTON CO 80603

COLORADO STATE LAND
5312 W 9TH ST STE 130
GREELEY CO 80634-4438

DENVER INTERNATIONAL TRADE
CENTER LTD
905 W 124TH AVE STE 210
DENVER CO 80234-1716

COMEAU DORSEY A AND
COMEAU MARYCATHERINE
13572 KENNEDY AVE
BRIGHTON CO 80601-6946

DIBC ADAMS COUNTY LLC
C/O L C FULENWIDER INC
1125 17TH ST NO. 2500
DENVER CO 80202-2092

CONDRAY RUSSELL AND
CONDRAY KELLY
21655 ORLEANS CIR
COMMERCE CITY CO 80022-9670

DRESSLER WILLIAM R AND
DRESSLER DONNA L
14789 E 135TH AVE
BRIGHTON CO 80601-6920

COUNTRY BOY ENTERPRISES INC
1 E BELLEVIEW DR
LITTLETON CO 80121

DROZD KENNETH J
13540 SABLE BLVD
BRIGHTON CO 80601-7225

COUNTY OF ADAMS THE
4430 SOUTH ADAMS COUNTY PKWY
BRIGHTON CO 80601-8204

EDMUNDSON LAND LLC
PO BOX 932
BRIGHTON CO 80601-0932

CUTLER DAN V ET AL
12635 BUCKLEY RD
BRIGHTON CO 80603-7065

ENRIQUEZ EDIN AND
ENRIQUEZ MELINA
11921 ORLEANS CIR LCE
COMMERCE CITY CO 80022

FERRELL TIMOTHY R AND
FERRELL CLAUDIA M
13785 POTOMAC ST
BRIGHTON CO 80601-7278

GREEN DAVID WAYNE
12441 TOWER RD
COMMERCE CITY CO 80022-9307

FIKE GERTRUDE L
13022 E 136TH AVE
BRIGHTON CO 80601-7281

GREY MARKE E AND GREY LYNN M
14901 POWHATON RD
BRIGHTON CO 80603-8310

FLETCHER BRETT
13550 GRANBY ST
BRIGHTON CO 80601-6959

GUERECA CRESCENTIO
3905 NAVAJO ST
DENVER CO 80211-2640

FLOYD KIRSTEN L
13561 SABLE BLVD
BRIGHTON CO 80601-7266

GUTIERREZ IGNACIO AND
HERNANDEZ MARTHA C
28580 E 168TH AVE
BRIGHTON CO 80603-6649

FREEDOM HOLDING COMPANY LLC
223 S 16TH AVE
BRIGHTON CO 80601-2313

H F INVESTMENT COMPANY LLC
13022 E 136TH AVE
BRIGHTON CO 80601-7281

FULTON DITCH CO
C/O BRICE STEELE
25 S 4TH AVE
BRIGHTON CO 80601-2029

HOEFFNER JAMES F AND
HOEFFNER GALE L
11981 ORLEANS CIR
COMMERCE CITY CO 80022-9667

FULTON IRRIGATION DITCH CO
13698 E 136TH AVE
BRIGHTON CO 80601

HOGER BRUCE A AND
HOGER SHERYL R
19751 E 118TH AVE
COMMERCE CITY CO 80022-0501

GARAY JOSE GUADALUPE PENA
21100 E 120TH AVE
COMMERCE CITY CO 80022-9839

HOLLAND RODNEY L AND
HOLLAND LINDA M
14709 E 135TH AVE
BRIGHTON CO 80601-6920

GARCIA SHELLY L AND
GARCIA SYLVESTER THOMAS
1998 TELLER ST
LAKEWOOD CO 80214-5320

JACKSON LARRY DEAN AND ROSEMARY
13510 FAIRPLAY ST
BRIGHTON CO 80601-6954

GERKE BYRON A AND
GERKE ELLEN M
12490 BUCKLEY RD
BRIGHTON CO 80603

JARAMILLO JOHN E AND
JARAMILLO LINDA M
15665 POWHATON MILE ROAD
BRIGHTON CO 80603

JL&D INVESTMENTS LLC
796 POPPY DR
BRIGHTON CO 80601-3353

LUCERO JAY E
18611 E 48TH AVE NO. 110
DENVER CO 80249

JOHNSON ZACHARY A AND
JOHNSON RANAE L
20314 E 128TH AVE
COMMERCE CITY CO 80022-9641

LYONS SADIE AND
LYONS JEFFREY D
14740 E 136TH AVE
BRIGHTON CO 80601-6958

KAMPBELL BOE
26333 E 152ND AVE
BRIGHTON CO 80603

MADISON PHILLIP L AND
MADISON KATHLEEN L
15500 POWHATON RD
BRIGHTON CO 80603

KELLEY JEFFREY CHARLES
660 FRONT RANGE ROAD
LITTLETON CO 80120

MERAZ GABRIEL
26300 E 133RD CIRCLE
COMMERCE CITY CO 80022

KENDRICK KENNETH LEE SR AND
KENDRICK LINDA JOYCE
20919 E 120TH AVENUE
COMMERCE CITY CO 80022

MOFFATT ROBERT D AND
MOFFATT KELLI S
21684 ORLEANS CIR
COMMERCE CITY CO 80022-9670

KERR-MCGEE GATHERING LLC
1099 18TH ST STE 1800
DENVER CO 80202-1918

MURATA STEVEN T
14151 POTOMAC ST
BRIGHTON CO 80601-7229

KING MICHAEL W AND
GUNN KEITH A JR
15445 POWHATON RD
BRIGHTON CO 80603-8804

OHLE BARBARA J
15650 POWHATON RD
BRIGHTON CO 80603-8804

KIRKMEYER THOMAS A
14200 POWHATON RD
BRIGHTON CO 80603-8833

PENCIL BARBARA A AND
PENCIL TERRY
15555 POWHATON RD
BRIGHTON CO 80603-8804

KNAGO CLAUDIA J
13571 KENNEDY AVE
BRIGHTON CO 80601-6947

PENNY HAROLD L AND
PENNY FRANCES A
21200 E 120TH AVE
COMMERCE CITY CO 80022-9600

LORSHBOUGH ELTON E AND MARY J
15280 E 136TH AVE
BRIGHTON CO 80601

PFANNENSTIEL IRENE L LIVING TRUST 1/2 an
PFANNENSTIEL GERALD LIVING TRUST 1/2
13410 GRANBY ST
BRIGHTON CO 80601-6959

POPISH PHILIP H AND
POPISH SHARON L
14649 E 135TH AVE
BRIGHTON CO 80601-6918

ROSALES ILDEFONSO TORRES
13101 POWHATON RD
COMMERCE CITY CO 80022

PUBLIC SERVICE CO OF COLORADO
C/O PROPERTY AND LOCAL TAXES
PO BOX 1979
DENVER CO 80201-1979

SACK DONALD
16475 POWHATON RD
BRIGHTON CO 80603-8204

PUBLIC SERVICE COMPANY
PO BOX 1979
DENVER CO 80201-1979

SASAKI FAMILY PARTNERSHIP LLLP
697 VOILES DR
BRIGHTON CO 80601-3322

RAMIREZ JESUS GUSTAVO JR
13552 KENNEDY AVE
BRIGHTON CO 80601-6946

SAUER JOHN H
14589 E 135TH AVE
BRIGHTON CO 80601-6916

RANDS LARRY L AND
RANDS SONJA A
26550 E 160TH AVE
BRIGHTON CO 80601-8405

SCHAEFER ELAINE A ET AL
13295 E 136TH AVE
BRIGHTON CO 80601-7281

REAL ESTATE FROM NOW ON LLC
6729 QUINCY AVENUE
FIRESTONE CO 80504

SCHISLER JOHN
13584 CRYSTAL ST
BRIGHTON CO 80601

RITCHEY INVESTMENT COMPANY LLC 84.3%
RITCHEY NAOMI JO RESIDUARY TRUST 15.7%
13821 SABLE BLVD
BRIGHTON CO 80601-7264

SCHISLER RICKY AND
SCHISLER MEGAN
13544 CRYSTAL ST
BRIGHTON CO 80601-7271

RIVERA ARMANDO
605 GARLAND STREET
LAKEWOOD CO 80215

SCM-GRP VAN SCHAAK LLLP UND 8.5254%
INT ET AL
1242 E JACKSON ST
PHOENIX AZ 85034-2342

RODLIN TRAVIS M
21000 E 120TH AVE
COMMERCE CITY CO 80022-9108

SEEGER DONALD R AND
SEEGER PAULINE M
13590 SABLE BLVD
BRIGHTON CO 80601

ROMERO GREGORY D
14850 POWHATON MILE ROAD
BRIGHTON CO 80603

SIEVERS DAVID AND
SIEVERS KAYLA
26255 E 133RD CIRCLE
COMMERCE CITY CO 80022

SMITH BRANDELL D AND
SMITH BOBBI
20373 E 120TH AVE
COMMERCE CITY CO 80022-9699

THOMAS JAMES R
13581 SABLE BLVD
BRIGHTON CO 80601-7266

SMITH DEANNA M
15200 E 132ND AVE
BRIGHTON CO 80601

THORNGREN CYNTHIA L
12980 E 136TH AVE
BRIGHTON CO 80601-7281

SOUTH ADAMS COUNTY WATER AND
SANITATION DISTRICT
PO BOX 597
COMMERCE CITY CO 80037-0597

TOUPS WAYNE P AND
TOUPS DEBORAH M
26800 E 152ND AVE
BRIGHTON CO 80603-8803

STANDLEY TERRY D AND
STANDLEY JACKIE L
15885 POWHATON
BRIGHTON CO 80603

TRI STATE GENERATION AND TRANSMISSION
ASSOCIATION INC
1100 W 116TH AVE
DENVER CO 80234-2814

STATE OF COLORADO
C/O STATE LAND BOARD
1127 SHERMAN ST SUITE 300
DENVER CO 80203

TRI-STATE POWER LLC
1100 W 116TH AVENUE
WESTMINSTER CO 80234

STATE OF COLORADO DIVISION OF
PARKS AND RECREATION
1313 SHERMAN ST STE 618
DENVER CO 80203-2240

UHING KENNETH D
13526 KENNEDY AVE
BRIGHTON CO 80601-6946

STOGSDILL HUBERT I AND
STOGSDILL CAROL A
13350 FAIRPLAY ST
BRIGHTON CO 80601-6953

UNITED POWER INC
PO BOX 929
BRIGHTON CO 80601-0929

STREET JERALD R AND
STREET BARBARA R
13541 SABLE BLVD
BRIGHTON CO 80601

UNITED POWER INC
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BRIGHTON CO 80601

SWIG/CUTLER J V ET AL
6025 S QUEBEC ST STE 250
ENGLEWOOD CO 80111-4550

VEGA BEN AND
SANTOS MIKE/MARIA
119 S RALEIGH ST
DENVER CO 80219-1849

THF PRAIRIE CENTER DEVELOPMENT LLC
C/O THF REALTY INC
211 N STADIUM BLVD STE 201
COLUMBIA MO 65203-1161

VILLENEUVE PAULINE
1250 S MONACO PKWY APT 76
DENVER CO 80224-1876

WAF AMERICAN LTD
12471 TOWER ROAD
COMMERCE CITY CO 80022

WAGNER SAM AND IRENE WILMA TRUST NO 1
15201 E 132ND AVE
BRIGHTON CO 80601

WAKEMAN KATHERINE L
13721 N POWHATON ROAD
BRIGHTON CO 80603

WAT BUDDHAPUNYARUM OF COLORADO
26300 E 152ND AVENUE
BRIGHTON CO 80603

WEBB GEORGE F
14600 E 136TH AVE
BRIGHTON CO 80601-6948

WERTZ DAVID E AND GLORIA E
13815 POWHATON ROAD
BRIGHTON CO 80603-8312

WILLIAMS MICHAEL W AND
WILLIAMS KIMBERLY O
12355 TOWER RD
COMMERCE CITY CO 80022-9307

WRAY GEORGE H AND
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13564 CRYSTAL STREET
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Referral Listing
Case Number RCU2016-00016
Boardwalk Pipeline Project

Agency

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Denver International Airport	Tom Reed 303.502.7692 Tom.Reed@flydenver.com	
E-470 AUTHORITY	Peggy Davenport 22470 E 6th Parkway, Suite 100 Engineering & Roadway Maintenance Aurora CO 80018 303-537-3737	
Engineering Department - ROW	Transportation Department PWE - ROW 303.453.8787	
Engineering Division	Transportation Department PWE 6875	
ENVIRONMENTAL ANALYST	Jen Rutter PLN 6841	

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FULTON DITCH COMPANY

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Tri-County Health: Mail CHECK to Sheila Lynch

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United Power, Inc

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US EPA	Stan Christensen 1595 Wynkoop Street DENVER CO 80202 1-800-227-8917 christensen.stanley@epa.gov	
VANAIRE SKYPORT CORP.	BECKY GANN PO BOX 55 BRIGHTON CO 80601 303-654-0697	303-654-8514
VANAIRE SKYPORT CORP. 2	Howard Hillman THIS ENTRY CREATED TO ADD PEOPLE IN NOTES FIELD 720-685-3033	
WELD COUNTY PLANNING DEPT.	TOM PARKO 1555 North 17th Ave GREELEY CO 80631 (970) 353-6100 tparko@co.weld.co.us	x3572
Xcel Energy	Donna George 1123 W 3rd Ave DENVER CO 80223 303-571-3306 Donna.L.George@xcelenergy.com	
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Boardwalk Pipeline
Project Case No.
RCU2016-00016

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("**Agreement**") is made and entered into by and between the COUNTY OF ADAMS, a political subdivision of the State of Colorado, hereinafter called "**County**," and DISCOVERY DJ SERVICES, LLC, a Texas limited liability company, 7859 Walnut Hill Lane, Suite 335, Dallas, TX 75230, hereinafter called "**Developer**."

WITNESSETH:

WHEREAS, Developer desires to construct approximately 29.64 miles of underground steel pipelines and appurtenances in Adams County, Colorado, as more particularly described in that certain Conditional Use Permit Application dated June 17, 2016 to transport wet natural gas and crude oil ("**the Project**"); and

WHEREAS, the Project will provide transportation of wet natural gas and crude oil, increase efficiency of delivering products to market, and reduce impacts to local roads by reducing truck traffic in furtherance of the goals of the Adams County Comprehensive Plan; and

WHEREAS, on June 17, 2016, Developer submitted an application for a Conditional Use Permit ("CUP") to Adams County in accordance with the requirements outlined in Chapter 2 of the Adams County Development Standards and Regulations ("**the Regulations**"), the Conditional Use Permit Checklist, and requested submittal criteria from the Adams County Areas and Activities of State Interest ("AASI") Checklist; and

WHEREAS, Developer will acquire, if it has not already done so, all necessary right-of-way easements and temporary construction easements to utilize certain real property in the County of Adams, State of Colorado; and

WHEREAS, the County has designated its future road expansion plans in the Adams County Transportation Plan adopted November 2012 ("**Transportation Plan**"); and

WHEREAS, it is provided by Sections 1-02-01-02-08 and 1-08 of the Regulations that where designated, the Developer shall have entered into a written agreement with the County addressing Developer's and the County's obligations with regard to the Project as a condition of approval for the CUP; and

WHEREAS, the County and the Developer have planned and designed the Project so it will not prohibit future development, and so that it will not add cost to the County's future infrastructure plans to support development.

NOW, THEREFORE, in consideration of the foregoing, the parties hereto promise, covenant, and agree as follows:

I. DEVELOPER'S OBLIGATIONS:

1. Pre-Construction Activities. Prior to site disturbance and commencing construction in the County, Developer shall:

- A. Submit construction plans to the Adams County One Stop Permit Counter and apply for the appropriate construction permits.
- B. In the event that any portion of the project is located within the MS4 permit boundary of unincorporated Adams County and greater than 1 acre of disturbance, a Stormwater Management Plan ("SWMP") will need to be prepared according to County standards. Moreover, surety will be required for Best Management Practices ("BMP") located within the MS4 boundary. Stormwater BMPs will be implemented for the construction phase to capture and treat all onsite stormwater runoff in accordance with the requirements for the SWMP.
- C. Prepare a Traffic Control Plan for the portion of the project construction staging sites, hours of operation, etc. The Traffic within Unincorporated Adams County and obtain approval of the Plan by the County. The Traffic Control Plan shall detail any impacts to the right-of-way during the construction of the Project including but not limited to lane closures, access to Control Plan shall be prepared in a way to minimize impacts to adjacent property owners during the construction period. The Developer must obtain written approval of the Traffic Control Plan from the Adams County Transportation Department prior to commencement of construction. The Developer shall be responsible to implement any necessary corrections to the Traffic Control Plan.
- D. Submit the Facilities Response Plan to the County.
- E. Secure all applicable local, state and federal permits for the Project and submit copies of these permits to the County.
- F. Secure Adams County Right-Of-Way permits prior to constructing crossings.
- G. Secure a Floodplain use Permit prior to commissioning the Brighton CDP facility.
- H. Submit copies of all executed easements for the Project to the County.
- I. Contact and use commercially reasonable efforts to work with Xcel Energy and United Power regarding any possible encroachment the Project may have on Xcel Energy's or United Power's pipeline(s) or related facilities.
- J. Contact and use good faith efforts in continuing to work with Anadarko to address their concerns identified in letter dated October 14, 2016.
- K. To mitigate any screening concerns, the CDP facility will have a 30 ft. wide landscaping buffer with an 8 ft. tall fence to provide visual blockage of the site in accordance with the submitted landscaping plan.
- L. Continue to work with Adams County and The City of Commerce City Public Works Department to ensure the pipeline location is outside the potential future ROW for The Commerce City Transportation Plan (dated July 12, 2010).
- M. Comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Denver International Airport (DIA).
- N. Acknowledge the Colorado Geological Survey letter dated July 22, 2016.
- O. Comply with the requirements of referral comments received from the City of Brighton and the submitted landscaping plan.

- P. Acknowledge the Commerce City letters dated July 22, 2016 and October 14, 2016.
2. Construction Activities. During construction, the Developer shall:
- A. Construct the project in accordance with the approved construction plans. The Developer shall submit a certification letter from a Professional Engineer within 45 days of construction completion certifying that the Project was constructed in accordance with the approved plans.
 - B. Manage stormwater in accordance with a SWMP prepared under the Colorado Department of Public Health and Environment ("CDPHE") Colorado Discharge Permitting System ("CDPS") Permit and in accordance with the Clean Water Act National Pollution Discharge Elimination System ("NPDES") regulations and Adams County's Grading Erosion and Sediment Control standards. Stormwater BMPs will be implemented for the construction phase to capture and treat all onsite stormwater runoff, in accordance with the requirements for the SWMP.
 - C. Operate at the Project site only from dawn to dusk during construction, Monday through Saturday, except for inclement weather and during hydrostatic testing, horizontal directional drilling ("HDD"), and emergency situations that would cause the Developer to be out of compliance with any applicable local, state, or federal permit. The Adams County Director of Community and Economic Development may extend the hours and days of operation if Developer makes a request in writing and demonstrates sufficient need.
 - D. Implement the approved Traffic Control Plan.
 - E. Comply with the guidelines suggested by Colorado Parks and Wildlife to ensure there is no effect to any species of concern as referenced within the application materials of Developer's CUP Application as identified in both the July 16, 2016 and September 28, 2016 letters.
 - F. Comply with guidelines of Section 106 of the National Historic Preservation Act of 1966 in locations that have been identified as federally regulated within Adams County. Comply with State of Colorado Historical, Paleontological, and Archeological Resources Act of 1973 (C.R.S. 24-80-401 to 410) on all identified state lands within Adams County. All best management practices and avoidance measures proposed within the submitted CUP on lands that are state and federally regulated by the above listed laws will be enforced.
 - G. Comply with the recommendations of the Tri-County Health Department letter dated July 6, 2016.
 - H. Comply with the terms of the Project's Air Pollution Emissions Notice ("APEN") issued by CDPHE.
 - I. Comply with C.R.S. 42-4-1407, covering loads for all hauling/construction trucks.
 - J. Be responsible for the cleanliness and safety of all roadways adjacent to the Project in the event that there are any issues related to the Project during construction. If at any time these roadways are found to be dangerous or not passable due to debris or mud caused by Project activities, the County shall require Developer to cease Project operations immediately and clear the roadway of any and all debris or mud. The Project shall not resume until the County, in its sole discretion, deems the roadway

conditions acceptable. If the Developer fails to keep the adjacent roadways clean and free from debris, the Adams County Transportation Department has the option to perform the required clean up and bill the charges directly to the Developer.

The Developer shall be responsible for repairing County infrastructure that is damaged as a result of the construction from the Project. Repairs shall occur as soon as possible, but no later than six (6) months following construction completion, unless an extension is granted by the County for extenuating circumstances. The Developer may submit evidence of the condition of the County's right-of-way at the start and completion of construction in order to demonstrate the pre-construction condition and the post-construction condition of the roadways.

- K. Remove and dispose of all fluid spills, such as hydraulic oil from maintenance of equipment, at a facility permitted for such disposal.
- L. Convey all complaints Developer receives concerning off-site impacts and the resolution of those complaints to the Adams County Community and Economic Development. Off-site impacts shall be responded to and resolved immediately by the Developer. Adams County Community and Economic Development will be the final decision maker regarding the resolution of noise complaints or any other off-site impacts, provided that Developer is provided notice and an opportunity to be heard. Excessive complaints that are not resolved to the satisfaction of the County may be justification for a Show Cause Hearing before the Adams County Board of County Commissioners.
- M. Ensure that all construction vehicles have a backup alarm that complies with OSHA requirements, 29 CFR 1926.601(b)(4) and 1926.602(a)(9), and/or other remedies (such as flagmen) to minimize noise as approved by the County.
- N. If fuel will be stored on the subject properties or within the County's right-of-way, the following guidelines shall be implemented: All fuel storage at this site shall be provided with secondary containment that complies with state law and any appropriate regulatory standards; fueling areas shall be separated from the rest of the site's surface area, and protected from storm water; and Developer shall provide a spill prevention plan and release prevention plan for fuel storage and fueling operations. Spill and drip containment pans shall be emptied frequently and all spills shall be cleaned up and disposed of immediately at a facility permitted for such disposal.

Developer shall notify the County prior to commencing any snow removal operations within the County's right-of-way. The Developer shall be responsible for any damages to the right-of-way caused by these activities and shall repair damages at their expense within 60 days of receiving notice from the County.
- O. Screen any storage or staging lots from adjacent residential properties within 100 ft.
- P. Comply with all applicable local, state and federal requirements during the course of the Project.

3. Design Requirements.

- A. The Project will be designed to meet or exceed the minimum Federal Safety Standards contained in 49 CFR 195 / 49 CFR 192, as applicable, and national

engineering design codes for pipelines set forth by the American Society of Mechanical Engineers.

- B. Pipeline burial depths will meet or exceed federal, state, and applicable engineering standards. The pipelines will be buried with a minimum of 48 inches of cover where practical, and in locations where such burial depth is not achievable due to strategic locations such as road crossings, additional mechanical protection will be provided, such as increased pipe wall thickness, as approved by the County and referenced within this Agreement.

The location of the Boardwalk Pipeline is rural and County transportation and drainage projects are not anticipated in this area. If a project occurs in the area of the approved pipeline alignment, the Developer agrees to avoid any regional drainage improvements, to the extent possible. The County agrees to make all reasonable attempts to avoid the pipeline during the design and construction of future drainage facilities. In the event that a future regional drainage improvement project requires the relocation of the pipeline, the Developer agrees to relocate the pipeline at its sole expense and Adams County shall give Developer 30 calendar days advance written notice for it to commence such relocation if it determines that the pipeline needs to be re-located.

- C. Any construction of structures will be designed to meet the 2012 International Fire Code and amendments.
- D. Ensure pipelines are located in easements on private property and County road crossings shall be as near as possible to right angles. This effective placement of the pipeline allows buildings to be constructed in the future keeping with required structure setbacks per Transportation Plan, The Commerce City Transportation Plan (dated July 12, 2010) and future "DIA Technology" land uses.

4. Operational Requirements.

- A. The Project will be operated to Federal Safety Standards contained in 49 CFR 195 / 49 CFR 192 as well as the Developer's operating standards and practices and maintenance procedures as referenced within the Developer's CUP application materials submitted to the County for the Project.
- B. The steel pipelines will have a corrosion prevention system as detailed within the Developer's CUP application materials submitted to the County for the Project.
- C. The Project will have a multi-faceted integrity management program, as required under federal pipeline safety standards (49 CFR 195 and ASME B31.4, 49 CFR 192 and ASME B31.8). The Project will be operated in accordance with all applicable local, state and federal codes, laws and regulations, including but not limited to the Colorado Department of Transportation ("CDOT") and CDPHE.
- D. The CDP Facility will incorporate a 30 ft. wide landscape buffer along the north, west, and south fence lines as outlined by Drawings 16016-C-1202 and 16016-C-1203 provided under Exhibit A "CDP Facility Landscape Plan" to this Development Agreement.

5. Post-Construction and Maintenance Requirements.

- A. Developer agrees to restore any disturbed County-owned lands in compliance with the requirements of applicable easement agreements as soon as possible but no later than June 30, 2017. In the event that reseeded is unsuccessful in the first growing season, the Developer agrees to comply with the terms of the easement agreements to restore the land during the subsequent growing season. The County may grant an extension for good cause, in writing, in the event of unforeseen circumstances.
- B. Developer agrees to restore any disturbed private property in accordance with the applicable easement agreements as soon as possible but no later than June 30, 2017. In the event that reseeded is unsuccessful in the first growing season, the Developer agrees to comply with the terms of the easement agreements to restore the land during the subsequent growing season. The County may grant an extension for good cause, in writing, in the event of unforeseen circumstances.
- C. Construction plans submitted by the Developer to the County for the Project show the pipeline located completely outside of the future right-of-way as depicted in the Adams County 2012 Transportation Plan. In the event that the pipeline is not constructed in accordance with the construction plans approved by the County and there becomes a conflict with a future roadway expansion project, as the project is contemplated under the Transportation Plan, the Developer agrees to relocate the pipeline at its own expense.
- D. The Developer also agrees that the approval of encroachment agreement requests for parking lots and driveways on private property shall not be unreasonably or arbitrarily withheld, in accordance with the terms of the easement agreements for the Project.
- E. Developer agrees that it will not disrupt or damage the functionality of any existing drainage facilities.
- F. Developer agrees to submit "as built" construction drawings to the Adams County Assessor's Office within 120 days of construction completion in accordance with the procedures established by the County.
- G. Developer agrees to submit emergency contact information, emergency response plans, and final maps of the Project, including all associated valves and pipeline components, to the local fire districts encompassing the Project and to the Adams County Office of Emergency Management before commencing operation of the pipeline. The Developer shall comply with all other requests for information from the Adams County Office of Emergency Management in accordance with local, state, and federal law.
- H. Maintenance of the Project will follow guidelines set forth in the Developer's operations and maintenance procedures (referenced in Section 4C of this Agreement), which meet or exceed regulatory requirements. Maintenance activities associated with the line and permanent easement include, but are not limited to, the following:

- Implementation of a damage prevention program including observation of any construction activities by others on or near the permanent easement;
 - Implementation of a public education program;
 - Installation and maintenance of pipeline markers;
 - Inspection and maintenance of corrosion control systems;
 - Inspection of block valves;
 - Inspection of crossings by other pipelines, highways, utilities;
 - Inspection and maintenance of safety, control, mechanical, and electrical equipment;
 - Maintenance of communication equipment; and
 - Calibration of all instruments to comply with USDOT regulations.
6. Development Impact Fees. There are no development fees associated with this Project.
7. Encroachment Upon Future Right-of-Way. In any segment of the Project that is parallel to an Adams County right-of-way, the pipeline shall be constructed a minimum of five (5) feet from the edge of the maximum future right-of-way width, as designated in the Adams County 2012 Transportation Plan.

As development of the Transportation Plan is implemented and if the location and existence of Developer's permanent easement precludes such development, Developer's overlapping easement rights shall be subordinated (subject to the then-existing rights of the parties, laws and regulations) to accommodate Adams County's development.

8. Acceptance and Maintenance of Public Improvements. Developer is not required to make any public improvements or make any public dedications in connection with the Project.
9. Guarantee of Compliance. Developer hereby agrees that should it fail to comply with the terms of this Agreement, the County is entitled to obtain from the Colorado State District Court for the Seventeenth Judicial District a mandatory injunction requiring said Developer to comply with the terms of this Agreement. Prior to the County seeking such an injunction, Developer will be provided the opportunity to cure any default in accordance with the terms set forth herein at section III.5. Developer further agrees that failing to comply with the requirements set forth in this Agreement may be justification for a Show Cause Hearing where the CUP Permit may be revoked.
10. Financial Security. The County has determined that there is no need for a guarantee of financial security with regard to this Project.
11. Successors and Assigns. This Agreement shall be binding upon the heirs, executors, personal representatives, successors, and assigns of the Developer, and shall be deemed a covenant running with the real property.

II. COUNTY'S OBLIGATIONS:

Except as expressly set forth herein, the County shall have no obligations associated with this

Agreement.

III. GENERAL PROVISIONS:

1. No Third Party Beneficiaries. This Agreement is intended to describe and determine such rights and responsibilities only as between the parties hereto. It is not intended to and shall not be deemed to confer rights or responsibilities to any person or entities not named hereto.
2. Notices. Any and all notices, demands or other communications desired or required to be given under any provision of this Agreement shall be given in writing and delivered personally or sent by registered or certified mail, return receipt requested, postage prepaid or by email addressed as follows:

To Developer:

Discovery DJ Services, LLC
7859 Walnut Hill Lane, Suite 335
Dallas, TX 75230

To Adams County:

Director, Adams County Community and Economic Development
4430 South Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601
Email: nwright@adcogov.org

With a copy to:

Adams County Attorney
4430 South Adams County Parkway
5th Floor, Suite C5000B Brighton, CO 80601

3. Amendments.
Should any changes to the Conditional Use Permit be proposed before, during or after completion of the Project, the Developer shall submit the details of those changes to the Adams County Community and Economic Development Director for a determination as to whether those changes constitute a Major or Minor Amendment in accordance with the Regulations.

This Agreement may only be modified, amended, changed or terminated in whole or in part by an agreement in writing duly authorized and executed by the parties hereto with the same formality, and subject to the same statutory and regulatory requirement, as this Agreement.

4. Controlling Law. This Agreement and its application shall be construed in accordance with the laws of the State of Colorado.
5. Default. If either party is in default under this Agreement, the non-defaulting party shall provide written notice of said default to the defaulting party to the address provided in

Section 2 immediately above. The defaulting party shall have 30 days to cure the default, unless an extension is granted in writing by the non-defaulting party for good cause. The non-defaulting party may seek all remedies available pursuant to the Agreement and under the law.

6. Costs and Fees. In the event of any litigation arising out of this Agreement, the parties agree that each will pay its own costs and fees.

[Signature Pages Follow]

Developer

DISCOVERY DJ SERVICES, LLC, a Texas limited liability company.

By: Zion Engineering LLC, its Engineering Consultant

By: _____

Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE OF)
) ss.
COUNTY OF)

The foregoing instrument was acknowledged before me this ____ day of _____ 2016,
by _____ as _____ of _____, the
_____ of Discovery DJ Services, LLC.

Witness my hand and official seal.

Notary Public, State of

My Commission Expires: _____
My Commission Number: _____
(Seal)

APPROVED BY resolution at the meeting of _____, 2016.

ATTEST: BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

Clerk to the Board

Chairperson

EXHIBIT "A"
CDP FACILITY LANDSCAPE PLAN

Attached to and made a part hereof the Development Agreement, by and between the County of San Diego, hereinafter called "County", and ISCS, LLC, hereinafter called "Developer"

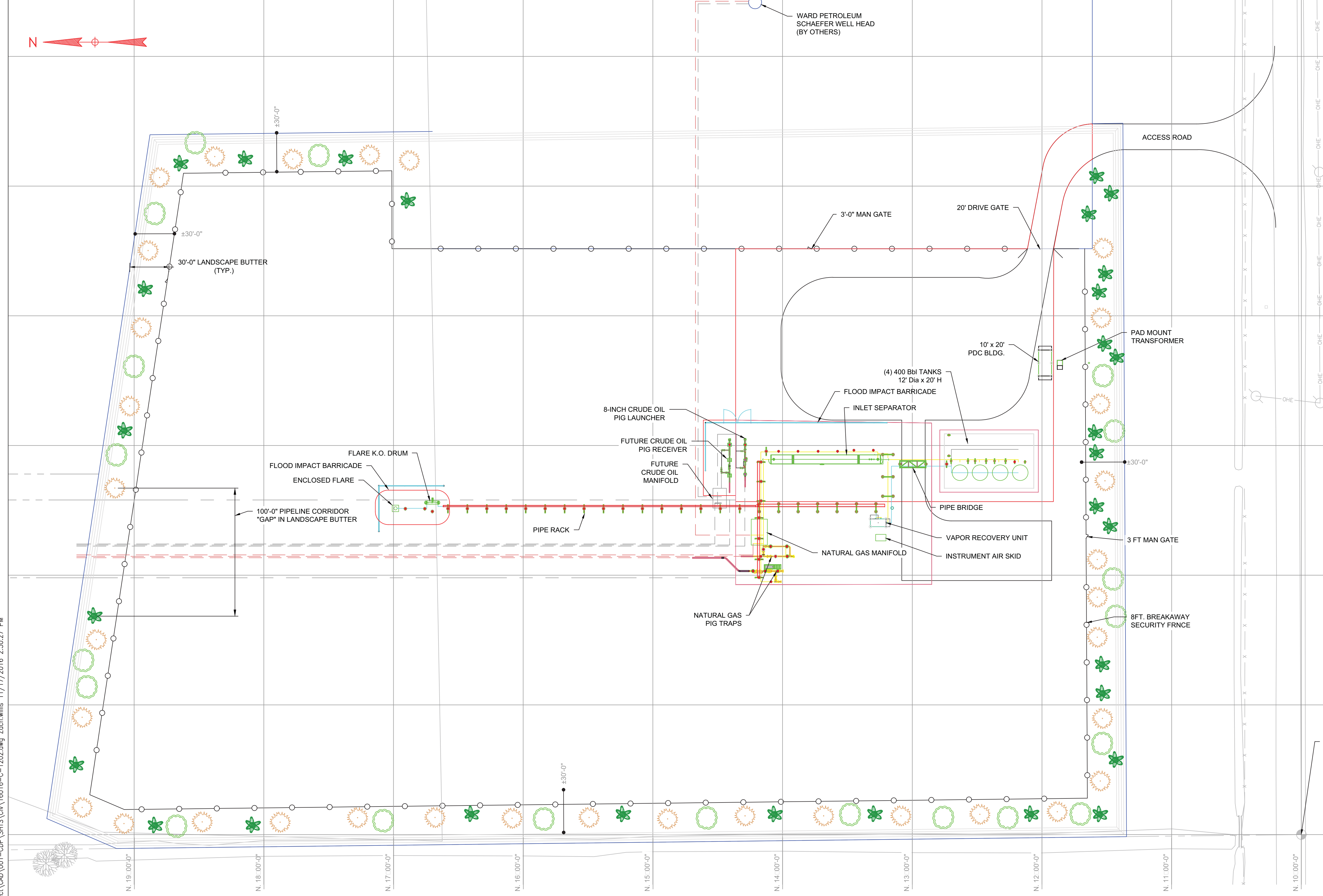
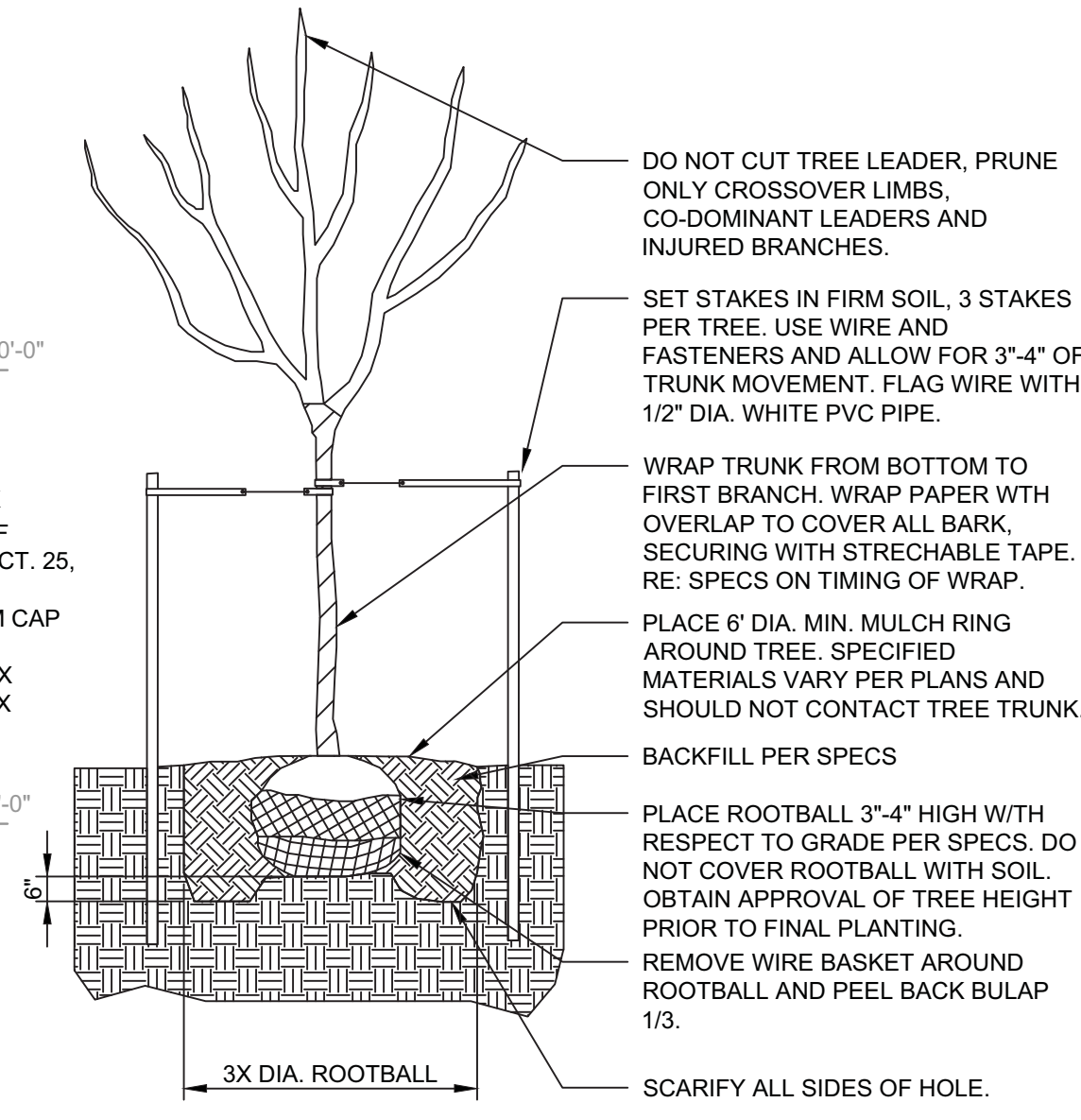
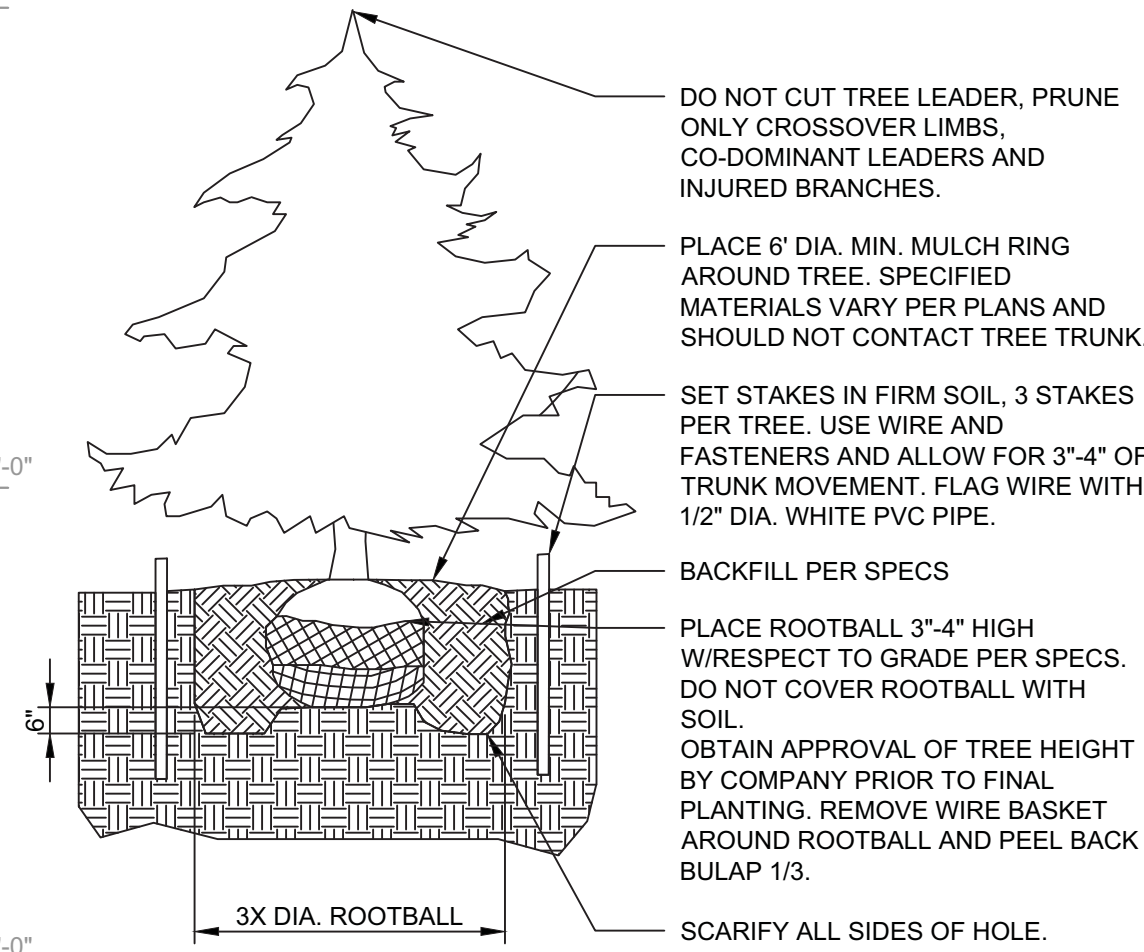


WARD PETROLEUM
SCHAEFER WELL HEAD
(BY OTHERS)

PLANT LEGEND		
QTY.	BOTANICAL NAME	COMMON NAME
34	PINUS NIGRA	AUSTRIAN PINE
30	PICEA PUNGENS	COLORADO BLUE SPRUCE
20	TILIA AMERICANA	REDMOND LINDEN

- PLANTING NOTES**
1. PLANT QUALITIES ARE PROVIDED FOR CONTRACTOR'S CONVENIENCE ONLY AND SHALL BE VERIFIED BY CONTRACTOR BY REVIEWING PLANTING PLAN SYMBOLS.
 2. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL PLANT MATERIAL INCLUDING SEEDING AREAS IN A HEALTHY STATE DURING CONSTRUCTION. ANY DAMAGE TO PLANT MATERIAL DUE TO NEGLIGENCE BY THE CONTRACTOR SHALL BE REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE.
 3. ALL TREES TO BE MULCHED WITH WESTERN RED CEDAR MULCH, DEPTH PER DETAIL.

- IRRIGATION NOTES**
1. ALL IRRIGATION WILL BE PROVIDED BY TRUCK MOUNTED WATER TANK. NO PERMANENT IRRIGATION LINES WILL BE INSTALLED. EXTRACTION WILL MAINTAIN THE LANDSCAPING FOR THE FIRST YEAR AFTER INSTALLATION OR UNTIL IT BECOMES ESTABLISHED BUT NOT LONGER THAN 18 MONTHS. AFTER THAT, ALL LANDSCAPING WILL BE MAINTAINED BY THE SURFACE OWNER.



P:\Discovery Midstream\16016 - Boardwalk Pipeline Project\CAD\SHS\Civil\16016-C-1202.dwg Zschwillis 11/17/2016 2:50:27 PM

REFERENCE DRAWINGS	DESCRIPTION
16016-C-1203	BRIGHTON CDP FACILITY SITE LANDSCAPING ELEVATIONS

REVISIONS	DESCRIPTION	BY	CHKD	APPVD	DATE
C	REVISED AND REISSUED FOR BID	ZEW	AGH	ALS	11/18/16
B	ISSUED FOR BID	GO	AGH	ALS	11/04/16
A	ISSUED FOR PERMIT	GO	BSM	ALS	08/05/16

DISCOVERY

ZION ENGINEERING, LLC

8100 E. Maplewood Ave., Suite 100
Greenwood Village, CO 80111
303-243-3050

PREVIOUSLY ISSUED AS 16016-G-1201

DISCOVERY DJ SERVICES, LLC.

BOARDWALK PIPELINE PROJECT
BRIGHTON CDP FACILITY
SITE LANDSCAPING PLAN NOTES & DETAILS
BRIGHTON, CO

SCALE: AS SHOWN	DRAWING NO: 16016-C-1202	REV: C
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Boardwalk Pipeline Project RCU2016-00016

December 13, 2016

Board of County Commissioners

Department of Community and Economic Development

Case Manager: Chris LaRue



Request

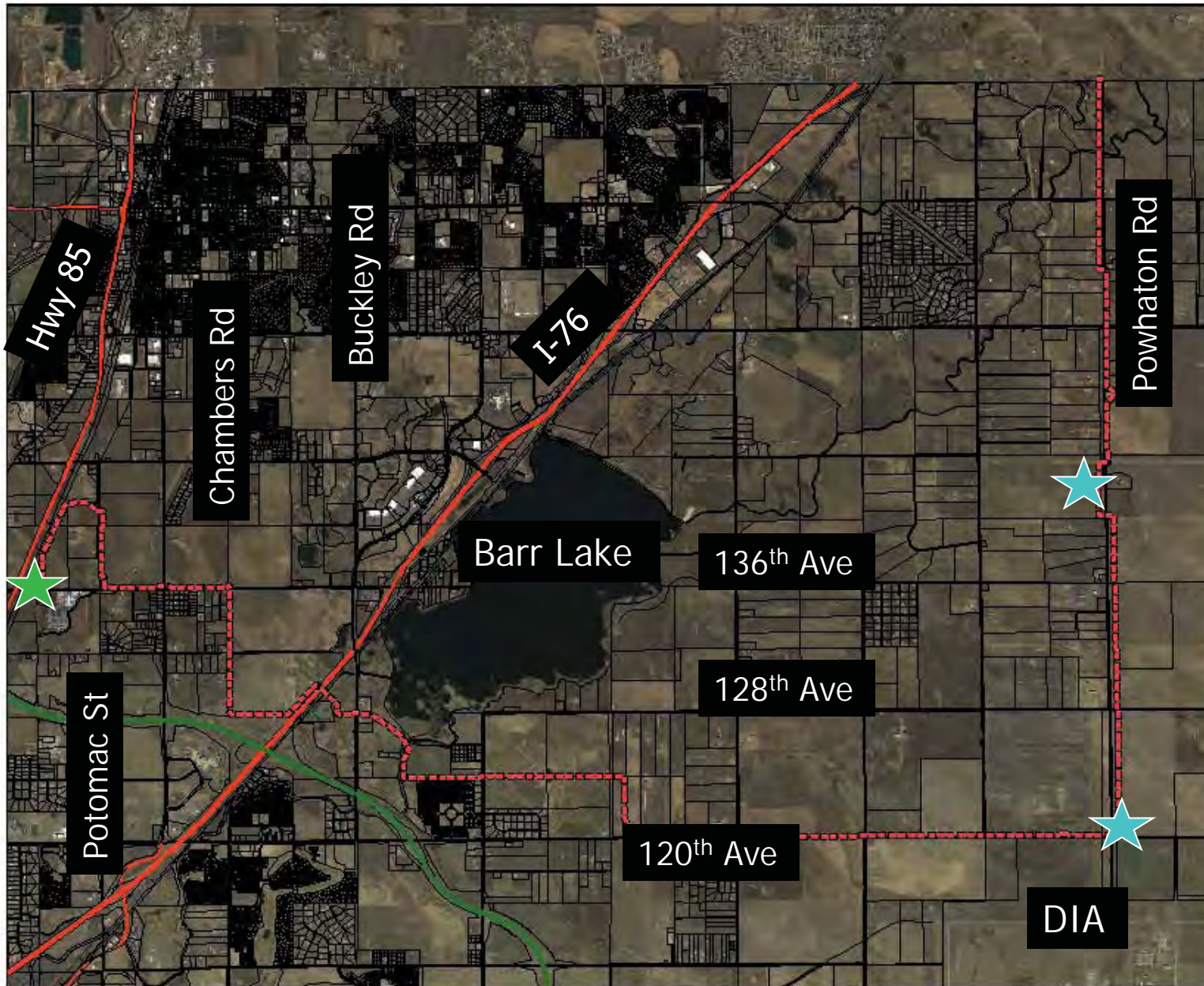
- 1) Conditional Use Permit for the following:
 - Central Delivery Point (CDP) facility
 - Construction of a new natural gas & crude oil pipeline system

- 2) Development Agreement that covers pre-construction requirements, construction & operational standards, maintenance of the pipeline, & consideration for future development.

Request

- CDP Facility
 - Centralized collection facility from well pads
 - Water is separated from the natural gas
 - Gas is pressurized & sent into the pipeline

- Natural gas & crude oil pipeline system to Weld County.
 - 18 miles / 12 miles
 - 2 valve sites



LEGEND

- ★ Special Zoning Conditions
- 3 Section Numbers
- +— Railroad
- Major Water
- Zoning Line
- Sections

Zoning Districts

- A-1
- A-2
- A-3
- R-E
- R-1-A
- R-1-C
- R-2
- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
- C-5
- I-1
- I-2
- I-3
- CO
- PL
- AV
- DIA
- P-U-D
- P-U-D(P)
- ⊠ Airport Noise Overlay

Boardwalk Pipeline Project
RCU2016-00016

Aerial Map
Preferred Alignment

N
 For display purposes only.

ADAMS COUNTY
 This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy.

Development Standards

- Oil & gas development is overseen by federal, state, & local regulations (Section 4-10-02-03).
- MOU
 - Oil & gas development
 - Well connects – 10" or less diameter & 2 miles or less
- Other pipelines/infrastructure require a CUP

Development Standards

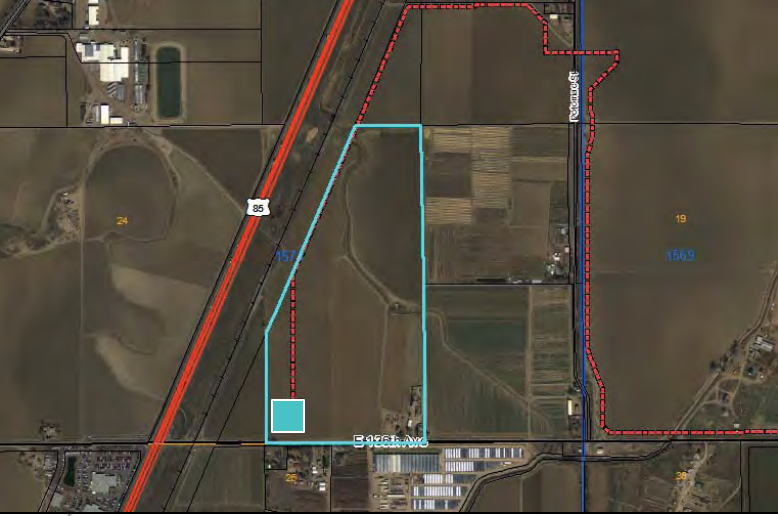
- Information from AASI included in the application:
 - Property right, permits, approvals
 - Financial
 - Land use
 - Local government
 - Financial burdens
 - Local economy
 - Environmental Impacts

Development Standards

- Development Agreement

- The Pipeline
 - 18 miles / 12 miles
 - 65.5 acres (30 ft easement)
 - 12.75" / 8.625"

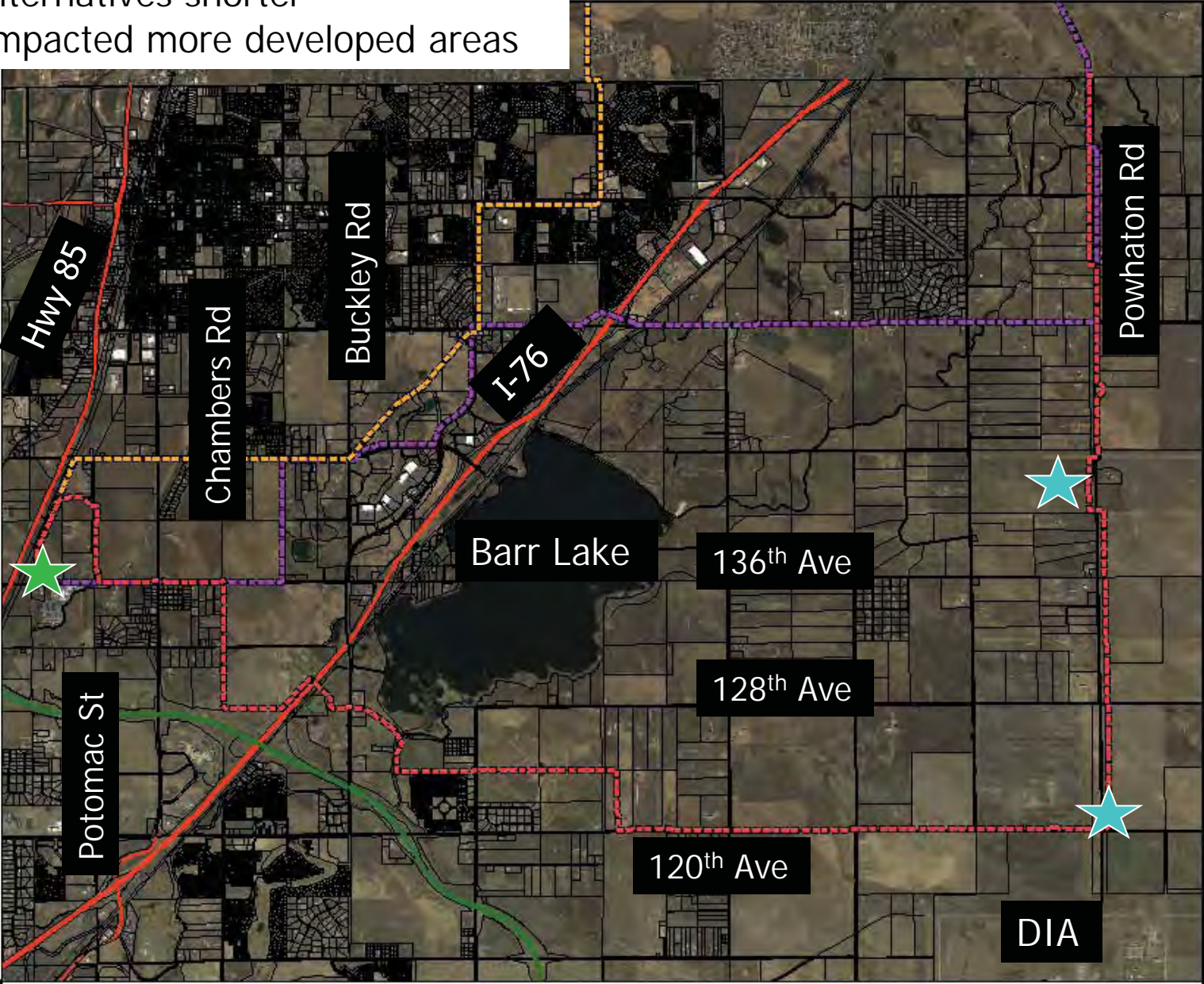
- CDP facility & pipeline:
 - Impacts agriculture land
 - Will not impede current or future uses
 - Adequately screened
 - Designed around future road/drainage row
 - Fringes of parcel



3D PLAN VIEW
SCALE: NONE

- 10 Acres of the 60 acres total
- Minimized impacts to farming

- Alternatives shorter
- Impacted more developed areas



LEGEND

- ★ Special Zoning Conditions
- 3 Section Numbers
- Railroad
- Major Water
- Zoning Line
- Sections

Zoning Districts

- A-1
- A-2
- A-3
- R-E
- R-1-A
- R-1-C
- R-2
- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
- C-5
- I-1
- I-2
- I-3
- CO
- PL
- AV
- DIA
- P-U-D
- P-U-D(P)
- Airport Noise Overlay

Boardwalk Pipeline Project
RCU2016-00016

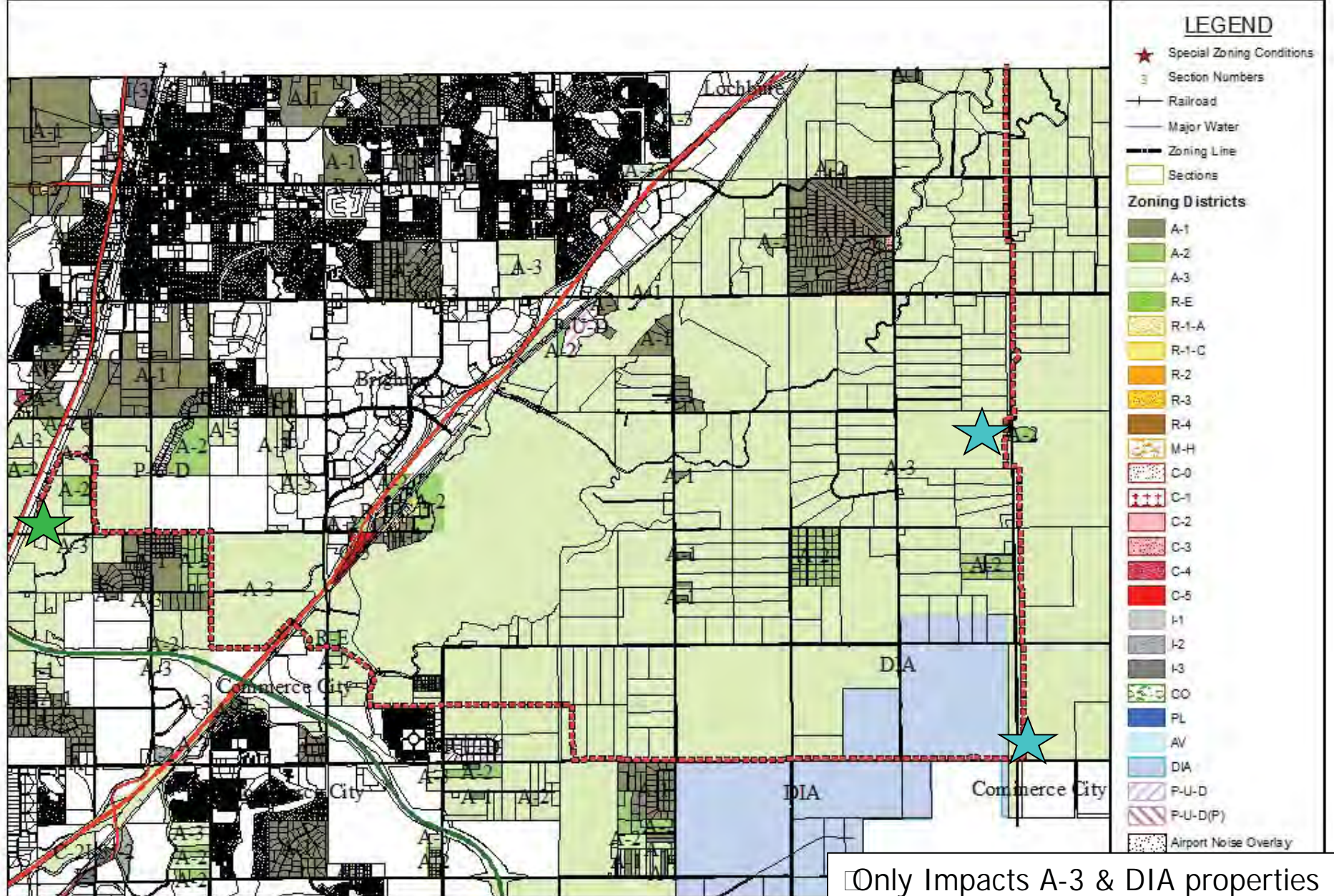
Aerial Map
Alternative Alignments



For display purposes only.



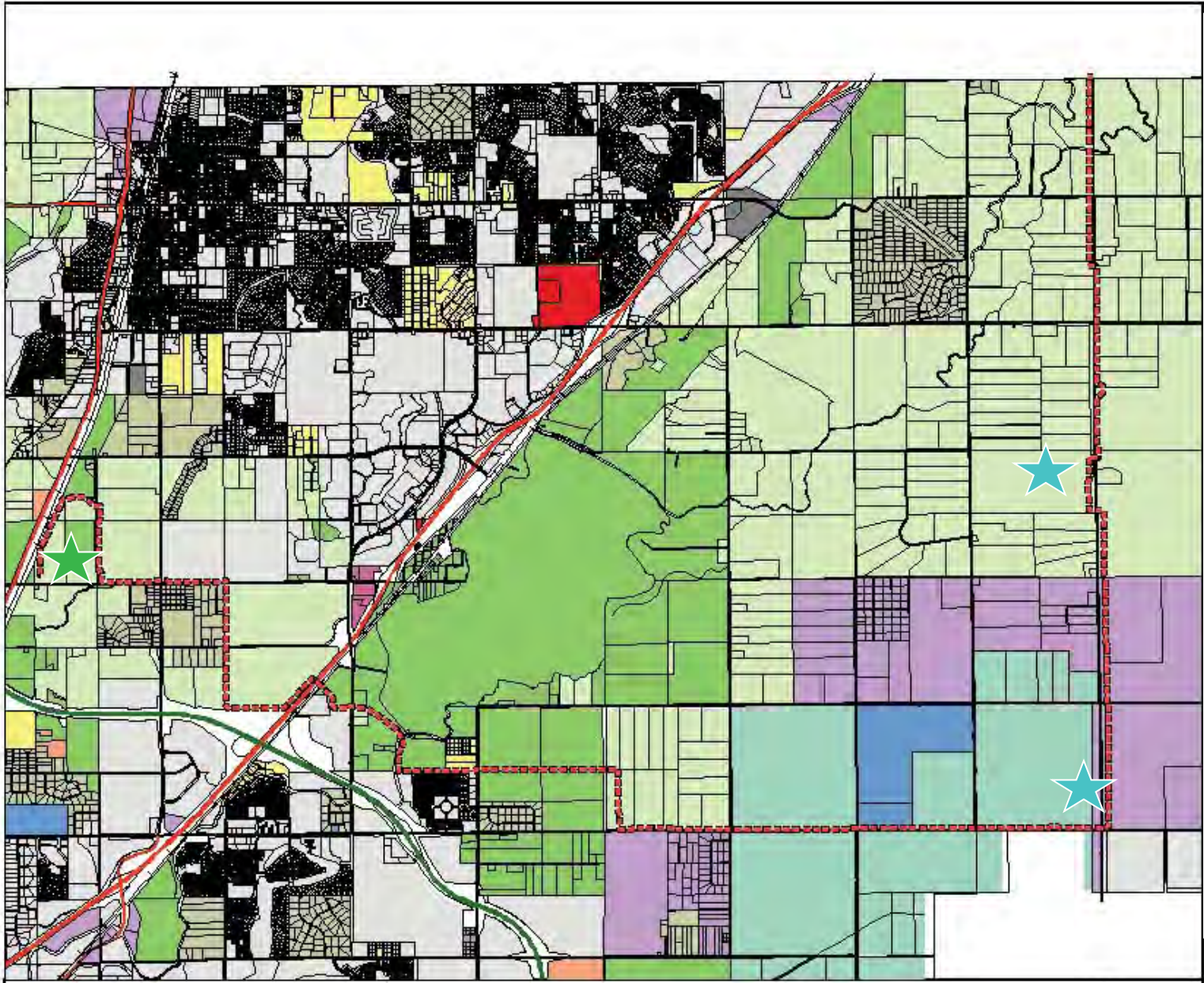
This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy.



Boardwalk Pipeline Project
RCU2016-00016

Zoning Map

- Only Impacts A-3 & DIA properties
- 35 ac – farming
- Non-residential
- Passive utility use - compatible



- Agriculture
- Parks & Open Space
- Estate Residential
- Urban Residential
- DIA Reserve
- Mixed Use Employment

Boardwalk Pipeline Project
 RCU2016-00016

Comprehensive Plan



For display purposes only.



This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy.



West on 136th Ave



East on 136th Ave





CDP Facility site facing north





Referral Comments

- Development Services Engineering / ROW:
 - General comments: floodplain, MS4 permit, construction review, repair of infrastructure, & avoid future ROW
- Referral Agencies submitted general comments
- Property Owners notified with 500 feet: traffic, environmental, road damage

Notifications Sent	Comments Received
129	3

Planning Commission

- The PC considered this case on 12/8/16 & recommended unanimous approval
- One citizen provided testimony
 - Not opposed
 - Wanted to confirm the pipeline location at 168th & Powhatan
- The PC wanted to ensure the lease agreement (30 yr) had an automatic renewal
 - Applicant confirmed

Recommendation

- Conditional Use Permit:
 - Central Delivery Point (CDP) Facility
 - Natural Gas & Crude Oil Pipeline
- Development Agreement

Recommendation

- The request is consistent with:
 - surrounding areas
 - Comprehensive Plan designations
 - Development Standards & Regulations
- PC & Staff are recommending **Approval** based on 33 Findings-of-Fact & 2 Conditions

































Recommended Conditions of Approval

Recommended Conditions:

1. The applicant shall execute the Development Agreement for this project prior to the scheduled December 13, 2016 Board of County Commissioners hearing for this application. The executed Development Agreement shall be submitted to staff no later than December 9, 2016.
2. Once finalized and executed, the applicant shall comply with all terms and conditions of the Development Agreement between Discovery DJ Services, LLC and Adams County.



LEGEND

-  Special Zoning Conditions
-  Section Numbers
-  Railroad
-  Major Water
-  Zoning Line
-  Sections
- Zoning Districts**
-  A-1
-  A-2
-  A-3
-  R-E
-  R-1-A
-  R-1-C
-  R-2
-  R-3
-  R-4
-  M-H
-  C-0
-  C-1
-  C-2
-  C-3
-  C-4
-  C-5
-  I-1
-  I-2
-  I-3
-  CO
-  PL
-  AV
-  DIA
-  P-U-D
-  P-U-D(P)
-  Airport Noise Overlay

T-Mobile
RCU2016-00002



For display purposes only.



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LEGEND

- Special Zoning Conditions
- Section Numbers
- Railroad
- Major Water
- Zoning Line
- Sections
- Zoning Districts**
- A-1
- A-2
- A-3
- R-E
- R-1-A
- R-1-C
- R-2
- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
- C-5
- I-1
- I-2
- I-3
- CO
- PL
- AV
- DIA
- P-U-D
- P-U-D(P)
- Airport Noise Overlay

T-Mobile
RCU2016-00002



For display purposes only.



This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy



**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT**

Board of County Commissioners

December 13, 2016

Case No.: RCU2016-00002	Case Name: T-Mobile
--------------------------------	----------------------------

Owner's Name:	Pipe Industries
Applicant's Name	T-Mobile
Applicant's Address:	2323 Delgany Street, Denver, CO 80206
Location of Request:	160 feet southeast of the intersection of East 77 th Avenue and Kenwood Street
Nature of Request:	A Conditional Use Permit to allow a monopole wireless communication tower on a property located in the I-2 zone district.
Site Size:	2.42 acres +/-
Zone District:	Industrial-2 (I-2)
Future Land Use:	Industrial
Proposed Use:	Telecommunications Tower
Existing Use:	Outdoor Storage
Hearing Date(s):	PC: November 10, 2016 (6:00 pm) BoCC: December 13, 2016 (9:30 am)
Hearing Location:	4430 S. Adams County Parkway, Brighton, CO 80601 / Public Hearing Room 1 st Floor
Report Date:	November 18, 2016
Case Manager:	Greg Barnes
PC Recommendation:	APPROVAL with 8 Findings-of-Fact, 2 Conditions Precedent, 6 Conditions, and 1 Note
Staff Recommendation:	APPROVAL with 8 Findings-of-Fact, 2 Conditions Precedent, 6 Conditions, and 1 Note

SUMMARY OF PREVIOUS APPLICATIONS

On August 16, 2007, the County issued a permit to allow a five foot tall chain-link fence around the perimeter of the property. No other structures exist on the property.

On September 1, 2016, the Board of Adjustment approved a variance to allow the applicant to proceed with a Conditional Use Permit request to construct a telecommunication tower on the property without obtaining signed waivers from all property owners of occupied dwelling units within 500 feet of the property.

SUMMARY OF APPLICATION

Background

T-Mobile, the applicant, is requesting a Conditional Use Permit to allow a monopole wireless communications tower on the subject property. The site is 2.42 acres and located east of Kenwood Street, south of East 77th Avenue, and north of East 76th Avenue. Currently, the site is used for outdoor storage. The proposed tower will be located in a lease area of approximately 1,200 square feet in the southeastern quadrant of the property.

Development Standards and Regulations Requirements:

The property is designated Industrial-2 (I-2). This zone district is intended to accommodate light manufacturing, processing, fabrication, assembly, and storage of non-hazardous materials. Per Section 3-24-04-02 of the County's Development Standards and Regulations, commercial communications towers require a Conditional Use Permit in the I-2 zone district.

Commercial Mobile Radio Service (CRMS) Telecommunications Performance Standards:

Section 4-09-02-07 of the County's Development Standards and Regulations outlines design and performance standards for telecommunication facilities. These standards ensure telecommunication sites are located and screened to minimize visual and physical impacts on surrounding properties. According to the applicant, several alternative sites were evaluated as potential locations for constructing a new telecommunication facility; however, after considering access, utilities, impacts on neighbors, environmental constraints, and location in the overall communications network, the subject property was selected. In addition, the site subject site was selected because there are no other suitable existing telecommunication towers to co-locate in the immediate vicinity.

Design standards and requirements for freestanding telecommunication facilities are outlined in Section 4-09-02-07-03 of the County's Development Standards and Regulations. These standards include maximum height, landscape and screening, setbacks from property lines, separation from other freestanding facilities, and setbacks from residential uses. The elevation and site plan provided with the application show the proposed tower to be 65 feet in height and will be a traditional monopole design with 12 panel antennae. This design allows for a dish antenna to be attached to the tower in the future. The proposed height of the tower conforms to the maximum height of 75 feet permitted in the I-2 zone district.

Per Section 4-09-02-07-03 of the County's Development Standards and Regulations, freestanding telecommunication towers shall not be located closer than the height of the tower from any property line, unless a waiver from this height requirement is obtained from the Board of County Commissioners. The proposed telecommunication tower will be located 65 feet from

both the south and east property lines of the subject property; thus conforming to the required setback standards.

Screening of the telecommunication tower through landscaping and or fencing is required in accordance with Section 4-09-02-07-03 (b) of County’s Development Standards and Regulations. The site plan submitted with the application shows all equipment associated with the telecommunication tower will be located within a 1,200 sq. ft. area enclosed by an 8-foot wooden screen fence. In addition, five large evergreen trees shall be planted on the northern section of the property, specifically along East 77th Avenue (See Exhibit 2.2). This area has been leased specifically for installation of the landscaping. The proposed landscaping will reduce potential visual impact from the closest public roadway. Staff is recommending a condition of approval to require final documentation of the lease agreement for the landscape area. This documents shall be required prior to issuance of a building permit..

Comprehensive Plan:

The future land use designation on the property is Industrial. Per Chapter 5 of the County’s Comprehensive Plan, the purpose of the Industrial future land use designation is to provide a setting for a wide range of employment uses, including manufacturing, warehouses, distribution, and other industries. Industrial designated areas may also include limited supporting uses such as retail and outdoor storage. The subject request will not significantly impact future development of the site. The proposed communications tower will provide service to surrounding property owners and industrial land uses surrounding the property. This will enhance wireless services and coverage in the area.

Site Characteristics:

Kenwood Street is located on the western side of the subject property. The site has access on Kenwood Street. A Union Pacific Railroad line is located adjacent to the eastern boundary of the property. The telecommunication tower is proposed to be located on the southeastern corner of the property (See Exhibit 2.2). The selected location is to reduce visibility of the tower from Kenwood Street.

Surrounding Zoning Designations and Existing Use Activity:

<u>Northwest</u> I-1 Warehousing/Outdoor Storage	<u>North</u> I-1 Warehousing/Outdoor Storage	<u>Northeast</u> I-1 Warehousing/Outdoor Storage
<u>West</u> I-2 Warehousing		<u>East</u> Commerce City Warehousing
<u>Southwest</u> I-2 Warehousing	<u>South</u> I-2 Warehousing/Outdoor Storage	<u>Southeast</u> I-2 Warehousing/Outdoor Storage

Compatibility with Surrounding Land Uses:

A majority of the subject property is surrounded by industrial uses; specifically warehousing and outdoor storage uses surround the property to the north, west, and south. Directly to the east are Union Pacific Railroad lines. There are also a number of warehouse structures located to the east of the railroad lines. There are approximately 11 dwellings located within a 500 foot radius of the location of the proposed telecommunication tower (see Exhibit 2.3). However, the proposed location is surrounded by warehouse structures. These structures serve as a buffer and reduce view of the tower from surrounding residential properties.

PLANNING COMMISSION UPDATE

The Planning Commission (PC) considered this case on November 10, 2016, and recommended approval of the request with a 4-2 vote. Commissioners Mosko and DeHerrera were the dissenting votes. At the hearing, the PC asked the applicant to explain the methodology used for selecting a location for a tower. The representative for T-Mobile, Josh Roberts, explained the site selection process and also provided a map illustrating three existing T-Mobile antennae in the area and justification for choosing the subject site. Two of the PC members expressed concerns with the proposed location of the tower because of its proximity to occupied dwelling units within 500 feet of the tower, and with no signed waivers from those surrounding property owners. In response, the representative explained that various efforts were made to obtain waivers from those property owners but were unsuccessful. The representative also informed the PC members that the site was selected for various reasons, including its industrial zone designation, distance away from the closest right-of-way, and presence of surrounding existing industrial properties and a railroad line.

STAFF RECOMMENDATION:

Based upon the application, the criteria for approval of a conditional use permit, and a recent site visit, staff recommends approval of this request with 8 Findings-of-Fact, 2 Conditions Precedent, 6 Conditions and 1 Note.

RECOMMENDED FINDINGS OF FACT

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

Recommended Conditions Precedent:

1. The applicant shall obtain a building permit for the telecommunications tower including all required building permit inspections.
2. Any telecommunications facility that ceases to be in operation for a consecutive period of six months or more shall be removed from the site within 90 days of the end of such period of non-use. The applicant shall be required to submit a performance bond in the amount of the removal costs, or other adequate security as approved by the Director of Community and Economic Development and give the County the right to enter the property for removal of such tower. The bond documents shall be submitted and approved by the Director of Community and Economic Development prior to approval of any associated building permit.

Recommended Conditions:

1. The Conditional Use Permit shall expire on November 29, 2026.
2. The maximum allowed height of the proposed freestanding telecommunications tower shall be 65 feet.
3. The applicant shall provide a landscape plan showing a landscape buffer of approximately 4,000 square feet (20' x 200') as shown in Exhibit 2.2 of the staff report. The plantings for the landscape area shall include a minimum of five large evergreen trees with a minimum size of six feet in height at planting.
4. Prior to the issuance of a building permit, the applicant shall provide a lease agreement for the proposed landscape area or install the required landscape buffer on the northern section of subject property (Parcel # 0172132224009) directly north of the lease area for the telecommunication tower.
5. Prior to issuance of a building permit, the applicant shall provide a site plan showing an eight foot screening opaque wooden fence around the perimeter of the lease area of the

telecommunication tower as shown in (Exhibit 2.2 of the report). Erosion and sediment control plan shall be required during construction of the telecommunication facility.

6. The tower shall provide for co-location opportunities for other telecommunication tower providers.

Recommended Notes to the Applicant:

1. All applicable building, zoning, health, engineering, and fire codes shall be adhered to with this request.

Public Comments:

# of property owners notified	# of comments received
162	1

All property owners within 750 feet of the subject property were notified of this application. As of writing this report, staff has received one letter in response from the property owner notification. Rudy and Paula Miyake, of 7721 Larkwood Street, expressed their opposition to the request. They specifically expressed health concerns and proximity of the tower to two schools, which are located approximately 1,100 and 1,600 feet from the tower location. Their property is approximately 480 feet from the proposed tower lease area.

County Agency Comments:

The Adams County Development Services staff reviewed the subject request and all staff concerns have been resolved.

Referral Agency Comments

The Commerce City Community Development Department requested screen fencing along the northern side of the proposed location of the telecommunication lease are. In response, the applicant is proposing to construct a wooded fence on all four sides of the telecommunication tower leased area, instead of a chain link fence. This is to accommodate Commerce City's request.

Responding with Concerns:

Commerce City Community Development

Responding without Concerns:

Colorado Department of Public Health and Environment
Colorado Department of Transportation
Xcel Energy

Notified but not Responding / Considered a Favorable Response:

Adams School District 14
Century Link

Comcast
Colorado Division of Wildlife
Metro Wastewater Reclamation
Neighborhood Improvement Committee
Regional Transportation District
South Adams Fire District
South Adams Water & Sanitation District
Union Pacific

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- 2.3 Map Showing Dwellings Within 500 Feet of Tower
- 2.4 Existing and Proposed Coverage Maps

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- 3.1 Referral Comments (Commerce City Community Development)
- 3.2 Referral Comments (CDOT)
- 3.3 Referral Comments (CDPHE)
- 3.4 Referral Comments (Xcel)

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- 5.3 Certificate of Posting
- 5.4 Property Owner Labels
- 5.5 Referral Labels

Submittal Item C

Explanation

Adams County CUP Permit Application
5810 E 77th Avenue
Commerce City, 80022

- T-Mobile is seeking a Conditional Use Permit (CUP) from Adams County for the construction of a 65' co-locatable telecommunications monopole that would enhance service to the citizens of Commerce City and Adams County.
- Pursuant to Section 3-07-01 of the Adams County Development Standards and Regulations (DSR), a CUP application is required to locate a telecommunications tower within an I-2 zone district. All regulation requirements, as related to telecommunication sites will be adhered to as stated in the Adams County DSR Section 4-09-02-07.
- T-Mobile's site will be located on the southwest corner of the Pipe Industries property located at 5810 E 77th Avenue in Commerce City. Several locations were evaluated during the due diligence process to select the best location for this site. Not only were the needs of T-Mobile's radio frequency requirements taken into consideration when locating an area for the site, but also the impact it would have on the residences and the surrounding area. After considering access, utilities, impact on neighbors, environmental constraints, and the area that would benefit the most users, the proposed location was chosen.
- The particular location of the site on the owner's property, was chosen so not to impact their day to day operations and be as functional as possible for all parties. The site is also placed as far away from any public roads, public areas and residences as possible. However, because of this, the proposed site does not meet the required setbacks from all property lines. T-Mobile would like to request a waiver be granted through the CUP in order to locate the site as proposed in the site plan.
- The proposed site will not have an impact on sewer, water, storm water drainage, fire protection, police protection or any public or privately used roads.



1 T-MOBILE LEASE AREA PHOTO

SCALE: N.T.S.

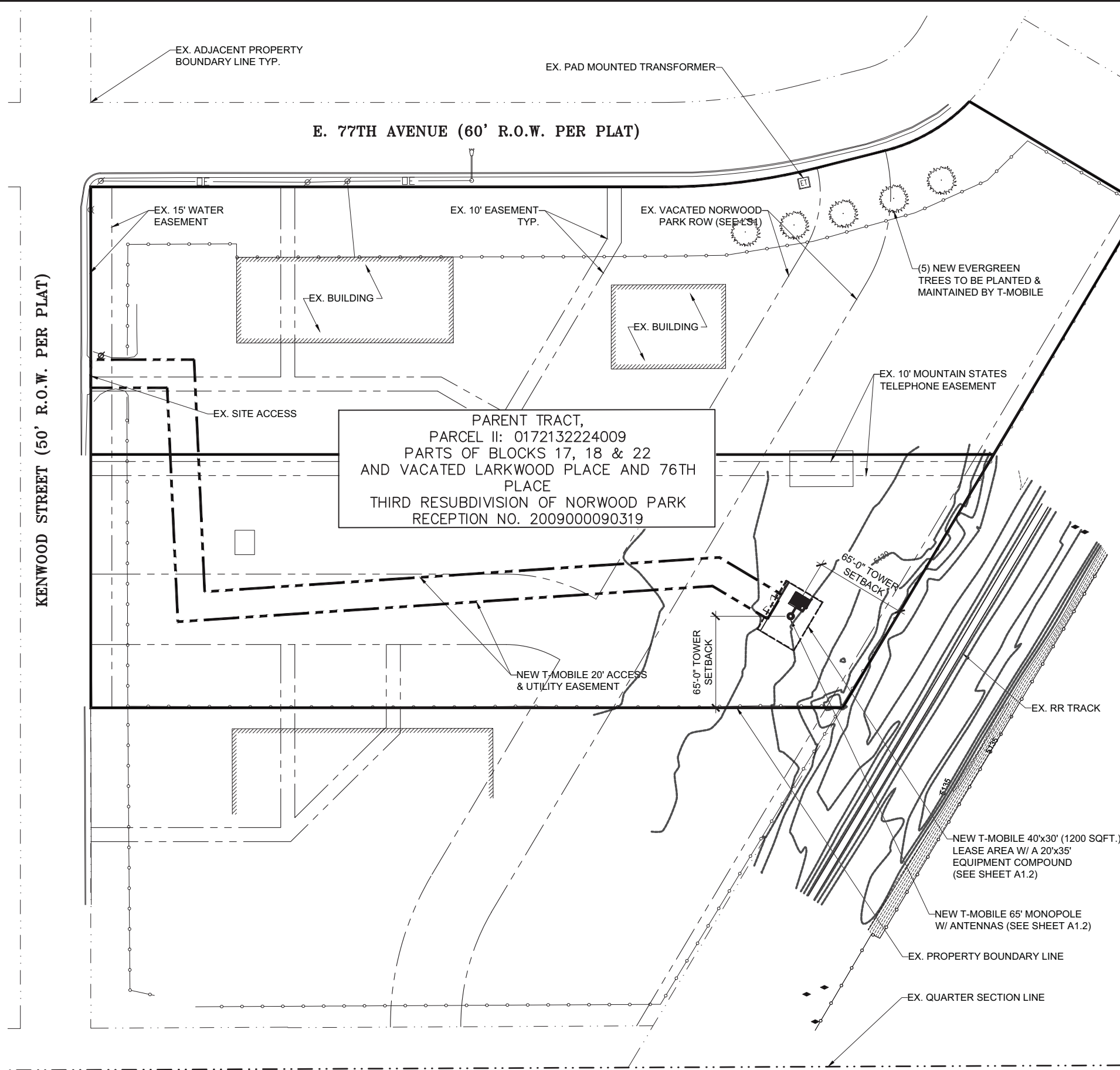
NOTE:
 OVERALL SITE PLAN AND LAND INFORMATION
 DERIVED FROM DALEY SURVEYING, INC.
 SURVEY DATED: 11.04.15



SCALE: 1" = 40'-0"

2 OVERALL SITE PLAN

SCALE: 1" = 40'-0"



T-Mobile
 2323 DELGANY STREET
 DENVER, CO 80216

PROJECT INFORMATION:
 SITE NAME:
PIPE INDUSTRIES
 SITE ID:
DN01467D
 5810 E. 77TH AVENUE
 COMMERCE CITY, CO 80022
 ADAMS COUNTY

Rev:	Date:	Description:	By:
1	10/23/15	PRELIMINARY	AD
2	11/13/15	ZONING	AD
3	12/9/15	REVISION #1	AD
4	5/4/16	REVISION #2	AD
5	10/17/16	REVISION #3	AD

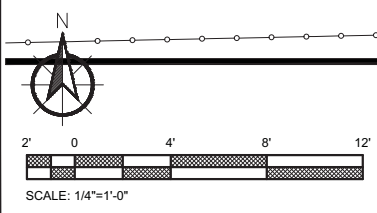
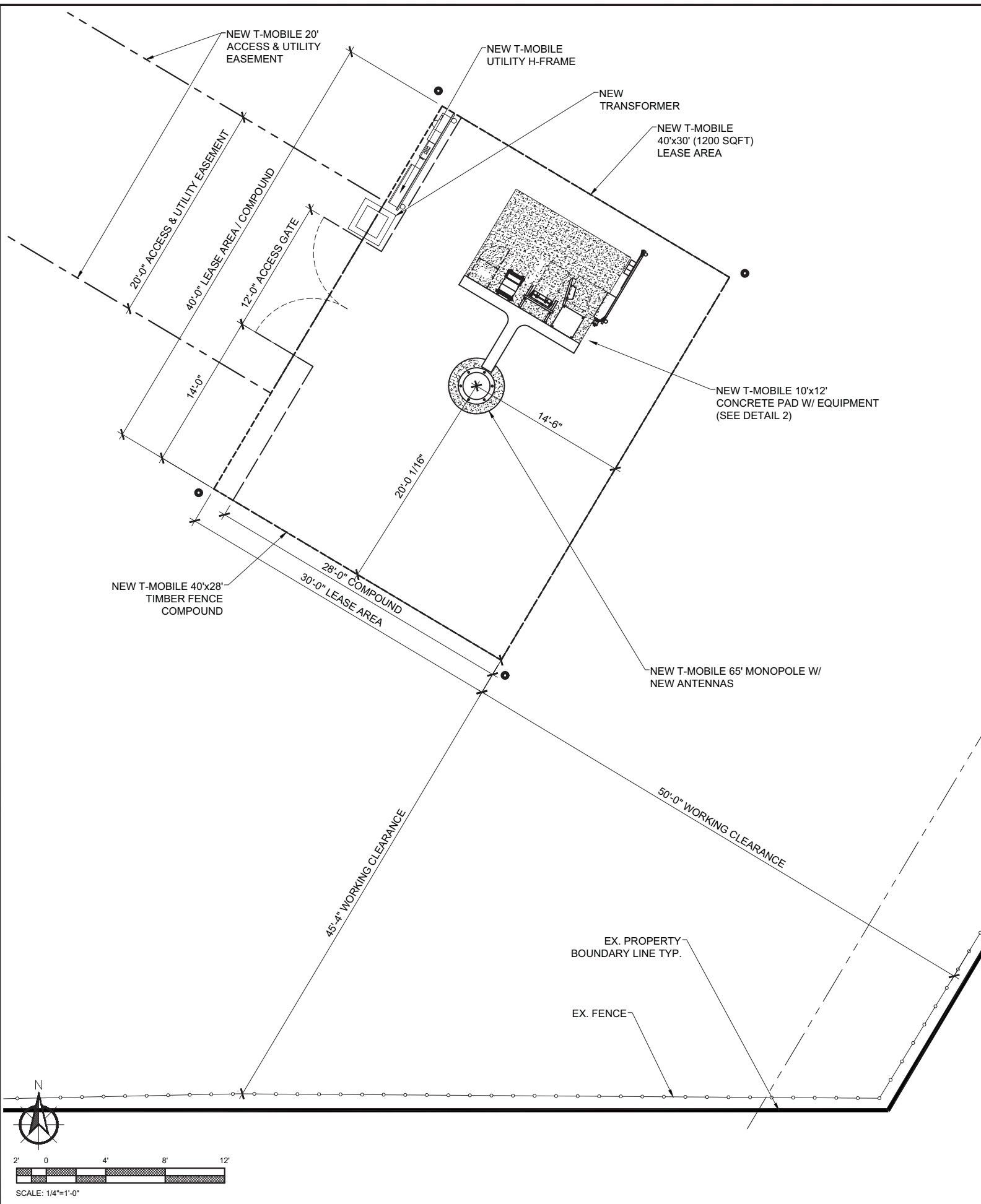
PLANS PREPARED BY:
CENTERLINE SOLUTIONS
Advancing Wireless Networks
 16035 TABLE MOUNTAIN PARKWAY
 GOLDEN, CO 80403
 303.993.3293
 WWW.CENTERLINESOLUTIONS.COM

LICENSURE NO:
 ALL SCALES ARE SET FOR 24"x36" SHEET

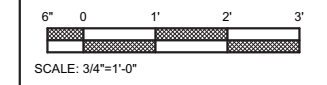
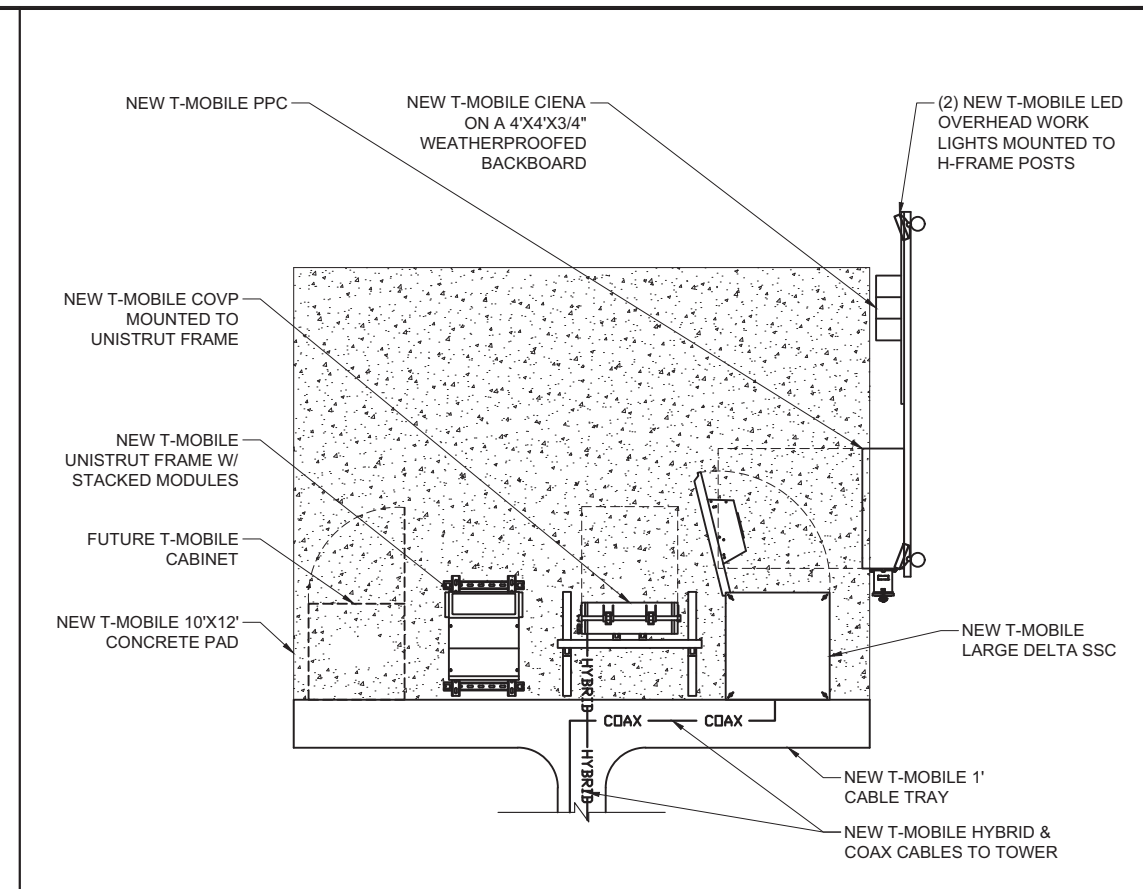
DRAWN BY:	CHK BY:	APV BY:
AD	AD	KS

Sheet Title:
OVERALL SITE PLAN

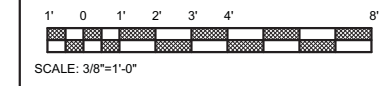
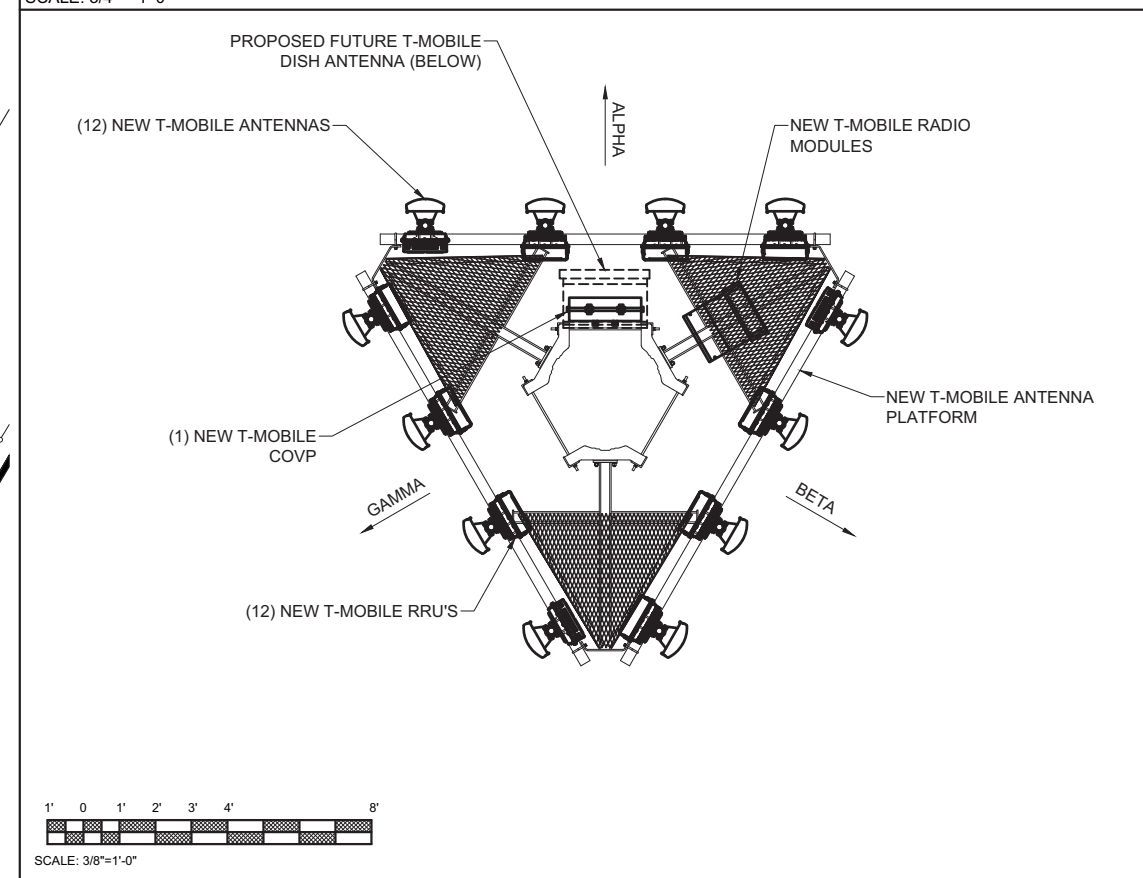
Sheet Number:
A1.1



1 DETAILED SITE PLAN
SCALE: 1/4" = 1'-0"



2 EQUIPMENT LAYOUT
SCALE: 3/4" = 1'-0"



3 ANTENNA LAYOUT
SCALE: 3/8" = 1'-0"

2323 DELGANY STREET
DENVER, CO 80216

PROJECT INFORMATION:
SITE NAME:
PIPE INDUSTRIES
SITE ID:
DN01467D

5810 E. 77TH AVENUE
COMMERCE CITY, CO 80022
ADAMS COUNTY

Rev:	Date:	Description:	By:
1	10/23/15	PRELIMINARY	AD
2	11/13/15	ZONING	AD
3	12/9/15	REVISION #1	AD
4	5/4/16	REVISION #2	AD
5	10/17/16	REVISION #3	AD

PLANS PREPARED BY:

16035 TABLE MOUNTAIN PARKWAY
GOLDEN, CO 80403
303.993.3293
WWW.CENTERLINESOLUTIONS.COM

LICENSURE NO:

ALL SCALES ARE SET FOR 24"x36" SHEET

DRAWN BY: CHK BY: APV BY:

AD	AD	KS
----	----	----

Sheet Title:
**DETAILED SITE PLAN,
EQUIPMENT &
ANTENNA LAYOUTS**

Sheet Number:
A1.2

PROJECT INFORMATION:

SITE NAME:
PIPE INDUSTRIES
SITE ID:
DN01467D

5810 E. 77TH AVENUE
COMMERCE CITY, CO 80022
ADAMS COUNTY

Rev:	Date:	Description:	By:
1	10/23/15	PRELIMINARY	AD
2	11/13/15	ZONING	AD
3	12/9/15	REVISION #1	AD
4	5/4/16	REVISION #2	AD
5	10/17/16	REVISION #3	AD

PLANS PREPARED BY:

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16035 TABLE MOUNTAIN PARKWAY
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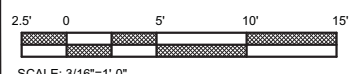
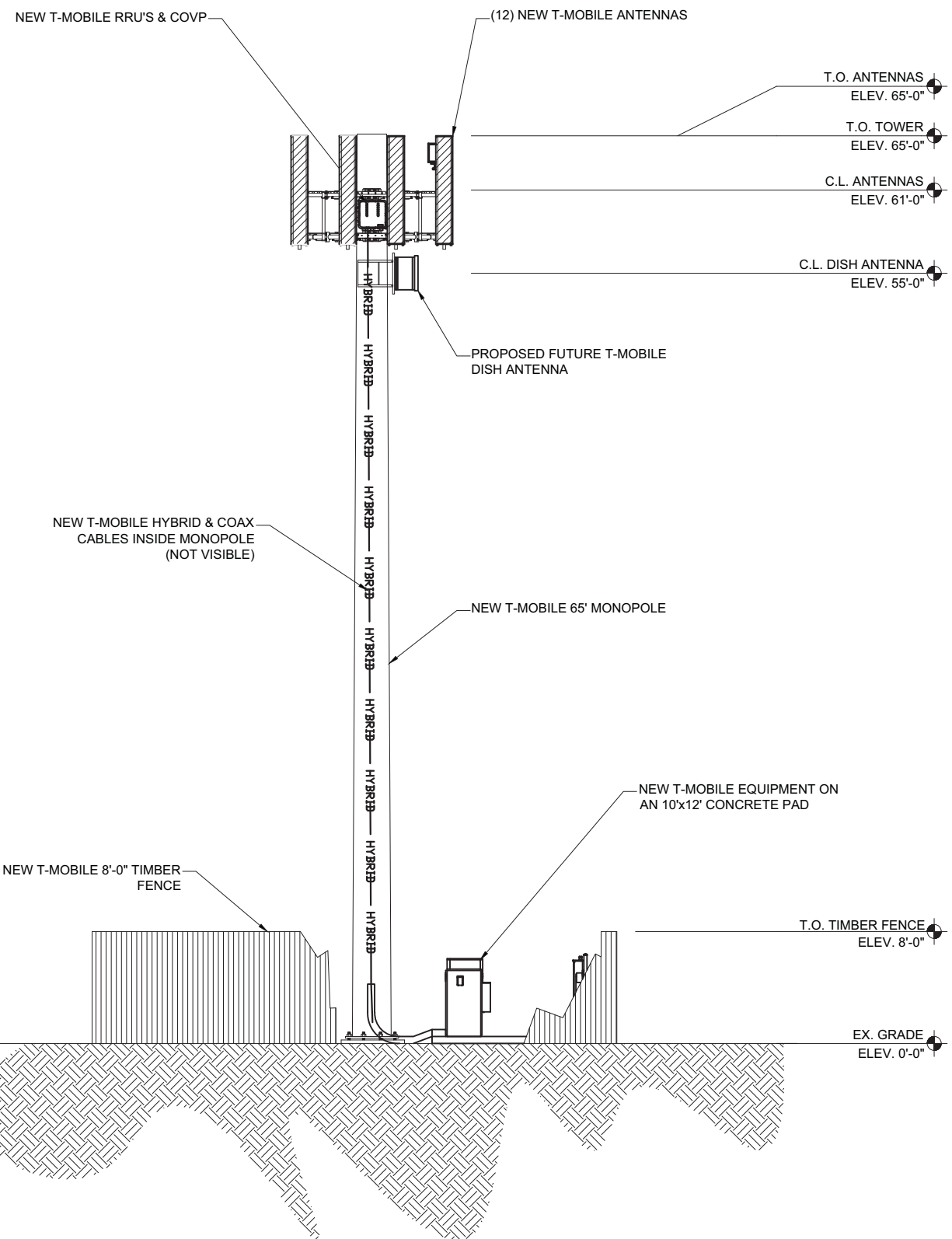
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ALL SCALES ARE SET FOR 24"x36" SHEET

DRAWN BY:	CHK BY:	APV BY:
AD	AD	KS

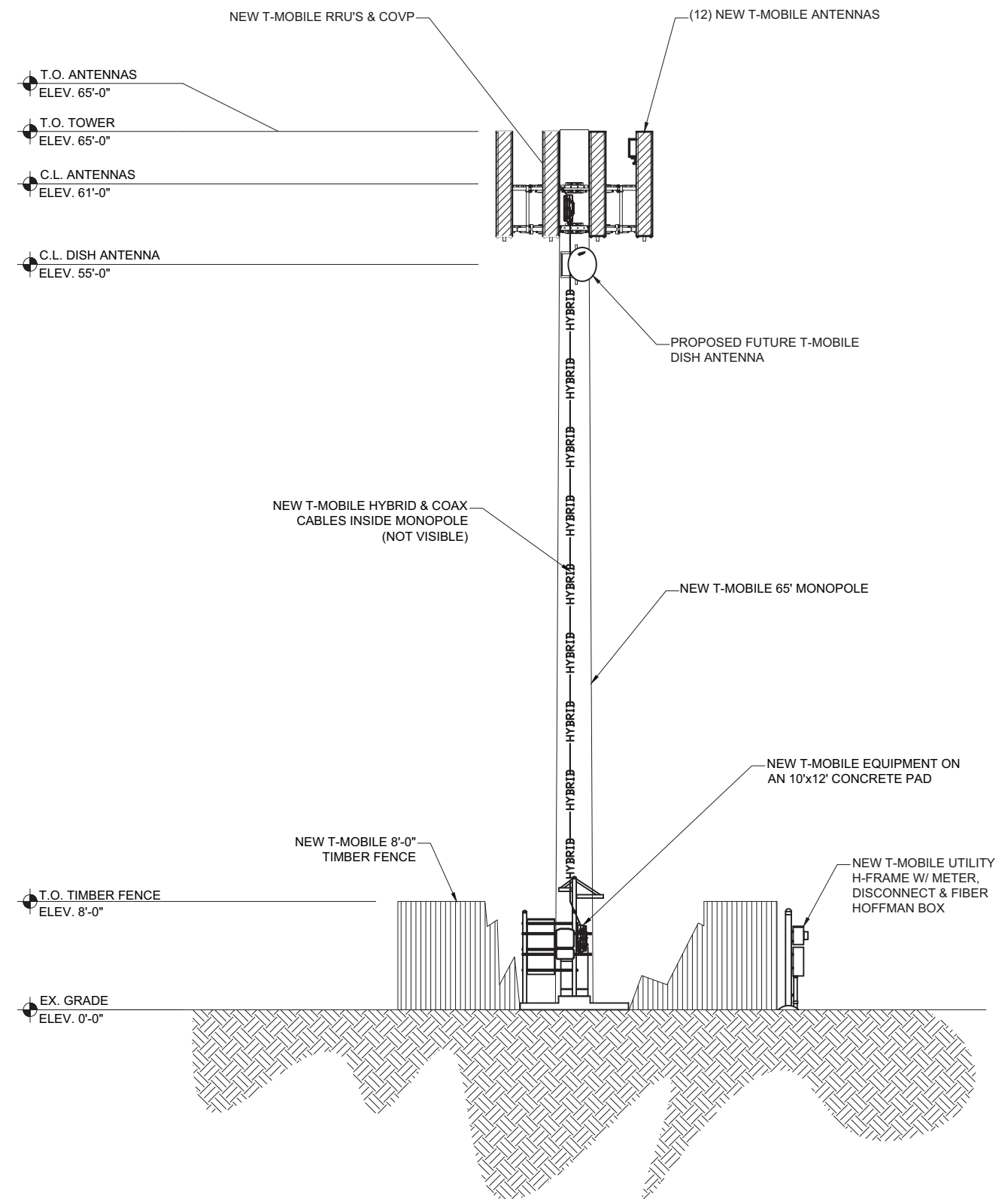
Sheet Title:
**SOUTHEAST AND
NORTHEAST
ELEVATIONS**

Sheet Number:
A2



1 SOUTHEAST ELEVATION

SCALE: 3/16" = 1'-0"



2 NORTHEAST ELEVATION

SCALE: 3/16" = 1'-0"

T-Mobile Tower

500 ft. radius

Proposed Tower Location



Google earth

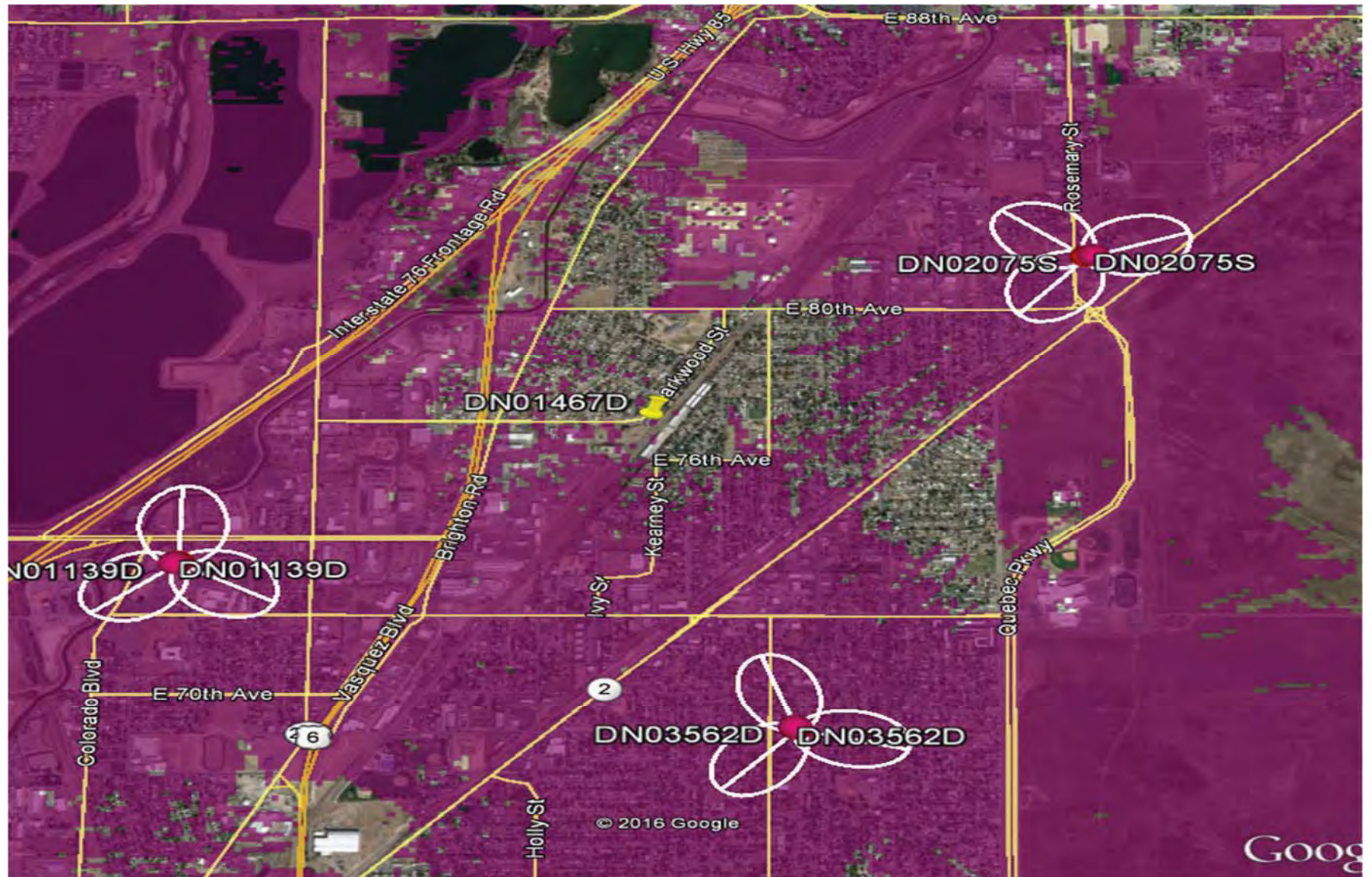
© 2016 Google

Kearney St

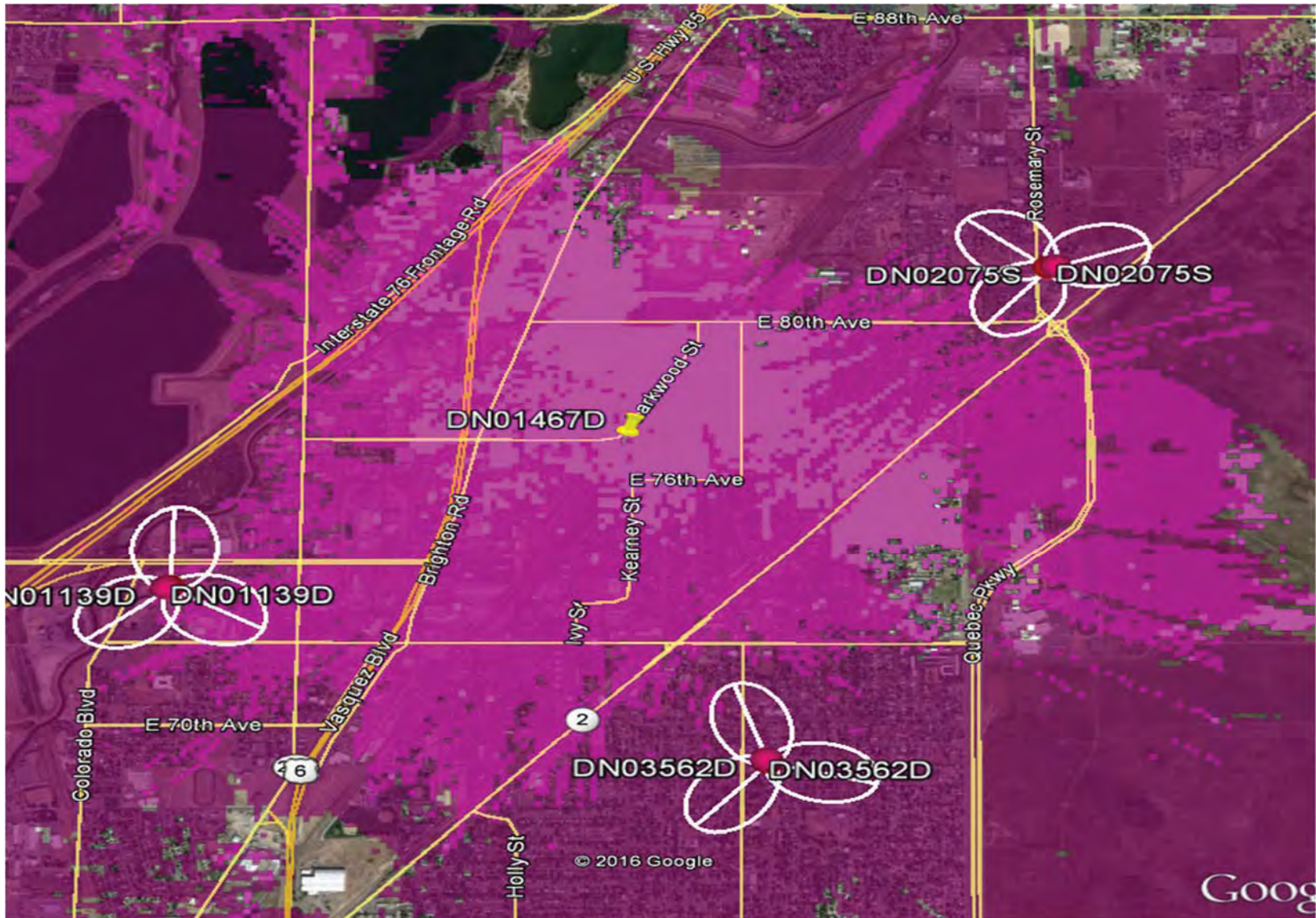
300 ft



EXISTING COVERAGE



COVERAGE WITH NEW TOWER



- ENG1: Flood Insurance Rate Map – FIRM Panel Flood Insurance Rate Map – FIRM Panel #08001C0608H, Federal Emergency Management Agency, March 5, 2007. According to the above reference, the project site is NOT located within a delineated 100-year flood hazard zone; a floodplain use permit will not be required.
- ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is within County's MS4 Stormwater Permit area. In the event that the disturbed area of the site exceeds 1 acre the applicant shall be responsible to prepare the SWMP plan using the Adams County ESC Template, and obtain both a County SWQ Permit and State Permit COR-030000.
- ENG3: No new access is requested. Must use existing access to property as per the proposed site plan. Must obtain or maintain an access easement as shown on the proposed site plan.
- ENG4: The applicant's proposed scope of work shows the use of the new structure on the site will not generate over 20 vehicles per day. Therefore, a traffic impact study is not required.
- ENG5: The applicant's proposed scope of work shows the new addition of impervious surface is less than 3,000 square feet. A drainage study and analysis is not required. A grading and drainage plan will be required for any propose change in grade or improvements to the site.
- ROW1: The proposed new 20' wide T-Mobile Access & Utility Easement should be recorded at such time as this project has been fully approved by Adams County.
- PLN01: Please record a landscape easement with pipe Industries to secure the placement of the five evergreen trees along East 77th Avenue. You will be expected to irrigate this landscaping in conformance with Section 4-16 of the Development Standards and Regulations. Please be aware that this will be a condition of approval.
- PLN02: Please provide a written response to the following items in Section 4-09-02-07(f) of the development Standards and Regulations:
 During the Conditional Use Permit process, the applicant shall demonstrate:
 (1) The site is necessary to provide appropriate signal coverage quality;
 (2) The site is made necessary pursuant to the applicant's FCC license;
 (3) The site is necessary to handle increased capacity due to caller volume;
 (4) Existing topography and/or structures in the surrounding area preclude other locations in the same area;
 (5) Technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access;
 (6) Screening and design of the freestanding facility will make the site compatible with surrounding land uses; and
 (7) The structure will not block a significant view, including, but not limited to the Front Range of the Rocky Mountains, the South Platte River, the Rocky Mountain Arsenal Wildlife Refuge, Barr Lake, and other significant water bodies.

Reviewers –	ENG	Greg Labrie	Development Engineer
	ROW	Bob Kovacs	Right-of-way Specialist
	PLN	Greg Barnes	Planner

Greg Barnes

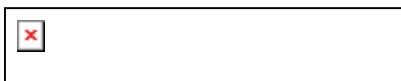
From: Loeffler - CDOT, Steven [steven.loeffler@state.co.us]
Sent: Monday, January 25, 2016 11:14 AM
To: Greg Barnes
Subject: RCU2016-00002, T-Mobile

Greg,

I have reviewed the request named above to allow a telecommunications tower in the I-2 zone district, on property located at 5810 East 77th Ave. and have no objections.

Thank you for the opportunity to review this referral.

Steve Loeffler
Permits Unit



P 303.757.9891 | F 303.757.9886
2000 S Holly Street, Denver, CO 80222
steven.loeffler@state.co.us | www.codot.gov | www.cotrip.org



Greg Barnes

From: Kuster - CDPHE, Kent [kent.kuster@state.co.us]
Sent: Monday, September 12, 2016 7:07 AM
To: Greg Barnes
Subject: Re: RCU2016-00002 - T-Mobile Conditional Use - Resubmittal

Hi Greg,

I am working out of the office; however, I wanted to let you know that the Colorado Department of Public Health and Environment does not have any comments on the telecommunications tower to be located at 5810 E. 77th Avenue RCU2016-00002.

Kent

On Fri, Sep 9, 2016 at 2:38 PM, Greg Barnes <GJBarnes@adcogov.org> wrote:

Hello. The Board of Adjustment approved a variance application to allow a telecommunications tower to be located at 5810 E. 77th Avenue without signed and recorded waivers from property owners of occupied dwelling units within 500 feet. As a result of this decision, the Conditional Use Permit application for the aforementioned tower has resumed. The applicant has resubmitted the request. Please review the attached information and provide me with comments no later than **September 22, 2016**.

Thanks

eDocs: 5447151



Greg Barnes

Planner II, *Community and Economic Development*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway

1st Floor, Suite W2000A

Brighton, CO 80601-8216

o: [720-523-6853](tel:720-523-6853) | gjbarnes@adcogov.org

www.adcogov.org

--

Kent Kuster

Environmental Protection Specialist

Colorado Department of Public Health and Environment

4300 Cherry Creek Drive South

Denver, CO 80246-1530

303-692-3662 | kent.kuster@state.co.us



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

July 27, 2016

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Greg Barnes

Re: T-Mobile, Case # VSP2016-00033

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the variance request plans for **T-Mobile** and has **no apparent conflict**.

Please be aware PSCo owns and operates existing electric distribution facilities within the subject property. Should the project require any new electric service or modification to existing facilities, the property owner/developer/contractor must contact the **Builder's Call Line** at 1-800-628-2121 or <https://xcelenergy.force.com/FastApp> (register, application can then be tracked) to complete the application process. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the **Utility Notification Center at 1-800-922-1987** to have all utilities located prior to any construction.

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George
Contract Right of Way Referral Processor
Public Service Company of Colorado

Greg Barnes

From: Greg Barnes
Sent: Wednesday, October 19, 2016 2:06 PM
To: 'Kerns, Robin - CD'
Subject: RE: RCU2016-00002 - T-Mobile Conditional Use - Resubmittal

Robin,

I just wanted to let you know that the applicant has agreed to install a wooden opaque 8' tall fence around the perimeter of the lease area to address your comments.



Greg Barnes
Planner II, *Community and Economic Development*
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway
1st Floor, Suite W2000A
Brighton, CO 80601-8216
o: 720-523-6853 | gjbarnes@adcogov.org
www.adcogov.org

From: Kerns, Robin - CD [<mailto:rkerns@c3gov.com>]
Sent: Thursday, September 22, 2016 9:27 AM
To: Greg Barnes
Subject: RE: RCU2016-00002 - T-Mobile Conditional Use - Resubmittal

Hi Greg,

Thank you for the update on this project. The landscaping is helpful with mitigation and we would recommend evergreen type trees. In addition, we would still request to have screen fence/ wall on the northern side(s) which face(s) the residential area to the north. Both vegetation and screen fencing would be our practice when adjacent to residential areas.

Thanks, Robin

From: Greg Barnes [<mailto:GJBarnes@adcogov.org>]
Sent: Thursday, September 22, 2016 9:13 AM
To: Kerns, Robin - CD
Subject: RE: RCU2016-00002 - T-Mobile Conditional Use - Resubmittal

Hey Robin,

Thanks for the comments. I'll pass that info along. I do have a question regarding the opaque wall. Why is the City requesting this? Is it a Commerce City regulation that an opaque wall be constructed for towers?

I've visited the site several times, and I do not see a great deal of value in this request. The site is located within an outdoor storage yard. It borders a railroad tracks on the east and is screened by an industrial business park on that side

as well. The base of the tower wouldn't be very visible to the north and west either. The only area where an opaque wall may have some value is screening from the northeast side of the tower. There may be about 400 feet along East 77th Avenue where the base of the tower would be visible. We requested that the applicant install landscaping along this frontage along 77th Avenue to reduce this visibility.

Thanks for your input.



Greg Barnes
Planner II, *Community and Economic Development*
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway
1st Floor, Suite W2000A
Brighton, CO 80601-8216
o: 720-523-6853 | gjbarnes@adcogov.org
www.adcogov.org

From: Kerns, Robin - CD [<mailto:rkerns@c3gov.com>]
Sent: Thursday, September 22, 2016 9:05 AM
To: Greg Barnes
Subject: RE: RCU2016-00002 - T-Mobile Conditional Use - Resubmittal

Hi Gregg,

Please find the referral response attached.

Thanks, Robin

From: Greg Barnes [<mailto:GJBarnes@adcogov.org>]
Sent: Friday, September 09, 2016 2:38 PM
To: Greg Barnes
Subject: RCU2016-00002 - T-Mobile Conditional Use - Resubmittal

Hello. The Board of Adjustment approved a variance application to allow a telecommunications tower to be located at 5810 E. 77th Avenue without signed and recorded waivers from property owners of occupied dwelling units within 500 feet. As a result of this decision, the Conditional Use Permit application for the aforementioned tower has resumed. The applicant has resubmitted the request. Please review the attached information and provide me with comments no later than **September 22, 2016**.

Thanks

eDocs: 5447151



Greg Barnes
Planner II, *Community and Economic Development*
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway
1st Floor, Suite W2000A
Brighton, CO 80601-8216
o: 720-523-6853 | gjbarnes@adcogov.org

Greg Barnes

From: RUDY S [miyake4@comcast.net]
Sent: Wednesday, July 13, 2016 12:34 PM
To: Greg Barnes
Subject: Comments VSP2016-00033

Dear Mr. Barnes,

I have returned both Cert. Letters received at my address stating that I and my wife DO NOT ACCEPT THIS LETTER AS MY WRITTEN WAIVER.

The 2nd Cert Letter was addressed incorrectly due to a typo error by Mr. Battaglia. It was addressed to Rudy and Adriana Miyake, (there has been no person by that name at this address or in my family) proper owners are Rudy and Paula Miyake. I did sign for the letter and returned it as stated above with the correction of the correct property owners. I hope that this wasn't done so a response would not be returned to T-Mobile!

We have concerns about the location of the tower, we believe it should be located at least 5 miles from any school.

Although there is no proof of health concerns at this time, We feel that the tower could present health problems in the future, not so much for us, but the children in the neighborhood, better safe than sorry. The tower is within 2 to 3 blocks of two elementary schools, Dupont and Monaco.

What is safe today is bad the next, we see this everyday depending on what study is released.

There are a number of areas that are not located so close to residential homes and schools in Adams County that should be used.

Your decision could impact the health and welfare of future generations in our neighborhood.

Rudy and Paula Miyake
7721 Larkwood St
Commerce City, Co 80022-1032



Request for Comments

Case Name: T-Mobile
Case Number: RCU2016-00002

January 20, 2016

Adams County Planning Commission is requesting comments on the following request:

Requesting a Conditional Use Permit to allow a telecommunications tower in the Industrial-2 (I-2) zone district pursuant to Section 3-07-01 of the Adams County Development Standards and Regulations,

This request is located at 5810 E 77th Avenue. The Assessor's Parcel Number is 0172132224009.

Applicant Information: T-Mobile, 2323 Delgany St., Denver, CO 80206

Please forward any written comments on this application to the Department of Community and Economic Development, 4430 South Adams County Parkway, Suite W2000A, Brighton, CO 80601-8216 (720) 523-6800 by 02/12/2016 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to GJBarnes@adcogov.org. Once comments have been received and the staff report written, the staff report and notice of public hearing dates will be forwarded to you for your information.

The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Greg Barnes
Case Manager



Public Hearing Notification

Case Name: T-Mobile
Case Number: RCU2016-00002
Planning Commission Hearing Date: November 10, 2016 at 6:00 PM
Board of County Commissioners Hearing Date: November 29, 2016 at 9:30 AM

October 12, 2016

A public hearing has been set by the Adams County Planning Commission and the Board of County Commissioners to consider the following request:

Requesting a Conditional Use Permit to allow a telecommunications tower in the Industrial-2 (I-2) zone district pursuant to Section 3-07-01 of the Adams County Development Standards and Regulations,

The proposed use will be Commercial. This request is located at 5810 E 77th Ave. Commerce City, CO 80022 on 2.42 acres. The Assessor's Parcel Number(s) 0172132224009

Applicant Information: T-Mobile
2323 DELGANY ST
DENVER, CO 80206

The hearing will be held in the Adams County Hearing Room located at 4430 South Adams County Parkway, Brighton CO 80601-8216. This will be a public hearing and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. If you require any special accommodations (e.g., wheelchair accessibility, an interpreter for the hearing impaired, etc.) please contact the Adams County Community and Economic Development Department at (720) 523-6800 (or if this is a long distance call, please use the County's toll free telephone number at 1-800-824-7842) prior to the meeting date.

For further information regarding this case, please contact the Department of Community and Economic Development, 4430 S Adams County Parkway, Brighton, CO 80601, 720-523-6800. This is also the location where maps and/or text certified by the Planning Commission may be viewed. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Greg Barnes
Case Manager

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Erik Hansen
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Jan Pawlowski
DISTRICT 5

PUBLICATION REQUEST

Case Name: T-Mobile
Case Number: RCU2016-00002

Planning Commission Hearing Date: November 10, 2016 at 6:00 p.m.
Board of County Commissioners Hearing Date: November 29, 2016 at 9:30 a.m.

Request: Requesting a Conditional Use Permit to allow a telecommunications tower in the Industrial-2 (I-2) zone district pursuant to Section 3-07-01 of the Adams County Development Standards and Regulations.

Location: 5810 E 77TH AVE

Parcel Number: 0172132224009

Case Manager: Greg Barnes

Case Technician: Shayla Christenson

Applicant: T-Mobile
2323 DELGANY ST
DENVER, CO 80206

Owner: 5810 EAST 77TH AVENUE LLC
102 S DEVINNEY ST
GOLDEN, CO 804015348

Representative: Paul Battaglia

Legal Description: SUB:NORWOOD PARK THIRD RESUBD DESC: PT OF BLKS 17 18 AND 22 AND VAC LARKWOOD ST AND 76TH PL DESC AS BEG AT PT OF INTERSEC OF E LN KENWOOD ST AND S LN 77TH AVE SD PT BEING NW COR SD BLK 22 TH S 190/05 FT TO TRUE POB TH CONT S 179/90 FT TO A PT ON W LN OF LOT 1 BLK 17 TH ON AN ANG TO LEFT OF 90D 534/32 FT M/L TO A PT ON W LN U P RR ROW TH NLY ALG W LN SD ROW 209/39 FT TH W 641/47 TO POB

CERTIFICATE OF POSTING



I, J. Gregory Barnes do hereby certify that I posted the property at

5180 East 77th Avenue

on November 8, 2016

in accordance with the requirements of the Adams County Zoning Regulations

J. Gregory Barnes

5770 PARTNERS LIMITED
LIABILITY COMPANY
2445 S LEYDEN ST
DENVER CO 80222-6333

ARCHULETA RENEE S
7710 LADORE ST
COMMERCE CITY CO 80022-1029

5810 EAST 77TH AVENUE LLC
102 S DEVINNEY ST
GOLDEN CO 80401-5348

ATENCIO NANCY A AND
ATENCIO ERNIE
9301 MONACO ST
HENDERSON CO 80640

7691 KEARNEY DR LLC
6885 LOWELL BLVD
DENVER CO 80221

BARELA MARVIN LEE
7610 LEYDEN LN
COMMERCE CITY CO 80022-1320

7700 KIMBERLY STREET TRUST
7550 E 53RD PL UNIT 5185
DENVER CO 80217-7407

BARNHART JAMES R
8551 E 105TH CT
HENDERSON CO 80640-8998

ACOSTA RITO HEREDIA
7740 KENWOOD ST
COMMERCE CITY CO 80022-1019

BARRON OMAR LOZANO
7751 KENWOOD ST
COMMERCE CITY CO 80022-1018

ADAMS MENTAL HEALTH FOUNDATION
DBA COMMUNITY REACH CENTER FDN INC
8931 HURON ST
THORNTON CO 80260

BEST BARGAIN STORAGE LLC
1331 NW LOVEJOY ST STE 755
PORTLAND OR 97209-2987

ALARCON JESUS AND
ALARCON RACHEL AND ALARCON JESUS F
7731 LADORE ST
COMMERCE CITY CO 80022-1028

BISHOP MATTHEW RICHARD AND
BISHOP RICHARD MARTIN
9336 INGALLS ST
WESTMINSTER CO 80031

ALARID JENNIFER L
7771 LARKWOOD ST
COMMERCE CITY CO 80022-1032

BOCA NEGRA MARIA LUISA
7701 KIMBERLY ST
COMMERCE CITY CO 80022

ALPINE INDUSTRIAL PARK LLC
6035 E 76TH AVE NO. A
COMMERCE CITY CO 80022-1376

BRAYMAC HOLDINGS LLC
1525 HAVANA ST
AURORA CO 80010-2325

ARAGON MARIA DE JESUS GONZALEZ
6750 BOWEN CT
COMMERCE CITY CO 80022-4010

BRUCKNER TRUCK SALES INC
9471 E INTERSTATE 40
AMARILLO TX 79118-6960

BRUG JOHN M AND
GIBLER RAYMOND S
10355 W CENTER AVE
LAKEWOOD CO 80226-2728

CHAVEZ MILDRED/ELIZABETH AND
CHAVEZ MARY THERESA/VINCENT
6151 E 76TH AVE
COMMERCE CITY CO 80022-1309

BUDD ELIZABETH
1601 S LANSING ST
AURORA CO 80012-5128

CLARK RONALD T
7656 KEARNEY DR
COMMERCE CITY CO 80022-1316

BUDD ELIZABETH D TRUSTEE OF THE
BUDD ELIZABETH D REVOCABLE TRUST THE
1601 S LANSING ST
AURORA CO 80012-5128

COS Y LEON BARBARA C AND
COS Y LEON EMILIO E
7701 KEARNEY DR
COMMERCE CITY CO 80022-1317

BUSCHMAN FRANK L
PO BOX 173
DUPONT CO 80024

CRUZ JUAN A AND
CRUZ ANNA
4909 CLAYTON STREET
DENVER CO 80216

BUSTILLOS FIDENCIO
7780 KENWOOD STREET
COMMERCE CITY CO 80022

CUE TAMARA JEAN
7580 KRAMERIA ST
COMMERCE CITY CO 80022-1340

CAMPBELL FRED J AND PATRICIA Y
7756 LADORE ST
COMMERCE CITY CO 80022-1029

D AND L INVESTMENTS 8 LLC
C/O LORRAINE MC CANN
3707 PALMER RIDGE DRIVE
PARKER CO 80134

CARBAJAL MARIA GUADALUPE MIRANDA
7740 LARKWOOD ST
COMMERCE CITY CO 80022-1033

DAVIDSON STEVEN D
7701 KENWOOD ST
COMMERCE CITY CO 80022-1018

CARLSON RONALD GENE AND
CARLSON BETTY JO
6980 NEWPORT STREET
COMMERCE CITY CO 80022

DE GALVAN MARCIANA MARQUEZ AND
GALVAN JOSE R
7611 LEYDEN LN
COMMERCE CITY CO 80022-1319

CARPENTER MARIAN K
7731 KENWOOD ST
COMMERCE CITY CO 80022-1018

DEVRENT LLC
8301 E PRENTICE AVE STE 203
GREENWOOD VILLAGE CO 80111-2905

CHAVEZ CASTANEDA JESUS
6250 FEDERAL BLVD LOT 33
DENVER CO 80221-2010

DMIK LLC
PO BOX 1224
MORRISON CO 80465-5224

DOMINGUEZ-HOLGUIN JOSE
7711 KEARNEY DR
COMMERCE CITY CO 80022-1317

FONTES MARIA AND
FONTES JESUS JOSE
7610 KEARNEY DR
COMMERCE CITY CO 80022-1316

DORADO FRANCISCO J AND
DORADO LAURA A
7731 KIMBERLY ST
COMMERCE CITY CO 80022-1022

FORBES JOSEPH E AND
FORBES KATIE J
7771 LADORE ST
COMMERCE CITY CO 80022-1028

DOUBLE BLACK DIAMOND DEVELOPMENT LLC
4582 S ULSTER ST
DENVER CO 80237-2632

FRAZIER MATTHEW THOMAS
30508 CIRCLE R LN
VALLEY CENTER CA 92082-4808

DOWELL AMANDA AND DOWELL ROBERT
19057 EAGLE RIDGE DR
GOLDEN CO 80401-0906

FUENTES CESAR A
7710 KENWOOD ST
COMMERCE CITY CO 80022-1019

ELIZONDO FERMAN A SR AND
ELIZONDO ANNIE A
7562 KEARNEY ST
COMMERCE CITY CO 80022-1336

GALLEGOS JESUS AND
GALLEGOS RAMONA
7631 KEARNEY DR
COMMERCE CITY CO 80022-1315

ESTRADA RUBEN AND
ESTRADA ELISIA IRIGOYEN
3747 CLAY ST
DENVER CO 80211-2833

GANJI-SERESHKI ANUSCHKA
7641 KEARNEY DR
COMMERCE CITY CO 80022-1315

EUBANK ROBERT G/WEIHONG TRUSTEES OF
THE EUBANK 2007 FAMILY TRUST
90 W 84TH AVE
DENVER CO 80260-4808

GARCIA CYNTHIA A
7601 KEARNEY DR
COMMERCE CITY CO 80022-1315

FERNANDEZ JOSE AND
ROBLES MARIA G
7761 KENWOOD ST
COMMERCE CITY CO 80022-1018

GARCIA ROSA M
7730 KIMBERLY ST
COMMERCE CITY CO 80022-1023

FLORES ROSA
7551 KRAMERIA ST
COMMERCE CITY CO 80022-1339

GOMEZ GUMARO
8310 RALPH LN
DENVER CO 80221-3963

FONSECA AMADOR FLORES
7670 KEARNEY DR
COMMERCE CITY CO 80022-1316

GOMEZ RAMON
7611 KEARNEY DR
COMMERCE CITY CO 80022

GONZALES DARRIN K AND
GONZALES LAURA Q
7755 KENWOOD ST
COMMERCE CITY CO 80022-1018

HERNANDEZ ARACELI
7755 LADORE ST
COMMERCE CITY CO 80022-1028

GONZALEZ JULIE V
7751 LADORE ST
COMMERCE CITY CO 80022-1028

HOOVER CLARA N
7700 KENWOOD ST
COMMERCE CITY CO 80022

GREGOIRE WILLIAM EDRIC AND
GREGOIRE ALINE HELENA
7752 IDLEWILD ST
COMMERCE CITY CO 80022-1042

HUTCHISON INCORPORATED
PO BOX 1158
COMMERCE CITY CO 80022-0158

GRIMALDO EDUARDO JR AND
GRIMALDO SARA LOUISE
7641 LEYDEN LANE
COMMERCE CITY CO 80022-1319

HUTCHISON RENTAL EQUIPMENT
7460 U S HIWAY 85
COMMERCE CITY CO 80022

GUARDIOLA ARMANDO AND
GUARDIOLA ALMA P
7661 KEARNEY DR
COMMERCE CITY CO 80022-1315

IBARRA ARMANDO
7760 IDLEWILD ST
COMMERCE CITY CO 80022-1042

GURROLA JOSE M AND
GURROLA MARIA
7696 KEARNEY DR
COMMERCE CITY CO 80022-1316

J AND J SCOTT COMMERCE CITY LLC
6337 UMBER CIR
ARVADA CO 80403-7407

GURULE CHRISTIANE JUDITH
7681 LEYDEN LN
COMMERCE CITY CO 80022-1319

JONES MARGARET B
13006 E 106TH AVE
COMMERCE CITY CO 80022-8889

HANSON EDWARD A
7630 LEYDEN LN
COMMERCE CITY CO 80022-1320

JONES STEPHEN D
1901 SHERRELWOOD DR
DENVER CO 80221-4649

HEATH GREGORY I AND
HEATH ROSALIE ANN
8505 E LOWRY BLVD NO 223
DENVER CO 80230-7029

JUAREZ-MARTINEZ SOCORRO AND
JUAREZ MARIA ANTONIA
7770 LARKWOOD ST
COMMERCE CITY CO 80022

HELMUTH RONALD W
7761 LADORE STREET
COMMERCE CITY CO 80022

KLAPP ROGER AND
KLAPP JILL
7761 LARKWOOD ST
COMMERCE CITY CO 80022-1032

KOENIG RUSSEL K AND
KOENIG LAUREL A
7760 LARKWOOD ST
COMMERCE CITY CO 80022-1033

MAESTAS ADELIDO L
PO BOX 414
DUPONT CO 80024-0414

KRAMERIA PROPERTY LLC
7830 MONACO ST
COMMERCE CITY CO 80022-1193

MANUEL JUAN C PENA AND
MANUEL FRANCISCO J PENA
7790 KIMBERLY ST
COMMERCE CITY CO 80022

LAKE PETER R AND
LAKE GRACIE O
7791 LADORE ST
COMMERCE CITY CO 80022-1028

MARQUEZ DEGALVAN MARCIANA
7621 LEYDEN LN
COMMERCE CITY CO 80022-1319

LEE GARY E AND
LEE CAROL J
7690 KEARNEY DR
COMMERCE CITY CO 80022-1316

MARTINEZ FLORA M
1763 MONTANE DR E
GOLDEN CO 80401-8095

LEO JIM W AND
HINDES ERIC L
7601 LEYDEN LN
COMMERCE CITY CO 80022-1319

MARTINEZ JUAN AND
RODRIGUEZ ADRIANA
7630 KEARNEY DR
COMMERCE CITY CO 80022-1316

LEVSTIK WAYNE F JR
7780 KIMBERLY ST
COMMERCE CITY CO 80022-1023

MARTINEZ MANCILLA JOSE ANTONIO
7753 KENWOOD STREET
COMMERCE CITY CO 80022

LITTELL MICHELE
7800 LARKWOOD ST
COMMERCE CITY CO 80022-1035

MAYGUTIAK ANDREW S
7771 KIMBERLY ST
COMMERCE CITY CO 80022-1022

LOW ANDREW Y
9406 INGALLS ST
WESTMINSTER CO 80031-2824

MC CANN SCOTT A AND
MC CANN ANNETTE S
6869 W 95TH AVE
WESTMINSTER CO 80021

LUJAN SAMANTHA S
7620 LEYDEN LN
COMMERCE CITY CO 80022-1320

MC CANN SCOTT ALLEN AND
MC CANN ANNETTE SUE
6869 W 95TH AVE
WESTMINSTER CO 80021

MACHUGA CANDY LYNN SCHOLES AND
SCHOLES NANCY L
PO BOX 844
WESTMINSTER CO 80030

MC CANN TODD BRIAN
PO BOX 440694
AURORA CO 80044-0694

MCCANN MARK DAVID
16541 KEARNEY CT
THORNTON CO 80602-6059

MUNOZ ANDREA L AND
MUNOZ DANIEL H
7681 KEARNEY DR
COMMERCE CITY CO 80022-1315

MEIER JAMES A AND
MEIER PAMELA J
19801 E 128TH AVE
COMMERCE CITY CO 80022-9303

MUNOZ PLASIDO AND
MUNOZ CLAUDIA
7741 KEARNEY DR
COMMERCE CITY CO 80022-1317

MILLER DAVID K AND MILLER CINDY L
4874 W 98TH AVE
WESTMINSTER CO 80030

NUGARAY VICTOR ACEVES
7761 KIMBERLY ST
COMMERCE CITY CO 80022-1022

MILNE JAMES
7730 LADORE STREET
COMMERCE CITY CO 80022

O NEAL GEORGIA D
7660 LEYDEN LN
COMMERCE CITY CO 80022-1351

MINGO AND JYNX LLC
10390 W 12TH AVE
LAKEWOOD CO 80215-4565

OLIVAS SUSAN E AND
OLIVAS NATALIA E
7770 LADORE STREET
COMMERCE CITY CO 80022

MIYAKE RUDY S AND
MIYAKE PAULA M
7721 LARKWOOD ST
COMMERCE CITY CO 80022-1032

OLIVER JO MARIE
12320 E 116TH CIRCLE
HENDERSON CO 80640

MONTOYA JUAN AND
MONTOYA MARTHA A
7640 KEARNEY DRIVE
COMMERCE CITY CO 80022

ORNELAS RAUL
7590 KRAMERIA ST
COMMERCE CITY CO 80022

MORENO ISIDRO
7710 LARKWOOD ST
COMMERCE CITY CO 80022-1033

ORTIZ MENDEZ JOSE A
7590 KEARNEY ST
COMMERCE CITY CO 80022-1336

MORTENSON CLARA E
7741 IDLEWILD ST
COMMERCE CITY CO 80022-1043

PALMER JATHON AND
BRANT ELWYN C
7721 KEARNEY DRIVE
COMMERCE CITY CO 80022

MUNIZ SIDNEY
7743 IDLEWILD ST
COMMERCE CITY CO 80022-1043

PLATTE VALLEY HOLDINGS LLC
1525 HAVANA ST
AURORA CO 80010-2325

QUINTANA JESSE R AND
QUINTANA JUDY F
7650 KEARNEY DR
COMMERCE CITY CO 80022-1316

SCHAFFER LARRY D AND
SCHAFFER GALENE M
7741 LADORE STREET
COMMERCE CITY CO 80022

QUINTANA JESSE R AND TAYLOR JOANN AND
QUINTANA JUDY F AND SHEEHAN JEAN
PO BOX 435
BLACK HAWK CO 80422-0435

SCHLIEMAN MARC
3849 E 135TH WAY
THORNTON CO 80241-1425

RODRIGUEZ ILIANA
7731 LARKWOOD STREET
COMMERCE CITY CO 80022

SEEGER DONALD R AND
SEEGER PAULINE M
13590 SABLE BLVD
BRIGHTON CO 80601-7225

RODRIGUEZ MANUEL JR
6221 E 76TH AVE
COMMERCE CITY CO 80022-1310

SHAFTO KATHRENE LYNN AND
FUNK KARL DARRELL AND FUNK KURTIS DALE
7790 LARKWOOD ST
COMMERCE CITY CO 80022-1033

RODRIGUEZ VARGAS MIGUEL A
7660 KEARNEY DR
COMMERCE CITY CO 80022-1316

STAMBAUGH DAVID L
7721 KENWOOD ST
COMMERCE CITY CO 80022-1018

RUFINO VICENTE
7751-7753 IDLEWILD ST
COMMERCE CITY CO 80022

STRUWE MATTHEW AND
STRUWE ANNETTE
7741 LARKWOOD ST
COMMERCE CITY CO 80022-1032

SAENZ ARNALDO
7790 LADORE ST
COMMERCE CITY CO 80022-1080

SUAZO LATISHA L AND
SUAZO MARK A
7780 LARKWOOD ST
COMMERCE CITY CO 80022-1033

SAIZ CRYSTAL VICTORIA
289 BELFORD DRIVE
NORTHGLENN CO 80260

SWANK WALTER C
14475 WELD CNTY RD NO. 2
BRIGHTON CO 80601

SANDOVAL AMADEO J AND
SANDOVAL BETTY B
7791 KENWOOD ST
COMMERCE CITY CO 80022-1018

TALAMANTES JUAN D
7771 KENWOOD ST
COMMERCE CITY CO 80022-1018

SANDOVAL JOAQUIN RICARDO
7801 LARKWOOD ST
COMMERCE CITY CO 80022-1034

TALAMANTES JUAN D
7781 KENWOOD ST
COMMERCE CITY CO 80022-1018

THURSTON PATRICIA L
7651 LEYDEN LANE
COMMERCE CITY CO 80022

VERDIN REYES LERMA AND
LERMA MANUELA
7796 KENWOOD ST
COMMERCE CITY CO 80022-1019

TORRES JOSE
7671 KEARNEY DR
COMMERCE CITY CO 80022-1315

VILLALOBOS FRANCISCO AND
VILLALOBOS JUANA
7750 LADORE ST
COMMERCE CITY CO 80022-1029

TORRES VERONICA AND
TORRES CARPIO DARWIN NOE
7811 LARKWOOD ST
COMMERCE CITY CO 80022-1034

WALTERS GARY AND CAROL FAMILY TRUST
2014
2765 TOSHACH AVE
HENDERSON NV 89044-1538

TOWNSEND MATTHEW PAUL
7680 KEARNEY DR
COMMERCE CITY CO 80022-1316

WATSON JESSE C
7740 KIMBERLY ST
COMMERCE CITY CO 80022-1023

TREVIZO MANUEL
7721 KIMBERLY ST
COMMERCE CITY CO 80022-1022

WEEDMAN WILLIAM AND
WEEDMAN SONDR A J
7781 LADORE ST
COMMERCE CITY CO 80022

ULMER BRIAN
9280 W 101ST PL
BROOMFIELD CO 80021-3877

WERTH RONALD JR AND
ENGLE DEBRA
7701 LADORE STREET
COMMERCE CITY CO 80022

VALDEZ AGUSTIN JR
7655 LEYDEN LN
COMMERCE CITY CO 80022-1319

WERTH SUBDIVISION CO LLC
11275 PARIS ST
HENDERSON CO 80640-7638

VALLEJOS DARREN AND
VALLEJOS ARMANDINA
7730 KENWOOD ST
COMMERCE CITY CO 80022

WERTH TROY ALAN
1531 E SARATOGA CT
GILBERT AZ 85296-2515

VAN SICKLE CHRIS
17110 W 62ND CIR
ARVADA CO 80403-2626

WESTERN AUTO RECYCLING-COMMERCE CITY INC
7481 KEARNEY ST
COMMERCE CITY CO 80022-1357

VAZQUEZ CASIMIRO AND
VAZQUEZ SONYA
7726 LADORE ST
COMMERCE CITY CO 80022

WIELAND DAVID M AND
WIELAND CRYSTAL L
3045 E 109TH AVE
NORTHGLENN CO 80233-5475

YOUNGER VIOLA M
8305 E 148TH WAY
BRIGHTON CO 80602-5796

ZUBIA MONICA AND
MELTON DEBBIE R
3925 W 104TH PL
WESTMINSTER CO 80031-2402

Adams County Development Services - Building
Attn: Justin Blair
JBlair@adcogov.org

COMCAST
Attn: JOE LOWE
8490 N UMITILLA ST
FEDERAL HEIGHTS CO 80260

ADAMS COUNTY SCHOOL DISTRICT 14
Attn: Patrick Sanchez
5291 E. 60th Avenue
COMMERCE CITY CO 80022

Commerce City Planning Division
Attn: Robin Kern
7887 East 60th Avenue
COMMERCE CITY CO 80022

CDPHE - AIR QUALITY
Attn: JAMES A. DILEO
4300 CHERRY CREEK DRIVE SOUTH
DENVER CO 80246-1530

COUNTY ATTORNEY- Email
Attn: Christine Francescani
CFrancescani@adcogov.org

CDPHE - WATER QUALITY PROTECTION SECT
Attn: Patrick Pfaltzgraff
4300 CHERRY CREEK DRIVE SOUTH
WQCD-B2
DENVER CO 80246-1530

Engineering Department - ROW
Attn: Transportation Department
PWE - ROW

CDPHE SOLID WASTE UNIT
Attn: Andy Todd
4300 CHERRY CREEK DR SOUTH
HMWMD-CP-B2
DENVER CO 80246-1530

Engineering Division
Attn: Transportation Department
PWE

Century Link
Attn: Brandyn Wiedreich
5325 Zuni St, Rm 728
Denver CO 80221

ENVIRONMENTAL ANALYST
Attn: Jen Rutter
PLN

Code Compliance Supervisor
Attn: Eric Guenther
eguenther@adcogov.org

METRO WASTEWATER RECLAMATION
Attn: CRAIG SIMMONDS
6450 YORK ST.
DENVER CO 80229

COLORADO DEPT OF TRANSPORTATION
Attn: BRADLEY SHEEHAN, P.E.
2000 SOUTH HOLLY ST.
REGION 6
DENVER CO 80222

Neighborhood Improvement Committee
Attn: LARRY QUINTANA
7780 MAGNOLIA ST
COMMERCE CITY CO 80022

COLORADO DIVISION OF WILDLIFE
Attn: JOSEPH PADIA
6060 BROADWAY
DENVER CO 80216

NS - Code Compliance
Attn: Gail Moon
gmoon@adcogov.org

COLORADO DIVISION OF WILDLIFE
Attn: Eliza Hunholz
Northeast Regional Engineer
6060 BROADWAY
DENVER CO 80216-1000

Parks and Open Space Department
Attn: Nathan Mosley
mpedrussi@adcogov.org
aclark@adcogov.org

REGIONAL TRANSPORTATION DIST.

Attn: CHRIS QUINN
1560 BROADWAY SUITE 700
DENVER CO 80202

SHERIFF'S OFFICE: SO-HQ

Attn: MICHAEL McINTOSH
nblair@adcogov.org, aoverton@adcogov.org; mkaiser@adcog
snielson@adcogov.org

Sheriff's Office: SO-SUB

Attn: SCOTT MILLER
TFuller@adcogov.org, smiller@adcogov.org
aoverton@adcogov.org; mkaiser@adcogov.org

SOUTH ADAMS CO. FIRE DISTRICT

Attn: Kevin Phillips
6550 E. 72ND AVENUE
COMMERCE CITY CO 80022

South Adams County Water & San Dist

Attn: Steve Voehringer
10200 E 102nd Ave
Henderson CO 80022

UNION PACIFIC RAILROAD

Attn: Jason Mashek
1400 DOUGLAS ST STOP 1690
OMAHA NE 68179

UNION PACIFIC RAILROAD

Attn: CHERYL SCHOW
PO BOX 398
PAXTON NE 69155

Xcel Energy

Attn: Donna George
1123 W 3rd Ave
DENVER CO 80223

Xcel Energy

Attn: Donna George
1123 W 3rd Ave
DENVER CO 80223

T-Mobile Conditional Use Permit Application

RCU2016-00002

ESE of Kenwood Street & E. 77th Avenue

December 13, 2016

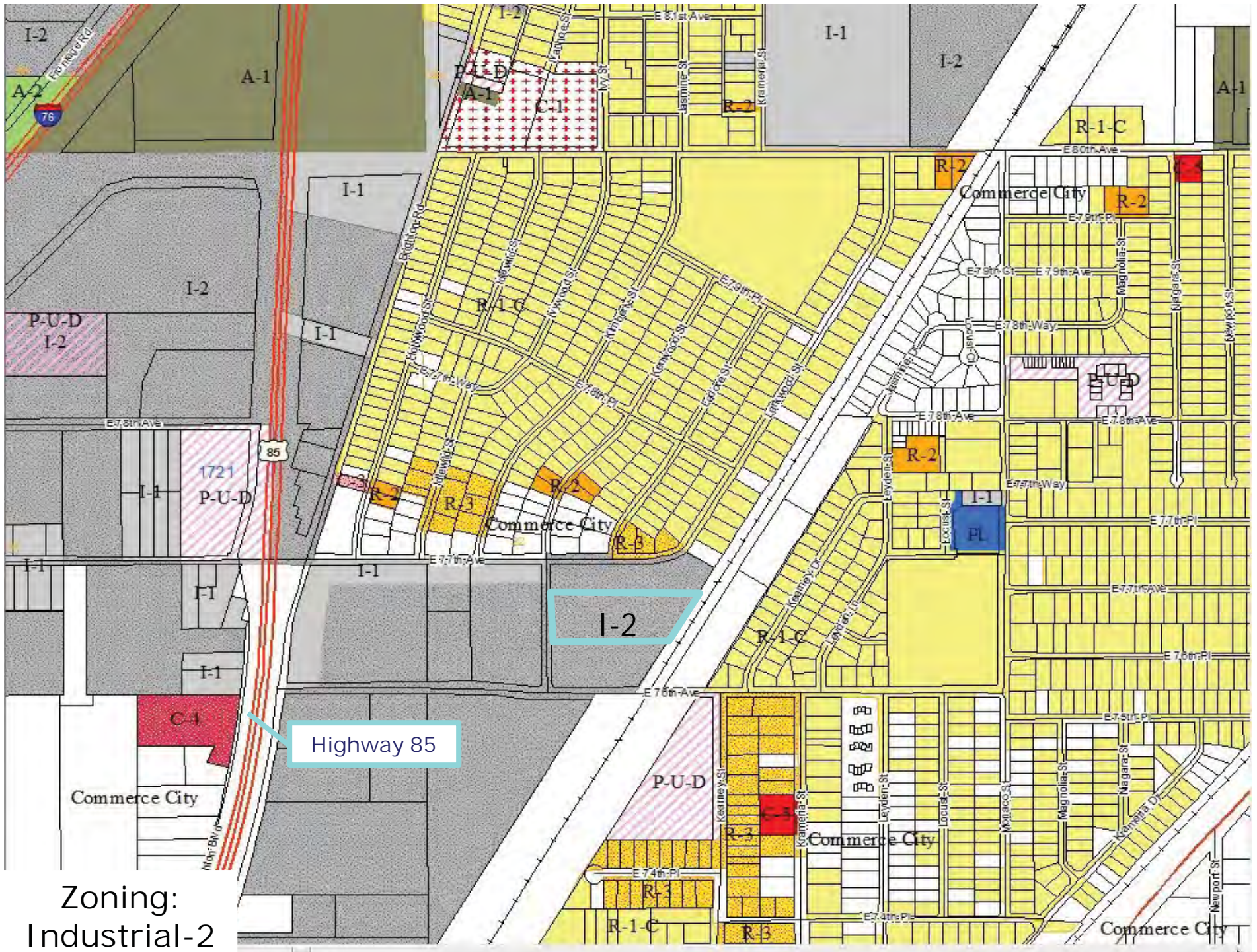
Board of County Commissioners Public Hearing

Case Manager: Greg Barnes



Conditional Use Permit Request

- Commercial Telecommunications Tower to be located within the I-2 zone district.



Zoning:
Industrial-2

Criteria for Conditional Use Permit Approval

Section 2-02-08-06

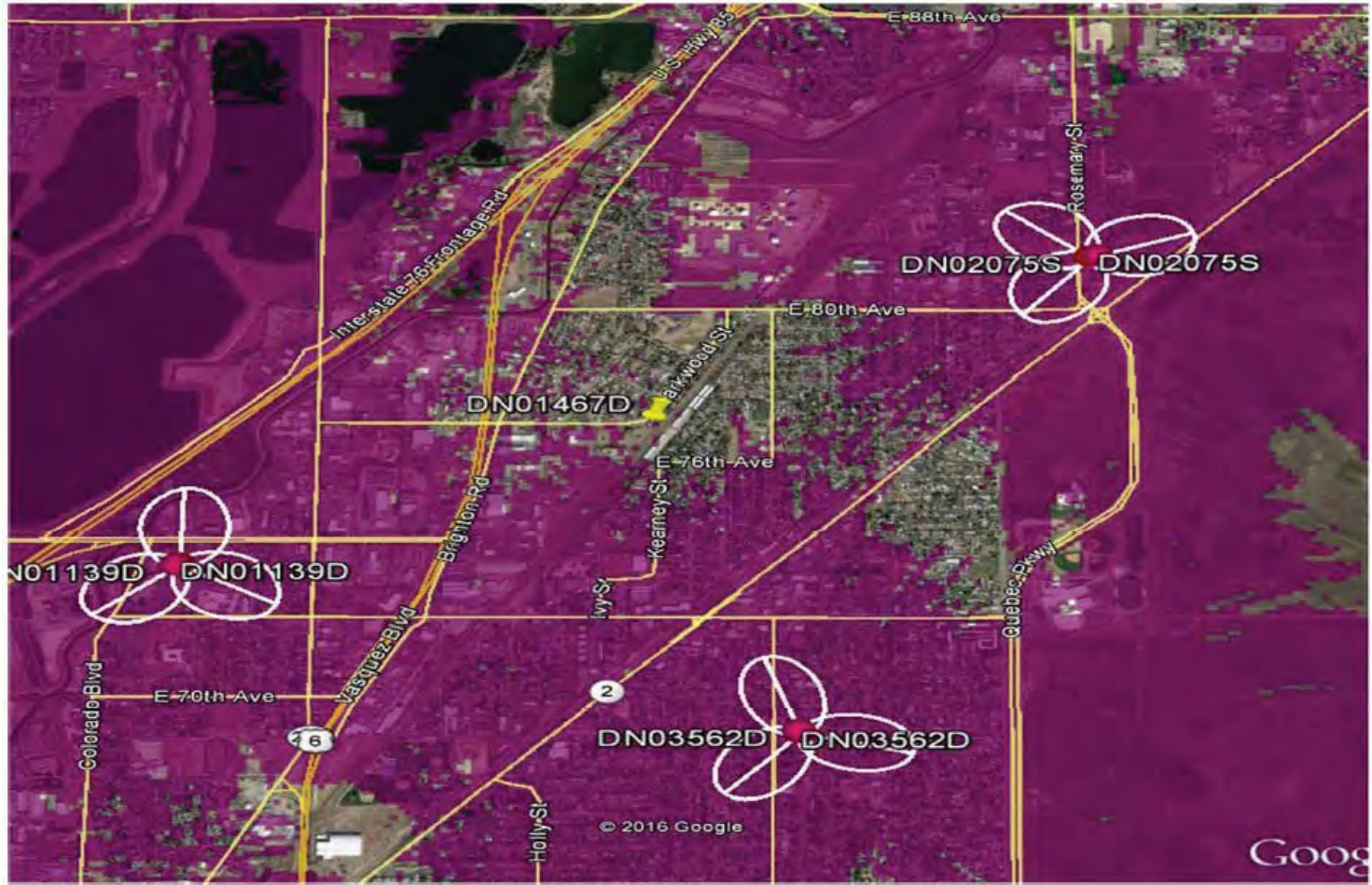
1. CUP Permitted in Zone
2. Consistent with Regulations
3. Complies with Performance Standards
4. Compatible and Not Detrimental
5. No Off-Site Impacts
6. Suitability of Site
7. Functional Layout
8. Utilities and/or Services Provided

TMO Search Ring

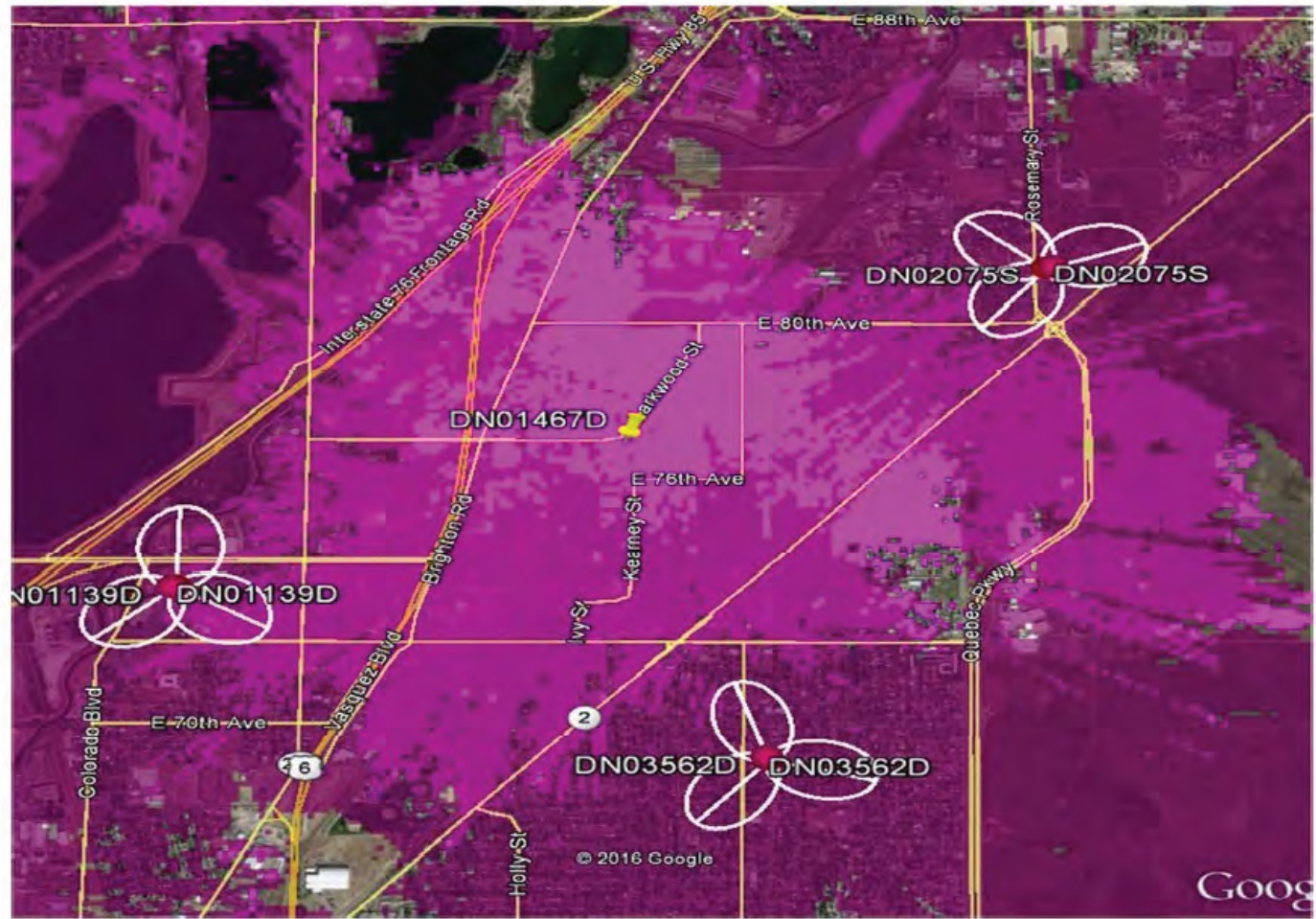
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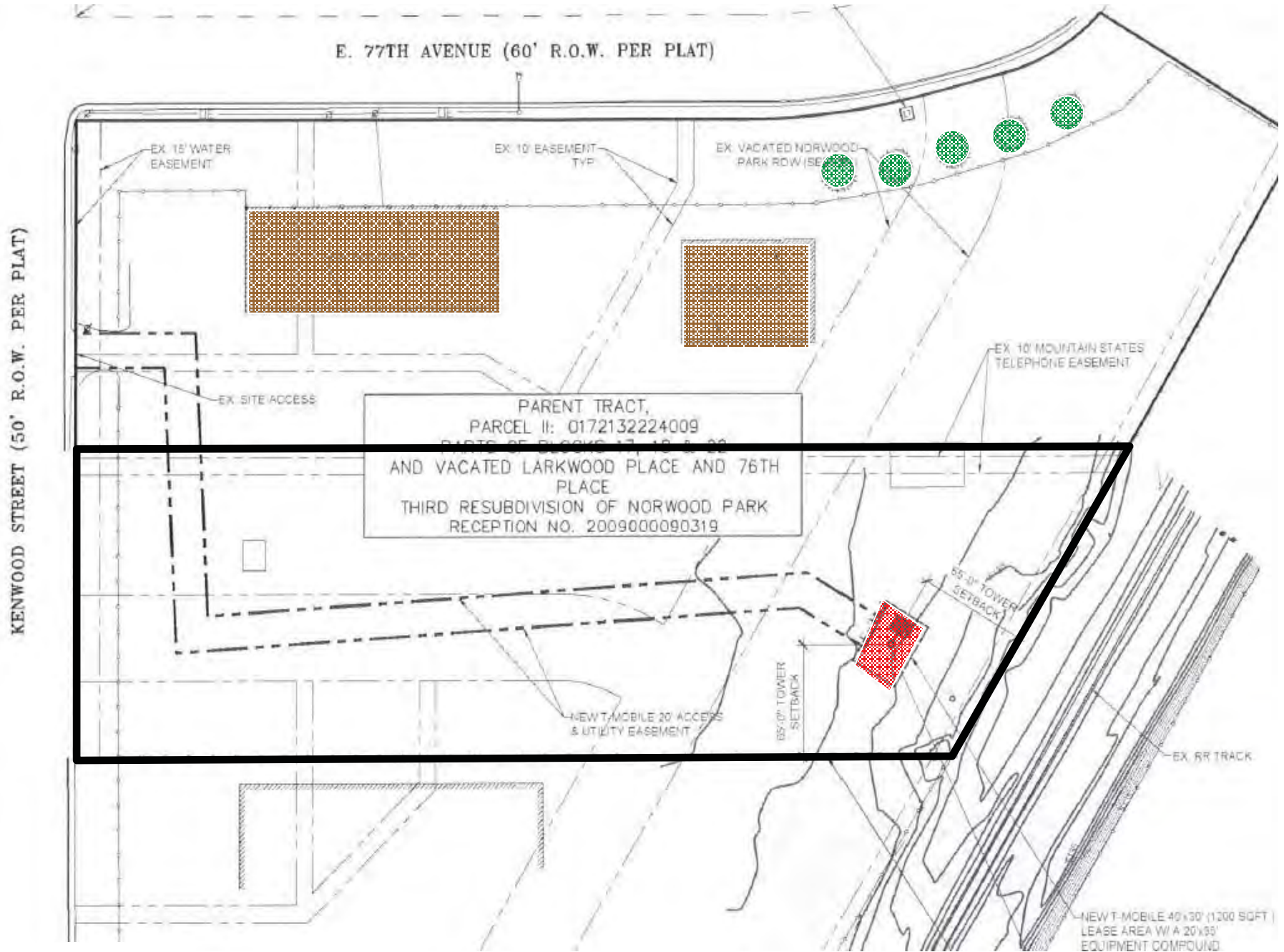


EXISTING COVERAGE



COVERAGE WITH NEW TOWER

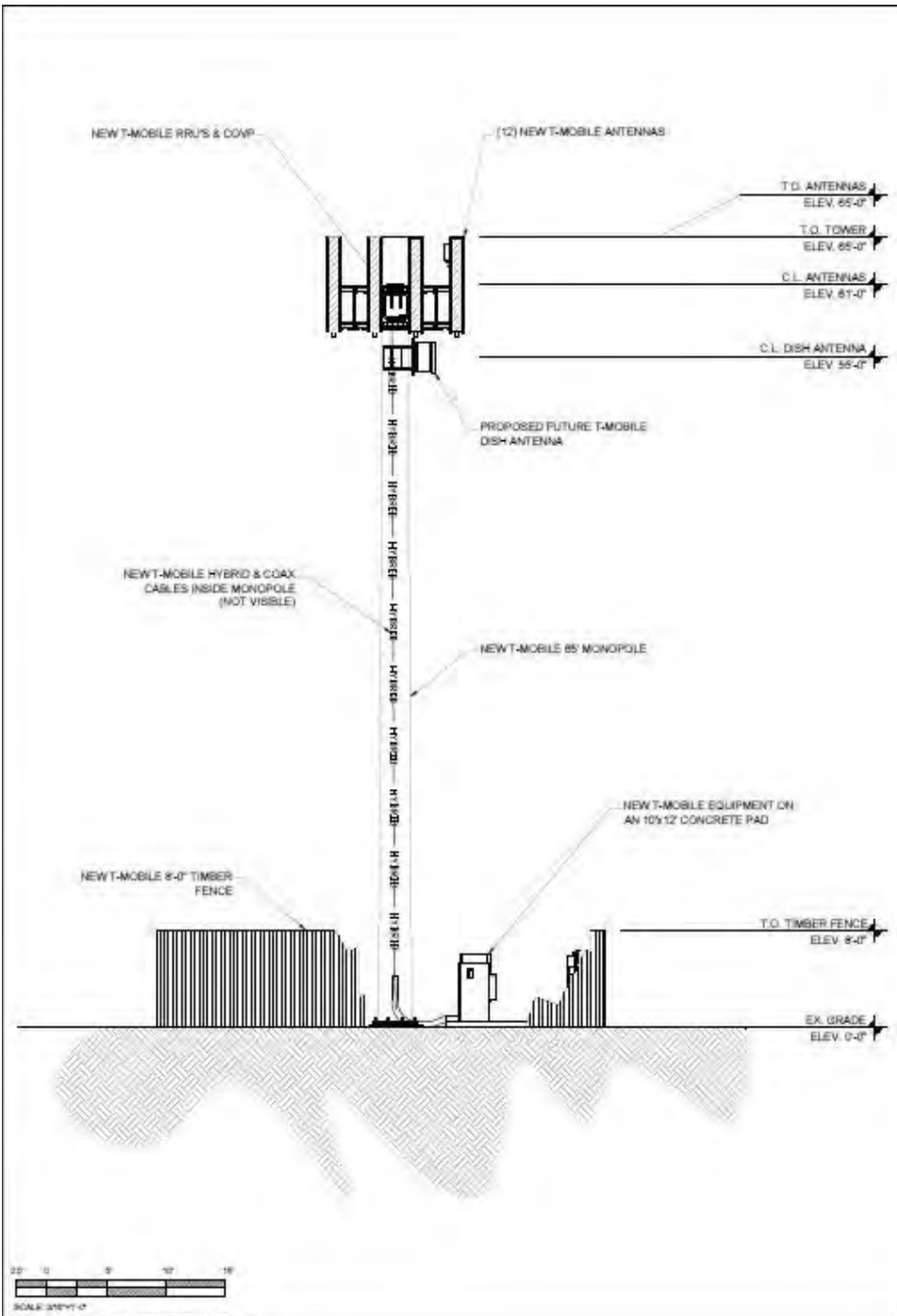




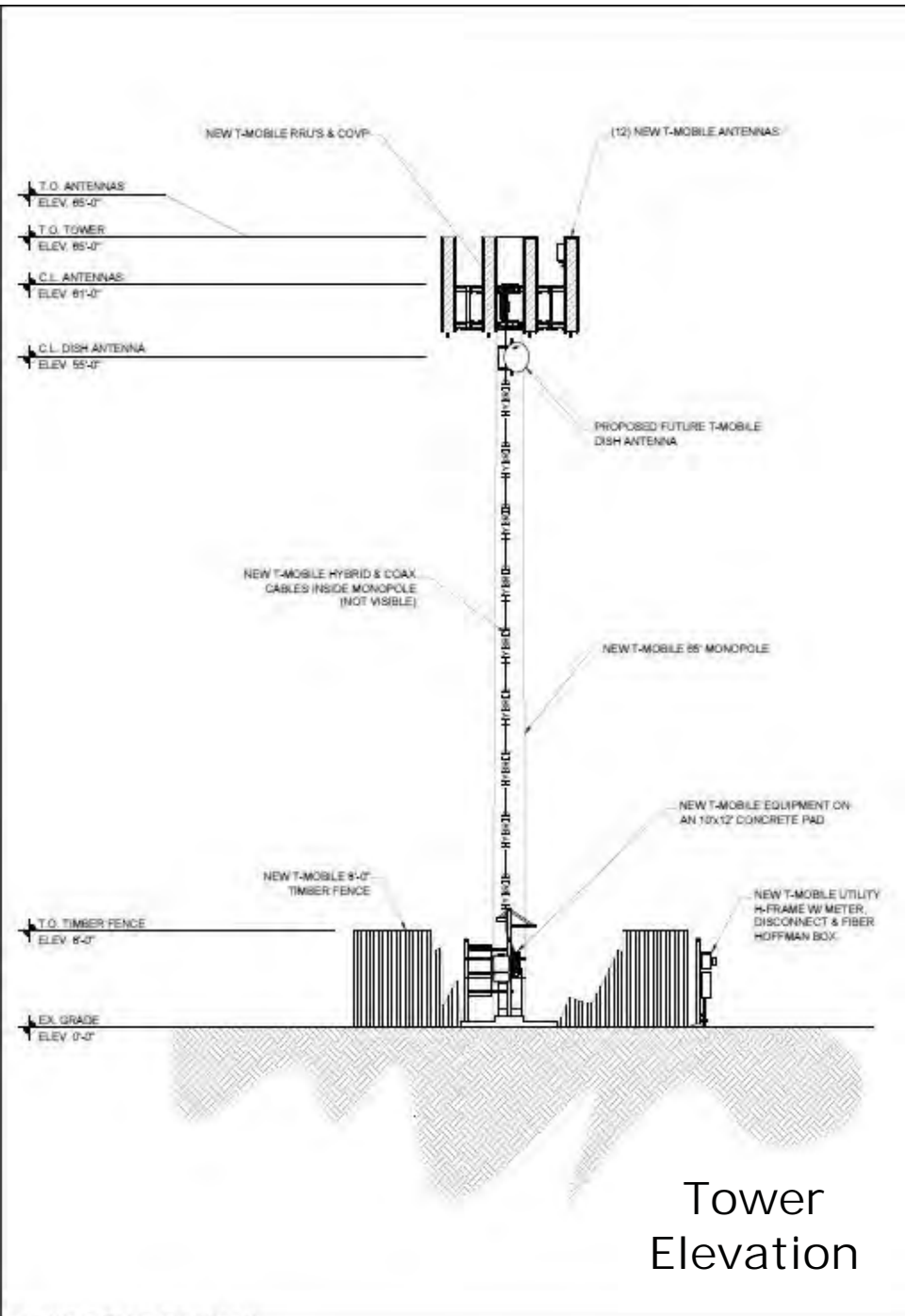
Site Plan of
Property



Aerial View
of Property



1 | SOUTHEAST ELEVATION
SCALE 3/16" = 1'-0"



2 | NORTHEAST ELEVATION
SCALE 3/16" = 1'-0"

Tower
Elevation

Variance Approval

- Variance request for tower to be located within 500 feet of dwelling units without signed and recorded waivers
- Closest dwelling is approximately 375 feet
- 11 dwellings within 500 feet of tower
- Approved on Sept. 1, 2016



Tower Site



Tower
Site





Tower Site



Staff Analysis

- Landscaping provided to shield tower view from East 77th Avenue.
- Screen fencing provided to shield views of equipment from off-site
- No Off-Site Impacts
- Adequate Space of Site
- Suitable and Functional Layout

Referral Period

# of Notices Sent to nearby property owners	# of Comments Received
162	1
Notice Area: 750 Feet	

One public comment in opposition of the request.

No unfavorable comments were received by staff from external referral agencies.

PC Update

- Public Hearing: November 10, 2016
- Concerns over site selection, and need for existing tower.
- 4-2 vote for approval

Recommendation

- Recommends Approval of the Conditional Use Permit Application with 8 Findings-of-Fact, 2 Conditions Precedent, 6 Conditions, and 1 Note.

Recommended Conditions Precedent

1. The applicant shall obtain a building permit for the telecommunications tower including all required building permit inspections.
2. Any telecommunications facility that ceases to be in operation for a consecutive period of six months or more shall be removed from the site within 90 days of the end of such period of non-use. The applicant shall be required to submit a performance bond in the amount of the removal costs, or other adequate security as approved by the Director of Community and Economic Development and give the County the right to enter the property for removal of such tower. The bond documents shall be submitted and approved by the Director of Community and Economic Development prior to approval of any associated building permit.

Recommended Conditions

1. The Conditional Use Permit shall expire on November 29, 2026.
2. The maximum allowed height of the proposed freestanding telecommunications tower shall be 65 feet.
3. The applicant shall provide a landscape plan showing a landscape buffer of approximately 4,000 square feet (20' x 200') as shown in Exhibit 2.2 of the staff report. The plantings for the landscape area shall include a minimum of five large evergreen trees with a minimum size of six feet in height.
4. Prior to the issuance of a building permit, the applicant shall provide a lease agreement for the proposed landscape area or install the required landscape buffer on the northern section of subject property (Parcel # 0172132224009) directly north of the lease area for the telecommunication tower.

Recommended Conditions

5. Prior to the issuance of a building permit, the applicant shall provide a site plan showing an eight foot screening opaque wooden fence around the perimeter of the lease area of the telecommunication tower as shown in (Exhibit 2.2 of the report). Erosion and sediment control plan shall be required during construction of the telecommunication facility.
6. The tower shall provide for co-location opportunities for other telecommunication tower providers.

Recommended Note

All applicable building, zoning, health, engineering, and fire codes shall be adhered to with this request.

Findings of Fact for Approval

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

Findings of Fact for Approval

5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.



Tower Site





T-Mobile Tower
500 ft. radius

Proposed Tower Location

375 Feet

 YES
 NO

Google earth

© 2016 Google

Kearney St
300 ft

