

RESOLUTION NO. 2026-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING WITH CONDITIONS AS SET FORTH HEREIN, AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR THE METRO WATER RECOVERY NORTHERN TREATMENT PLANT FACILITY GENERALLY LOCATED IN SECTION 31, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6<sup>th</sup> PRINCIPAL MERIDIAN, WITHIN THE CITY OF BRIGHTON, COUNTY OF WELD, STATE OF COLORADO; AND SETTING FORTH DETAILS RELATED THERETO

WHEREAS, Metro Water Recovery (the "Owner"), has filed with the City an application for approval of an Amendment to Conditional Use Permit 2012-132 (the "Amendment"); and

WHEREAS, the Northern Treatment Plant Facility ("the Property") is approximately 83.160 acres in size and is generally located north of Baseline Road (also known as 168<sup>th</sup> Avenue or Weld County Road 2), west of Highway US-85, and east of the South Platte River, as more particularly described in EXHIBIT A; and

WHEREAS, the Property is entitled under the existing Conditional Use Permit 2012-132 (the "CUP") described in EXHIBIT B; and

WHEREAS, Owner is requesting approval of the Amendment for the purpose of constructing and operating temporary construction yards, in the area as further shown in EXHIBIT C, for a duration not to exceed 10 years in support of the expansion of the regional wastewater treatment facility on the Property, as approved by the CUP; and

WHEREAS, in accordance with the public notice requirements of the Land Use & Development Code, a notice of public hearing was mailed to all property owners within 1,000 feet of the Property, a public notice was published on the City's website, and signs were posted on the Property, all for no less than fifteen (15) days prior to the City Council public hearing; and

WHEREAS, the City Council finds that pursuant to the *Land Use & Development Code* at the time of project submittal, an Amendment to the CUP was considered as an additional use of land that may be allowed with restrictions deemed necessary upon approval of the City Council, and that approval thereof is subject to the City's Conditional Use procedures and criteria; and

WHEREAS, at the public hearing, the City Council received and considered all relevant evidence and testimony from City staff, the Applicant, and other interested parties, including the public at large.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON AS FOLLOWS:

Section 1. *Findings.* The Amendment to Conditional Use Permit 2012-132 is hereby approved on Metro's compliance with the following conditions:

1. The temporary construction yards shall be limited to the area shown in EXHIBIT C;
2. The temporary construction yards shall be fully screened from public spaces, and no materials shall be stacked higher than the screening;
3. The maximum fence height to be used for screening shall be 10 feet;
4. Screening shall be permanent decorative, opaque fencing that complements the architecture and materials of the surrounding buildings;
5. A stabilized, dust-free surface shall be used in the temporary construction yards;
6. Site landscaping shall be maintained in the original condition as approved by the CUP;
7. The temporary construction yards are permitted for a period no longer than ten (10) years from the approval date of the resolution;
8. The conditions of Conditional Use Permit 2012-132 remain in full force and effect.

Section 2. *Required Submittals.* Prior to commencing construction of the temporary construction yards, Metro shall furnish to the City, for its review and approval, the applicable documents for permits as defined by the Brighton Municipal Code, which shall meet all City requirements, as set forth in the applicable ordinances, codes, rules and regulations of the City.

Section 3. All other conditions of Conditional Use Permit 2012-132 remain in full force and effect.

Section 4. This Resolution is effective as of the date of its adoption.

RESOLVED this 7<sup>th</sup> day of April 2026.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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YASMINA GIBBONS, Deputy City Attorney

EXHIBIT A  
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 31, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF WELD, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N89°28'09"E ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 31, A DISTANCE OF 2017.80 FEET; THENCE N22°33'13"E A DISTANCE OF 32.61 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF EAST BASELINE ROAD (EAST 168TH AVENUE) AND THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 85, SAID POINT BEING THE POINT OF BEGINNING; THENCE S89°28'09"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EAST BASELINE ROAD BEING ON A LINE THAT IS 30.00 FEET NORTHERLY OF AND PARALLEL TO SAID SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 31, A DISTANCE OF 436.32 FEET; THENCE N8°49'04"E A DISTANCE OF 15.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EAST BASELINE ROAD AS RECORDED AT RECEPTION NUMBER 02191662; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE RECORDED AT RECEPTION NUMBER 02191662 THE FOLLOWING SIX (6) CONSECUTIVE COURSES: 1) THENCE S89°30'10"W A DISTANCE OF 118.43 FEET; 2) THENCE S89°33'27"W A DISTANCE OF 80.59 FEET; 3) THENCE S78°09'33"W A DISTANCE OF 50.99 FEET; 4) THENCE S89°28'09"W A DISTANCE OF 150.00 FEET; 5) THENCE N87°18'23"W A DISTANCE OF 355.56 FEET; 6) THENCE S89°28'09"W A DISTANCE OF 28.63 FEET TO A POINT ON THE EASTERLY BANK OF THE SOUTH PLATTE RIVER AS IS EXISTS ON JUNE 30, 2009; THENCE ALONG SAID EASTERLY BANK OF THE SOUTH PLATTE RIVER THE FOLLOWING ELEVEN (11) CONSECUTIVE COURSES; 1.) THENCE N47°08'20"E A DISTANCE OF 256.03 FEET; 2.) THENCE 154.14 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 319.60 FEET, A CENTRAL ANGLE OF 27°37'57" AND A CHORD WHICH BEARS N31°10'01"E A DISTANCE OF 152.65 FEET; 3.) THENCE N47°16'52"E A DISTANCE OF 232.28 FEET; 4.) THENCE N51°43'23"E A DISTANCE OF 118.05 FEET; 5.) THENCE N54°14'32"E A DISTANCE OF 109.95 FEET; 6.) THENCE 196.57 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 687.23 FEET, A CENTRAL ANGLE OF 16°23'20" AND A CHORD WHICH BEARS N31°55'16"E A DISTANCE OF 195.91 FEET; 7.) THENCE 202.68 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 289.12 FEET, A CENTRAL ANGLE OF 40°09'52" AND A CHORD WHICH BEARS N23°21'20"E A DISTANCE OF 198.55 FEET; 8.) THENCE 197.56 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 222.32 FEET, A CENTRAL ANGLE OF 50°54'54" AND A CHORD WHICH BEARS N08°37'41"E A DISTANCE OF 191.12 FEET; 9.) THENCE N10°27'01"W A DISTANCE OF 192.33 FEET; 10.) THENCE N20°57'11"W A DISTANCE OF 197.32 FEET; 11.) THENCE N12°47'47"W A DISTANCE OF 97.29 FEET; THENCE S89°06'26"W A DISTANCE OF 127.31 FEET TO A POINT ON THE CENTERLINE OF THE SOUTH PLATTE

RIVER AS IT EXISTED ON JUNE 30, 2009; THENCE ALONG THE SAID CENTERLINE THE FOLLOWING FIVE (5) CONSECUTIVE COURSES; 1.) THENCE N29°34'03"W A DISTANCE OF 165.50 FEET; 2.) THENCE 140.21 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 342.61 FEET, A CENTRAL ANGLE OF 23°26'51" AND A CHORD WHICH BEARS N17°50'37"W A DISTANCE OF 139.23 FEET; 3.) THENCE N06°07'12"W A DISTANCE OF 244.42 FEET; 4.) THENCE 172.42 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 378.49 FEET, A CENTRAL ANGLE OF 26°06'05" AND A CHORD WHICH BEARS N06°55'50"E A DISTANCE OF 170.94 FEET; 5.) THENCE N19°58'53"E A DISTANCE OF 311.99 FEET TO A POINT ON THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 31; THENCE ALONG SAID NORTHERLY LINE S89°26'12"W A DISTANCE OF 47.50 FEET TO THE SOUTHWEST CORNER OF THE SOUTH EAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 31; THENCE ALONG THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER N00°06'22"W A DISTANCE OF 215.84 FEET TO A POINT ON THE WESTERLY BANK OF THE SOUTH PLATTE RIVER; THENCE ALONG SAID WESTERLY BANK THE FOLLOWING TWO (2) CONSECUTIVE COURSES: 1.) THENCE N29°52'44"E A DISTANCE OF 209.39 FEET; 2.) THENCE N38°54'53"E A DISTANCE OF 212.04 FEET; THENCE N89°30'21"E A DISTANCE OF 663.32 FEET; THENCE N89°21'36"E A DISTANCE OF 412.15 FEET TO A POINT ON THE WESTERLY BANK OF THE MCCANNE DITCH; THENCE ALONG THE WESTERLY AND NORTHERLY LINE OF SAID MCCANNE DITCH THE FOLLOWING THREE (3) CONSECUTIVE COURSES: 1.) THENCE N31°06'52"E A DISTANCE OF 297.58 FEET; 2.) THENCE 142.44 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 125.50 FEET, A CENTRAL ANGLE OF 65°01'53" AND A CHORD WHICH BEARS N63°36'59"E A DISTANCE OF 134.92 FEET; 3.) THENCE S84°00'31"E A DISTANCE OF 52.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 85; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING SIX (6) CONSECUTIVE COURSES: 1) THENCE 535.58 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2765.00 FEET, A CENTRAL ANGLE OF 11°05'53" AND A CHORD WHICH BEARS S10°46'44"W A DISTANCE OF 534.74 FEET; 2) THENCE S16°18'42"W A DISTANCE OF 356.83 FEET; 3) THENCE S03°39'18"W A DISTANCE OF 122.17 FEET; 4) THENCE S16°02'31"W A DISTANCE OF 2056.04 FEET; 5) THENCE 393.45 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 5805.00 FEET, A CENTRAL ANGLE OF 03°53'00" AND A CHORD WHICH BEARS S14°06'01"W A DISTANCE OF 393.37 FEET; 6) THENCE S22°33'13"W A DISTANCE OF 145.08 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 83.160 ACRES (3,622,428 SQ. FT.), MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEING MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP LS #27269 AT THE WEST QUARTER CORNER OF SECTION 31 AND BY A FOUND 3" ALUMINUM

CAP LS #23027 AT THE CENTER QUARTER CORNER OF SECTION 31 BEARING  
N89°26'12"E.

EXHIBIT B  
CONDITIONAL USE PERMIT 2012-132

[Exhibit begins on next page]

EXBIHIT C  
LOCATION OF TEMPORARY CONSTRUCTION YARDS

[Exhibit begins on next page]