

Thornton Water Project File 18-ZONE2305

UPDATED AND REVISED CONDITIONS OF APPROVAL
Monday, February 4, 2019

New or revised conditions are indicated with *italic*

RECOMMENDED CONDITIONS

The conditions are organized by topic as follows:

- Pre-construction and planning
- Pipeline coordination with NISP
- Utility and well and septic coordination
- Roadway restoration
- Construction monitoring
- Other impact mitigation (including restoration, access, coordinating with property owners)
- Intergovernmental Agreement Addressing Other Benefits

Pre-Construction and Planning Conditions

1. The activity authorized by this permit shall be consistent with the approved plans Attachments A-E to this report and with the information contained in the City of Thornton Water Project File # 18-ZONE2305, except as modified by the conditions of approval. The applicant shall be subject to all other verbal or written representations and commitments of record for the Thornton Water Project File # 18-ZONE2305.
2. The approval of this pipeline designates a corridor along the alignment and deviations within the corridor to accommodate field issues will not affect the approval. Significant alterations to the route shall be evaluated by the county prior to commencing activity and may be subject to further review.
3. A geotechnical subsurface investigation shall be submitted to Larimer County during the design process for those portions of the alignment to be within County road right of way (ROW), to determine required trench backfill and compaction specifications, subgrade mitigation, and pavement design for areas disturbed by the pipeline installation.
4. All construction activities shall only occur upon approval of the required County permits, including Site Plan Review, building permits, development construction permits and access permits. Furthermore, the City shall obtain and conduct construction activities in compliance with all required county, state, and federal permits (including but not limited to: right-of-way construction permit, Stormwater permit, floodplain permit, air quality, noise, groundwater discharge permit, etc.).
5. The siting of the pump station shall be addressed in the Site Plan Review and designed to reflect input from neighborhood residents and be consistent in style and character with the neighborhood (e.g. ranch or agrarian with landscape screening).

6. The City shall obtain all required and necessary crossing permit, licenses and permissions for all ditch, roadway and other infrastructure crossings prior to commencing any construction.
7. At any locations where the City locates the pipeline outside of the existing County road right-of-way, it shall do so in a manner to either: a) be located outside of the ultimate right-of-way width corresponding to the functional classification of the roadway or b) obtain and convey to Larimer County a road right-of-way easement for any additional pipeline easement widths falling within the ultimate roadway right-of-way.
8. The City shall be required to, for those reaches of the alignment that are parallel to a County Road, to locate the pipeline within the ROW unless an easement for the pipeline can be obtained from a willing seller outside of the ROW. This limitation does not apply to appurtenances and when there are unreasonable physical challenges to pipeline construction in the ROW as determined by the Larimer County Engineer.
9. Offsite easements will be required for work areas outside of the county road rights-of-way and shall be recorded and submitted to Larimer County prior to the issuance of a right-of-way permit.

Pipeline Coordination

10. The final pipeline alignment location along County Line Road south of State Highway 14 shall be established based on input and recommendations from the Towns of Timnath, Windsor, and Johnstown as well as Larimer and Weld Counties, with respect to the pipeline being located within or outside of the public road right-of-way.
11. If the County grants approval of both the Northern Pipeline project and approval of the Thornton Pipeline Project 1041 application, the following conditions apply:
 - a. Individual pipeline alignments within unincorporated Larimer County shall be coordinated between Northern Water and the City of Thornton to arrive at a common final pipeline alignment with a maximum centerline pipe separation of 25 feet within locations where the two pipelines are parallel, or as otherwise approved by the County Engineer;
 - b. Construction of the Northern Water and Thornton pipeline segments shall be constructed concurrently at the following locations 1.) starting where the alignments intersect south of Reservoir #3 continuing along the alignment to north of the Eagle Lake subdivision, and 2.) from South west of North Poudre Reservoir #10 to CR 13.
12. Larimer County Engineering staff shall be invited to attend regularly scheduled coordination meetings during construction - at a frequency to-be-determined - to understand planned construction activities and stay abreast of issues arising from construction impacts to County infrastructure or the public.
13. A County right-of-way work permit will be required to be obtained for each perpendicular crossing or contiguous segment of pipeline to be located within County ROW.

Utility and Well and Septic Coordination

14. The City of Thornton shall be responsible for arranging for and paying all costs of utility relocations and irrigation company requirements necessary to accommodate the water pipeline in the road right-of-way.
15. The City shall be responsible for all costs associated with the replacement of existing storm drainage infrastructure, culverts, roadway signage, pavement striping/symbols, landscaping and property fencing necessary to accommodate the water pipeline in the road right-of-way
16. On-site wastewater treatment systems (OWTS) and other private, on-site services for residences along the Alternative 3 (Option C) Corridor shall be identified as part of the final design plans and in the field prior to construction.
17. The City shall be responsible for arranging for and paying all costs of damage or relocation of private property services as necessary to accommodate the water pipeline Corridor if a reasonable alternative is not possible.
18. In the event septic system and/or well components are damaged during construction activities, the City will be responsible for immediate repair/replacement and all associated costs in order to prevent extended disruption of the property owner's quality of life.

Roadway Restoration

19. The pipeline alignment in rights of way shown in the 1041 application and Attachment C in the Engineering Memo, Routing and Right of Way map (red sections on the map), is considered conceptual in nature and demonstrates the general location of the pipeline alignment. The City shall prepare final design plans and specifications for alignments in ROW for review and approval by the Larimer County Engineering Department. Should it be discovered that the final design, in the County Engineer's opinion, deviates significantly from the conceptual alignment to change the nature or impacts of the pipeline within the permit limits, the County reserves the right to require that the design and alignment be modified to address infrastructure and property impacts as deemed necessary by the County Engineering Department.
20. The City shall stabilize and repave all pavement areas disturbed or damaged during pipeline installation in accordance with the Larimer County Urban Area Street Standards for work areas within the Growth Management Area (GMA) or Larimer County Rural Area Road Standards for work areas outside the GMA as directed by the County.
21. If pipeline construction activities involve more than 100 lineal feet of disturbance to a paved roadway, the City of Thornton shall be responsible for pavement repairs and patching/overlay extending to the full limits (width) of the existing pavement. This condition is in addition to the pavement patching requirements outlined in the preceding engineering condition above.
22. Materials test reports, as per Larimer County standards, must be submitted to and approved by Larimer County for any work to take place within county road rights-of-way.

Access Conditions

23. The City of Thornton will maintain access to all adjacent properties at all times.

24. Prior to commencing construction, the City shall submit a plan to the County Engineering Department for review and approval establishing construction requirements to provide safe and acceptable access for emergency responders, mail and package delivery, garbage pickup, and school bus stops for the duration of the project.

Construction Related Mitigation Measures

25. The City of Thornton shall reimburse Larimer County for costs associated with County-provided construction observation/inspection staff and/or independent, supplemental geotechnical or materials testing deemed appropriate by the County Engineer for purposes of quality assurance/control. Thornton shall also reimburse Larimer County for time and expenses incurred with project coordination, design review, permit review and processing and related project activities during the duration of project construction and closeout for the work conducted in unincorporated Larimer County.
26. The City shall allow for or insure access to Larimer County for inspections and construction observation at all times throughout the corridor and for the term of the construction project.
27. The City shall construct the pipeline in phases, subject to phasing plans to be approved by Larimer County Engineering Department. Maximum open trench lengths will be defined in consultation with Thornton and are subject to approval by Larimer County Engineering Department.
28. The City shall develop and provide Larimer County with accurate as-built horizontal and vertical survey data (state plane coordinates and elevations in NAVD 88) and GIS shapefiles describing the location of the pipeline and all appurtenant structures.
29. The City shall provide Larimer County with as-built construction drawings certified by a Colorado registered professional engineer, for all portions of the pipeline located in unincorporated Larimer County.
30. The City shall provide to Larimer County a pre-project video capturing existing conditions of the proposed water line installation corridor in and near the existing road right-of-way.
31. The City shall establish and maintain a website with daily updates on the project describing the status of the project and the traffic impacts for that day, and the upcoming week.
32. The City shall provide a public information contact with a phone number and email address that the public can contact to ask questions, express concerns or for project updates.
33. Acceptable work days and hours for the project are subject to approval by the County Engineering Department.
34. If a relocation of the Thornton pipeline should in the future be desirable to accommodate some other or enlarged use of the County road right-of-way by any party or entity other than the County, and provided that Thornton agrees to such relocation, then all expenses of such relocation shall be paid for entirely by the party or entity desiring such relocation. If the relocation is to be made at the request of the County to accommodate changes in or improvements of public roadways or associated infrastructure, and not for purposes of accommodating any third party,

- then Thornton shall provide for pipeline relocations at the city of Thornton's cost on a reasonable schedule established by the County Engineering Department.
35. The City shall develop a comprehensive document describing best management practices (BMPs) to be employed for utility planning and construction that potentially affects developed, rural, wetland and riparian land areas or may involve stream crossings. Such documentation shall include but not be limited to preconstruction and construction BMPs relating to surface water, erosion and sediment control and prevention; groundwater considerations and protection; topsoil conservation and restoration and vegetation/revegetation considerations. The document shall also cover post-construction BMPs and monitoring requirements relating to these same topics.
 36. The City shall comply with maximum decibels for construction activities as outlined in the Larimer County Noise Ordinance. Any exceptions to these parameters must be approved by Larimer County.
 37. The City shall submit a noise mitigation plan with the final design plans of the Corridor outlining control methods that will be implemented during construction amongst residences.
 38. *Prior to issuance of a right-of-way or construction permit, the City of Thornton will provide payment in the amount of one million dollars (\$1,000,000) to Larimer County as compensation for the cost of additional transportation system maintenance and traffic disruptions resulting from the TWP construction. If Thornton constructs more than 3.75 miles of pipeline in Larimer County road right-of-way, Thornton will proportionately increase said payment amount for transportation costs by an amount calculated using the methodology, unit cost rates, and traffic counts used in the estimates provided in Attachment C memorandum from the Larimer County Engineer, titled Construction impacts for proposed Thornton 1041 permit application resubmittal, dated January 11, 2019, with additional compensation adjustment above \$1 million based on the length of pipeline construction in Larimer County road right-of-way exceeding 3.75 miles.*

Wildlife Mitigation and Revegetation Conditions

39. The City shall coordinate all construction activities with and respect all seasonal avoidance requirements established by the CDPW and USFWS.
40. There is a potential for raptor nests and burrowing owls to be encountered along the project pathway (depending upon time of year). If construction for the project is to take place between February 1 and July 31st, Thornton shall perform raptor surveys prior to construction and throughout the project to detect any new nests that may occur.
41. The City shall work with the Larimer County Natural Resources Department-Weed Division to develop and implement a plan for control of noxious weeds during and post construction phases of the pipeline project. To avoid the spread of noxious weeds to other sites and to prevent new species from being introduced, all construction equipment shall be thoroughly cleaned prior to arriving on site and after construction is completed. Restoration of any sites should be of a mixture of native grasses and forbs. Any native trees that are removed should be replaced on a 3 to 1 basis, especially in the riparian areas of the Cache la Poudre and Little Thompson Rivers.

42. The City shall limit pipeline construction to within the CR 56 ROW where it coincides with the boundary of Wellington State Wildlife Area-Cobb Lake Unit west of CR 3. If such a limitation is not feasible, Colorado Parks and Wildlife (CPW) requires a special use permit for commercial/industrial related activity/access on the State Wildlife Area property as well as a Real Estate Action Request (REAP) for easement access in the event of any permanent structures established on the property. In addition, CPW requests that timing of such construction does not occur from September 1 to the close of dark goose season, roughly February 17th.
43. CPW also shall have additional opportunity to comment on potential impacts to the State Wildlife Area property, wildlife related activity, and reclamation of the impact site related to the construction of this project including weed control, dust control, wetland mitigation and public access throughout the planning and construction process.

Intergovernmental Agreement (IGA) Addressing Other Benefits

44. *The City of Thornton and Larimer County will enter into an Intergovernmental Agreement (IGA) with respect to the additional benefits as specified in Section 12.b of the Supplement 3 application and updated information dated January 10, 2019 (Attachment B). The IGA shall be executed by Larimer County and Thornton upon issuance by Larimer County of a 1041 permit for construction of the TWP in unincorporated Larimer County.*
45. *Prior to issuance of a right of way or construction permit the City will contribute \$1,000,000 to Larimer County for use at its discretion for mitigation of “off-site” impacts of TWP construction on transportation assets, or for transportation improvements that are important to the community.*
46. *Thornton will work with Larimer County to identify and dedicate right of way on Thornton-owned property located adjacent to Turnberry Road between Douglas Road and County Road 56 to facilitate Larimer County’s transportation objectives, including the realignment of Turnberry Road through Thornton’s property to improve the safety and efficiency of the road for the residents of the County.*

47. *Approval of the Thornton Water Project pipeline within unincorporated Larimer County is expressly limited to conveyance of water associated with the Water Supply and Storage Company (WSSC) and Jackson Ditch Company (JDC) shares owned by Thornton on January 5, 2018 and that are subject to the Decree on Remand in 87CW332, District County, Water Division No. 1 entered March 9, 1998 (the Decree). The amount of water Thornton may use is limited by the terms and conditions of the Decree, including the volumetric limitations identified in Section 62.4.2 of the Decree.*

SUGGESTED MOTION:

I move that the Board of County Commissioners Approve Thornton Water Project File # 18-ZONE2305 subject to the condition(s) as outlined above.