Development Review Team Comments

Date: 3/12/2020
Project Number: PLN2019-00008
Project Name: Second Creek Interceptor

Commenting Division: Planner Review 3rd Review
Name of Reviewer: Greg Barnes
Date: 03/12/2020
Email: gjbarnes@adcogov.org

Resubmittal Required
Please continue to work with the Adams County Parks & Facilities Departments so that the case can be advanced forward for hearings.

Commenting Division: Development Engineering Review 3rd Review
Name of Reviewer: Matthew Emmens
Date: 03/12/2020
Email: memmens@adcogov.org

Resubmittal Required
Review complete with unresolved comments. Applicant must accept condition of approval:
In the event that Adams County performs a roadway or drainage project that requires adjustment or relocation of the pipe line within the right-of-way, the Public Works Department will require that the applicant perform any adjustments or relocations, at their own expense, upon receiving notification from the County. The County may enter into an Intergovernmental Agreement (IGA) with the District to facilitate any pipeline adjustments or relocations.

See doc #6048955.
PRK1: Parks and Facilities are coordinating and will submit comments together through Facilities.

Commenting Division: Application Intake 3rd Review
Name of Reviewer: Megan Ulibarri
Date: 02/19/2020
Email: 
Complete

Commenting Division: Plan Coordination 2nd Review
Name of Reviewer: Greg Barnes
Date: 12/23/2019
Email: gjbarnes@adcogov.org
Resubmittal Required

Commenting Division: Planner Review 2nd Review
Name of Reviewer: Greg Barnes
Date: 12/07/2019
Email: gjbarnes@adcogov.org
Complete

There are two remaining issues that I'm hoping we can make some progress on before scheduling public hearings:
1. I'd like to clarify the justification for locating the line along the Sisneros property. Please resubmit a written justification, or consider relocating the line.
2. I would like for the issues addressed by our Parks and Facilities Departments to be resolved.
Commenting Division:  Development Engineering Review 2nd Review
Name of Reviewer:  Matthew Emmens
Date:  12/11/2019
Email: memmens@adcgov.org

Resubmittal Required
Review complete. Comment ENG7 remains open. See doc #6014132. Applicant must acknowledge and accept the Condition of Approval.

Commenting Division:  Parks Review 2nd Review
Name of Reviewer:  Aaron Clark
Date:  12/06/2019
Email: aclark@adcgov.org

Resubmittal Required
Please see attached letter from Sean Braden dated 12/06/2019

Commenting Division:  SIA Review 1 - Finance
Name of Reviewer:  Megan Ulibarri
Date:  11/18/2019
Email:  
Complete

Commenting Division:  SIA Review 1 - Attorney
Name of Reviewer:  Megan Ulibarri
Date:  11/18/2019
Email:  
Complete
Commenting Division: Application Intake 2nd Review
Name of Reviewer: Megan Ulibarri
Date: 11/18/2019
Email: 
Complete

Commenting Division: Application Intake 2nd Review
Name of Reviewer: Kevin Mills
Date: 09/04/2019
Email: 
Complete

Commenting Division: Planner Review
Name of Reviewer: Greg Barnes
Date: 08/22/2019
Email: gjbarnes@adcogov.org
Resubmittal Required
PLN01: Please provide e-mail addresses in Section 1.6
PLN02: There is no description of two alternative routes. Please provide.
Complete

ENV1: Numerous sections of pipe infrastructure cross parcels covered by the Natural Resource Conservation Overlay (NRCO) district. The intent of the NRCO is to protect environmentally valuable areas and wildlife corridors associated with rivers, streams, riparian ecosystems and wetlands. All development must comply with the NRCO buffers/setbacks requirements in section 4-11-02-04-02.

ENV2: As noted in the project Information Report for the Second Creek Interceptor, an Environmental Assessment will be completed during the design phase of the project. The Environmental Assessment, as described, appears to meet the objectives of a Resources Review, which is required when development disturbs more than 1-acre of land within the NRCO. A Resources Review must be completed by a qualified professional prior to application submittal and provided to the county so that it may be taken into consideration. See section 4-11-02-03-04 for Resource Review methodology and content requirements.
PRK1: Comments from Kurt Carlson, Regional Park Manager:

Adams County Parks, Open Space and Cultural Arts Dept. (ACPOSCAD) has the following comments on the Second Creek Interceptor project.

• The District will not commence any construction without first obtaining all necessary approvals, permits, and authorizations from Adams County Tri-County Health and/or the State of Colorado.

• Any work being done within the boundaries of the Riverdale Regional Park (including the Riverdale Golf Courses) shall only take place during November – February.

• The District will utilize its best efforts to coordinate its overall construction schedule with any infrastructure construction or event(s) contemplated and scheduled by the County in order to minimize the disruption of County construction efforts and/or special events.

• The District shall, at all times, during the term of the project shall maintain in full force and effect workers' compensation and employer's liability insurance and general liability insurance which includes coverage for personal injury, contractual liability and the District’s independent contractors. The general liability should be procured and maintained with no less than Two Million Dollars ($2,000,000.00) per occurrence combined single limit, and a Five Million Dollars ($5,000,000.00) aggregate limit for bodily injury, personal injury or property damage liability. NEED TO CHECK THESE LIMITS TO ASSURE THEY ARE STILL CURRENT.

• Project shall not cause closure of any Adams County Trail. The District shall maintain a safe alternative for trail users throughout the duration of the project. District will provide and maintain all safety barriers and will be required to coordinate necessary traffic control. The District shall submit a traffic control plan, in advance, which will have to be approved in advance by the County prior to any physical work being initiated.

• Adams County Parks Open Space and Cultural Arts and Riverdale Golf staff shall be included in constitution meetings and/or project meetings and will be included in the distribution of any project correspondence.

Contact for Golf Course work: Steve Bruning Steve@riverdalegolf.com (303) 659-4700
Contact for Regional Park work: Kurt Carlson kcarlson@adcogov.org (303) 637-8013

• After the project, the District shall return the site to its native and/or pre-construction state.

• District will be responsible for any damages that are caused by the project and/or by any contractor /
subcontractor doing work for the District.

- Adams County shall not be responsible for the maintenance and upkeep of any District facilities.

Commenting Division: ROW Review

Name of Reviewer: Marissa Hillje
Date: 08/08/2019
Email: mhillje@adcogov.org

Complete

ROW1: Pipelines should be located in easements on private property. 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: 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.

ROW3: 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.

ROW4: The proposed alignment through the Adams County owned property will need easements granted by BOCC.

Commenting Division: Environmental Analyst Review

Name of Reviewer: Katie Keefe
Date: 08/06/2019
Email:

Comment

ENV1: Numerous sections of pipe infrastructure cross parcels covered by the Natural Resource Conservation Overlay (NRCO) district. The intent of the NRCO is to protect environmentally valuable areas and wildlife corridors associated with rivers, streams, riparian ecosystems and wetlands. All development must comply with the NRCO buffers/setbacks requirements in section 4-11-02-04-02.

ENV2: As noted in the project Information Report for the Second Creek Interceptor, an Environmental Assessment will be completed during the design phase of the project. The Environmental Assessment, as described, appears to meet the objectives of a Resources Review, which is required when development disturbs more than 1-acre of land within the NRCO. A Resources Review must be completed by a qualified professional prior to application submittal and provided to the county so that it may be taken into consideration. See section 4-11-02-03-04 for Resource Review methodology and content requirements.
Commenting Division: Planner Review  
Name of Reviewer: Greg Barnes  
Date: 07/12/2019  
Email: gjbarnes@adcogov.org  

External Agencies Selected

Commenting Division: Development Engineering Review  
Name of Reviewer: Matthew Emmens  
Date: 07/10/2019  
Email: memmens@adcogov.org  

Resubmittal Required  
Review complete with comments. See Doc #5959402.  

Planned alignment will require some revisions.
ENG1: It appears that the project crosses various floodplains. Depending upon construction techniques and the presence of surface structures, the applicant may be required to obtain a floodplain use permit. It is recommended that the applicant provide the alignment of the pipeline in Adams County superimposed with the data from all relevant floodplains.

Potential flood plains are shown on:


**Applicant Response:** The 100-year floodplain boundary was added to the Metro District’s SD Interceptor updated design plans (50% design). A Floodplain Use Permit will be obtained from the County prior to starting work in the 100-year floodplains shown on the applicable FIRM panels.

**County Comment:** Comment closed.

ENG2: The project is located within the boundaries of the following regional drainage studies:


*South Platte River MDP,* Prepared for City of Brighton, Commerce City, Denver Water Department, Metro Wastewater, reclamation District, City of Thornton, South Adams County Water and Sanitation District, Adams County, and Urban Drainage and Flood Control District. Prepared by Camp Dresser & McKee Inc., April 2002.

*Second Creek (Downstream of DIA) and DFA 0053 Watersheds Outfall System Planning Study Update,* Prepared for City of Brighton, Commerce City, Adams County, and Urban Drainage and Flood Control District. Prepared by Kiowa Engineering, October 2002.


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.

**Applicant Response:** Regional drainage facilities were considered as a part of the SD Interceptor alignment evaluation. The Metro District has reviewed information from Mile High Flood District and verified the SD Interceptor does not impact the proposed regional facilities. The Interceptor is expected to be buried at a depth that would not impact the proposed regional facilities.

**County Comment:** Comment closed.

ENG3: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is within the County’s MS4 Stormwater Permit area.
In the event that the disturbed area of the site exceeds 1 acre, or disturbing less than 1 acre but belonging to a larger subdivision (over 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 COR400000.

**Applicant Response:** A SWMP will be prepared for the Metro District's SD Interceptor and construction stormwater discharge permits will be obtained in accordance with CDPHE and County regulations. The SWMP will include control measures to mitigate the adverse effects of construction activities on surface water quality as discussed in Section 10.3.2 of the Information Report.

**County Comment:** County construction permits cannot be issued until the applicant has obtained a County SWQ permit. The County’s SWQ permit is issued by the Public Works Department. The applicant should contact Juliana Archuleta, the County’s Stormwater Program Manager, to inquire about obtaining a SWQ Permit. Ms. Archuleta can be contacted at 720-523-6869 or by email at mjarchuleta@adcogov.org.

Comment closed.

**ENG4:** All necessary paperwork such as Commissioners Resolutions, Development Agreements, Collateral Agreements, BOA decisions, easements, etc. will be on file with the Adams County Department of Public Works / Construction Management Section prior to the issuance of any construction or building permits.

**Applicant Response:** The Metro District will continue to coordinate with the County to ensure required documents are on file to support permit issuance for the SD Interceptor.

**County Comment:** Comment closed.

**ENG5:** The Adams County boundaries are not clearly identified on any of the construction plan sheet. Jurisdictional boundaries need to be identified with ownership labels on either side of the boundary line.

For example below:

```
     ADAMS COUNTY
       — — — — — — — — — —
         BRIGHTON
```

For example: On sheet 2011, the Adams County/Brighton Boundary runs along the north/west side of the railroad ROW. There is no label identifying this as the boundary.

**Applicant Response:** Jurisdictional boundaries have been added to the Metro District's SD Interceptor revised 50% design plans as requested.

**County Comment:** Comment closed.

**ENG6:** The project appears to cross several irrigation ditches. It is recommended that the applicant either avoid them or contact the irrigation company directly and discuss crossing requirements.

**Applicant Response:** The Metro District is working with irrigation ditch companies to determine crossing requirements and obtain appropriate land rights associated with the SD Interceptor.

**County Comment:** Comment closed.

**ENG7:** The pipeline appears to cross several Adams County roadways and properties.

**Condition of Approval:**

In the event that Adams County performs a roadway or drainage project that requires adjustment or relocation of the pipe line within the right-of-way, the Public Works Department will require that the
applicant perform any adjustments or relocations, at their own expense, upon receiving notification from the County. The County may enter into an Intergovernmental Agreement (IGA) with the District to facilitate any pipeline adjustments or relocations.

Applicant Response: In the event that the County needs to grade and move the earth cover over the Metro District's SD Interceptor, or adjust or relocate the SD Interceptor, for County roadway construction or drainage projects located within County ROW, the District anticipates that the County will use its best efforts in the development and design of its roads or streets to avoid causing relocation of the SD Interceptor. In the event a relocation of the SDI is required, the District's Board of Directors would need to authorize entering into a utility relocation agreement (URA) between the District and the County that identifies conflicting utilities, design review and approval processes, and construction inspection and acceptance procedures. Based on past relocations of District infrastructure by the County, the URA will indicate the County agrees that it will take all necessary actions to protect, modify, or relocate the SD Interceptor, at its sole cost and expense at the time of the initial construction of the roadway or street or drainage project.

County Comment: When the County needs to change the grade of a street, every effort is made to avoid having to move utilities. However, the County does not enter into utility relocation agreement (URA) with utility districts. As stated in the condition of approval above, when necessary moving of the utility is done at the expense of the utility district. The condition of approval will remain.

Applicant Response: <No applicant response or acknowledgement of condition of approval>

County Comment: The County may enter into an Inter-governmental Agreement (IGA) if conditions required. The condition of approval has been modified to include this possibility. However, the condition of approval will remain and must be acknowledged and accepted.

ENG8: The applicant will be required to obtain Adams County construction permits for any crossing of Adams County road Right-of-Ways or, easements or properties owned by Adams County.

Applicant Response: The Metro District will coordinate with the County to obtain the required permits for the SD Interceptor. A preliminary permit summary is provided in Appendix C of the Information Report.

County Comment: Comment closed.

ENG9: Pipelines running parallel to Adams County road Right-of-Way must be located outside of all current and future road Right-of-way’s (ROW).

Applicant Response: The Metro District’s SD Interceptor alignment generally is planned within easements on private properties at least five feet beyond ultimate ROW as defined in the 2012 Adams County Transportation Plan. Section 3.4 was added which describes five instances where placement of the SD Interceptor may encroach on this requirement. The Metro District is requesting a variance or waiver of this requirement from the County due private property impacts described in Section 3.4.

County Comment: Comment closed.

ENG10: All crossing of Adams County ROW must be perpendicular. The plan set includes many non-diagonal roadway crossings. For example, Sheet 02 shows the interceptor pipe crossing diagonally Peoria St.

Applicant Response: In some circumstances, diagonal crossings of County roadways are required due to utility conflicts, to maintain a smooth hydraulic flow in the SD Interceptor, or to limit property impacts on adjacent parcels. Trenchless construction will be utilized for diagonal crossings of major roadways to limit traffic impacts and the need for asphalt patching. Open cut crossings of County roadways will be made as close to perpendicular as possible with consideration for existing utilities and minimizing private property impacts. The Metro District coordinated with the County in November 2019 to discuss the proposed diagonal crossing at E. 120th Avenue and Potomac Street. Based on discussions between the District and the County and input from various departments at the County, a diagonal road crossing is acceptable as long as the trenchless construction spans from manhole to manhole and the interceptor is installed in a steel casing at a depth greater than 10 feet. Ongoing coordination will occur with the County for review.
and acceptance of the planned road crossings. The 50% design plans include markups to reflect the road crossing alignment modifications resulting from discussions with the County.

**County Comment:** The applicant has reached out to County staff concerning diagonal crossings of County roadways and intersections. The reasons given were sufficient to allow the County to approve diagonal crossings at certain locations.

Comment Closed.
March 11, 2020

Mr. Jon Wicke
Metro Wastewater Reclamation District (MWRD)
6450 York Street
Denver, CO 80229

Review Comments sent through Community & Economic Development (CED)
c/o Mr. Greg Barnes, Planner III at Adams County CED

RE: PAR 1232 - Second Creek Interceptor
Review Comments Related to Project Submittal dated 2/19/2020

Dear Jon,

As a follow up to the previous submissions and the ongoing meetings we have held between MWRD and the County, we thank you for the opportunity to review and further comment on the proposed Second Creek Interceptor development planned to route through the Riverdale Regional Park. As you and your team are aware, the substance of this review letter is related specifically to the ‘ownership’ of the land, associated agreements, and future operational elements. Neither Parks, Open Space & Cultural Affairs (Parks) Department, nor the Facilities & Fleet Management (Facilities) Department are providing comment specific to the regulatory elements of your submittal, and only commenting on elements impacting the County’s ownership and use of the land potentially impacted by your development.

To this end, Parks and Facilities have collaboratively reviewed the proposal and offer the following comments:

1. Please refer to the review letter dated November 18, 2019 and December 6, 2019 for pertinent comments and requests. Some of those items have been addressed in recent meetings but still need formal resolution. These comments still stand.

2. During late January and February, we have had a series of productive meetings toward the final alignment of the PAR 1232 route through the Regional Park and the impacts (physical and financial) that have not been completely resolved. While these meetings have been positive and productive, final decisions related
to these issues should be included in either the final approved submittal and/or the 1041 Agreement.

3. Content specifically addressed in these ongoing ‘ownership’ impact meetings (as mentioned in #2 above) should be properly documented. We (Parks & Facilities) have not been part of formal 1041 Agreement negotiations but expect that these elements will be properly addressed and accounted for once final decisions have been made related to routes, construction schedule, repairs and mitigation, finances, and other project impacts/elements as necessary.

We look forward to our continued meetings while we develop final solutions to those items of concern. If you should have any questions regarding these specific reviews, please let us know.

Sincerely,

Adams County – Facilities and Fleet Management

Seán Braden
Manager; Planning, Design and Construction

Encl.

Cc: Project File
   Greg Barnes, CED
   Byron Fanning, Parks, Open Space and Cultural Affairs
March 10, 2020

Greg Barnes, Planner III
Adams County Community and Economic Development Department
4430 S. Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601-8216

RE: Second Creek Interceptor – (PLN2019-00008)

Mr. Barnes:

The City of Thornton’s Infrastructure Engineering Manager Jim Kaiser has provided comments for Adams County Second Creek Interceptor (PLN2019-00008) outlined below:

Thornton Water Resources (with the respective ditch companies) should be contacted if any interruption to either canal is anticipated during construction, so we can adequately plan diversions to our reservoirs.

Please feel free to contact me at 303-538-7301, or via e-mail at Sadie.Naglich@ThorntonCO.gov for updates and/or questions related to this response.

Sincerely,

Sadie Naglich
Planner I

cc: Rachelle Plas
Jim Kaiser