

CLEAR CREEK COUNTY PLANNING DEPARTMENT

STAFF REPORT FOR
BOARD OF COUNTY COMMISSIONERS
Regarding an agenda item for Public Hearing on
April 4, 2023

CASE: **AREAS AND ACTIVITIES OF STATE INTEREST CASE #SI2023-0001**

REQUEST: The applicants are requesting a 1041 Permit for site selection of arterial highways and interchanges and collector highways, pursuant to Colorado Revised Statutes (CRS) 24-65.1, and Chapter 3 of the Clear Creek County Guidelines and Regulations for Matters of State Interest

LOCATION: The unincorporated portions of I-70 right-of-way and some adjacent private properties between milepost 241 and the Clear Creek/Jefferson County line.

APPLICANT/OWNER: Colorado Department of Transportation, Applicant/Owner
Kurt Kionka, Floyd Hill Project Director

CASE MGR.: Frederick Rollenhagen, AICP Planning and Building Services Manager

ABOUT THIS STAFF REPORT AND 1041 PERMIT APPROACH:

This document contains Clear Creek County's Staff Report and Recommendation on a 1041 Permit application for site selection of arterial highways and interchanges and collector highways [*Guidelines and Regulations for Matters of State Interest, Chpt. 1(D)(2)(a)(iv)*].

The Applicant's project (The Project) has been designed and will be constructed in three separate geographic packages that reflects differing roadway and environmental characteristics. These packages are known as the East Section, West Section, and Central Section. The Project will be designed and constructed according to these sections. Final designs for each section are prepared separately, therefore, the East Section 90% plan design set is ready for review now and is what is being considered with this portion of the 1041 Permit application review process. The other sections' plan design sets will be available on subsequent separate dates, therefore, Staff is recommending the review of this 1041 Permit application be split up accordingly. This way, staff and the BOCC will be able to review the design of each section when it is available and still permit the applicant to begin construction of a particular section after the BOCC's review and approval of each section before the next section is available.

The Staff Report will be a cumulative document, with this first review providing both an overview of the whole project, and detailed review and recommendation specific to the East Section. As the Applicant submits future sections for review, staff will cumulatively add to the applicable chapters in the staff report with additional exhibits and application materials as needed.

Most criteria will apply to each individual section, but there are some criteria that are broad enough to only apply to the general project. These are noted as appropriate below.

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4. ADDITIONAL CRITERIA APPLICABLE TO SITE SELECTION OF ARTERIAL HIGHWAYS AND INTERCHANGES AND COLLECTOR HIGHWAYS (Criteria 1-14)

All of the criteria in this chapter are more general and apply towards the entire Project as a whole rather than applying each Section.

5. STAFF RECOMMENDATION

CHAPTER 1. PROJECT PROPOSAL:

The project will complete one of the “specific highway improvements” for a six-lane component from Floyd Hill through the Veterans Memorial Tunnels, including completing said segment of the Clear Creek Greenway, add a frontage road from Idaho Springs to Hidden Valley, and then from Hidden Valley to US Hwy. 6 that are identified in the Tier 1 I-70 Mountain Corridor Programmatic Environmental Impact Statement (PEIS) (CDOT, 2011a) and Record of Decision (ROD) (CDOT, 2011b).

PROJECT DESCRIPTION:

The Main Project (The Project) Description:

The Project addresses critical infrastructure deficiencies, including replacing one of the worst-rated bridges in the state, complete one of the highway improvements for a six-lane component from Floyd Hill through the Veteran’s Memorial Tunnels, build out the Clear Creek Greenway from Hidden Valley to US Hwy 6, and construct the missing segment of the frontage road between Hidden Valley and US Hwy. 6.

1. Adding a 3rd westbound travel lane, that would operate as a tolled express lane, that links to the existing WB peak period shoulder lane (PPSL) at the Veteran’s Memorial Tunnels
2. Construct the missing 2-mile section of frontage road between the US Hwy. 6 intersection and Hidden Valley
3. Add an eastbound auxiliary lane in the uphill section of Floyd Hill
4. Reconstruct the associated highway interchanges, flatten horizontal curves, and replace deficient bridge structures
5. Implement surface and ADA improvements to the Clear Creek Greenway
6. Implement environmental mitigation along the corridor to enhance wildlife connectivity, air and water quality, stream conditions, and recreation.

East Section Description

The East Section extends from the Clear Creek/Jefferson County line to about midway down Floyd Hill. The East Section includes the beginning of the new westbound express toll lane. The East Section also includes the eastbound auxiliary lane from the bottom of Floyd Hill at US 6 to the Hyland Hills/Floyd Hill interchange. Wildlife fencing will be installed on both sides of the highway from the Hyland Hills/Floyd Hill exit east to Soda Creek Road in Jefferson County. The new eastbound auxiliary lane will be provided in the uphill direction of Floyd Hill and extend to the Hyland Hills/Floyd Hill exit. According to the plan set, rather than ending by exiting off the exit, the lane merges with the adjacent lane at the same location.

PROJECT BACKGROUND: The Floyd Hill Project has been in the planning stages for over 6 years, in an effective implementation of the CSS process. CDOT has facilitated this process, that included community and stakeholder participation through a Project Leadership Team (PLT), a Technical Team (TT) and a number of Issue Task Forces (ITFs) meeting regularly for thousands of hours. This process resulted in the creation of a detailed community stakeholder perspective on three design alternatives that informed the Environmental Assessment NEPA document and the eventual selection of the design that

is the current Project and proposal. The teams described above are still active and currently working with CDOT and the construction and design teams to continue to provide stakeholder perspectives as the design advances to 100%.

Project Design Selection Process - Alternatives

The applicant considered 3 alternative designs; 1) the ‘no action’ alternative, 2) a ‘canyon viaduct’ alternative, and a 3) ‘tunnel’ alternative. While the ‘no action’ alternative indicated that congestion, unreliable and prolonged peak period travel times, safety concerns, local resident and non-motorized mobility and capacity constraints would persist and get worse over time, the other two alternatives would address these issues. Between the two action alternatives, the ‘canyon viaduct’ alternative was chosen and supported by the public leadership team (PLT). Aspects of the canyon viaduct alternative came out ahead of the others due to its ability to fit into the canyon with less blasting and rock excavation, reduced roadway infrastructure next to the Creek and Greenway, and less complicated operations compared to the Tunnel Alternative. The application indicates that the tunnel alternative could still be implemented. While it is not preferred based on currently-available information and level of design, it is not eliminated. The CMGC has and will likely continue to come up with innovations that reduce impacts or increase benefits and, if this happens, CDOT would consider the new information, reevaluate the revised design, or design concepts and seek public input for the new design.

As of the preparation of the NEPA document; the Finding of No Significant Impact (FONSI), the preferred alternative has been refined through the CMGC process. The Refined Preferred Alternative incorporated design innovations which reduce the Project’s impacts and increased benefits and has been endorsed by the Project teams involved in the process. The refined preferred alternative is described in the FONSI.

Project Delivery Method - CGMC

The Construction Manager/General Contractor (CGMC) is a project delivery process that allows an owner to engage a construction manager during the design process to provide constructability input. At approximately 60% and 90% design completion, the owner and construction manager negotiate a guaranteed maximum price for the project construction based on the defined scope and schedule. CGMC helps the overall project process by allowing contractor input on design concept, optimization, and constructability, providing better ability to identify, assign and mitigate Project risks, compatibility with the CSS process and community participation, and ability to respond to potential incremental funding.

More information about the project can be found in the application.

NOTIFICATION AND REFERRAL REVIEW

As required by the 1041 Regulations, the following notification was made:

Public Notice

Not later than 30 days after receipt of a complete application for a Permit, a date shall be set for the public hearing. Staff shall public a notice of the date, time and place for the BOCC hearing.

Such notice shall be published once in the County legal newspaper, not less than 30 days, and not more than 60 days before the date set for the hearing. Public Notice was published in the Clear Creek Courant on Thursday, February 16, 2023.

Referral Responses

Staff shall send a copy of the complete application to, and seek review comments from any referrals that may have expertise in, or an interest in the impact that may be associated with the Project. The application was referred to Referral Agencies on Friday, February 10, 2023. The following referral agencies were notified of this request. One referral was received as described below.

- Clear Creek Economic Development Corporation
- Clear Creek Fire Authority
- Clear Creek Metropolitan Recreation District
- Clear Creek School District RE-1
- Clear Creek County Tourism Board
- Colorado State Patrol
- Colorado Parks and Wildlife
- Colorado State Historic Preservation Office
- City of Black Hawk
- B/H Hidden Valley Water Plant
- City of Central
- Evergreen Fire Protection District
- Gilpin County
- Idaho Springs City Hall
- CORE aka IREA
- Jefferson County Planning and Zoning
- Jefferson County Public Schools R-1
- Lookout Mountain Water District
- Mountain Area Land Trust (MALT)
- Century Link/Lumen
- Saddleback Metropolitan District
- Save Open Lands, Vistas and Environment (SOLVE)
- U.S. Forest Service
- Upper Clear Creek Watershed Association (UCCWA)
- Mountain Metro Association of Realtors
- Floyd Hill Property Owners' Association
- Fox Ridge Homeowners' Association
- Saddleback Mountain Homeowners Association

The following County Departments were notified of this request:

- Site Development Dept
- Building Dept

- Environmental Health Dept.
- Ambulance
- Public Works
- Sheriff's Office
- Special Projects/Water Resources
- Open Space
- Assessor's Office
- Office of Emergency Management

One response was received from the Clear Creek Tourism Board expressing concerns and wanting to assure there is no impact to the two sided 'welcome' sign on I-70. There was damage incurred to the sign installed on the West end of the County during another CDOT project. Staff would recommend a condition to the approval of this application to assure damage will not occur.

Adjacent Property Owner Responses

Additionally, Staff shall send notice of the permit hearing to all adjacent property owners within 300 feet of the property for which the application is for. Notice was mailed to APOs on Monday, February 27, 2023 and the following responses were received:

1. One response was received from a property owner with property immediately adjacent to the I-70 right of way in the Saddleback development expressing concern about how construction will affect her land; whether CDOT will encroach onto her land and whether construction/blasting activities will adversely affect her improvements including foundation and retaining walls(s). CDOT responses to the property owner explaining their plan to conduct pre-blast and post-blast survey inspections of property to determine whether blasting adversely affected any private property.
2. Response from Albert Frei and Sons requesting that CDOT install and maintain non-transparent fencing on I-70 in certain areas to prevent increased viewshed exposure into the Walstrum Quarry. Staff observes that this is in reference to a portion of the Project that is in the Central Section and will examine this issue more closely during the review of the Central Section .

PROJECT SUBMITTAL ITEMS ACCEPTED AND REVIEWED FOR THIS APPLICATION

The following list of items was submitted by the applicant as the application for this 1041 Permit request. These items were reviewed by Staff in order to determine conformance with applicable criteria for approval:

- 1041 Application and Summary (Jan 2023)
- I-70 Floyd Hill Environmental Assessment (Aug 2022)
- I-70 Floyd Hill Finding of no Significant Impact (Jan 2023)
- Floyd Hill East Section 90% Plan Sheets (Jan 2023)
- Floyd Hill East Section 90% Special Provisions (Jan 2023)
- Floyd Hill East Section 90% Cross Sections (Jan 2023)
- Floyd Hill Concept of Operations (Jan 2023)

Consideration of the Permit application is based on these specific submittals. Therefore, any change to any of the submittal items, made prior to or after a 1041 Permit approval, which is not specifically acknowledged and approved in advance of such change by the Permit Authority (County Commissioners) will constitute a violation of the permit.

CHAPTER 2. LAND USE

SUBJECT PROPERTY AND ZONING:

The Project - The property is those portions of the I-70 right-of-way from the Veterans Memorial Tunnels to the Clear Creek/Jefferson County line located in the unincorporated portion of Clear Creek County. The right-of-way is unzoned. A few parcels of land are proposed to be obtained by CDOT for right of way use in the Central Section. These parcels are on the south side of I-70 immediately east of the Hidden Valley near where Sawmill Gulch empties into Clear Creek. Curves in the highway alignment are proposed to be straightened out and in order to straighten them out, land owned by Clear Creek County will need to be obtained. These parcels are currently zoned MR-1.

The East Section -The East Section is entirely within the CDOT 170 ROW and is unzoned.

SURROUNDING PROPERTIES AND USE:

The Project - Some of the Project runs through the city limits of Idaho Springs, and into Jefferson County to the east and therefore is outside the scope of 1041 authority of the County. This Staff Report will describe general project elements starting west to east

- MM 242 - 243: Through the Veterans Memorial Tunnels to Hidden Valley, this land is within the City of Idaho Springs and Central City. A small parcel of land immediately south of the Tunnels is unincorporated and owned by Clear Creek County as the Game check Park.
- MM 243 - 245: Known as the ‘canyon’ in the application (short for Clear Creek Canyon) and part of the Central Section with the sharp curve heading up Floyd Hill. Land surrounding this area is owned by the County for open space. South of this are the subdivisions accessed from the top of Floyd Hill including Santa Fe Mountain and Saddleback Ridge Estates with large-lot single-family residential development.
- North of this area is the Walstrum Aggregate Quarry and the intersection with US Hwy 6 that comes up through Clear Creek Canyon.

The East Section – Elements in east section include the following:

- MM 245 - 247: Heading up Floyd Hill, surrounding land use are primarily large lot single-family residential development on both sides of the highway. The Floyd Hill Open Space Park is at the top of the hill to the north. Small commercial development exists at the top of Floyd Hill at the Floyd Hill exit including the Floyd Hill Tech Park.
- MM 247 – County Line: Large lot single-family residential development. Clear Creek High School is located to the south of the highway and accessed by the Floyd Hill exit.

FUTURE LAND USE AND MASTER PLANS:

The Project - The *Clear Creek County 2017 Community Master Plan* identifies a number of future land use designations along this portion of the I-70 Corridor as follows:

- 1) **Open Space:** The *Master Plan* has identified open space as the future land use for land adjacent to I-70 through the canyon. This area is composed mostly of County-owned land on the cliffs and hillsides of the canyon with large lot-residential uses at the top of the canyon to the south. Open Space areas are designated to be undeveloped. Open Space land in the County is owned by various entities including the County, Colorado Parks and Wildlife, Jefferson County Schools, and the State Land Board, and Denver Mountain Parks. Open space lands have recreation opportunities on them such as trails, but also contain wildlife areas and watershed areas that are primarily for ecological benefit.
- 2) **Mining:** Including and surrounding the Walstrum Quarry is Mining-designated area. This area is likely to involve natural resource extraction in some form or another in the foreseeable future.

The East Section - Future land use issues as they relate to the Master plan that are specific to the East section include:

- 3) **Residential:** heading up Floyd Hill, the area to the south and east of the highway is identified as Residential land. Residences in the area are on parcels smaller than 35 acres and are located in existing subdivisions that are platted and have access to services. It is envisioned that these areas will continue to be residential, at the density allowed by current zoning.
- 4) **Rural Residential:** The Floyd Hill Open Space Park area is actually identified in the Master Plan to remain rural residential and includes parcels that are over 35-acres in size. Prior to the land being acquired for the Park, it was vacant, or had a few single-family homes on lots of over 35 acres in size. Since the Park was established, this land is no longer being used for residential purposes.
- 5) **Multiple Use:** The areas at the top of Floyd Hill at the Floyd Hill exit are identified for 'multiple use (1). These areas allow for multiple uses with the intention of maintaining the level and intensity of current land uses or future uses specified by an approved subarea plan. The Floyd Hill area is approximately 20 acres.
- 6) **Parkland:** The area along and south of the highway at it goes downhill towards the Jeffco County line is identified as 'parkland'. These areas are used for active recreation and include both commercial areas for recreation-owned businesses and recognized public parks and/or school grounds. This area includes the Clear Creek High School property. Although not much land is dedicated to this use due to the desire for open space, clusters of recreation-based businesses in these areas are encouraged as they can contribute to economic development.

Also, the east section project will be constructed so as not to preclude any of the egress routes identified in the CSS process as a result of the CDOT sponsored Student study of possible routes.

CHAPTER 3. PERMIT APPLICATION APPROVAL CRITERIA FOR MATTERS OF STATE INTEREST

A Permit to conduct a designated activity of state interest or to engage in development in a designated area of state interest shall be approved if the Project complies with the following general criteria and any additional applicable criteria in chapters related to a particular Project. If the Project does not comply with any one or more of these criteria, the Permit shall be denied or approved with conditions which will ensure compliance. In determining whether the Project complies with these criteria, or if conditions should be imposed, the Permit Authority may utilize the considerations of Appendix “A” in the 1041 Regulations.

This submittal reflects a complete application for the **East Section of the Project only**. The West and Central Sections will be reviewed and considered in separate submittals and hearings later in the year. Therefore, only the East Section was evaluated against the following 21 Criteria for Approval. Most criteria will apply to each separate section, but there are some criteria that are broad enough to be able to apply to the general project.

- 1. Documentation that prior to site disturbance for The Project the applicant will have obtained 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.**

The Project - Documentation is secured that indicates that all necessary property rights, permits and approvals will be obtained prior to initial and future site disturbance.

The East Section - The East Section is entirely within the CDOT ROW. All necessary property rights, permits and approvals will be obtained prior to initial and future site disturbance.

- 2. The applicant has the necessary expertise and financial capability to develop and operate the Project consistent with all requirements and conditions.**

The Project - The applicant has the necessary expertise and financial capability to develop and operate the Project consistent with all requirements and conditions.

Th East Section – This is a project wide criterion. Should the contractor change however, staff may need to evaluate this criterion for future sections.

- 3. The Project is technically and financially feasible.**

The Project - The entire Project is estimated to cost \$700 million. The project is fully funded. Funding sources include federal grants, toll revenue and state funding.

The East Section – The East Section budget will be available by April 16, 2023. The project appears to be financially feasible. The application includes the 90% FOR plans that demonstrate technical feasibility.

4. The Project will not impair property rights held by others.

The Project – The Project will include very limited private ROW acquisition needs. The bulk of the ROW acquisition will be provided by the County in the Central and West Sections.

The East Section - The East Section of this project remains within the I-70 right-of-way. No private or other public property is directly impacted. The improvements do not change the ability for adjacent property owners to access and/or use their property.

5. The Project, or the location of the Project, will not have a significant adverse effect on the capability of local governments affected by the Project to provide services, or exceed the reasonable capacity of service delivery systems and public utilities.

The Project - The application indicates that the PEIS identified the horizontal curves in the Floyd Hill area between U.S 6 and the Veterans Memorial Tunnels as one of five locations in the corridor for curve safety improvements because the design speed of curves through this stretch are less than the surrounding portions of the roadway. Curve safety modification was identified as a critical safety issue for this stretch of roadway. The Safety Assessment Report recommended measures that could improve safety through the area that includes widening I-70 from two to three lanes in the westbound direction and widening shoulders along the highway to reduce fixed-object crashes. Staff expects that as safety issues are addressed, that the burden on the County to provide emergency services in the area will be reduced. The Clear Creek County Sheriff's office, Ambulance, and Clear Creek Fire Authority were notified on this application and no concerns were communicated.

However, as in the PPSL projects that incorporated peak period shoulder lanes east and west bound between Empire Junction and Idaho Springs, County staff would note that an increase in number of vehicles accommodated by this Project creates an increased volume of users of the County's recreation amenities. An increased user numbers increases demand on County services. As an example, during the PPSL project hearings, the Sheriff's Office indicated that it hired a back-country enforcement officer to patrol and provide assistance to a growing number of recreationalists. The Clear Creek Sheriff's Office identified increased calls for search and rescue services. Clear Creek County EMS reported a 25% increase in overall call volume since between 2013 and 2018. There is also an increased need for parking at recreation sites and within some of the municipalities.

There are no County facilities physically affected by this project.

The East Section - The East Section, upon completion will assist the capability of local governments to provide services to residents and travelers throughout the corridor. Traffic management during construction will be affected by an extensive lane use study to create a flexible traffic management plan that will provide for continued traffic flow through the construction.

6. The Project will not create an undue financial burden on existing or future residents of the County.

The Project - The entire Project is estimated to cost \$700 million. County financing is not being used for this project, and the County will not be responsible for maintaining the highway or the new US 6 frontage road extension after completion as it is a state-maintained highway.

There will likely be ongoing Greenway maintenance costs incurred by the County for maintenance of the new segment.

The East Section – There will be no County finance impacts of local maintenance impacts from the East Section.

7. The benefits accruing to the County and its citizens from the Project outweigh the losses of any natural, agricultural, recreational, grazing, commercial or industrial resources within the County, or the losses of opportunities to develop such resources.

The Project - The Project does not create a loss of natural, agricultural, recreational, grazing, commercial, or industrial resources. The Project. Would have the following benefits

1. It would complete a six-lane component from Floyd Hill to the Veterans Memorial Tunnels
2. It would construct and improve the Clear Creek Greenway from Idaho Springs to US 6
3. It would construct the missing frontage road link between Hidden Valley and US Hwy. 6
4. It addresses critical infrastructure deficiencies, including replacing one of the worst-rated bridges in the state.

The East Section - The application asserts the following benefits:

It will help mitigate wildlife impacts by installing wildlife fencing from the Floyd Hill exit to the Soda Creek Road bridge in Jefferson County.

8. The Project will not significantly degrade any current or foreseeable future sector of the local economy.

The Project - The application indicates that the Project would improve safety, reduce congestion, and improve traffic operations throughout the Project area by realigning curves, adding capacity, and improving intersection operations. This would result in safer conditions and more consistent travel speeds for area residents, commuters, and regional travelers who rely on I-70 to access area resources, businesses, and services in adjacent communities.

Improved traffic operations and reduced congestion on I-70 would reduce the amount of interstate traffic that currently diverts to US 40 during periods of congestion, benefiting the Floyd Hill neighborhoods by improving local access and mobility and helping realize the full benefits of improved traffic flow and reduced delays of the US 40 roundabouts project.

When the frontage road segment is constructed between Hidden Valley and US Hwy. 6, mobility will improve by providing an alternate route for local access and emergency response during congested periods or closures of I-70.

Elevating I-70 will provide more space in the canyon for the frontage road, Clear Creek, and wildlife movement and will open the land below for riparian restoration and enhanced recreation access which helps support community goals for improving recreation and Creek access.

The East Section - The application has identified a commitment to a number of mitigation strategies; many of them oriented to timely communication so people know what is happening, when closures will occur, etc.

A Traffic Management Plan will be submitted by the contractor once a construction contract is awarded. This Traffic Management Plan will include how emergencies will be managed should an unexpected incident occur that causes further traffic delays or accessibility. Staff recommends that the Emergency Plan be submitted to the BOCC for review and approval. Staff also recommends a Communication Plan that describes how County residents will be kept informed, both for planned activities and unexpected emergencies to be submitted and approved by the BOCC.

Clear Creek EMS will be meeting regularly with the contractor to stay current with construction conditions and how they impact emergency response

9. The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.

The Project - This Project makes a number of improvements to recreation resources in the West and Central Sections which will be further evaluated during those reviews.

The East Section - For the East Section, there does not appear to be any adverse effect on the quality or quantity of recreational opportunities and experience as the Project remains within the I-70 right of way. Impacts to the Floyd Hill Open Space Park appear to be non-existent, except that there will be improved access to the Park with the Roundabout improvements on US 40.

10. Master Planning/Vision/Direction

- a. **The Project will not have a significant adverse effect on desired local and community land use patterns.**
- b. **The Project is consistent with applicable local, regional, and state master/comprehensive plans, including, but not limited to transportation plans, the Clear Creek County 2017 Community Master Plan, and the Intercounty Non-Motorized Routes Master Plan.**

The Clear Creek County 2017 Community Master Plan

The Clear Creek County 2017 Community Master Plan endorses transportation infrastructure that is multi-modal in nature and enhances existing communities as well as their access to the rest of the region. *The Master Plan's* transportation goals call to A) reduce County dependence on motor vehicles and create more multimodal options, B) create carpooling and transit options that are accessible to a broad swath of County residents and employees, C) advocate for the County's interests for all future I-70 Corridor projects to ensure they are completed with sensitivity to the communities within the corridor, and D) maintain the County road system to ensure adequate and safe circulation and access for both residents and visitors.

The Project - The I-70 PEIS Record of Decision "Maximum Program of Improvements" identifies a 6-lane component from Idaho Springs to the Eisenhower/Johnson Memorial Tunnels **and** to accommodate for future AGS technology, therefore, Staff believes the Record of Decision furthers the *Community Master Plan* goals that call for a balanced inter-modal and multi-modal transportation system even if the current Project does not build the AGS itself.

The East Section – It does not appear that the East Section will have an adverse effect on desired local land use patterns and it appears consistent with the *2017 Community Master Plan*.

The Clear Creek Greenway Plan

The *2017 Community Master Plan* also calls for providing high quality regional and connected open space, parks, trails, and recreation facilities system by supporting the implementation of the Clear Creek Greenway. A separate master plan, the *Clear Creek Greenway Master Plan*, calls for the development of the Greenway and identifies an alignment that follows the Creek. This means that the Greenway will be running along, and sometimes within, the I-70 corridor for a significant portion of it. The Greenway Master Plan was adopted in November, 2005 and has served the County as the guide for building out the Clear Creek Greenway. The Greenway, as envisioned in the Greenway Plan, will serve as the backbone for recreation in the County. It links the communities together with a string of open spaces, parks, recreational facilities and commercial recreational facilities along the Creek.

The Project – The Project includes plans to resurface the Greenway from the Game Check Station to the east, build a missing section of Greenway between there and the Hidden Valley Interchange, and resurface the existing section from there to what is now Two Bears. This will fulfill the vision of the Greenway Plan and create a continuous section of ADA compliant concrete surface Greenway Trail.

The Project will make improvements to creek access and riparian habitat, preserve historic elements along the trail and improve the Greenway from its existing condition thereby advancing the vision of the *Greenway Plan*.

The East Section - The *Greenway Plan* does not extend into the project limits of the East Section.

Clear Creek County Non-Motorized Routes Corridor Master Plan

The *Clear Creek County Non-Motorized Routes Corridor Master Plan*, adopted prior to the above referenced master plans, lays the foundation for the development of a “primary intercounty corridor” along the I-70 corridor. Although the exact alignment is not identified, the master plan’s goal is to interconnect all adjacent counties with the communities within Clear Creek County with non-motorized routes, therefore, the general contiguous route concept from county line to county line is the important aspect of this plan. Alignments separate from the existing vehicular routes are preferred, but in “narrow” areas, pathways adjacent to the current traveled surface for automobiles will be necessary.

The Project – The Project advances the goals of the County Non-Motorized Routes Corridor Master Plan.

The East Section - Currently, the East Section does not specifically advance the non-motorized goals outlined in this Plan, but it also does not inhibit the goals outlined in the Plan.

11. Natural Hazards

The Project should avoid areas subject to natural hazards. Natural hazards include geologic hazards, wildfire hazards, and flood. If such hazards exist, they must be eliminated or adequately mitigated. If hazards cannot be adequately mitigated, such areas shall be reserved where development is prohibited.

The Project – The Project overall includes rock cuts, viaducts, new lanes and roadways with new proximities to residential communities. The CSS process is an effective tool at identifying, and tracking and these hazards. Use of a Commitment Tracking Sheet, to carry recommendation of the CSS process into the construction phase, and a 1041 permit that ensures key hazards will be protected will be utilized.

The East Section –

Geologic Hazards exist in the East Section. The top of Floyd Hill does not contain any known geologic hazards. Headed down the Hill, the area is under a “potentially unstable slope”. Three retaining walls are planned along the north side of the Eastbound lanes with rock mesh placed above as necessary. The slope toward the bottom of the hill in the known slide zone will not be disturbed. The retaining wall at the base of that slope will be retained.

Flood Hazard. None of the East Section is located within the 100-year floodplain.

Wildfire Hazard. The East Section overall, is surrounded by land that has a moderate wildfire risk and a moderate wildfire probability. Actual wildfire hazard, based on vegetation, varies with a low hazard at the top of Floyd Hill along the meadow, to high hazard going down the Hill westward. Though anytime drive lanes edge closer to forested or grassy areas, as with the lane widening taking place in the East Section, fire hazard risk grows.

12. Air Quality

The Project will not significantly degrade air quality

The Project - In coordination with the Colorado Department of Public Health and Environment (CDPHE), CDOT concluded that the Project would not affect regional or localized pollutants regulated by National Ambient Air Quality Standards. The Preferred Alternative would decrease congestion, improve speeds on I-70, improve level of service (LOS) at interchanges, and provide a multimodal, non-vehicular travel option through the Project area with the Greenway. The operation of the new travel lane as an express tolled lane is also expected to improve traffic flow and air quality.

However, there have been indications from air quality monitors the County has in place in the corridor, that regulatory air quality studies are warranted in the corridor.

This Project will add two regulatory grade monitors to the corridor in addition to the two permanent air quality monitors already in place; one on Floyd Hill and one in Idaho Springs. CDOT will partner with the County to develop a dashboard that is available to the public to share data from the regulatory grade monitors. Staff recommends that CDOT continue to support the County in their effort to achieve regulatory assessment of air quality to determine whether or not this area of the County is a non-attainment area with regard to air quality. However, having regulatory grade monitors measure air quality is only the first step. To determine “attainment”, a regulatory entity, qualified to assess attainment levels must evaluate the data collected on regulatory grade monitors while those monitors are in a regulatory environment.

The East Section – Air quality will be a project wide discussion. Establishment of the permanent regulatory monitoring program with public dashboard will be a requirement for final approval.

13. Water Quality and Aquatic Life

- a. The Project will not increase water pollution levels in violation of applicable federal, state, and local surface water and groundwater quality control standards and will result in no net loss of wetland values and functions.**
- b. The Project will not significantly degrade terrestrial or aquatic animal life or its habitats.**
- c. The Project will not significantly degrade terrestrial plant life or plant habitat.**

The Project -

A key Project wide consideration as described in the EA is the increased impervious surface from a widened highway and new frontage road connection would contribute to increased stormwater runoff which could adversely impact water quality if not treated. Additionally, a viaduct, such as proposed, will require more snow and ice removal material than a highway at grade due to the viaduct's ability to freeze more frequently and for longer periods of time. Sediment and chloride used for winter roadway maintenance are the primary stormwater runoff concerns that will affect water quality in the Creek. Current available water quality control measures are less effective at capturing and treating chlorides.

The Sediment Control Action Plan (SCAP) (CDOT, 2013) was developed as a commitment of the I-70 Mountain Corridor SWEEP MOU, and the SCAP recommends water quality CMs (Control Measures) and locations where stream health affected by I-70 can be improved. Formal CMs include things like retention basins. Informal CMs include vegetated ditches in areas of site constraints. Therefore, The Project includes water quality CM's such as water quality basins to remove sediments and metals in highway runoff, ditches to dilute chlorides by allowing some of the chlorides to permeate into the soil rather than be transported directly to the Creek. The EA indicates that these CMs would capture and treat 46% of roadway runoff which is substantially more than existing conditions.

The East Section - At this time, there does not appear to be much information on impacts to wetland or aquatic resources in the East Section except that the FONSI indicates that the Preferred Alternative will avoid impacts to Johnson Gulch.

The drainage design calls for water to be directed from the road surface into road side ditches, flowing down from the top of Floyd Hill on both sides. The water on the east side would be somewhat diluted from surface water flowing down from the mountain side to the east. But all the water would collect and flow in single collection pipe at the bottom into "stilling ponds" and into the creek.

The impacts of snow removal materials and other chemicals from stormwater runoff is a longstanding concern particularly around salinity, impacts to drinking water supply, ground water, wetlands, impacts of aerosolization on plants. Measuring the contents of highway runoff at the sediment pond, stilling ponds, and/or outflow would help determine the impact on water quality. Staff recommends that CDOT coordinate County Staff with CDOT water quality staff and/or other state agencies to determine a water testing plan to evaluate efficacy of the CMs as designed.

14. Wildlife

The Project will avoid or mitigate significant adverse impacts on critical wildlife habitat, including breeding grounds, nesting areas, migration routes, and wintering areas. Rare and endangered species habitat protection shall also be addressed.

The Project – Wildlife effects will be evaluated during review of each specific Section when sufficient detail is available during those application review processes.

The East Section - In the East Section, the Preferred Alternative will include approximately two miles of wildlife fencing on the north and south sides of I-70 from the Hyland Hills/Floyd Hill interchange east to Soda Creek Road in Jefferson County, to prevent animal – vehicle collisions. The application does admit that while fencing is highly effective at reducing animal-vehicle collisions, installation of fencing without a wildlife crossing of the highway will create a permanent barrier for the resident elk herd. Nevertheless, representatives from Colorado Parks and Wildlife (CPW) have been part of the CSS process. Additionally, no concerns have been communicated from CPW as a referral agency to County staff during the referral process.

15. Cultural/Historical Resource Considerations

- a. The Project will not significantly degrade areas of paleontological, historic or archaeological importance.**
- b. The Project will have no unmitigated significant adverse impact on cultural resources.**

The Project - CDOT is required by Section 106 of the National Historic Preservation Act to identify and evaluate the significance of historic properties prior to commencing work related to transportation construction maintenance activities that could potentially impact historic and/or archaeological resources. CDOT and CCC have a different analysis of the status of the remnants of the Colorado and Southern Railroad through the Central Section. At this time, it is not anticipated that those sites will be disturbed making the discussion moot. This will be further reviewed during the Central Section review.

The East Section - In the East Section, there exists one NRHP-eligible historic residential property along US 40, and two mountain subdivisions (Hyland Hills and Saddleback Ridge Estates) that are NRHP-eligible historic districts. The East Section project will have no adverse impact on the NRHP-eligible residential property.

16. The Project will not significantly degrade soils or geologic conditions.

The Project – Design engineers effectively work to limit rock cuts and long-term soil impacts. The CMGC process improves outcomes in the area. Soils and geologic condition impacts from construction will be managed via the CSS Commitment tracking process as described in the Hazards section in Criterion #11 above.

The East Section - The East Section will remain within the existing I-70 right of way and will not degrade soils or geologic conditions. Care has been taken during the design process to make appropriate adjustments to the alignment that will reduce impacts .

17. Design Standards

- a. The planning, design and operation of the Project shall reflect principals of resource conservation, energy efficiency and recycling or reuse (see Chapter 7(B)(1) for additional standards).**
- b. The Project will not significantly degrade existing visual quality (see Chapter 9(B)(21) for additional standards).**
- c. Exterior building design materials used in constructing buildings or structures in commercial centers shall complement the county's mountain environment or historic mining heritage. Natural materials should be used such as wood siding, native stone, masonry, or glass. Materials that complement the County's historic mining heritage are also encouraged. Variations in roof lines and in building facades are encouraged. Architectural designs shall complement and coordinate with one another, and shall create interest through varied roof lines, treatment of building facades, and use of covered walkways and entrances.**

Please see comments at Criterion #13 under "Additional Criteria....." below.

18. Landscaping/Erosion Control

- a. Landscaping shall demonstrate water conservation by requiring xeriscaping concepts. The use of native species should be maximized so that native species continue to dominate the County's mountain environment. Plant species that the County has determined are invasive, noxious, or otherwise a nuisance are prohibited. The impacts of site development shall be mitigated with landscape designs that will buffer or screen the development from abutting properties and from public rights-of-way. Buffering and screening features shall complement the existing natural character and context of the site and blend with the setting. Landscaping shall demonstrate the long term health and success of required landscaping through appropriate maintenance practices, including replacing landscaping that may have perished and keeping irrigation systems operable. Section 4 Revised 7/14/2010 4-3**
- b. The project will meet the standards of the County's Best Management Practices for control of stormwater runoff.**

The Project - As discussed in #13 above, The Project includes water quality CM's (control measures) such as water quality basins to remove sediments and metals in highway runoff, ditches to dilute chlorides by allowing some of the chlorides to permeate into the soil rather than be transported directly to the Creek. The EA indicates that these CMs would capture and treat 46% of roadway runoff which is substantially more than existing conditions.

The East Section – The East Section drainage is designed to carry runoff from hillside and Road surface in a trench along the east side to a sediment pond and on to a single outlet to minimize both absorption and erosion. Similarly, the westbound drainage is directed to three culverts to take drainage downslope to stilling ponds along the US 40 and then to a single outlet to the creek. This design permits easily facilitated monitoring plan.

19. Nuisances/Hazards

- a. The Project will not cause a nuisance.**
- b. The Project will not result in unreasonable risk of releases of hazardous materials.**

The Project - The analysis of the application against the Criteria for the 1041 Permit indicate that nuisances will occur during construction; in particular, those related to noise, air quality, visual, and traffic impact. Mitigation for these impacts is identified in the list of mitigation commitments.

Staff also noted a cumulative impact of multiple projects on I-70 within the County that occur on a regular basis. These projects, cumulatively, create an ongoing nuisance. The need for a well-prepared emergency plan and plan for communication will help minimize nuisances.

As explained above under Criterion #8, a Traffic Management Plan will be submitted by the contractor once a construction contract is awarded. The emergency plan located within the TMP should include how emergencies will be managed should an unexpected incident occur that causes further traffic delays or accessibility. Staff recommends that the emergency plan be submitted to the BOCC for review and approval. Staff also recommends a Communication Plan to be prepared and submitted that describes how County residents and workers will be kept informed, both for planned activities and unexpected emergencies.

The East Section - There have not been any identified hazardous or regulated materials in the East Section of the Project. However, the following mitigation commitment has been added to CDOT's mitigation commitment monitoring and reporting spreadsheet;

- *Consult with CDOT Property Management prior to the development of the Health and Safety Plan and Materials Management Plan to determine if they have knowledge of highway spills in the project area or hazardous material impacts at the CDOT Maintenance Facility (FONSI Mitigation Commitment #32).*

20. Mineral Resources

The Project will not impede or interfere with existing mining operations, nor will there be a significant adverse impact on mineral resources in the County.

The Project - It is known that there was some hard-rock mining activity in the West and Central Sections of the Project. However, since the project is not acquiring any adjacent mining properties with known mineral resources, there would not be an adverse impact on existing mineral resources, or the County's ability to retrieve those resources in the future.

The East Section - There are none known in the East Section.

21. Roads/Access

Adequate legal and physical access shall be demonstrated, and the applicant shall demonstrate it has secured, or can secure, all necessary access approvals from the County, the Colorado Department of Transportation, and other applicable government agencies. The applicant agrees to confine construction traffic to agreed-upon routes.

The Project – By pass construction routes have not been identified for this project. All interchanges must obtain approvals from the Federal Highway Administration and meet all federal requirements. The project will extend US 6 westbound to Hidden Valley which will serve as a frontage road to I-70. This change eliminates a left-hand exit from eastbound I-70 onto US Hwy. 6 and increases safety for both I-70 and US 6. The modification has been approved by the FHWA.

The East Section - For the East Section, the project will remain within the I-70 right-of-way which is the legal access that allows for this project to occur.

CHAPTER 5. ADDITIONAL CRITERIA APPLICABLE TO SITE SELECTION OF ARTERIAL HIGHWAYS AND INTERCHANGES AND COLLECTOR HIGHWAYS

In addition to the general criteria set forth in Chapter 4 of these Regulations (above), the following additional 14 criteria shall apply to any site selection of arterial highways and interchanges and collector highways:

All of the criteria in this section are broad-based and address the entire Project as a whole rather than addressing each Section. Additionally, staff was able to address all of these criteria for the entire project, therefore discussion in this chapter is not separated between ‘Project’-wide issues and ‘East Section’ issues:

- 1. The Project will be located so that local traffic needs are met and will preserve at grade access from locally-maintained roads to the extent necessary to meet local traffic needs and to avoid unacceptable division of existing communities.**

The Project – This project maintains access for local traffic and does not diminish it. It does not change any existing at-grade access from locally-maintained roads or from existing private driveways. In fact, with the Project including the construction of the missing two-mile section of frontage road between Hidden Valley and US Hwy. 6, local traffic needs are enhanced and division of communities on either side of the valley are reduced by adding an alternate and additional route for local and emergency traffic. Access to and from I-70 will be changed as follows:

- Early Projects, some of which take place in the East Section project limits but are not subject to this or any 1041 permit, will improve access due to the addition of roundabouts at US 40 and CR 65 and US 40 and Homestead Rd, the latter being adjacent to the WB I-70 on ramp.
- An EB on ramp to I-70 will be added at US 6

- The WB on ramp to I-70 will be eliminated at US 6
- The odd configuration of the intersection at the EB off and on ramps at Hidden Valley will be improved.
- CR 314 will connect to US 6 to the East by taking a left, under I-70, then taking a right where it continues as US 6 on the north side of I-70, providing full frontage road connectivity from Evergreen to Georgetown.

2. The Project will be located only in a corridor for which a clear and reasonable local and regional need for such facility(ies) has/have been demonstrated.

The Project - The project is located within the I-70 Corridor. Consistent with the recommendations from the I-70 PEIS Record of Decision (ROD), this Project will complete one of the “specific highway improvements” for a “six-lane component” from Floyd Hill to the Veterans Memorial Tunnels. This was identified in the Tier 1 I-70 Mountain Corridor Programmatic Environmental Impact Statement (PEIS) and Record of Decision (ROD). The purpose of this Project is to address the deficient infrastructure and improve travel time reliability, safety, and mobility along 7 miles of I-70 from Floyd Hill to the Veterans Memorial Tunnels.

The PEIS ROD identifies the need for transportation improvements within and along this corridor from the Denver metro area to Glenwood Springs, and therefore, identifies and demonstrates a clear and reasonable regional need for the proposal. Due to high traffic volumes and geometric conditions that result in inconsistent and slow travel times, proposed improvements will also serve a local need for improved mobility through the area.

3. Reasonable alternative modes of transportation shall be incorporated into the highway proposal.

The Project - The I-70 PEIS included a multimodal program of improvements that requires the ability for an Advanced Guideway System (AGS) to be constructed in the corridor in the future. This project does not preclude that ability.

Frontage Road Construction

This Project will include the construction of the missing two-mile section of frontage road between Hidden Valley and US Hwy. 6 that will add an alternate and additional route for local and emergency traffic in this section.

Clear Creek Greenway

The *Clear Creek Greenway Plan* was adopted in November, 2005 and has served the County as the guide for building out the Clear Creek Greenway. The Greenway, as envisioned in the *Greenway Plan*, will serve as the backbone of the County. It links the communities together with a string of open spaces, parks, recreational facilities and commercial recreational facilities along the Creek. The Greenway will be the framework of the open space program, with connections to other open spaces such as the (U.S.) National Forest, parks, recreation facilities and tourist attractions. It would further the goals of completing a trail system extending from the Continental Divide to the (south) Platte River (now known as the Peaks

to Plains trail). The purpose of the *Greenway Plan* is to provide a common vision for the Greenway that all stakeholders share and combine resources to achieve. This Project implements surface and ADA improvements to this section of the Clear Creek Greenway to increase traveler safety.

The addition of a tolled express lane will also assist the on- highway mobility initiative of multi passenger vehicles.

- 4. The proposed location and access limitation for the Project will not isolate community neighborhoods from public facilities, and where practicable, will enhance access from community neighborhoods to public facilities including those located within incorporated municipalities, hospitals, mass transit, and pedestrian walkways, bikeways, recreational areas, and open spaces.**

The Project - The project does not increase isolation of community neighborhoods, and does not further limit access from public facilities. Additionally, the application indicates that as a result of this project, local roads, in a majority of locations, would see a decrease in traffic, as travelers would be less likely to leave I-70 if highway conditions are improved. Mobility and accessibility are also increased due to the ‘early project’ currently underway that is making intersection improvements at the Beaver Brook/Floyd Hill and Hyland Hills/Floyd Hill interchanges that is expected to improve mobility and accessibility for the Floyd Hill communities and other residences and businesses along US Hwy. 40.

Specific to the East Section, this project has identified potential alternative emergency egress routes for the Floyd Hill and Saddleback subdivisions. Even though the project will not build those egress routes, it indicates where they might connect with the interstate and not preclude them.

- 5. The proposed location and access limitations for the Project will not restrict access via other roadways, mass transit facilities, pedestrian walkways, and bikeways to local commercial services, business, and employment centers, and public facilities including schools, hospitals, recreational areas and open spaces.**

The Project would not restrict access via other roadways, mass transit facilities, pedestrian walkways/bikeways to local commercial services, business centers or other facilities.

- 6. The Project will not create safety hazards to motorists, pedestrians, or bicyclists by causing or contributing to overuse, improper use, or congestions, or cause unnecessary diversion of regional traffic onto local roadways or inappropriate or inadequate connections to pedestrian and bicycle routes.**

The purpose of the Project is to address deficient infrastructure and improve travel time reliability, safety, and mobility along the 7 miles of I-70 between Floyd Hill and the Veterans Memorial Tunnels.

- 7. The Project will be located so as to complement the compact and efficient extension of planned public services, utilities, urban-density commercial & residential development, and development in general to full-service communities and their identified growth areas, both regionally and within Clear Creek County.**

The Project is anticipated by the *Clear Creek County 2017 Community Master Plan* that encourages development of mixed-use areas along the I-70 Corridor that will act as the County's focus for future growth and development. The *Master Plan* identifies the I-70 Corridor as the most intensely-used area with the rest of the County to remain less developed and/or "as is". The Project complements this goal by using, and remaining within, the existing I-70 right of way.

- 8. The Project will adhere to the plan, process, procedure, and requirements of the State of Colorado and the Federal Highway Administration and such construction, expansion, or modification will be included in the Denver Metropolitan Regional Transportation Plan.**

The Project - The project is expected to adhere to plan, process, procedure and requirements of the State and FHA. The DRCOG Metro Vision Regional Roadway System identifies I-70 as an External Statewide connector and acknowledges that the I-70 PEIS will determine the improvements necessary for it. Clear Creek County is not located within the Metropolitan Planning Organization (MPO) area of DRCOG and therefore does not receive federal transit dollars through DRCOG.

- 9. The benefits of the Project, including expected development in the regional and local impact areas, will outweigh the social, fiscal, and environmental impact and the loss of any scenic, historical, archeological, or natural resources rendered unavailable as a result of the location of the Project.**

The purpose of this Project is to address existing deficient infrastructure, and improve travel time reliability, safety, and mobility along this stretch of the I-70 corridor.

As long as the recommended conditions for approval are implemented, staff would find that the impacts are balanced out by the benefits of this project. The relief of congestion is intended to have a future benefit to air quality and positive impact on both social and fiscal elements of the communities along the Corridor.

- 10. If a Project consists of or includes adding toll lanes to an existing Arterial Highway, Collector Highway, or Interchange, whether by replacing existing free lanes with toll lanes, or by adding toll lanes to existing free lanes, the effects and utility of adding toll**

lanes have been reasonably demonstrated to be superior to the effects and utility of adding the same number of free lanes to the same stretch of Highway for both the Highway to which the toll lanes are added retroactively and for the area affected; and existing state roads which have historically provided free access within Clear Creek County will continue to provide free, non-tolled access.

The Project - The additional third lane going westbound will be an express toll lane. CDOT has identified that imposing a fee for newly constructed lanes during times of congestion will offer the opportunity to manage congestion during times when congestion creates gridlock on the highway. The fee would change by time of day, going up as congestion increases, to maintain reliable travel time for vehicles in the express lane. This is in contrast to not imposing a fee at all, in which case if all lanes become congested during peak periods, CDOT would have no option to manage congestion and all three lanes would operate poorly. This does not further the objective of relieving traffic congestion during peak periods.

This option also benefits local traffic by providing an alternative to sitting in congested traffic. Further, by providing an uncongested alternative right on I-70 for regional traffic to be able to immediately use, the option is expected to relieve existing pressure on local roads that might otherwise accommodate regional traffic during times of heavy congestion.

Therefore, tolling the new third westbound lane, for purposes of relieving traffic congestion during peak periods, is superior to not tolling at all.

11. Air Quality

The maximum anticipated use over the next twenty (20) years of the Project will not increase air pollution levels beyond applicable federal or state ambient air standards or to levels that pose unacceptable risks to human health and the environment, and will conform to the vehicle emissions budget of the State Implementation Plan.

Please refer to Criterion #12 in the previous chapter above for Air Pollution and Air Quality issues

12. Noise Pollution

Noise levels caused by the Project will not exceed 55 decibels as measured by a 24-hour Equivalent Sound Level metric at any residence, school, church, noise-sensitive public facilities such as museums, courts, libraries, etc.*, or other noise-sensitive location, unless the Board of County Commissioners determines that meeting such sound level is infeasible, that all feasible avoidance or mitigation measures will be incorporated, and the public benefit of any new or modified arterial highway or interchange or collector highway necessitates the Project. * noise-sensitive public facilities typically would not include water and sewage treatment facilities, and other facilities typically not frequented by the public.

The Project - The application indicates that traffic noise levels with or without the Project would range from 57 dBA to 78 dBA in 2045 and are above noise abatement criteria for 2/3

of noise-sensitive receptors. Noise levels under this Project would equal or exceed noise abatement criteria for 105 receptors (mainly residences). But no receptors would experience a substantial noise increase of 10 dBA or more. Two methods appear to be identified that would reduce noise; at least at grade level of the highway; 1) a wall is proposed within the city of Idaho Springs to block noise from a residential neighborhood, and 2) the highway, proposed to be elevated above grade, would effectively reduce noise emissions for areas at grade. Specific to the East Section, public concern has been expressed that noise will increase on the upper mountainsides, particularly in the Saddleback subdivisions. CDOT has committed to noise monitoring in that area during construction. Continued noise monitoring is a staff recommendation.

13. Visual Quality/Scenic Resources

- a. The Project will be designed to avoid or minimize visual impacts, including views of the highway or interchange from residential areas, and to blend into the surroundings. Interchanges will be attractively landscaped with natural species suitable for the elevation and climate of the immediate area, and will identify major gateways in the County that are identified in the Clear Creek County Master Plan 2030.**
- b. Further, the Project shall be designed to minimize the alteration of significant natural landforms and to preserve, wherever practical, distinctive natural features. Placement of interchanges and alignments of arterial and collector highways shall respect the existing contours of the land and the natural environment.**

The Project - The I-70 Context Sensitive Solutions (CSS) document, accepted by the CDOT, and FHWA through the Record of Decision, identifies specific design standards and strategies for the design segment in which this Project is located that should be employed when making improvements to the corridor. The CSS document is explicit when it indicates, "... retaining wall(s) should be constructed of single material with a visually simple texture that renders a shadow pattern on the surface. Retaining walls that include decorative pictorial patterns and multiple materials, shapes, and styles create visual confusion and should not be used in the corridor."

CSS also explains that roadway retaining walls greater than 12' in height should be constructed below the elevation of the roadway, space for landscape screening treatments, incorporate wall materials that have a consistent texture and pattern, employ simple vertical textures and patterns, use grading strategies to minimize height of retaining walls, don't mix materials for walls, etc., etc.

The CSS identified two Areas of Special Attention (ASA) that are within the study area.

Staff agrees that the CSS Guidelines have been followed and the project design has met the design standards expressed in CSS. The project design was reviewed by the CSS Technical Team and found that the rockfall mitigation measures, concrete barriers, median walls, and other physical features meet these standards.

Specific to the East Section, the most prominent alteration of land forms in the East Section will be the three retaining walls along the eastbound slope. These will be soil nail walls covered with sculpted shotcrete. The CSS process will allow Clear Creek County representatives to review the qualifications of subcontractors for the shotcrete process, approve the design, color and test panels.

The additional signage required by the tolled express lane will be in keeping with existing I-70 signage on dark brown structures with black sign face. One sign was identified that will be prominent-looking from traffic approaching Floyd Hill westbound, however, the sign is required in that particular location by FHWA specifications.

14. Alternatives

The Project is justified in relation to other possible expansion and modification alternatives and not solely in relation to the no-build alternative of no expansion or modification.

The project is consistent with the recommendation from the I-70 PEIS Record of Decision (ROD) which considered other possible expansion and modification alternatives for I-70 improvements. This project was derived from the I-70 PEIS ROD Preferred Alternative

Specific to this Project, two action alternatives were evaluated to address the Project needs; the 'Canyon Viaduct' Alternative, and the 'Tunnel' Alternative. A 'no action' alternative was considered, which the applicant ruled out because it would not meet the purpose and need for the Project. Between the two action alternatives, the 'canyon viaduct' alternative was chosen and supported by the public leadership team (PLT). Aspects of the canyon viaduct alternative came out ahead of the others due to its ability to fit into the canyon with less blasting and rock excavation, reduced roadway infrastructure next to the Creek and Greenway, and less complicated operations compared to the Tunnel Alternative.

As of the preparation of the NEPA document; the Finding of No Significant Impact (FONSI), the preferred alternative has been refined through the CMGC process. The Refined Preferred Alternative incorporated design innovations which reduce the Project's impacts and increased benefits and has been endorsed by the Project teams involved in the process. The refined preferred alternative is described in the FONSI document. Staff concurs with the Refined Preferred Alternative.

CHAPTER 6. STAFF RECOMMENDATION

Based on the application materials that have been submitted and referrals and comments received, the East Section of this Project appears to meet the criteria for an approval of a 1041 Permit, therefore Staff recommends **approval** of this request for a 1041 Permit with the following conditions;

1. Environmental Conditions

CDOT will track and document its implementation of all environmental mitigation commitments. These commitments were identified in conjunction with Clear Creek County representatives and other various stakeholders during the Project's development.

a. Water Quality

CDOT must coordinate with County Staff, CDOT water quality staff and/or other applicable state agencies to formulate an effective water testing plan that evaluates efficacy of the CMs as designed. Water testing must be measured, at a minimum, at 2 or 3 locations within the East Section on a long-term basis in coordination with CDOT's water quality corridor monitoring.

b. Noise

CDOT will monitor noise in the East Section during Project construction and will continue to monitor noise after construction is complete. Noise shall be measured by a 24-hour Equivalent Sound Level metric or as otherwise approved by the Planning & Building Services Manager. After construction, CDOT will measure noise during both off-peak traffic periods and peak traffic periods, and twice per year; once during the busy periods of the ski season and once during the busy periods of the summer season.

c. Air Quality

CDOT shall partner with the County to develop a dashboard that is available to the public to share data from the two (2) regulatory grade air quality monitors that have been installed in the I-70 corridor. CDOT shall continue to support the County in their effort to achieve regulatory assessment of air quality to determine whether or not this area of the County is a non-attainment area with regard to air quality.

d. Review

CDOT will report all of the data collected regarding the environmental mitigation commitments, and all other environmental data collected in the Project area to the Clear Creek County Planning Department annually no later than June 15th each year. The data will be reviewed by the 1041 Permit Administrator and a report will be provided to the Permit Authority. If the Administrator determines a public hearing with the Permit Authority is appropriate to evaluate the data and compliance with this Permit, or if the Permit Authority requests it, the Permit Authority will schedule one.

2. CDOT shall continue the CSS process with a Construction Project Leadership Team (PLT), similar in composition to the Design PLT and maintain its web presence for the duration of Project construction.

3. A Traffic Management Plan for the East Section shall be submitted to the County by the contractor once a construction contract is awarded. Therefore, the Incident Management Plan located within the TMP when completed, shall be submitted to the BOCC for review and approval prior to construction beginning that would impact traffic flow.
4. The Emergency Plan, when complete, shall be submitted to the BOCC for review and approval prior to construction beginning that would impact traffic flow.
5. A Communication Plan, that describes how County residents will be kept informed, both for planned activities and unexpected emergencies, shall be submitted and approved by the BOCC prior to construction beginning that would impact traffic flow.
6. There shall be no damage incurred on the “Welcome to Clear Creek County” sign maintained by the Clear Creek Tourism Board. Should damage occur from construction, CDOT shall be responsible for repairing or replacing the sign to its original condition.