

RESOLUTION NO. P&D 17-066

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**RECOMMENDING APPROVING OF A COLORADO DEPARTMENT OF PUBLIC
HEALTH AND ENVIRONMENT SITE LOCATION APPLICATION, FOR THE PUEBLO
WEST METROPOLITAN DISTRICT STATES AVENUE LIFT STATION PROJECT,
LOCATED WITHIN A PORTION OF SECTION 34, TOWNSHIP 19 SOUTH, RANGE 65
WEST OF THE 6TH P.M., PUEBLO COUNTY, COLORADO**

WHEREAS, the Pueblo Area Council of Governments (PACOG) is the designated Areawide Water Quality Planning Agency for the Pueblo region; and

WHEREAS, PACOG has an adopted water quality management plan for the Pueblo region, titled the *PACOG 2012 Water Quality Management Plan*; and

WHEREAS, Pueblo County, as well as the City of Pueblo and the Pueblo West and Colorado City Metropolitan Districts, are designated by the *PACOG 2012 Water Quality Management Plan* as Water Quality Management Agencies for the Pueblo Region. These agencies are responsible for implementing the planning agency's goals and objectives that are defined in the *Water Quality Management Plan*; and

WHEREAS, Pueblo West Metropolitan District (District), represented by JVA, Inc., requests a review and recommendation for a CDPHE Site Location Application by the Pueblo Board of County Commissioners as the applicable Water Quality Management Agency for the District's States Avenue Lift Station project to serve the States Avenue industrial park and surrounding residential customers in Pueblo West Colorado Amended Tract No. 256; and

WHEREAS, the lift station will be constructed on Parcel "F" (2.9 acres in size) located at the intersection of North States Avenue and North Platteville Boulevard, owned by the District and in the S-1 Zone District. The lift station will have one 4-inch PVC forcemain to accommodate initial low flow conditions, and one 6-inch forcemain to accommodate buildout conditions. The 4-inch and 6-inch forcemain sewer lines, totaling about 7,700 linear feet, will be installed within the rights-of-way of East Platteville Boulevard, North Boyero Avenue, and East Orchid Drive; and

WHEREAS, the application will also require review and a recommendation by the Pueblo Area Council of Governments, as the Water Quality Planning Agency. This will be presented to PACOG for review at its regular meeting on December 14, 2017; and

WHEREAS, the States Avenue Lift Station project will not increase service boundaries and is not planned to serve new growth or development. The service area is in the existing boundaries of the Pueblo West Metropolitan District. Upon construction completion, the District will take full ownership and operation of the lift station; and

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WHEREAS, Pueblo West Colorado Tract No. 256 was recorded on January 31, 1973. Pueblo West Colorado Amended Tract No. 256 was recorded on May 3, 1973. On both recorded plats, Parcel "F" is designated as "Proposed Sewage Treatment Plant Site". It appears the only amendment to Amended Tract No. 256 amended the right-of-way width for the Atchison, Topeka, and Santa Fe Railway. The recorded plat of Tract No. 256 and subsequently Amended Tract No. 256 resulted in platting 19 lots and Parcels "A" through "F"; and

WHEREAS, the Pueblo County Code, Title 17 Land Use, Division II. Areas & Activities of Interest, Chapter 17.148 Administrative Regulations, Article 1. Introduction and General Provisions, Section 17.148.050 Exemptions (**bold for emphasis**) states:

17.148.050 Exemptions.

The portions of these regulations authorized exclusively under C.R.S. §24-65.1--101, et seq., as amended, shall not apply to any development in an area of State interest or any activity of State interest if, on May 17, 1974:

E. The specific development or activity is to be on land with respect to which a final plat for a subdivision has been approved, with or without conditions, pursuant to the provisions of Sections 2-11 of Chapter 81, Session Laws of Colorado 1972, codified at Sections §30-28-101, 110, 133, 136, and 137, C.R.S. 1973.; and

WHEREAS, the aforementioned Sections §30-28-101, 110, 133, 136, and 137, C.R.S. 1973, pertain to subdivision regulations. Pueblo County adopted Subdivision Regulations on August 31, 1972 as required by State law. As previously mentioned, Pueblo West Colorado Tract No. 256 was recorded on January 31, 1973 and Pueblo West Colorado Amended Tract No. 256 was recorded on May 3, 1973. On both recorded plats, Parcel "F" is designated as "Proposed Sewage Treatment Plant Site". The activity of the proposed lift station is on land to which a final plat for a subdivision (Tract No. 256 and Amended Tract No. 256) was approved pursuant to State Subdivision Regulations in 1973 predating May 17, 1974. With that said, per the aforementioned Section 17.148.050 Exemptions E., PWMD States Avenue Lift Station project is exempt from review and approval of a Permit under Pueblo County's Regulations for Areas and Activities of State and Local Interest (1041 Regulations) as well as Finding of No Significant Impact (FONSI); and

WHEREAS, the *PACOG 2012 Water Quality Management Plan* contains a Section for the Pueblo West Metropolitan District Wastewater Treatment Plant. The expansion of the Lift Station will not increase the current total influent flow past the listed capacity. The States Avenue Lift Station project is not inconsistent with the *PACOG 2012 Water Quality Management Plan*; and

WHEREAS, JDS-Hydro Consultants, Inc. has prepared the Pueblo West Wastewater Utility Plan (Utility Plan), a supplement for Pueblo County and Pueblo Area Council of Governments' *PACOG 2012 Water Quality Management Plan* adopted December 2012. The Utility Plan contains a Plan Summary Report (As Updated) for Pueblo West Metropolitan District. The PWMD States Avenue Lift Station project by JVA, Inc. is discussed in the Utility Plan update prepared by JDS-Hydro Consultants, Inc. The States Avenue Lift Station project is not inconsistent with the Pueblo West Wastewater Utility Plan; and

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WHEREAS, the *Pueblo Regional Development Plan's* Future Land Use map categorizes the lift station site as "*Employment Center - Industry*" in the *Plan*. The properties to the east of this site also being south and north of N. Platteville Blvd. are in the I-2, Light Industrial Zone District and are also designated as "*Employment Center - Industry*". The intent of the lift station is to promote industrial growth in this area by providing sanitary sewer service. These industrial lots are in the service area of the States Avenue Lift Station. The proposed States Avenue Lift Station project is not inconsistent with the recommendations of the *PUEBLO REGIONAL DEVELOPMENT PLAN (Amended August 26, 2014)*.

NOW, THEREFORE, BE IT RESOLVED that a recommendation of approval is given for Pueblo West Metropolitan District's application for a Colorado Department of Public Health and Environment Site Location Application for the States Avenue Lift Station.

BE IT FURTHER RESOLVED the Chairman of the Pueblo Board of County Commissioners is hereby authorized to sign the Application for Site Location Application signifying the Pueblo Board of County Commissioners' recommendation of approval.

PASSED AND ADOPTED this 13TH day of DECEMBER 2017, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:**

By: Terry A. Hart
Terry A. Hart, Chairman

ATTEST:

By: Gilbert Ortiz
Gilbert Ortiz, County Clerk

