



# Community Planning & Permitting

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July 27, 2021

Jessica R. Brody  
General Counsel – Denver Water  
1600 West 12<sup>th</sup> Ave  
Denver CO 80204-3412

Dear Ms. Brody:

I am granting Denver Water's July 26, 2021, request to place Docket SI-20-0003 on hold. I will instruct the Planning Commission and the Board of County Commissioners that the public hearing dates previously reserved under the timing requirements specified in Article 8-509(A) are vacated at the applicant's request. Please let me know if Denver Water wishes to resume the application process in the future.

I wish to clarify some of the misstatements and mischaracterizations in your letter. You indicate that my June 29, 2021 letter "does not indicate when the County Commissions would hold hearings . . ." However, my letter states that "this docket will be set for a series of public hearings . . . before the Board of County Commissioners in September 2021." Given the 60-day hearing deadline specified in Article 8-509(A), your assertion that the County has a "practice" of holding Article 8 hearings up to seven months later is wrong.

You also indicate I have determined that Denver Water's application is incomplete. However, my July 29 letter does not say that the application is incomplete. Instead, given Denver Water previous demands that staff move forward with the application, I acted under Article 8-508(D)(2)(d), which I cited in my July 29 letter. That provision states: "If the applicant fails to supply satisfactory responses within the specified time, the Director may either base the Community Planning & Permitting staff recommendation on review of the file as it exists, or reject the application as a result of the failure to provide information necessary to its proper review." Your characterization of my July 29 decision as an effort to "further delay" a decision is illogical because I had the option under the code to reject the application and, instead, I set the matter for public hearings.

Finally, your allegation that two of the county commissioners will be biased at a future hearing is irrelevant to any determination that I have made as a county staff member. Such allegations may be addressed by the commissioners in the public hearing on the docket, and the Director is not responsible for deciding such issues. Should Denver Water ultimately decide to proceed with a public hearing on the docket, I will pass your materials along to the Board and it can address your concerns directly.

Sincerely,

Dale Case, AICP  
Director

cc: David Hughes, Deputy County Attorney; Travis Bray, Denver Water