



**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT**

CASE NO.: RCU2016-00025

CASE NAME: ASPHALT SPECIALTIES

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**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
STAFF REPORT**

Board of County Commissioners

May 23, 2017

CASE NUMBER: RCU2016-00025	CASE NAME: Asphalt Specialties
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Owner's Name:	Asphalt Specialties Co Inc. (Rob Laird)
Applicant's Name:	Rob Laird
Applicant's Address:	10100 Dallas Street, Henderson, CO 80640
Location of Requests:	12021 Brighton Road
Nature of Requests:	A conditional use permit for recycling of concrete and asphalt
Zone District:	Agricultural-3 (A-3) & Agricultural-2 (A-2)
Site Size:	75 acres
Proposed Uses:	Recycling facility
Existing Use:	Fill site (inert landfill)
Hearing Date(s):	PC: May 11, 2017 / 6:00 p.m. BoCC: May 23, 2017 / 9:30 a.m.
Report Date:	May 12, 2017
Case Manager:	Christopher C. LaRue <i>CC</i>
PC Recommendation:	Approval with 8 findings-of-fact, 3 conditions precedent, and 18 conditions.
Staff Recommendation:	Approval with 8 findings-of-fact, 3 conditions precedent, and 18 conditions.

SUMMARY OF PREVIOUS APPLICATIONS

On October 16, 2000, the Board of County Commissioners approved a conditional use permit to allow sand and gravel mining, a concrete plant, concrete recycling, equipment storage, and a maintenance facility on the property. On February 10, 2003, the Board of County Commissioners approved a second request to expand the mining area. The approved mining operations on the property have been completed. The original mining permit did allow concrete recycling; however, that use expired on October 16, 2010.

On December 6, 2010, the Board of County Commissioners approved a certificate of designation (CD) to allow approximately 500,000 cubic yards of inert fill material on the property. This CD will expire on December 6, 2017.

On May 4, 2016, the County issued a zoning violation to the property owner for operating a recycling facility on the property without a permit. On June 20, 2016, staff reviewed a conceptual review application and met with the applicant to discuss using the site for recycling activities.

SUMMARY OF APPLICATION

Background:

Asphalt Specialties is requesting a conditional use permit to allow a recycling operation on the property. The site was previously used as a gravel pit. Currently, the property is used as an inert landfill. The landfill is required to only accept clean, inert fill as defined by the Colorado Department of Public Health and Environment. According to the applicant, sale of recycled materials on the property will be wholesale in nature, and only current stockpiled materials on the site will be processed. No new materials will be brought onto the site for recycling. Any new materials brought onto the site will be placed into the existing gravel pit on the property as a fill material. Per Section 3-10-04-05 of the County's Development Standard and Regulations, a conditional use permit is required to have a recycling operation on the subject property.

Site Characteristics:

The subject site is 75 acres and located northwest of 120th Avenue and Brighton Road. Approximately half of the property has been covered with inert fill materials such as earth, rock, concrete, asphalt, top soils, and masonry. The northern half of the property is the area previously mined and currently filled with water as a lake. This area is currently being filled with inert materials; the filling was approved through a certificate of designation. According to the applicant, approximately 16.5 acres of the property will be utilized for recycling operations. The site plan submitted with the application shows the recycling operations will be located in the center of the property, which is contiguous to the inert fill area (see exhibit 3.2).

Development Standards and Regulations:

Conditional Use Permit:

Section 3-10-04-05 of the County's Development Standards and Regulations requires a conditional use permit to allow recycling facilities on the subject property. According to the applicant, the proposed CUP would not alter any conditions of approval instituted through the previously approved certificate of designation (see Exhibit 6.6). The applicant proposes that the CUP for recycling would expire on the same date as the certificate of designation. The expiration date for the CD is December 6, 2017.

Site plans submitted with the application show an existing office, a scale for weighing trucks, and a maintenance building on the property. All these structures were approved as part of the certificate of designation. The site plan also shows existing and proposed facilities used for operations on the property, which include the existing pit, construction equipment, stockpiles of raw material and processed materials. Per Section 4-10-02-05-07 of the County's Development Standards and Regulations, outdoor storage associated with recycling facilities is permitted in the A-3 zone district.

A design and operations plan submitted with the request depicts areas of the site that will be used for storage of recycling material. These areas will be visible from abutting public right-of-ways (i.e., 120th Avenue & Brighton Road). The applicant is requesting the height of the outside storage materials to be up to 30 feet. However, per section 4-10-02-05-09 of the County's Development Standards and Regulations, all outdoor storage areas are required to be screened with fencing or walls, with a maximum height of eight feet, unless a higher height is approved by the Board of County Commissioners as part of a conditional use permit. Currently, there is a seeded earthen berm installed on the eastern property boundary of the site. This berm will serve as screening for the outside storage on the eastern section of the property. The outside storage areas will be visible from highway 120th that abuts the southern boundary of the property. Staff is recommending a condition of approval to require screening landscaping on the southern boundary of the property. This landscaping shall be required to conform to requirements outlined in Section 4-16-19-01 of the County's Development Standards and Regulations. Per this section of the Development Standards, landscaping with trees and shrubs is required where operations can be seen from the public right-of-way. Staff is also recommending a condition of approval to limit the height of the earthen berm to eight feet and the height of outdoor storage materials to the height of the existing earthen berm, which is approximately eight feet tall.

No buffer landscaping is required along the western property boundary of the site. This is due to agricultural/park uses developed on the adjacent western properties. The County's Parks Department, in reviewing the application, stated there are matured trees that provide adequate screening and landscaping on the western property boundary and providing additional landscaping will be unnecessary.

Sections 4-10-01-03-09, 4-10-02-05-07, and 4-10-02-05-09 of the County's Development Standards and Regulations outline performance standards for outdoor storage and recycling uses. These requirements include all outdoor storage materials must be non-hazardous and organized in such a way as to provide adequate access for fire equipment. The applicant's site plan depicts the storage of crushed concrete and asphalt stored in an orderly manner that provides adequate clearance for vehicles. The request was also reviewed by Brighton Fire District and the District had no major concerns.

Future Land Use Designation:

The Adams County Comprehensive Plan designates this site as Residential Estate and Agriculture. Per Chapter 5 of the County's Comprehensive Plan, Estate Residential areas are designated for single-family housing at lower densities, typically no greater than 1 unit per acre,

and with compatible uses such as schools and parks. The Agriculture future land use designation areas are intended for food production and other farming uses and are not expected to develop in the future. The subject request is currently inconsistent with the future land use designations. However, the property has been approved for sand and gravel mining for ten years. The recycling use is proposed for approximately seven months. Whether or not the recycling use is allowed, the site will be reclaimed under a reclamation plan overseen by the Colorado Division of Mining and Reclamation. The reclamation plan will require it to be graded to its previous elevation after the current filling operations on the property are completed.

Surrounding Zoning Designations and Existing Use Activity:

Northwest A-3 Regional Park Property	North A-3 Regional Park property	Northeast A-3 Residential
West A-3 Regional Park Property	Subject Property A-3/A-2 Inert Land fill & recycling	East RE, A-1, C-5 Residential/ limited commercial
Southwest A-3 Vacant	South A-3, C-2, I-2 Water District infrastructure & Service Garage	Southeast A-3,C-5, RE Commercial

Compatibility with the Surrounding Land Uses:

The adjacent property to the west and north of the site is zoned Agricultural-3 (A-3). This property is owned by Adams County and is part of the County's regional park. The properties located east and northeast of the subject property consist of multiple zoning designations. The zoning designations on these properties are A-1, RE, A-3, C-2, and C-5. A majority of these properties are developed with residential homes as well as isolated commercial development uses. The properties to the south of the site are zoned C-2, A-3, and I-2. Uses on these properties include an auto repair shop and a water district facility. There is also a vacant property located southwest of the site.

With the recommended conditions of approval and the applicant's adherence to all conditions of approval established through the certificate of designation, the request will be compatible with the surrounding properties. In addition, the conditions of approval will mitigate potential impacts associated with the subject request.

Planning Commission Hearing Update

The Planning Commission recommended unanimous approval of the request on May 11, 2017. During the public hearing, no concerns were expressed regarding the staff report, and no changes were made to the recommended conditions of approval. The Planning Commission discussed the condition of approval requiring the applicant to submit a landscaping and screening plan,

specifically, condition precedent # 2 of this staff report. This condition requires the applicant to submit a landscaping and screening plan that provides landscape bufferyards that conform to the County's Development Regulations. The applicant had requested the Planning Commission to remove this condition and argued that the recycling use is intended for only seven months and does not warrant such a requirement. The applicant also requested the Planning Commission amend the conditions to allow the height of the materials stockpiled on the property for recycling to exceed eight feet, as those stockpiled materials currently significantly exceeds eight feet. The Planning Commission responded to the applicant and stated that the requirements for landscaping and height of stockpiled materials are existing regulations in the County's Development Standards and Regulations and operating such a use on the property prior to obtaining the required conditional use permit does not justify non-compliance to the County's regulations. In addition, staff also did not support eliminating those conditions of approval, as the property and recycling materials are quite visible from East 120th Parkway. Limiting the height of the existing stockpiled materials will also reduce the current visual impacts associated with the use and make it more compatible with the surrounding area.

Beside the applicant, one person from the public spoke in opposition to the request, stating the activities on the subject site has resulted in tracking of debris from the site onto Brighton Road, causing driving hazards on the road.

Staff Recommendations:

The concerns staff had regarding compliance have been addressed during the BOCC's consideration in public hearings of the applicant's certificate of designation. The applicant has been responsive to each of the issues raised by staff including wind speed monitoring and closure during high winds, removal of outdoor storage items, screening, removal of rebar from the edges of the pit, and the creation of a corrective action plan to remedy operational compliance issues. The recommended conditions within this application will serve to provide additional requirements to make the recycling use compatible, and these will be enforced by the county.

Based upon the application, the criteria for approval of conditional use permits, a recent site visit, staff recommends approval of this request with eight findings-of-fact, three conditions precedent and eighteen conditions.

Recommended Findings-of-Fact

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the

conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.

5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

Recommended Conditions Precedent:

1. Within fourteen days of approval (June 6, 2017) and thereafter during the active life of the facility, and for one (1) year after closure, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. The amount of said bond shall be in the amount necessary to remove materials from recycling facilities for disposal at an appropriate disposal facility. The amount of the bond shall be calculated to include removal, tipping fees, and transportation costs.

The performance bond shall be forfeited in an amount sufficient to defray the expense of action including staff time expended by Adams County for corrective actions required due to issues with health, safety, and general welfare from failure of the operator to follow any regulations, standards, or conditions of approval.

2. The applicant shall submit a landscaping and screening plan no later than 30 days from the date of approval of this conditional use permit. The landscape and screening plan shall provide landscaping/screening along both Brighton Road and the southern property boundary where the site is visible from 120th Avenue Parkway. The landscape plan may include a provision to allow alternative methods of irrigation.
3. The applicant shall obtain a "Notice to Proceed" from the Department of Community and Economic Development in order to demonstrate satisfactory completion of the conditions precedent. The applicant shall provide written documentation that all of the conditions precedents have been satisfied in order to obtain this notice.

Recommended Conditions of Approval:

1. The facility shall not accept new materials to be recycled. This CUP only authorizes the recycling of materials that are already on site as of May 1, 2017.
2. This CUP expires on December 6, 2017.
3. This CUP shall be limited only to materials, processes, and storage areas as described in the application and related to the recycling of concrete and asphalt. Any changes to types of material or processes shall require an amendment to this CUP.
4. Stockpiles on the property shall not exceed eight feet in height, which is also the height limit of the earthen berm installed along the eastern property line.

5. The earthen berm along the eastern property line shall be maintained in conformity with Section 4-17 of the Adams County Development Standards and Regulations pertaining to weeds and dangerous trees.
6. Lighting shall be arranged and positioned so no direct lighting or reflection of lighting creates a nuisance or hazard to any adjoining property or rights-of-way.
7. The operator shall maintain records showing amounts of stockpiled materials both processed and unprocessed. In addition, records containing customer lists and showing amounts of recycled material shipped off site shall be maintained.
8. The operator shall submit bi-monthly status reports on the last business day of the month to the Director of Community and Economic Development. The reports shall summarize the status of the facility and provide documentation on how the conditions of approval are being met. The report shall be submitted on or before each of the following dates: June 30, 2017, August 30, 2017, October 30, 2017, and December 6, 2017.
9. Violations to the conditions of approval may result in a show cause hearing before the Board of County Commissioners to revoke or suspend the conditional use permit.
10. The operator shall inspect Brighton Road and 120th Avenue for tracking of debris at least three times a day. Debris found on Brighton Road or 120th Avenue shall be removed immediately.
11. By the close of business each day, the operator shall remove all waste material consisting of concrete, asphalt, soils, sand, and rock that is brought to the facility, along public rights-of-way within one-half (1/2) mile of the facility.
12. Wind monitoring equipment shall be installed and maintained at all times. The facility shall cease operations during periods of high winds. High winds shall be defined as when wind speeds exceed 35 mph or when sustained wind speeds exceed 25mph.
13. The facility shall have two employees onsite during operational hours. There shall be, at a minimum, one qualified employee on site during operational hours to monitor activities.
14. The facility shall provide regular training to their staff on:
 - 14.1 Safety;
 - 14.2 Review of emergency procedures;
 - 14.3 In-house orientation provided for new personnel;
 - 14.4 Site map showing traffic patterns, pile locations, open water, and restricted areas;
 - 14.5 The site map shall be updated regularly as site conditions changes;
 - 14.6 Keeping trucks away from the site entrance to ensure traffic flow;
 - 14.7 Identification of all people on site, including visitors.
15. Dust control mechanisms shall be in place and functioning at all times.
16. Any metal transported to the site shall be placed into metal recycling roll off containers.
17. The operator shall contact all truck operators who bring fill to the site and instruct them that dumping of new recycled materials shall be prohibited.
18. The facility shall not accept any hazardous or contaminated waste. All material shall be field screened. The field screening methods include headspace/PID screening, draeger tubes (or equivalent), colormetric field kits, infrared (IR) analysis for TPH in soil, pH, conductivity, temperature and other methods, depending on the known or suspected contaminants or purpose of screening. Field screening methods may be done independently or periodic laboratory testing may be employed to verify the field screening results. Field screening equipment will be calibrated according to the manufacturer

specifications prior to and periodically during the field use. This applies to equipment used for onsite chemical measurements such as pH, electrical conductivity, and temperature. Instruments and equipment used to gather generate, or measure environmental data in the field will be calibrated with sufficient frequency and in such a manner that accuracy and reproducibility of the results are consistent with the manufacturer specifications.

CITIZEN COMMENTS

Number of Property Owners Notified (Within 1,500 Feet)	Number of Public Comments Received by Staff
68	0

COUNTY AGENCY COMMENTS

A traffic study submitted with the application has been reviewed and approved by the County's Development Review Engineering. Based on the review, no road improvements will be required. A tracking control and street maintenance plan was also provided with the application. These plans have been reviewed and approved.

Staff also reviewed a recycling operations plan submitted with the application and determined the plan conforms to acceptable industry standards.

REFERRAL AGENCY COMMENTS

Staff received review comments from the Tri-County Health Department regarding providing dust and vector control measures. The applicant has addressed the requirements in the operations plan (see exhibit 3.1 & 3.3).

Responding with Concerns:

None

Responding without Concerns:

Commerce City

Colorado Department of Transportation (CDOT)

Colorado Department of Public Health and Environment (CDPHE)

South Adams Water and Sanitation

United Power

Notified but not Responding / Considered a Favorable Response:

Brighton Fire District

Century Link

City of Brighton

City of Thornton

Colorado Division of Wildlife
Colorado Geologic Survey (CGS)
Comcast
FEMA
Metro Wastewater
RTD
School District 27J
Tri-County Health Department (TCHD)
West Adams Soil District
Xcel Energy



Community & Economic Development Department

4430 South Adams County Parkway,
1st Floor, Suite W2000
Brighton, CO 80601-8205
PHONE 720.523.6800 FAX 720.523.6998

MEMORANDUM

To: Board of County Commissioners

From: Christopher C. LaRue, Senior Planner

Subject: RCU2016-00025, Asphalt Specialties

Date: May 23, 2017

ALTERNATIVE RECOMMENDED FINDINGS OF FACT

If the Board of County Commissioners does not concur with the Staff recommendation of Continuance, the following findings may be adopted as part of a decision of Denial:

1. The conditional use is not permitted in the applicable zone district.
2. The conditional use is not consistent with the purposes of these standards and regulations.
3. The conditional use will not comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is not compatible with the surrounding area, not harmonious with the character of the neighborhood, would be detrimental to the immediate area, would be detrimental to the future development of the area, and would be detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has not addressed all off-site impacts.
6. The site is not suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will not provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are not available and adequate to serve the needs of the conditional use as designed and proposed.



**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
STAFF REPORT**

Planning Commission

May 11, 2017

CASE NUMBER: RCU2016-00025	CASE NAME: Asphalt Specialties
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Owner's Name:	Asphalt Specialties Co Inc. (Rob Laird)
Applicant's Name:	Rob Laird
Applicant's Address:	10100 Dallas Street, Henderson, CO 80640
Location of Requests:	12021 Brighton Road
Nature of Requests:	A conditional use permit for recycling of concrete and asphalt
Zone District:	Agricultural-3 (A-3) & Agricultural-2 (A-2)
Site Size:	75 acres
Proposed Uses:	Recycling facility
Existing Use:	Fill site (inert landfill)
Hearing Date(s):	PC: May 11, 2017 / 6:00 p.m. BoCC: May 23, 2017 / 9:30 a.m.
Report Date:	April 21, 2017
Case Manager:	Christopher C. LaRue <i>ccL</i>
PC Recommendation:	Approval with 8 findings-of-fact, 3 conditions precedent, and 18 conditions.

SUMMARY OF PREVIOUS APPLICATIONS

On October 16, 2000, the Board of County Commissioners approved a conditional use permit to allow sand and gravel mining, a concrete plant, concrete recycling, equipment storage, and a maintenance facility on the property. On February 10, 2003, the Board of County Commissioners approved a second request to expand the mining area. The approved mining operations on the property have been completed.

On December 6, 2010, the Board of County Commissioners approved a certificate of designation (CD) to allow approximately 500,000 cubic yards of inert fill material on the property. This CD will expire on December 6, 2017.

On May 4, 2016, the County issued a zoning violation to the property owner for operating a recycling facility on the property without a permit. On June 20, 2016, staff reviewed a conceptual review application and met with the applicant to discuss using the site for recycling activities.

SUMMARY OF APPLICATION

Background:

Asphalt Specialties is requesting a conditional use permit to allow a recycling operation on the property. The site was previously used as a gravel pit. Currently, the property is used as an inert landfill. The landfill is required to only accept clean, inert fill as defined by the Colorado Department of Public Health and Environment. According to the applicant, sale of recycled materials on the property will be wholesale in nature, and only current stockpiled materials on the site will be processed. No new materials will be brought onto the site for recycling. Any new materials brought onto the site will be placed into the existing gravel pit on the property as a fill material. Per Section 3-10-04-05 of the County's Development Standard and Regulations, a conditional use permit is required to have a recycling operation on the subject property.

Site Characteristics:

The subject site is 75 acres and located northwest of 120th Avenue and Brighton Road. Approximately half of the property has been covered with inert fill materials such as earth, rock, concrete, asphalt, top soils, and masonry. The northern half of the property is the area previously mined and currently filled with water as a lake. This area is currently being filled with inert materials; the filling was approved through a certificate of designation. According to the applicant, approximately 16.5 acres of the property will be utilized for recycling operations. The site plan submitted with the application shows the recycling operations will be located in the center of the property, which is contiguous to the inert fill area (see exhibit 3.2).

Development Standards and Regulations:

Conditional Use Permit:

Section 3-10-04-05 of the County's Development Standards and Regulations requires a conditional use permit to allow recycling facilities on the subject property. According to the applicant, the proposed CUP would not alter any conditions of approval instituted through the previously approved certificate of designation (see Exhibit 6.6). The applicant proposes that the CUP for recycling would expire on the same date as the certificate of designation. The expiration date for the CD is December 6, 2017.

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raw material and processed materials. Per Section 4-10-02-05-07 of the County's Development Standards and Regulations, outdoor storage associated with recycling facilities is permitted in the A-3 zone district.

A design and operations plan submitted with the request depicts areas of the site that will be used for storage of recycling material. These areas will be visible from abutting public right-of-ways (i.e., 120th Avenue & Brighton Road). The applicant is requesting the height of the outside storage materials to be up to 30 feet. However, per section 4-10-02-05-09 of the County's Development Standards and Regulations, all outdoor storage areas are required to be screened with fencing or walls, with a maximum height of eight feet, unless a higher height is approved by the Board of County Commissioners as part of a conditional use permit. Currently, there is a seeded earthen berm installed on the eastern property boundary of the site. This berm will serve as screening for the outside storage on the eastern section of the property. The outside storage areas will be visible from highway 120th that abuts the southern boundary of the property. Staff is recommending a condition of approval to require screening landscaping on the southern boundary of the property. This landscaping shall be required to conform to requirements outlined in Section 4-16-19-01 of the County's Development Standards and Regulations. Per this Section of the Development Standards, landscaping with trees and shrubs is required where operations can be seen from the public right-of-way. Staff is also recommending a condition of approval to limit the height of the earthen berm to eight feet and the height of outdoor storage materials to the height of the existing earthen berm, which is approximately eight feet tall.

No buffer landscaping is required along the western property boundary of the site. This is due to agricultural/park uses developed on the adjacent western properties. The County's Parks Department, in reviewing the application, stated there are matured trees that provide adequate screening and landscaping on the western property boundary and providing additional landscaping will be unnecessary.

Sections 4-10-01-03-09, 4-10-02-05-07, and 4-10-02-05-09 of the County's Development Standards and Regulations outline performance standards for outdoor storage and recycling uses. These requirements include all outdoor storage materials must be non-hazardous and organized in such a way as to provide adequate access for fire equipment. The applicant's site plan depicts the storage of crushed concrete and asphalt stored in an orderly manner that provides adequate clearance for vehicles. The request was also reviewed by Brighton Fire District and the District had no major concerns.

Future Land Use Designation:

The Adams County Comprehensive Plan designates this site as Residential Estate and Agriculture. Per Chapter 5 of the County's Comprehensive Plan, Estate Residential areas are designated for single-family housing at lower densities, typically no greater than 1 unit per acre, and with compatible uses such as schools and parks. The Agriculture future land use designation areas are intended for food production and other farming uses and are not expected to develop in the future. The subject request is currently inconsistent with the future land use designations. However, the property has been approved for sand and gravel mining for ten years. The

recycling use is proposed for approximately seven months. Whether or not the recycling use is allowed, the site will be reclaimed under a reclamation plan overseen by the Colorado Division of Mining and Reclamation. The reclamation plan will require it to be graded to its previous elevation after the current filling operations on the property are completed.

Surrounding Zoning Designations and Existing Use Activity:

Northwest A-3 Regional Park Property	North A-3 Regional Park property	Northeast A-3 Residential
West A-3 Regional Park Property	Subject Property A-3/A-2 Inert Land fill & recycling	East RE, A-1, C-5 Residential/ limited commercial
Southwest A-3 Vacant	South A-3, C-2, I-2 Water District infrastructure & Service Garage	Southeast A-3,C-5, RE Commercial

Compatibility with the Surrounding Land Uses:

The adjacent property to the west and north of the site is zoned Agricultural-3 (A-3). This property is owned by Adams County and is part of the County's regional park. The properties located east and northeast of the subject property consist of multiple zoning designations. The zoning designations on these properties are A-1, RE, A-3, C-2, and C-5. A majority of these properties are developed with residential homes as well as isolated commercial development uses. The properties to the south of the site are zoned C-2, A-3, and I-2. Uses on these properties include an auto repair shop and a water district facility. There is also a vacant property located southwest of the site.

With the recommended conditions of approval and the applicant's adherence to all conditions of approval instituted through the certificate of designation, the request will be compatible with the surrounding properties. In addition, the conditions of approval will mitigate potential impacts associated with the subject request.

Planning Commission Update

The Planning Commission first considered this case on February 9, 2017, and at the request of staff and the applicant continued consideration of the request to the April 13, 2017 meeting. Staff and the applicant requested the continuance to allow the applicant to correct violations on the property related to the certificate of designation.

On April 4, 2017, the Board of County Commissioners, at their public hearing, considered revoking the certificate of designation approved on the property. This consideration for revoking the certificate of designation was due to multiple violations on the property. After discussions

and consideration of revoking the certificate of designation on April 4, 2017, the BoCC directed staff and the applicant to negotiate a settlement agreement on actions to resolve the identified violations. The property owner agreed to comply with all requirements of the County and correct the violations by April 18, 2017.

On April 18, 2017, the Board of County Commissioners continued the case to their May 23, 2017, meeting. The decision to continue the case was to allow the County to continue to monitor the property for 30 days to ensure compliance with the certificate of designation. In addition, the Board of County Commissioners requested staff to publish, on the County's website, the applicant's corrective action plan submitted showing how violations on the property have been corrected as well as preventive measures that have been established to deter such violations from occurring in the future.

On April 13, 2017, the Planning Commission again was scheduled to consider the recycling request for this property. Based on a recommendation of staff and the applicant, the Planning Commission continued the hearing on the CUP to the May 11, 2017 meeting. The request for a continuance was to provide more time to allow the violations on the property to be corrected. It was also to allow a final resolution to the pending decision of the Board of County Commissioners to revoke, suspend or authorize continuous operation of the certificate of designation. Because of the interrelatedness of the operations of the certificate of designation and the proposed request for recycling on the property, staff recommended that issues related to the certificate of designation be resolved before considering the recycling CUP request. As of writing this staff report, staff and the applicant have reached a consensus on a corrective action plan for operation of the certificate of designation on the property. The Board of County Commissioners is scheduled to make a decision on the certificate of designation on the same date it will hold a public hearing on the CUP for recycling, which is May 23, 2017.

Staff Recommendations:

The concerns staff had regarding compliance have been addressed during the BOCC's consideration in public hearings of the applicant's certificate of designation. The applicant has been responsive to each of the issues raised by staff including wind speed monitoring and closure during high winds, removal of outdoor storage items, screening, removal of rebar from the edges of the pit, and the creation of a corrective action plan to remedy operational compliance issues. The recommended conditions within this application will serve to provide additional requirements to make the recycling use compatible, and these will be enforced by the county.

Based upon the application, the criteria for approval of conditional use permits, a recent site visit, staff recommends approval of this request with eight findings-of-fact, three conditions precedent and eighteen conditions.

Recommended Findings-of-Fact

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.

3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

Recommended Conditions Precedent:

1. Prior to commencing operations, and thereafter during the active life of the facility, and for one (1) year after closure, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. The amount of said bond shall be in the amount necessary to remove materials from recycling facilities for disposal at an appropriate disposal facility. The amount of the bond shall be calculated to include removal, tipping fees, and transportation costs.

The performance bond shall be forfeited in an amount sufficient to defray the expense of action including staff time expended by Adams County for corrective actions required due to issues with health, safety, and general welfare from failure of the operator to follow any regulations, standards, or conditions of approval.

2. The applicant shall submit a landscaping and screening plan that conforms to requirements of the County's Development Standards and Regulations no later than 30 days from the date of approval of this conditional use permit. This landscape and screening plan shall show the required bufferyards and frontage landscaping.
3. The applicant shall receive a "Notice to Proceed" from the Department of Community and Economic Development. Written proof that all of the conditions precedents have been satisfied shall be required prior to receiving this notice.

Recommended Conditions of Approval:

1. The facility shall not accept new materials to be recycled. This CUP only authorizes the recycling of materials that are already on site as of May 1, 2017.
2. This CUP expires on December 6, 2017.

3. This CUP shall be limited only to materials, processes, and storage areas as described in the application and - related to the recycling of concrete and asphalt. Any changes to types of material or processes shall require an amendment to this CUP.
4. Stockpiles on the property shall not exceed eight feet in height, which is also the height limit of the earthen berm installed along the eastern property line.
5. The earthen berm along the eastern property line shall be maintained in conformity with Section 4-17 of the Adams County Development Standards and Regulations pertaining to weeds and dangerous trees.
6. Lighting shall be arranged and positioned so no direct lighting or reflection of lighting creates a nuisance or hazard to any adjoining property or rights-of-way.
7. The operator shall maintain records showing amounts of stockpiled materials both processed and unprocessed. In addition, records containing customer lists and showing amounts of recycled material shipped off site shall be maintained.
8. The operator shall submit bi-monthly status reports on the last business day of the month to the Director of Community and Economic Development. The reports shall summarize the status of the facility and provide documentation on how the conditions of approval are being met. The report shall be submitted on or before each of the following dates: June 30, 2017, August 30, 2017, October 30, 2017, and December 6, 2017.
9. Violations to the conditions of approval may result in a show cause hearing before the Board of County Commissioners to revoke or suspend the conditional use permit.
10. The operator shall inspect Brighton Road for tracking of debris at least three times a day. Debris found on Brighton Road shall be removed immediately.
11. By the close of business each day, the operator shall remove all waste material consisting of concrete, asphalt, soils, sand, and rock that is brought to the facility, along public rights-of-way within one-half (1/2) mile of the facility.
12. Wind monitoring equipment shall be installed and maintained at all times. The facility shall cease operations during periods of high winds. High winds shall be defined as when wind speeds exceed 35 mph or when sustained wind speeds exceed 25mph.
13. The facility shall have two employees onsite during operational hours. There shall be, at a minimum, one qualified employee on site during operational hours to monitor activities.
14. The facility shall provide regular training to their staff on:
 - 14.1 Safety;
 - 14.2 Review of emergency procedures;
 - 14.3 In-house orientation provided for new personnel;
 - 14.4 Site map showing traffic patterns, pile locations, open water, and restricted areas;
 - 14.5 The site map shall be updated regularly as site conditions changes;
 - 14.6 Keeping trucks away from the site entrance to ensure traffic flow;
 - 14.7 Identification of all people on site, including visitors.
15. Dust control mechanisms shall be in place and functioning at all times.
16. Any metal transported to the site shall be placed into metal recycling roll off containers.
17. The operator shall contact all truck operators who bring fill to the site and instruct them that dumping of new recycled materials shall be prohibited.
18. The facility shall not accept any hazardous or contaminated waste. All material shall be field screened. The field screening methods include headspace/PID screening, draeger tubes (or equivalent), colormetric field kits, infrared (IR) analysis for TPH in soil, pH,

conductivity, temperature and other methods, depending on the known or suspected contaminants or purpose of screening. Field screening methods may be done independently or periodic laboratory testing may be employed to verify the field screening results. Field screening equipment will be calibrated according to the manufacturer specifications prior to and periodically during the field use. This applies to equipment used for onsite chemical measurements such as pH, electrical conductivity, and temperature. Instruments and equipment used to gather generate, or measure environmental data in the field will be calibrated with sufficient frequency and in such a manner that accuracy and reproducibility of the results are consistent with the manufacturer specifications.

CITIZEN COMMENTS

Number of Property Owners Notified (Within 1,500 Feet)	Number of Public Comments Received by Staff
68	0

COUNTY AGENCY COMMENTS

A traffic study submitted with the application has been reviewed and approved by the County's Development Review Engineering. Based on the review, no road improvements will be required. A tracking control and street maintenance plan was also provided with the application. These plans have been reviewed and approved.

Staff also reviewed a recycling operations plan submitted with the application and determined the plan conforms to acceptable industry standards.

REFERRAL AGENCY COMMENTS

Staff received review comments from the Tri-County Health Department regarding providing dust and vector control measures. The applicant has addressed the requirements in the operations plan (see exhibit 3.1 & 3.3).

Responding with Concerns:

None

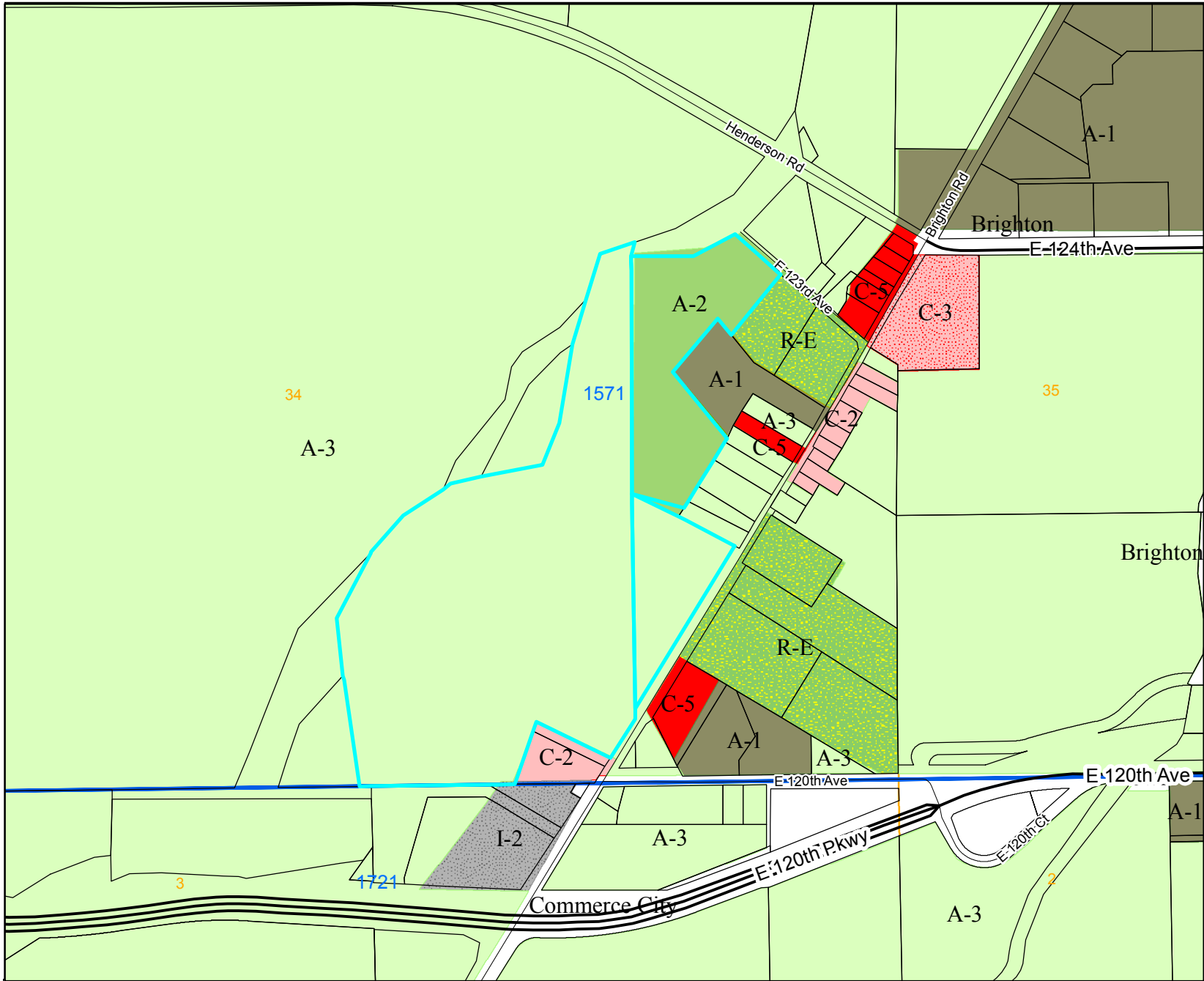
Responding without Concerns:

Commerce City
Colorado Department of Transportation (CDOT)
Colorado Department of Public Health and Environment (CDPHE)
South Adams Water and Sanitation
United Power

Notified but not Responding / Considered a Favorable Response:

Brighton Fire District

Century Link
City of Brighton
City of Thornton
Colorado Division of Wildlife
Colorado Geologic Survey (CGS)
Comcast
FEMA
Metro Wastewater
RTD
School District 27J
Tri-County Health Department (TCHD)
West Adams Soil District
Xcel Energy



LEGEND

Special Zoning Conditions

Section Numbers

Railroad

Major Water

Zoning Line

Sections

Zoning Districts

A-1

A-2

A-3

R-E

R-1-A

R-1-C

R-2

R-3

R-4

M-H

C-0

C-1

C-2

C-3

C-4

C-5

I-1

I-2

I-3

CO

PL

AV

DIA

P-U-D

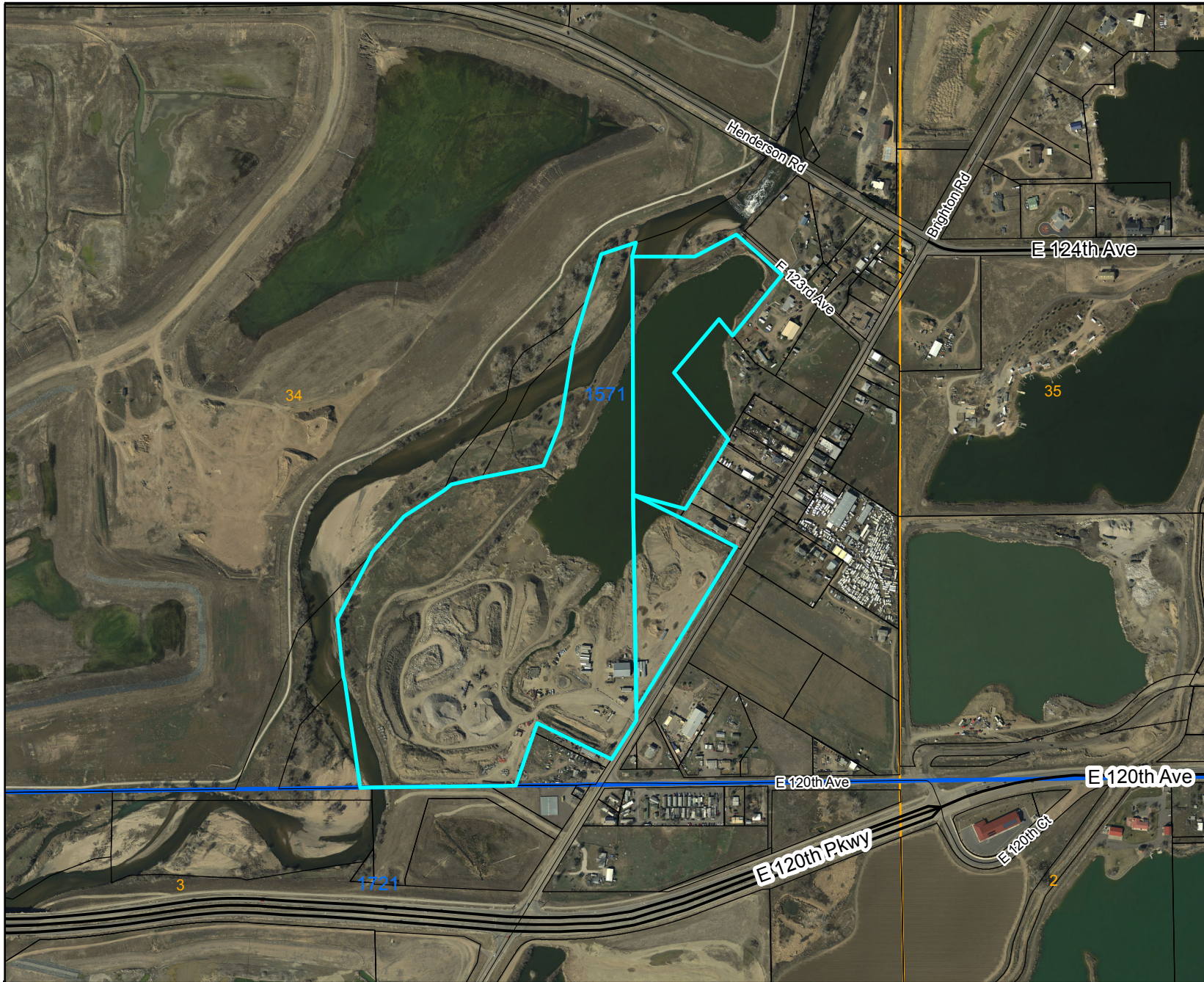
P-U-D(P)

Airport Noise Overlay

Asphalt Specialties
RCU2016-00025

N
For display purposes only.

ADAMS COUNTY
COLORADO
This map is made possible
by the Adams County GIS
group, which assumes no
responsibility for its accuracy



LEGEND

- ★ Special Zoning Conditions
- 3 Section Numbers
- Railroad
- Major Water
- Zoning Line
- Sections
- Zoning Districts**
- A-1
- A-2
- A-3
- R-E
- R-1-A
- R-1-C
- R-2
- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
- C-5
- I-1
- I-2
- I-3
- CO
- PL
- AV
- DIA
- P-U-D
- P-U-D(P)
- Airport Noise Overlay

Asphalt Specialties

RCU2016-00025

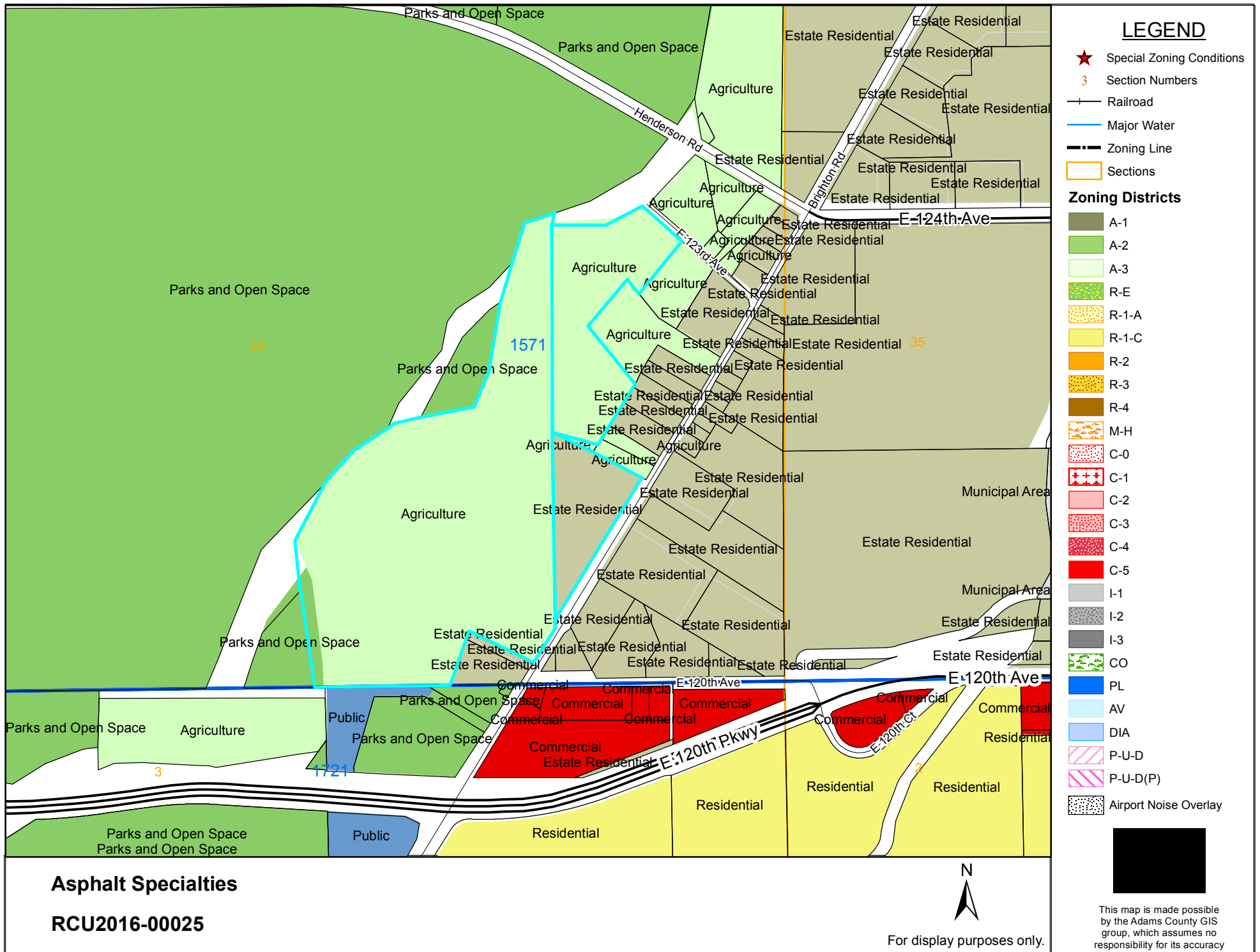


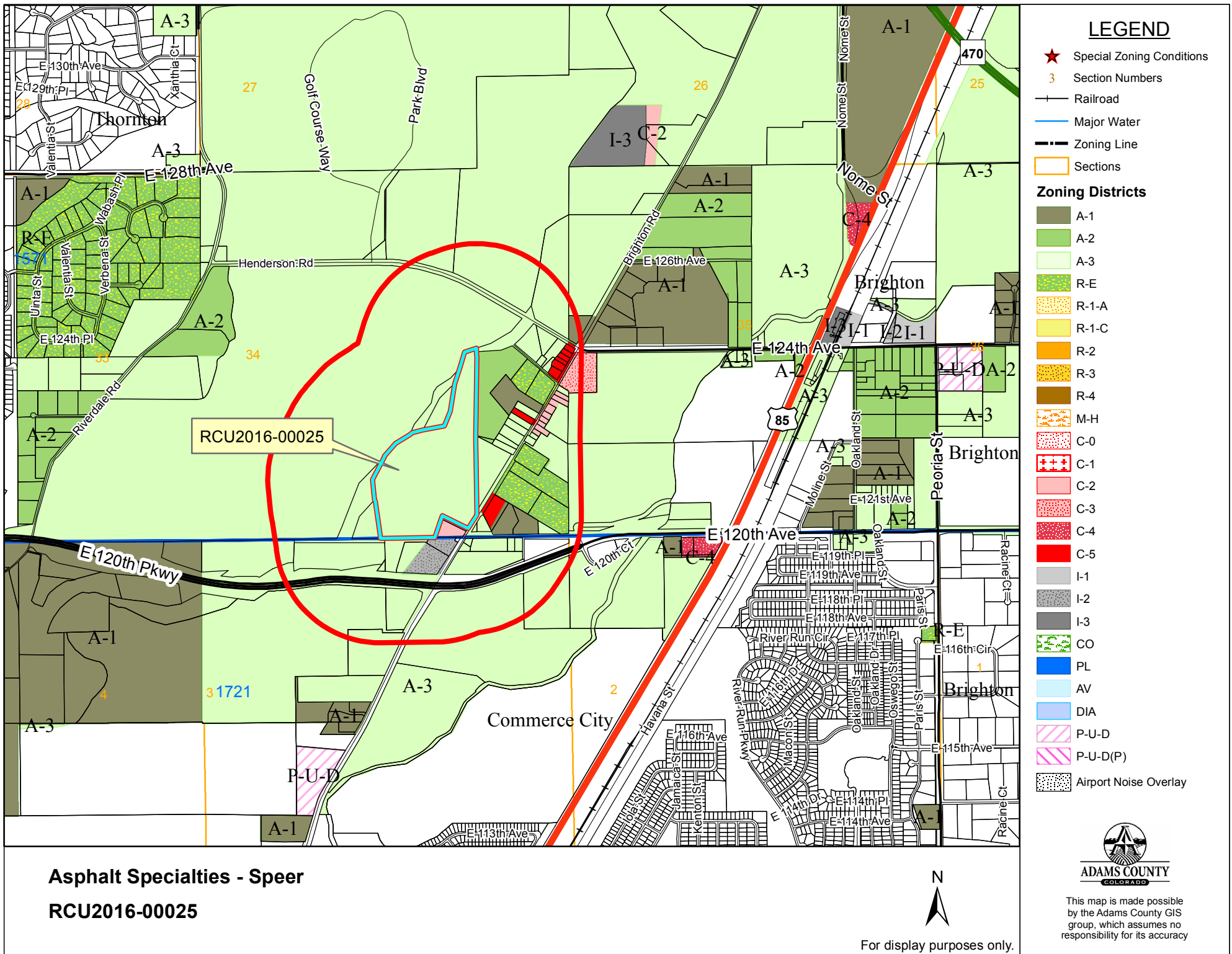
For display purposes only.



ADAMS COUNTY
COLORADO

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responsibility for its accuracy





2.0 PROJECT NARRATIVE

SPEER CONDITIONAL USE APPLICATION TO ADD

RECYCLING OF ASPHALT AND CONCRETE TO CD APPROVAL EXG2009-00002

The current Speer Inert Landfill site had been the site of an active sand and gravel mining operation from 2000 until late 2007 operated by Asphalt Specialties Co., Inc. ("ASCI"). In September 2011, the site was granted status of a Certificate of Designation ("CD") by the Adams County Commissioners as an inert landfill under case # EXG2009-00002 and operations for inert landfiling began in earnest. Since start-up, three un-announced and two announced inspections have been made of the operation by Adams County, Tri-County Health Dept. and the Colorado Dept. of Public Health and Environment ("CDPHE") in 2011, 2012, 2013, 2014 and the most recent in May 2016. All Inspections of the site have documented the operation as maintaining complete documentation (manifesting) and record-keeping of all loads emptied and properly placed at the site in letter reports to ASCI. During the May 2016 inspection, it was noted by Adams County that there was much asphalt and concrete that was being brought into the site and rather than that material being filled into the mined-out gravel pit as inert fill, the material being recycled must be permitted through the county for recycling.

Given the fact that so much asphalt and concrete materials are being brought to this site, it only makes sense to recycle these products onsite into usable materials for offsite construction purposes such as road building and other construction projects. Landfilling and recycling of construction materials are very similar operations. ASCI is making this Conditional Use Permit ("CUP") application to incorporate a short-term recycling operation for these materials at the Speer Inert Landfill site. No additional truckloads of inert landfill material or recyclable material per se, will be deliberately brought to the site simply because approval of recycling would be granted. It is simply the matter of crushing, screening and sorting materials that would otherwise be pushed into the former gravel pit as inert fill. As part of the approval process for this request, Adams County and ASCI contacted the CDPHE for their response to recycling of materials on this site and would that operation require an amendment to the technical aspects of the CD as approved by CDPHE and Adams County in 2011. The CDPHE stated that it would not and a copy of their written response is contained in the Supplemental Information section that follows this narrative.

The recycling would be by portable equipment brought to the site when volumes of asphalt and concrete are enough to warrant the operation. The equipment would crush, sort and stockpile the materials and then be removed from the site until volumes would again require the equipment to return. The location of this activity is shown on the enclosed Location Map and Site Plan (folded in back pocket) and would be located in the central area of the property at quite some distance from Brighton Rd. and screened on Brighton Road with an 8 ft. high screening fence as shown on the Site Plan. A detailed plan and profile schematic and photograph of the recycle equipment are also contained in the Figures section that follows this narrative. The recycled materials would then be transported offsite to our asphalt batching sites and to offsite customers at construction project sites. This activity would only be located on the site as long as active inert filling would be ongoing. Once the Speer site has been filled

with inert materials and reclamation underway, recycling would cease at the site. The current CD approval allows for an operational lifespan until December 6, 2017. All materials currently being brought to the site are being deposited at the edge of the lake and pushed into the lake. No materials are being stockpiled for recycling. ASCI will only be recycling materials that are currently stockpiled on the site.

All provisions of the CD approval in 2011 will remain in effect and will carry-over to the recycling operation. This includes all provisions of the Design and Operations Plan submitted with the CD application in 2009 and the approval granted to ASCI in 2011. Hours of operation, truck haul routes, monitoring and inspection requirements, reclamation of the site and all other requirements as contained in the CD approval EXG2009-00002 will be adhered to.

The recycling operation would normally utilize a portion of the un-processed incoming inert construction materials being brought to the site. All loads brought to the inert landfilling site are accounted for by manifesting the load and weight as required by the CD and are not currently being recycled, but are only being used as inert landfill material. This process has been monitored by three government agencies as noted previously on a near yearly basis. Quarterly payments are made to both the State of Colorado and Adams County as a solid waste user fee based on a percentage of the total amount of quarterly incoming loads, as has been done since 2011.

The recycling operation is not a retail/commercial sales operation and is wholesale only. That is, the general public is not allowed to come into the site to purchase small quantities of recycled concrete or asphalt. All sales to outside private parties (including Adams County) are done by pre-arranged contract and for a fixed, agreed-upon price. All sales are noted with invoicing and receipts and all sales taxes are paid to the State of Colorado of which a portion (0.75%) is paid to Adams County. Records of all of these transactions are kept by ASCI onsite and at the main office.

2.1 TRAFFIC AND HAUL ROUTES

Trucking amounts would not increase significantly over what is occurring now with the inert landfilling, as some of the trucks would “backhaul” the recycled materials to our operations and construction sites. The 2000 approval of the CUP for mining at this site, including concrete production and a shop for the mining equipment and mixer trucks, required a traffic study which was approved by Adams County with the only requirement being the construction of a left-turn lane into the site and dedication of R.O.W. along Brighton Rd. That traffic study forecasted impacts to the local roadway system (including US-Hwy. 85) until 2015 and did not include the construction and completion of the 120th Avenue Parkway. The approval of the CUP operations for sand and gravel mining in 2000 allowed the entrance and exit of 266 maximum truck/vehicle trips per day. The approval of the CD operation in 2011 required no further traffic analysis than what was approved in 2000, since the CD operation is a much scaled-down operation compared to the sand and gravel mining. An average of 140 vehicle trips/day have been experienced for the five years of operation at this site. Because there has been no significant traffic increase since 2000 in the immediate area, and the new 120th Avenue Parkway has relieved the traffic volume on both Brighton Rd. and old 120th Ave., another truck traffic impact analysis is not warranted. Trucking amounts would not increase significantly with the approval of recycling operations at this site and will continue to easily fall within the maximum 266 vehicle trips/day approved in 2000. ASCI has had no complaints from neighbors regarding the amount of truck traffic and has used a “broom” in an effort

to keep Brighton Rd. clean of mud and debris from exiting trucks when weather conditions have warranted.

The ASCI truck traffic study submitted as part of the approval for the gravel mining operation showed that with completed road improvements (a left turn lane into the site, completed in 2000), Brighton Rd. could easily handle far more trucks than those that are currently accessing the site and this would also be the case with approval of recycling operations. The completion of the 120th Avenue Parkway has only facilitated better access to our inert landfill site beginning in 2011 where the haul route requires that trucks accessing Brighton Rd. north use 120th Avenue Parkway.

Access to the property is from Brighton Rd. and is the only access to the property with truck traffic coming from the south, not coming from the north through Henderson. There are two gated access points: the northern access is for entrance and the southern access is for exiting. ASCI has widened Brighton Rd. in this area and has supplied a dedicated left-turn lane into the northern access.

All traffic will continue to access the site from the south, exiting off of the new 120th Avenue Parkway north onto Brighton Rd. and then west into the site via the entrance and exit points. All truck traffic to this operation will cease by December 2017, a time-period of only approximately 16 months from the date of this CUP application.

Interior haul routes within the site are one-way entering as directed by signage first to the scale/office and then to the dumping area that is located just southwest of the open lake as shown on the Site Plan. This is the only area of dumping of loads. As required in the CD approval, this is after the load has been inspected, manifested and signed-off on by the truck driver. It is further inspected at the dumping area. Exiting trucks are again required to travel a one-way route as directed by signage to the exit location on Brighton Rd. All loads currently brought to the Speer site are pushed into the lake as inert fill and will not be recycled. The gates onto Brighton Rd. are closed and locked at night.

2.1 IMPACTS TO THE REGIONAL PARK AND SOUTH PLATTE RIVER TRAIL

The location of the recycling operations is far southeast from the current Regional Park and south of 124th Ave./Henderson Rd. on the east side of the South Platte River. Directly west of the proposed operations, the regional park/water-storage reservoirs are currently completely undeveloped.

The current operation is visible from the South Platte River Trail on the west side of the river for only a short distance near the southern area of operations. The remainder of the current operations and stockpiling is screened from view of the bike path/trail by trees and distance from the bike path/trail to the operations area, as ASCI operations are farther to the east separated by a "point bar" and the elevated bench of the river bank. The remaining northern area of the inert landfill area (remaining lake) will not contain any stockpiles or equipment as this area is being used solely for inert backfilling into the lake.

All stockpiles and active operations for inert filling and recycling will cease in December 2017, approximately 16 months from the date of submittal of this CUP.

2.3 SCREENING/LANDSCAPING

ASCI is proposing to construct an 8 ft. high screening fence to be placed upon the southeastern border of the site along Brighton Rd. as part of the approval for this CUP. This fence will be set back just to the inside of right-of-ways that have been given to Adams County on Brighton Rd. This 8 ft. screen fence will block all views of stockpiles, except possibly the very tops, and outside storage from view from Brighton Rd. The screen fence is shown on the Site Plan. ASCI is not proposing landscaping along Brighton Rd. as the request for a recycling CUP is a very short-term request and we do not know the ultimate future of this property. The property along Brighton Rd. would probably be best-suited for a light-industrial type of land use as is the land use on the property on the east side of Brighton Rd. across from the Speer inert landfill site. At the time of re-zoning/CUP of the Speer property for a long-term use, particularly along Brighton Rd., landscaping will be addressed.

2.4 STOCKPILE HEIGHT

Current stockpiles of materials to be recycled consisting of asphalt and concrete can be in excess of approximately 30 ft. in height in some cases. Incoming inert landfilling materials (concrete, asphalt, dirt, brick and tile, etc.) are no longer being stockpiled but are placed next to the lake to be backfilled and pushed into it. Therefore, stockpiles that are currently on the site will continue to be constantly reduced in height. Stockpiles are currently located to the west of Brighton Rd. and will be located slightly west of that area in the central portion of the site until completely gone in December 2017. These areas are shown on the Site Plan. As described above, the 8 ft. high screening fence will block views of the majority of these stockpiles from Brighton Rd. ASCI, as part of this short-term CUP approval, is asking for approval to maintain the current stockpile height of stockpiles on this site for the remainder of the operation until December 2017. This is with the understanding that as a condition of approval, no more materials will be stockpiled on site for recycling, but that the only materials to be recycled are what currently exist on the site.

2.5 OUTSIDE STORAGE

Along with approval for stockpile heights, ASCI is also asking for short-term approval for outside storage of equipment and some supplies. As with stockpiles, the storage areas are shown on the Site Plan and will also not be visible from Brighton Rd. with the installation of the 8 ft. screening fence. Outside storage consists of some pieces of heavy equipment used for the active inert landfilling and recycling process, construction trailers and some traffic control signage located in the southwest area of the site, currently not visible from offsite locations. All active heavy equipment used in the landfilling and recycling process will be removed from the site in December 2017. Some storage of other equipment, such as the construction trailers, may remain on the site for a longer period of time, but again will not be visible from Brighton Rd.

2.6 PERFORMANCE BOND

As part of the approval process for this CUP, it is understood that a Performance Bond is normally required naming Adams County as the beneficiary for the cost of removal (or in this case, filling of the lake with remaining inert materials on the site) should ASCI no longer be able to complete the requirements of the inert filling CD or CUP for recycling. The bonding required for this activity is already in place with a State of Colorado required Division of Reclamation, Mining and Safety ("DRMS") financial

warranty bond in the amount of \$678,169.00 that is current. Bonding to two different agencies should not be required for the same activity. Proof of this bonding is contained in the Supplemental Information section of this narrative.

2.7 APPROVAL CRITERIA (Submittal Item C)

The Conditional Use Permit meets the criteria for approval as follows and all provisions/requirements of the approved CD for this site will also remain in full-force throughout the life of the approval period. It is understood that this request for a Conditional Use Permit for recycling of construction materials on this site is for a period to begin at approval of the CUP and to end by December 6, 2017, a period of approximately 16 months from the date of submittal of the CUP application:

1. The conditional use is permitted in the applicable zone district.

This application for recycling of asphalt and concrete materials through the conditional use process is located on A-3 agriculturally zoned property. Recycling is allowed by Adams County regulations as a Conditional Use on A-3 zoned property. The site is currently an approved inert landfill through Adams County.

2. The conditional use is consistent with the purposes of these standards and regulations.

The conditional use being sought with this submittal is consistent with the zoning regulations of Adams County insofar as recycling is allowed as a conditional use on agriculturally zoned lands and that this activity is consistent with the intent of the Adams County Comprehensive Plan.

3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.

As evidenced by the submittal document of which this Item C is a part of, all proposed recycling operations will comply with the requirements of the Adams County zoning standards and regulations including, but not limited to, all applicable performance standards.

4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners

shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.

As evidenced by the submittal document of which this Item C is a part of, all proposed uses will be compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. Recycling of asphalt and concrete is so similar in operational nature to approved landfilling of these materials, that impacts will be no different than those currently approved with the CD operation.

5. The conditional use permit has addressed all off-site impacts.

As evidenced by the submittal document of which this Item C is a part of, all proposed uses for this Conditional Use for recycling of asphalt and concrete to an approved CD for inert landfilling, has addressed all off-site impacts.

6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.

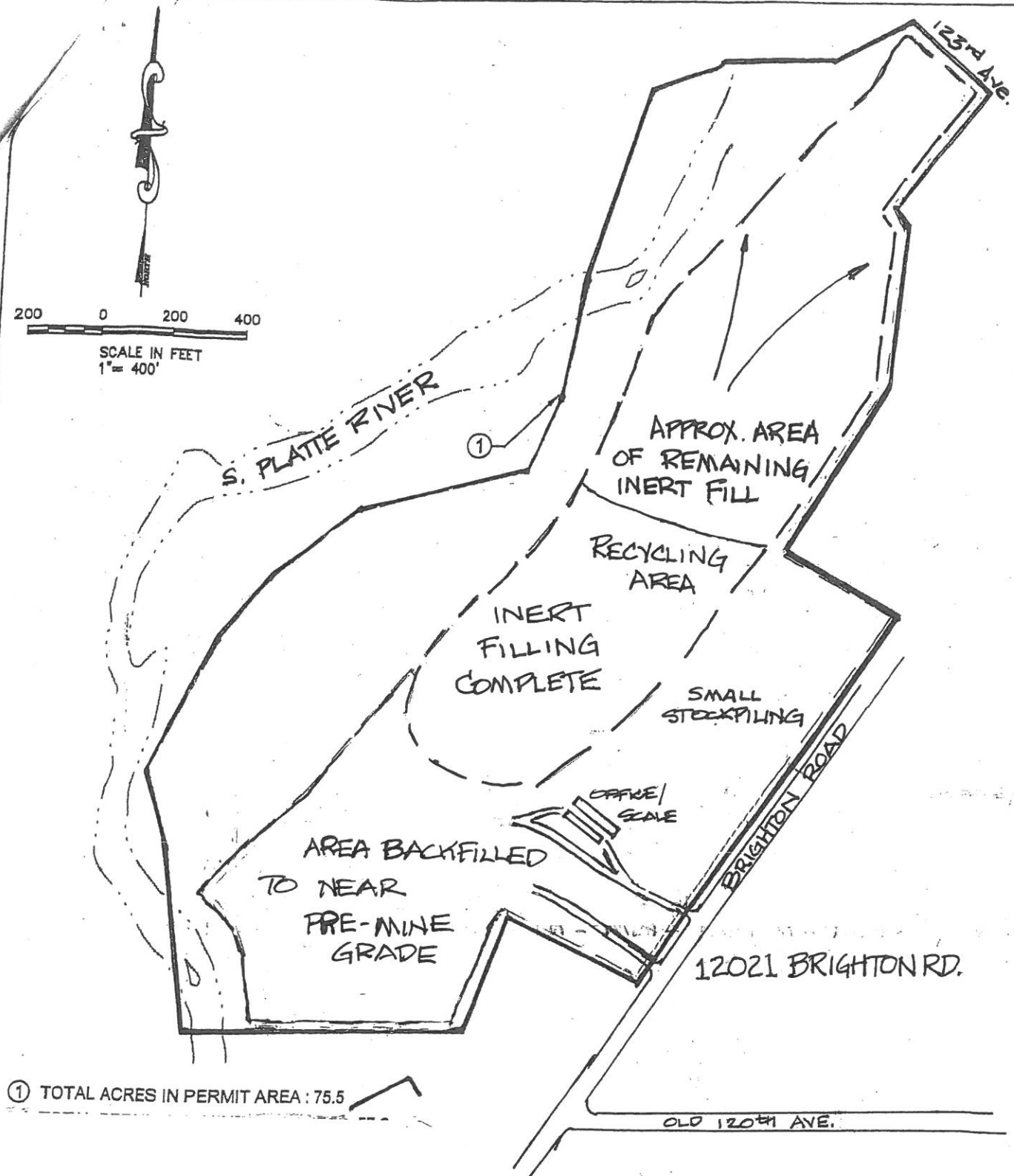
As evidenced by the submittal document of which this Item C is a part of, the proposed Conditional Use for recycling at this site is suitable including adequate usable space, adequate access, and absence of environmental constraints.

7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.

As evidenced by the submittal document of which this Item C is a part of, the site plan for the proposed conditional use amendment will provide the most convenient and functional use of the lot, where applicable, including open space, fencing, screening, and landscaping.

8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

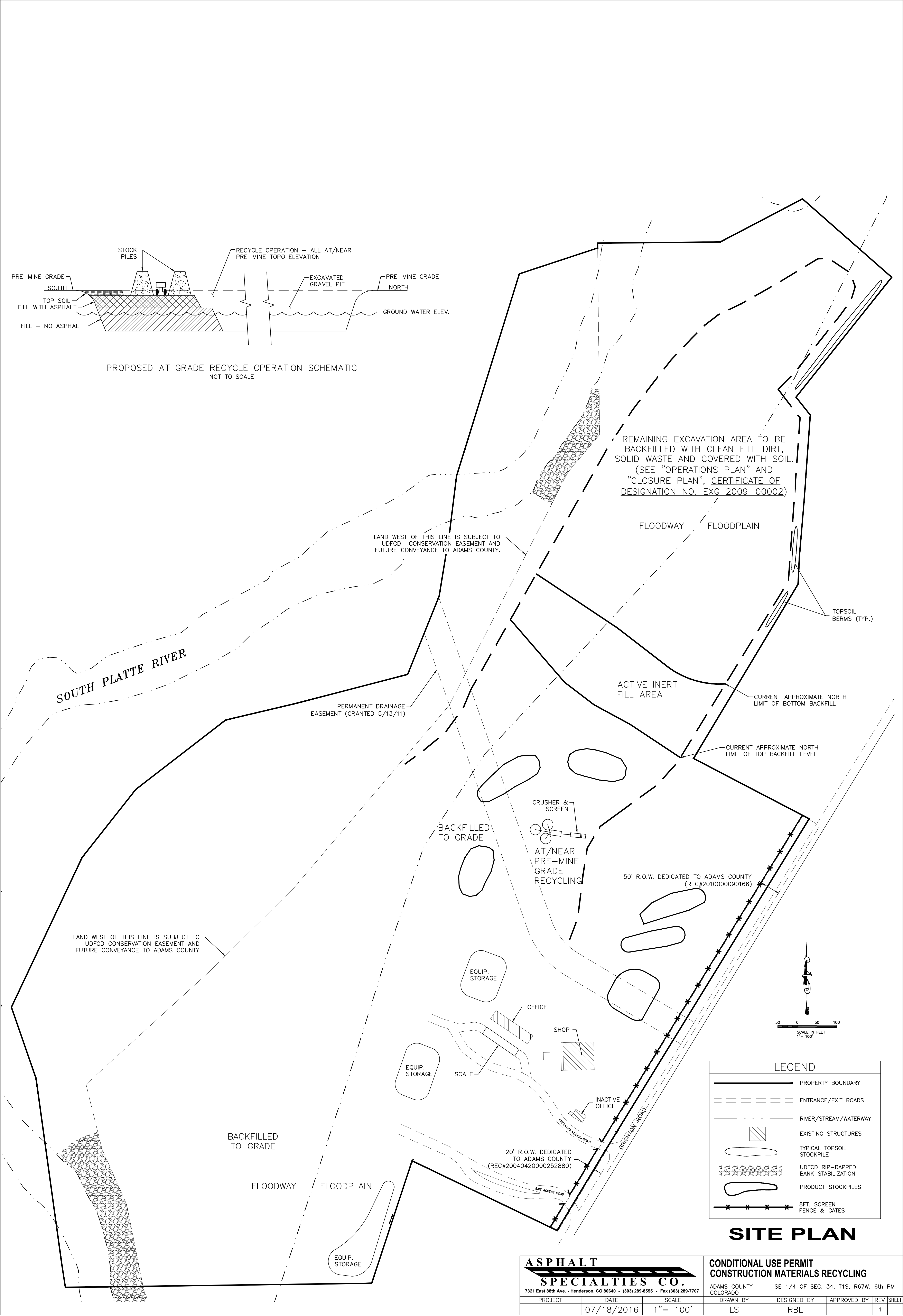
As evidenced by the submittal document of which this Item C is a part of, storm water drainage, fire protection, police protection, and roads will be available and adequate, where applicable, to serve the needs of the conditional use as designed and proposed. The CD process completed in 2011 by Adams County addressed these same needs for the inert landfilling process and the needs of the proposed operational activities for recycling can and will continue to be met.

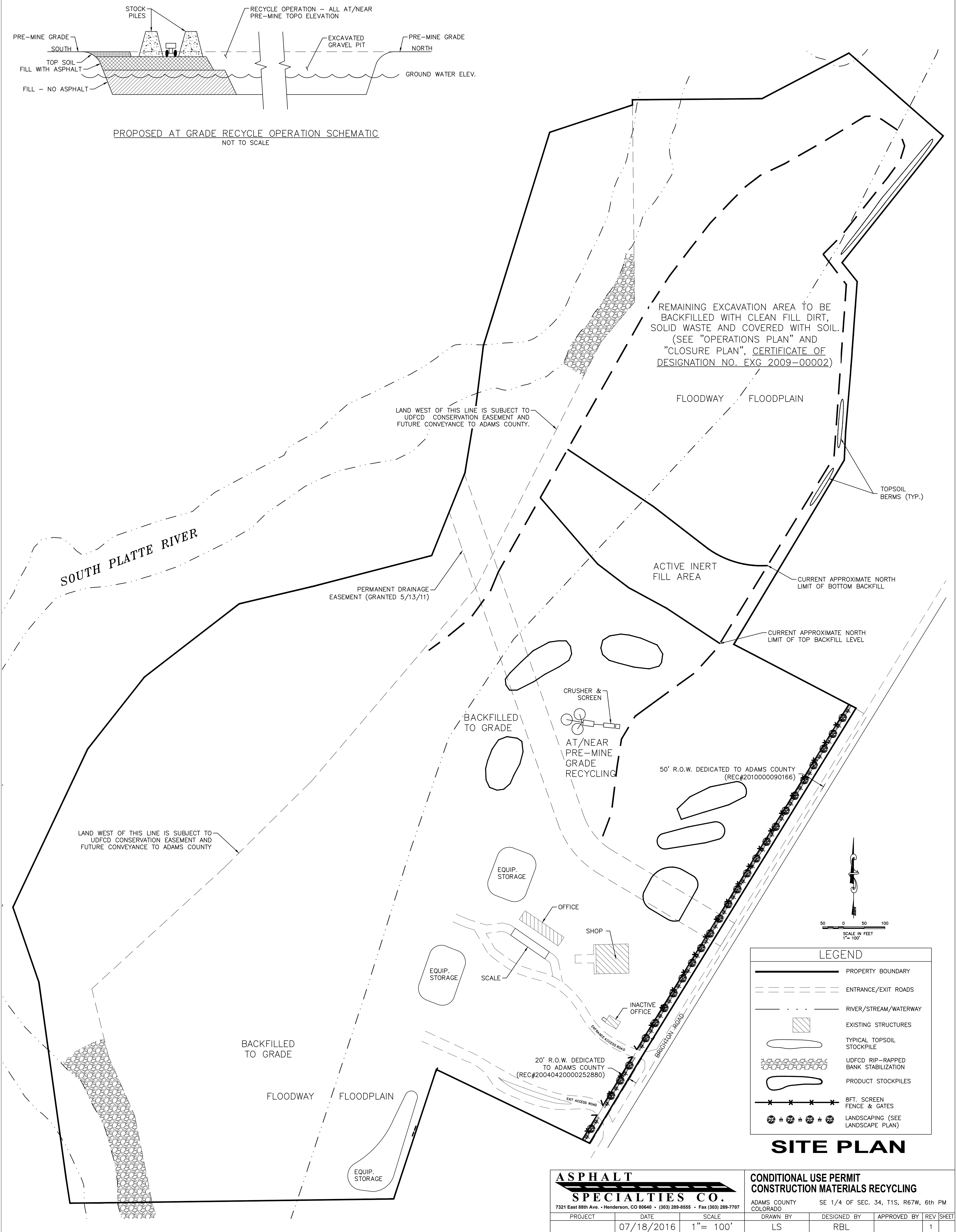


**ASPHALT
SPECIALTIES CO.**

**SPEER INERT LANDFILL SITE MAP
FOR RECYCLING OPERATIONS
EXG2009-00002**

PROJECT	DATE	SCALE	DRAWN BY	DESIGNED BY	APPROVED BY	REV	SHEET
	5/25/16	1"=400'	SSE	RBL			





PROPOSED AT GRADE RECYCLE OPERATION SCHEMATIC
NOT TO SCALE

REMAINING EXCAVATION AREA TO BE BACKFILLED WITH CLEAN FILL DIRT, SOLID WASTE AND COVERED WITH SOIL. (SEE "OPERATIONS PLAN" AND "CLOSURE PLAN", CERTIFICATE OF DESIGNATION NO. EXG 2009-00002)

LAND WEST OF THIS LINE IS SUBJECT TO UDFCD CONSERVATION EASEMENT AND FUTURE CONVEYANCE TO ADAMS COUNTY.

PERMANENT DRAINAGE EASEMENT (GRANTED 5/13/11)

SOUTH PLATTE RIVER

LAND WEST OF THIS LINE IS SUBJECT TO UDFCD CONSERVATION EASEMENT AND FUTURE CONVEYANCE TO ADAMS COUNTY

BACKFILLED TO GRADE

FLOODWAY

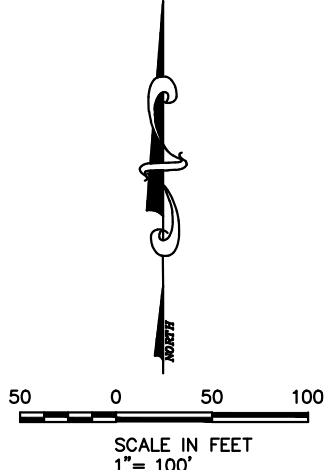
FLOODPLAIN

BACKFILLED TO GRADE

CRUSHER & SCREEN
AT/NEAR PRE-MINE GRADE RECYCLING

50' R.O.W. DEDICATED TO ADAMS COUNTY (REC#2010000090166)

20' R.O.W. DEDICATED TO ADAMS COUNTY (REC#20040420000252880)



LEGEND	
	PROPERTY BOUNDARY
	ENTRANCE/EXIT ROADS
	RIVER/STREAM/WATERWAY
	EXISTING STRUCTURES
	TYPICAL TOPSOIL STOCKPILE
	UDFCD RIP-RAPPED BANK STABILIZATION
	PRODUCT STOCKPILES
	8FT. SCREEN FENCE & GATES
	LANDSCAPING (SEE LANDSCAPE PLAN)

SITE PLAN

ASPHALT SPECIALTIES CO.				CONDITIONAL USE PERMIT CONSTRUCTION MATERIALS RECYCLING			
7321 East 88th Ave. • Henderson, CO 80640 • (303) 289-8555 • Fax (303) 289-7707				ADAMS COUNTY COLORADO SE 1/4 OF SEC. 34, T1S, R67W, 6th PM			
PROJECT	DATE	SCALE	DRAWN BY	DESIGNED BY	APPROVED BY	REV	SHEET
	07/18/2016	1"= 100'	LS	RBL		1	

Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Re-submittal Form

Case Number: _____

Case Manager: _____

Resubmitted Items:

- ☐ Development Plan/ Site Plan
- ☐ Plat
- ☐ Parking/ Landscape Plan
- ☐ Engineering Documents
- ☐ Subdivision Improvements Agreement
- ☐ Other: _____

*All re-submittals must have this cover sheet and a cover letter addressing review comments.

The cover letter must include the following information:

- Restate each comment that requires a response
- Provide a response below the comment with a description of the revisions
- And identify any additional changes made to the original document

For County Use Only:

Date Accepted: _____

Edocs # _____

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Erik Hansen
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Jan Pawlowski
DISTRICT 5

ASPHALT



SPECIALTIES CO.

10100 Dallas St. • Henderson, CO 80640 • (303) 289-8555 • Fax: (720) 289-7707

RESPONSES TO ADAMS COUNTY
DEVELOPMENT REVIEW TEAM (AND TRI-COUNTY HEALTH) SEPT. 19, 2016
COMMENTS FOR
ASPHALT SPECIALTIES CO., INC. C.U.P SUBMITTAL OF
AUG. 11, 2016 FOR RECYCLING ON THE SPEER INERT LANDFILL SITE
RCU2016-00025

October 10, 2016

Submitted below are responses to comments received by Asphalt Specialties Co., Inc. ("ASCI") on September 19, 2016 to the CUP application for recycling on the Speer Inert Landfill site submitted on August 11, 2016.

ASCI is only responding to comments made by the Adams County Development Review Team and Tri-County Health, as no other referral agency comments expressed any concerns with the proposed CUP for recycling. It should be noted that although both FEMA and UDFCD were referred the CUP application narrative and maps (and are assumed to have received a copy of the FUP application), no comments were received by Adams County concerning floodplain impacts from those reviewing agencies.

The responses are being submitted in the order as received by ASCI and the complete Adams County comments are re-iterated here in *italics* while the responses are answered in standard print.

ENGINEERING REVIEW:

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0336H & 08001C0317H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, the majority of the project site is located within a special flood hazard delineated area. The FIRM panels show that approximately half the site located within the 100-year floodway and, the majority of the remainder of the site is located within the 100-year floodplain. Development within the floodway is very restrictive and would require obtaining a Conditional Letter of Map Revision (CLOMR) from FEMA. Development within the 100-year floodplain is also restrictive but allowed and, will require a floodplain use permit be issued by the County.

The ASCI response to this comment is essentially the same information as was submitted with the CUP application. Further information is as follows:

- There are currently some stockpiles located in the FEMA defined floodway of the site, and as

described in the FUP narrative of August 11, 2016, are being rapidly removed and are generally on schedule to be completely removed from the floodway by the end of 2016. Colorado has entered into the low-flow season for river flooding and flooding on the South Platte River is unlikely until next Spring. Flooding did not occur into the Speer Inert Landfill site in either the September 2013 or Spring 2015 flooding events on this portion of the river.

- A “standard, easy” CLOMR processed by FEMA can take 6 to 9 months minimum for processing and this does not include the preparation time to develop the engineering required to change the mapping. There is no guaranty of approval for a CLOMR by FEMA. ASCI is required to be completed with inert filling and the removal of all stockpiles by December 2017.
- Modifying the FEMA floodway at this site would require a CLOMR encompassing a regional analysis taking into account effects at a minimum of 1-2 miles both upstream and downstream of the site. This process could take several years to accomplish and would cost upwards of \$100,000.00 in engineering fees and again, there is no guaranty of approval for the requested map change. This area would certainly require that level of analysis considering the constrictions to the flow of the river already with the 124th Avenue bridge and UDFCD grade-control structure just upstream from the bridge, the 120th Avenue Parkway bridge and the Denver Water Dept. reservoir just upstream from the bridge, and the amount of constricting rip-rap on the banks of this portion of the river.
- The CUP application for recycling is also slated to end in December 2017. The stockpiles in both the floodway and floodplain will be completely removed by the end of 2016 (floodway) and the end of 2017 (floodplain). A FUP application has been submitted by ASCI along with the CUP application for recycling on 8-11-2016.

ENG3: County staff has indicated that the existing site generates a significant amount of dirt and mud that is left on Brighton Rd and 120th Ave. The applicant has indicated that they have used "broom" truck in the past to clean the streets. However, County staff believes the street cleaning needs to happen more frequently. The applicant will need to submit, for review and approval, a street maintenance plan indicating street cleaning methods and schedules. The County will expect the applicant to adhere to the approved street maintenance plan.

ASCI will continue expanding “hard-plate aggregate materials” on all interior haul roads at this site including the entrance and exit access locations. The current tracking control existing of cobble-sized broken concrete at the exit location will be removed and replaced with hard-plate aggregate materials. This will be a much more effective solution to preclude tracking of mud onto Brighton Road. and this material will also enhance dust control remediation procedures for onsite traffic routes. In case of adverse weather conditions at the site which may cause tracking of mud onto Brighton Rd., ASCI will immediately contact our sub-contracting company to use a vacuum truck or pick-up broom to collect the mud and remove any tracked material from Brighton Road. The kick-boom will no longer be employed and no water will be used to clean Brighton Road. These measures will be installed and implemented before October 14, 2016. This street maintenance plan will be adhered to for the duration of the recycling CUP approval/inert filling CD (December 2017).

ENG4: The applicants site plan indicates the installation of large machinery and equipment. If the applicant is proposing to install over 3,000 square feet of impervious area, such as concrete pads and foundations, on the project site, a drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval.

All equipment on the site is portable/mobile and no concrete structures or pads have been installed and none of these structures would be installed to operate the recycling equipment.

ENVIRONMENTAL ANALYST REVIEW

ENV2. Landscaping should be required, as it would mitigate the appearance of the facility and provide compatibility with the surrounding area.

ASCI is proposing to construct an 8 ft. high screening fence to be placed upon the southeastern border of the site along Brighton Rd. as part of the approval for this CUP. This fence will be set back just to the inside of right-of-ways that have been given to Adams County on Brighton Rd. This 8 ft. screen fence will block all views of stockpiles, except possibly the very tops, and outside storage from view from Brighton Rd. The screen fence is shown on the Site Plan. ASCI is not proposing landscaping along Brighton Rd. as the request for a recycling CUP is a very short-term request and we do not know the ultimate future of this property. Landscaping would not improve the appearance of the activities to the west of the screening fence and would take several years to mature. The property along Brighton Rd. would probably be best-suited for a light-industrial type of land use as is the land use on the property on the east side of Brighton Rd. across from the Speer inert landfill site. At the time of re-zoning/CUP of the Speer property for a long-term use, particularly along Brighton Rd., landscaping will be required if appropriate.

ENV3. There are significant concerns regarding the pile heights and 30+ feet should not be allowed, as they can be seen from the nearby Regional Park and thoroughfares. An 8-foot screen fence will not block the view of the tall piles. It is recommended that the pile size be decreased to a height that will not be seen from the park or roadways

Current stockpiles of materials to be recycled consisting of asphalt and concrete can be in excess of approximately 30 ft. in height in some cases, but only in the southwest area of the operation far from Brighton Rd. These high stockpiles are being rapidly reduced in size due to processing and removal. Incoming inert landfilling materials (concrete, asphalt, dirt, brick and tile, etc.) are no longer being stockpiled but are placed next to the lake to be backfilled and pushed into it. Therefore, stockpiles that are currently on the site will continue to be constantly reduced in height. Even stockpiles that are 15 ft. or less in height could be seen from 120th Avenue Parkway in the southwestern area. Stockpiles lower in height are also currently located to the west of Brighton Rd. and will be located slightly west of that area in the central portion of the site until completely gone in December 2017. These areas are shown on the Site Plan. As described above, the 8 ft. high screening fence will block views of the majority of these stockpiles from Brighton Rd. ASCI, as part of this short-term CUP approval, is asking for approval to maintain the current stockpile height of stockpiles (understanding that they are constantly being reduced and removed) on this site for the remainder of the operation until December 2017. This is also with the understanding that as a condition of approval, no more

materials will be stockpiled on site for recycling, but that the only stockpiled materials to be recycled are what currently exist on the site.

The location of the recycling operations is far southeast from the current Regional Park and south of 124th Ave./Henderson Rd. on the east side of the South Platte River. Directly west of the proposed operations, the regional park/water-storage reservoirs are currently completely undeveloped.

The current operation is visible from the South Platte River Trail on the west side of the river for only a short distance near the southern area of operations. The remainder of the current operations and stockpiling is screened from view of the bike path/trail by trees and distance from the bike path/trail to the operations area, as ASCI operations are farther to the east separated by a "point bar" and the elevated bench of the river bank. The remaining northern area of the inert landfill area (remaining lake) will not contain any stockpiles or equipment as this area is being used solely for inert backfilling into the lake.

All stockpiles and active operations for inert filling and recycling will cease in December 2017, approximately 14 months from the date of submittal of these comments and the site will be reclaimed as agricultural and essentially level.

ENV4. Bonding shall be required as determined by the Adams County Development Standards and Regulations. The recycling activity is an activity separate from the filling operation and shall be bonded as such. The current bonding for the facility is with the CO DRMS, which oversees the reclamation of the gravel mine, which is not associated with the recycling operation.

As part of the approval process for this CUP for recycling at the Speer Inert Landfill site, it is understood that a Performance Bond is normally required naming Adams County as the beneficiary for the cost of removal (or in this case, filling of the lake with remaining inert materials on the site) should ASCI no longer be able to complete the requirements of the inert filling CD or CUP for recycling. The bonding required for this activity is already in place with a State of Colorado required Division of Reclamation, Mining and Safety ("DRMS") financial warranty bond in the amount of \$678,169.00 that is current. Bonding to two different agencies should not be required for the same activity.

The DRMS reclamation bond was based on reclaiming the site by complete backfilling with inert materials into the mined-out lake and with top-soiling and re-vegetation of the backfilled materials. The amount of backfill determined for this bonding (as well as the amount approved by the CD for this operation in 2011) was 500,000 cubic yards. The amount of materials remaining on the site to be recycled are much less than this amount and the amount of area to be backfilled is easily one-half of that approved for inert filling (26 acres). Therefore, the site is currently actually over-bonded for the amount of materials remaining on the site. ASCI is also bonded (through a trust agreement) with the CDPHE in the amount of \$170,392.48 for a post-closure bond for 30-years of groundwater sampling at the site.

PARKS REVIEW

PRK1. This property is adjacent to the Adams County Regional Park (on the west) and in close proximity to the South Platte River Trail. Recycling operations, including pile heights and noise, should impact the Park and Trail to the minimum extent possible.

See response under ENV3 above.

PLANNER REVIEW

PLN4. Recycling Uses shall comply with Section 4-10-02-04-07 (see attached). Demonstrate compliance with each listed item.

This item was addressed in the CUP submittal in that all provisions of Section 4-10-02-04-07 are already required and being complied with as part of the CD approval in 2011.

PLN7. The property is located in the A-3 zoning district. Per Section 3-10-01 the purpose of the Agricultural-3 District is to provide land primarily in holdings of at least 35 acres for dryland or irrigated farming, pasturage, or other related food production uses. The use is not consistent with the existing zoning.

PLN8. The property is located within the Agriculture future land use. Agriculture areas are those locations that are not expected to develop, except for limited areas of very low density residential at densities of 1 dwelling per 35 acres, for the foreseeable future. These areas are typically characterized by a lack of urban services. The use is not consistent with this designation.

The currently approved use of this property for an inert landfill is also not consistent with the existing zoning. The recycling CUP being requested is for a temporary use of this land as is the inert filling operation. The zoning will remain Agriculture at this time and at the closure of this site and will be reclaimed as such. At some point in the near-future, a possible change of zone or conditional use will be applied for with Adams County for a more permanent and compatible use of the property similar to surrounding uses.

PLN9. The site would be required to conform to the County's landscaping requirements outlined in Section 4-16. The applicant shall provide a landscaping and screening plan that conforms to the regulations. Please provide the required landscaping plan.

See response under ENV2 previous.

PLN10. Address stockpile locations and heights. Staff will not support stock piles heights that could be seen from the public right-of-ways or from neighboring properties. Pile heights of 30 feet or greater are unacceptable. Please address this issue and detail how the piles can be reduced significantly in the short term. Can the piles be reduced to eight feet or less? Please provide more information.

See response under ENV3 previous.

PLN11. You need to address the concerns from Parks concerning trail impacts. Note that trails are required to be buffered per section 4-16-18-02. At a minimum, this includes a 15-foot buffer yard

width with 3 trees per 60 linear feet. Please see the comments from Parks and reach out to them to determine if their concerns will be met.

The location of the recycling operations is far southeast from the current Regional Park and south of 124th Ave./Henderson Rd. on the east side of the South Platte River. Directly west of the proposed operations, the regional park/water-storage reservoirs are currently completely undeveloped.

The current operation is visible from the South Platte River Trail on the west side of the river for only a short distance near the southern area of operations. The remainder of the current operations and stockpiling is screened from view of the bike path/trail by trees and distance from the bike path/trail to the operations area, as ASCI operations are farther to the east separated by a "point bar" and the elevated bench of the river bank. The remaining northern area of the inert landfill area (remaining lake) will not contain any stockpiles or equipment as this area is being used solely for inert backfilling into the lake.

All stockpiles and active operations for inert filling and recycling will cease in December 2017, approximately 14 months from the date of submittal of these comments and the site will be reclaimed as agricultural and essentially level.

PLN12. Address how you will keep public roads and neighboring free from debris and dust. See comments from engineering.

See response under ENG3 previous.

PLN13. Provide more information about the outdoor storage. Only equipment associated with the CD operations or the recycling operations would be allowed. What are the construction trailer and traffic control items being used for?

Construction trailers and traffic control equipment are simply "overflow" from our other construction yards and are located on this site for temporary convenience. All outside storage will be screened by the 8 ft. screening fence along Brighton Rd. ASCI is currently in a Use by Special Review process with Weld County for a multiple-use site that will include equipment storage. Approval of this use is expected by the end of 2016 and all storage of non-essential equipment for recycling or inert landfilling will be moved to this location in early 2017. In the worst case, the construction trailers and traffic control equipment will be removed entirely from this site along with all operations by December 6, 2017.

PLN14. You will need to provide a performance bond associated with the recycling facility as required per code. Please provide an analysis concerning the bond and the amount that will be provided to Adams County. Prior to commencing operations, and thereafter during the active life of the facility, and for one (1) year after closure, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. The amount of said bond shall be necessary to remove materials from recycling facilities for disposal at an appropriate disposal facility. The amount of the bond shall be calculated to include removal, tipping fees, and transportation costs. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient

to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.

PLN15. Should staff consider this recycling request, the expiration of the CUP would need to coincide with the expiration of the CD (or sooner).

See response under ENV4 previous.

TRI-COUNTY HEALTH DEPT.

Tri-County Health has several low-level comments that are addressed below. The Tri-County Health comments are paraphrased for convenience.

Registering the Construction and Demolition Recycling Facility with CDPHE

This comment has to do with registering the recycle facility with CDPHE.

CDPHE has already commented on the recycling facility and has no involvement with the proposed recycling operation, only with the inert landfill.

Vector Control-Outside Storage

This comment has to do with vector control (mice and rats).

The areas of inert landfiling, recycling and stockpiles are far too active and disturbed for any establishment of mice and rats or any other wildlife. The wording on the map for the “abandoned” office building was probably incorrect as this structure is only “abandoned” in the sense that it is no longer being used as an office. It is still used for storage of some onsite equipment components and is often entered into. The structure has no basement and all windows and doors are effectively sealed.

Fugitive Dust

This comment has to do with the generation of fugitive dust on the site and air permitting.

This site is fully-permitted with the APCD and fugitive dust is controlled with water on the active interior haul roads and areas of active inert filling into the mined-out lake. All onsite operational equipment for crushing and screening is portable/mobile and are individually permitted with the APCD.

Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Re-submittal Form

Case Number: RCU2016-00025

Case Manager: Chris LaRue

Resubmitted Items:

- ☐ Development Plan/ Site Plan
- ☐ Plat
- ☐ Parking/ Landscape Plan
- ☐ Engineering Documents
- ☐ Subdivision Improvements Agreement
- ☒ Other: 2nd responses to application revue comments.

*All re-submittals must have this cover sheet and a cover letter addressing review comments.

The cover letter must include the following information:

- Restate each comment that requires a response
- Provide a response below the comment with a description of the revisions
- And identify any additional changes made to the original document

For County Use Only:

Date Accepted: _____

Edocs # _____

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Erik Hansen
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Jan Pawlowski
DISTRICT 5

ASPHALT



10100 Dallas St. • Henderson, CO 80640 • (303) 289-8555 • Fax: (720) 289-7707

ADDITIONAL RESPONSES TO ADAMS COUNTY
DEVELOPMENT REVIEW TEAM NOV. 8, 2016 COMMENTS FOR
ASPHALT SPECIALTIES CO., INC. C.U.P SUBMITTAL OF
AUG. 11, 2016 FOR RECYCLING ON THE SPEER INERT LANDFILL SITE
RCU2016-00025

November 29, 2016

Submitted below are additional responses to comments received by Asphalt Specialties Co., Inc. ("ASCI") on November 8, 2016 to the CUP application for recycling on the Speer Inert Landfill site submitted on August 11, 2016.

The responses are being submitted in the general order as received by ASCI. The comments received by ASCI were not in a formatted order and specifically set-out by each county development review team member/division and so are being answered in the most logical order that ASCI can ascertain. Adams County comments are paraphrased here in *italics* while the responses are answered in standard print.

PLANNER REVIEW:

Items stored on the site that are not to be utilized for the activities onsite are not permitted and need to be removed immediately.

The ASCI response to this comment is essentially the same information as was submitted with the CUP application and from the first set of responses to comments regarding this application. Construction trailers and traffic control equipment are simply "overflow" from our other construction yards and are located on this site for temporary convenience. All outside storage will be screened by the 8-ft. screening fence along Brighton Rd. ASCI is currently in a Use by Special Review process with Weld County for a multiple-use site that will include equipment storage. Approval of this use is expected by the first quarter of 2017 and all storage of non-essential equipment for recycling or inert landfilling on the Speer site will be moved to this location in early 2017. In the worst case, the construction trailers and traffic control equipment will be removed entirely from this site along with all operations by December 6, 2017.

Landscaping should be utilized for your site along with screen fencing where the site can be seen from 120th Ave., Brighton Rd. and the trail and County properties to the west. (This concern was also expressed by the Environmental Analyst)

ASCI is proposing to construct an 8-ft. high screening fence to be placed upon the southeastern border of the site along Brighton Rd. as part of the approval for this CUP. This fence will be set back just to the inside of right-of-way's that have been given to Adams County on Brighton Rd. This 8-ft. screen fence will block all views of outside storage from view from Brighton Rd. The screen fence is shown on the Site Plan. ASCI is open to the possibility of landscaping along Brighton Rd., but is unsure of the extent of landscaping being requested. We have included an example of landscaping that was approved by Weld County along WCR-27 north of Brighton and that is also being proposed at another site in Weld County at this time. Is this what Adams County is looking for? We would then set back the screening fence further to accommodate the strip of landscaping area. The Parks Dept. has no further comment to this CUP and so appear to be satisfied that landscaping along the west side of the site (Platte River location) is not warranted. Landscaping along the southern boundary of the CUP site would serve no purpose as views of the operation from 120th Avenue Parkway cannot be blocked due to the higher-elevation of 120th Avenue Parkway.

The request for a recycling CUP is a very short-term request and we do not know the ultimate future of this property. Landscaping would not improve the appearance of the activities to the west of the screening fence and would take several years to mature. The property along Brighton Rd. would probably be best-suited for a light-industrial type of land use as is the land use on the property on the east side of Brighton Rd. across from the Speer inert landfill site. At the time of re-zoning/CUP of the Speer property for a long-term use, particularly along Brighton Rd., landscaping will be required anyway.

We are still concerned about bonding and would require that Adams County be included. Can the existing bonds with the state agencies also include Adams County in some manner to satisfy the requirement?

As part of the approval process for this CUP for recycling at the Speer Inert Landfill site, it is understood that a Performance Bond is normally required naming Adams County as the beneficiary for the cost of removal (or in this case, filling of the lake with remaining inert materials on the site) should ASCI no longer be able to complete the requirements of the inert filling CD or CUP for recycling. The bonding required for this activity is already in place with a State of Colorado required Division of Reclamation, Mining and Safety ("DRMS") financial warranty bond in the amount of \$678,169.00 that is current. Bonding to two different agencies should not be required for the same activity. The bond with the DRMS cannot be altered to name two different obliges. The CUP being requested with this application will only be in effect for approximately one more year (December 6, 2017). What would Adams County want the bonding to be based upon and how much money should the bond then be set for?

The DRMS reclamation bond was based on reclaiming the site by complete backfilling with inert materials into the mined-out lake and with top-soiling and re-vegetation of the backfilled materials. The amount of backfill determined for this bonding (as well as the amount approved by the CD for this operation in 2011) was 500,000 cubic yards. The amount of materials remaining on the site to be

recycled are much less than this amount and the amount of area to be backfilled is easily one-half of that approved for inert filling (26 acres). Therefore, the site is currently actually over-bonded for the amount of materials remaining on the site. ASCI is also bonded (through a trust agreement) with the CDPHE in the amount of \$170,392.48 for a post-closure bond for 30-years of groundwater sampling at the site.

ENGINEERING REVIEW

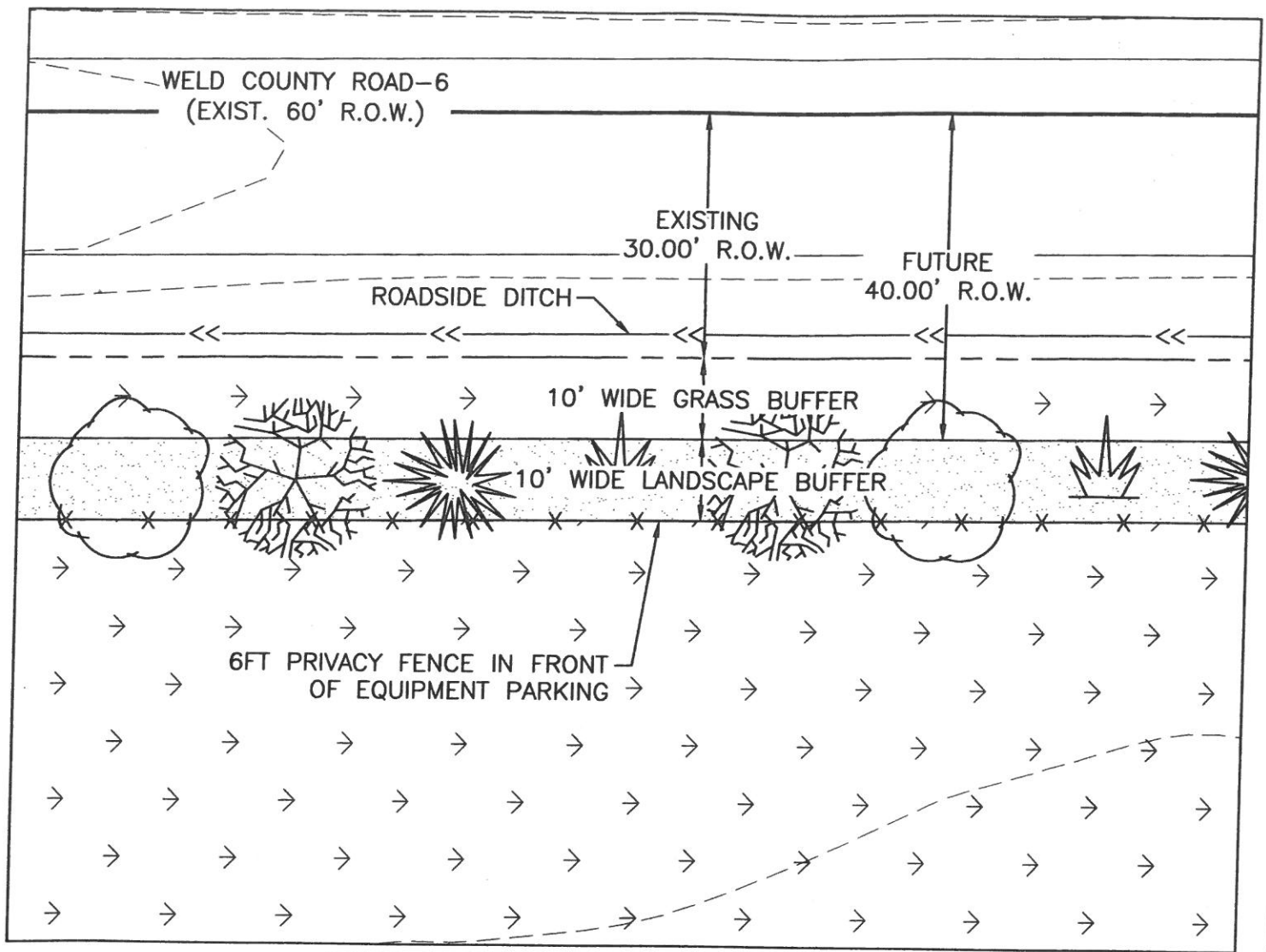
Development Engineering will require additional documentation for the proposed tracking control plan and street maintenance plan from the applicant.

This comment/concern was apparently resolved in two separate e-mails sent to Adams County (Chris LaRue and Greg Labrie) on November 14, 2016. They are being attached to this response for re-clarification.

PARKS REVIEW

No further comments from the Parks Department.

LANDSCAPING PLAN



WCR-6 AND LANDSCAPE DETAIL

SCALE: 1"=20'

LANDSCAPE LEGEND



DECIDUOUS TREE
7 - FLOWERING CRABAPPLE
CALIPER = 4"±



CONIFEROUS TREE
4 - NATIVE PINE
CALIPER = 4"±



BUSH/SHRUB
7 - GOLDEN PRIVET
HEIGHT = 2'-3'



ORNAMENTAL GRASS
8 - BIG BLUESTEM
HEIGHT = 3'±

E-MAIL/LETTER CORRESPONDENCE WITH
ADAMS COUNTY STORMWATER MANAGEMENT DIVISION

Rob Laird

From: Rob Laird
Sent: Monday, November 14, 2016 2:54 PM
To: 'clarue@adcogov.org'
Cc: 'Greg Labrie'; Gary Stillmunkes
Subject: FW: Adams County Speer Storm Sewer Violation
Attachments: 13309.png; 13316.png; 13318.png; 13321.png; 13323.png; 13327.png; 13330.png; 13333.png; Outfall Storm Pipe East.jpg; Outfall West Storm Pond Outlet pipe.jpg; Speer Erosion Control Blanket with seed.jpg; 13488.jpeg

Chris and Greg:

Please see e-mails and data and photos below. There must be other communication and info previous to this as well. It seems to be that there is some mis-communication at Public Works/Engineering on the maintenance issue for the Speer site. This appears to have all been taken care of and has included a maintenance plan for the future. Please get with Juliana.

Take whatever language has been committed to for a maintenance plan and that can be incorporated into the USR conditional uses. Rob Laird

From: Juliana J. Archuleta [<mailto:MJArchuleta@adcogov.org>]
Sent: Thursday, November 10, 2016 2:54 PM
To: Gary Stillmunkes <GaryS@asphaltspecialties.com>
Cc: Christopher LaMere <CLaMere@adcogov.org>; Gordon Stevens <GStevens@adcogov.org>; John Dyer <JDyer@adcogov.org>; David Rausch <DRausch@adcogov.org>
Subject: RE: Asphalt Specialties - Meeting Notes: 10/14/2016

This is great, thank you for sending the pictures. Please keep this email for your records.
The NOV dated 10/05/2016 is now closed. All requested items have been addressed properly.

- 1) Please ensure the kick broom is no longer in use and sweeping continues to be done by a vacuum sweeper.
- 2) Continue evaluating the internal road material to minimize tracking. If tracking becomes an issue, consider installing a VTC.
- 3) You can remove the rock socks on both inlets downstream. They are too small and will probably be pushed in the inlet box by snowplowers.

Thanks again for all your help,



Juliana Archuleta
Stormwater Coordinator, Transportation Department
ADAMS COUNTY, COLORADO
4430 South Adams County Parkway, Suite W2000B
Brighton, CO 80601-8212

Main: 720.523.6400 | Direct: 720.523.6869

mjarchuleta@adcogov.org | www.adcogov.org/stormwater

From: Gary Stillmunkes [<mailto:GaryS@asphaltspecialties.com>]
Sent: Tuesday, November 08, 2016 10:31 AM
To: Juliana J. Archuleta
Cc: Christopher LaMere
Subject: RE: Asphalt Specialties - Meeting Notes: 10/14/2016

Juliana,

Please find the following attachment pictures where Asphalt Specialties had addressed and completed Item 3, listed below.

Crews had cleaned out inlets and pipe outfall to the storm water pond area, ensuring everything is cleaned. We have also installed native seed and erosion control blankets at inlet area. Once you review the attachments you can see we have completed all items regarding the violation notice.

Thank you,

Gary Stillmunkes
Asphalt Specialties Co., Inc.
10100 Dallas Street
Henderson, CO 80640

Direct Line: (720)322-7056
Office: (303)289-8555
Fax: (303)289-7707
Cell: (303)994-0408
Web: www.asphaltspecialties.com

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Think green, keep it on the screen.

From: Juliana J. Archuleta [<mailto:MJArchuleta@adcogov.org>]
Sent: Tuesday, October 25, 2016 9:06 AM
To: Gary Stillmunkes <GaryS@asphaltspecialties.com>
Cc: Christopher LaMere <CLaMere@adcogov.org>
Subject: RE: Asphalt Specialties - Meeting Notes: 10/14/2016

Hi Gary, would you please send us an update about item #3 below? Thanks,



Juliana Archuleta
Stormwater Coordinator, Transportation Department
ADAMS COUNTY, COLORADO
4430 South Adams County Parkway, Suite W2000B
Brighton, CO 80601-8212

Main: 720.523.6400 | Direct: 720.523.6869

mjarchuleta@adcogov.org | www.adcogov.org/stormwater

From: Gary Stillmunkes [<mailto:GaryS@asphaltspecialties.com>]
Sent: Tuesday, October 18, 2016 9:15 AM
To: Juliana J. Archuleta
Subject: RE: Asphalt Specialties - Meeting Notes: 10/14/2016

Hi Juliana,

I did receive your email and will get with the owner for his input and will be back in touch.

Thank you,

Gary Stillmunkes
Asphalt Specialties Co., Inc.
10100 Dallas Street
Henderson, CO 80640
Direct Line: (720)322-7056
Office: (303)289-8555
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Think green, keep it on the screen.

From: Juliana J. Archuleta [<mailto:MJArchuleta@adcogov.org>]
Sent: Monday, October 17, 2016 3:22 PM
To: Gary Stillmunkes <GaryS@asphaltspecialties.com>
Cc: Christopher LaMere <CLaMere@adcogov.org>
Subject: FW: Asphalt Specialties - Meeting Notes: 10/14/2016

Hi Gary, I sent this list to the wrong contact this morning, sorry I did not realize that by the time we talked over the phone this afternoon. Let me know if this make sense now.

From: Juliana J. Archuleta
Sent: Monday, October 17, 2016 10:11 AM
To: 'Gentry, Gary (BMT - San Antonio)'
Cc: Christopher LaMere; John Dyer; David Rausch
Subject: FW: Asphalt Specialties - Meeting Notes: 10/14/2016

Good morning Gary,

Thank you for meeting with us on Friday. We made an effort to come up with a list of reasonable action items. Please go over the list below and let us know if you have any questions.

- 1) Internal Roads:
 - a. The VTC was removed and a mix of asphalt and recycling shingles was use on all the internal roads.
 - b. The county is initially willing to test the performance of this road as long as tracking is reduced/minimized.

- c. Another inspection will be performed in the next 2 weeks to evaluate the compaction and tracking.
- d. Please provide material specifications/description.
- e. If additional material is added:
 - i. It is recommended to apply thin layers, water and compact them before the next layer is applied (this is just a recommendation, it may not warrant adequate compaction)
 - ii. Grade area in a way to route any on-site run-off towards the on-site retention pond.

2) Road-side along Henderson:

- a. Please just continue sweeping regularly (vacuuming) as close to the edge of the pavement as possible.
- b. Do not grade the road-side/shoulder. The benefits are not greater than the potential issues that we can create such as exposing more soil, creating flooding issues to neighbors, etc.

3) Storm sewer system downstream:

- a. Remove dirt from both inlet openings, around 10 ft radius. Grade/rake/hand seed/place blanket around this 10 ft area (add topsoil if needed). See document attached for guidance.
- b. Vacuum and jet both inlets, the pipe between the inlets and also the pipe from the west inlet into the pond. Coordinate with John Dyer so he can be present during cleaning operations: C: 720-597-1188
- c. Remove sediment from the concrete trickle channel. Coordinate with John Dyer, to access the fenced pond: C: 720-597-1188.

Please keep us updated about the progress and/or estimated completion date. We need to document on our end and re-inspect before we can close this case. Thanks again for all your collaboration and understanding.



Juliana Archuleta

Stormwater Coordinator, Transportation Department

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, Suite W2000B

Brighton, CO 80601-8212

Main: 720.523.6400 | Direct: 720.523.6869

mjarchuleta@adcogov.org | www.adcogov.org/stormwater

ASPHALT



SPECIALTIES CO.®

10100 Dallas Street

Henderson, CO 80640

(303)289-8555

October 10, 2016

Adams County
Juliana Archuleta
Stormwater Management Division
4430 S. Adams County Parkway
Ste. W2000B
Brighton, CO 80601

RE: Notice of Violation ILD-00250 ASCI 12021 Brighton Road

Ms. Archuleta,

Asphalt Specialties Co., Inc. (ASCI) is providing a respond and addressing the above referenced "Notice of Violation" letter by Christopher LaMere on October 5, 2016. The notice letter provided details regarding his stormwater site investigation visit at the 12021 Brighton Road property owned by ASCI. The correspondence states a compliance violation regarding methods for cleaning Brighton Road of tracked materials sediment from the property.

- Property was brought into compliance immediately upon notification of violation on October 3rd by close of business. The material that was tracked onto Brighton Road was collected and properly disposed of by the dry method.
- Vehicle Tracking pad was cleaned and refreshed by close of business October 3rd.
- ASCI personnel immediately discontinued use of kick broom and watering of roadway. Prior to notification ASCI Inert Landfill personnel monitored and cleaned roadway as needed for volume of traffic exiting from site.
- Daily remediation procedures listed below have been implemented effective, October 4, 2016.

ASCI will continue expanding "hard-plate aggregate materials" on all interior haul roads at this site including the entrance and exit access locations. The current tracking control existing of cobble-sized broken concrete at the exit location will be removed and replaced with hard-plate aggregate materials. This will be a much more effective solution to preclude tracking of mud onto Brighton Road, and this material will also enhance dust control mediation procedures for onsite traffic routes. In case of adverse weather conditions at the site which may cause tracking of mud onto Brighton Rd., ASCI will immediately contact our sub-contracting company to use a vacuum truck or pick-up broom to collect the mud and remove any tracked material from Brighton Road. The kick-boom will no longer be employed and no water will be used to clean

Brighton Road. These measures will be installed and implemented before October 14, 2016. This street maintenance plan will be adhered to for the duration of the recycling CUP approval/inert filling CD (December 2017).

Asphalt Specialties Co., Inc. has completed all items and is requesting a site inspection to document that best practice procedures have been implemented.

Sincerely,

A handwritten signature in cursive script that reads "gary stillmunkes".

Gary Stillmunkes

ASCI – Business Manager

Direct Line: (720)322-7056

Email: garys@asphaltspecialties.com

SUMMARY OF NEIGHBORHOOD MEETING

On August 10, 2016 at 6:00 PM, a neighborhood meeting was held at the County Regional Park in the “Red Cross” building. This meeting was announced by letter to all surrounding property owners within 500 ft. from a list that was prepared by Adams County. All notices were sent on July 27, 2016, fully 15 days prior to the meeting. The meeting was held to explain the purpose for the recycling CUP with a verbal and graphic presentation of the proposal and to discuss any issues that nearby property owners would have with the proposed use of the property for recycling. Adams County was copied on the notice package via the postal service and in an e-mail on July 28, 2016 to Chris LaRue.

ASCI provided a sign-in sheet and comment sheets for those who wished to have written comments to us. The completed sign-in sheet follows. These neighbors will probably wish to continue to be informed of the dates for public hearings. Rob Laird (ASCI) gave a brief presentation of the site and the purpose for the CUP for recycling operations and that the operations would cease in December 2017. Gary Stillmunkes (ASCI) took notes which also follow.

Results of the meeting can be summarized as follows:

- Most comments as shown by the notes taken centered around truck traffic, dust from interior haul roads and on Brighton Rd. and from stockpiles during high winds.
- Ensuring that trucks cover their loads.
- And cleaning-up and removing the berms along with the installation of the 8 ft. screen fence on Brighton Rd. and repairing fences where needed.
- The neighbors that attended were appreciative of holding this meeting and looked forward to the winding-down and cessation of industrial activities on the site in December 2017.

For the short time that ASCI will be remaining on this site with active operations, ASCI re-committed to the neighbors at the meeting that we would reinforce our policies on covered loads and using “Jake” brakes on 120th Parkway the best we could, although these actions are governed by the State of Colorado, not ASCI. We also committed to trying to make sure that a water truck was always available to keep the interior haul roads watered so as to preclude excessive dust. The continued use of the “broom” on Brighton Rd. during inclement weather periods will be enforced.

Title

Date

Job no.

Subject

By

Sheet

of

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

8/10/16 - bpm Neighbor Meeting

Speer CUP Application - Recycling

Rob - Explained Meeting purpose
History of site -

Discussed scope of work with CUP Application

What CUP Means for official Authorization

Future Use - Agricultural in floodway

Light Ind. Zone next to Brighton Road
Closing of site with existing activities

Comments -

Dust Control - Rdways + Stockpiles / NEED to increase

Keeping Brighton Rd cleaner

Beams Need to be Removed

Commit to 8' screened Fencing -

Fence Along Castle Property

Truck Traffic Using Jake Brakes - Need

Truck Drivers cover their Loads - ENFORCEMENT

Save tree @ 124

Asphalt Specialties Co., Inc.

Neighborhood Meeting

Speer CUP (conditional use permit)

Speer CUP (conditional use permit)		Neighborhood Meeting	
Date	Print Name	Address	Phone/Email number
1 8/10/2016	Neil Burbach	12199 Brighton Rd.	303-659-3682
2 8/10/2016	Richard Geraldine Haight	12200 Brighton Rd.	303-659-3426
3 8/10/2016	Shirley Cutler	12395 Brighton Rd	303-659-3701
4 8/10/2016	Jolene Prill	12375 Brighton Rd	303-654-1337
5 8/10/2016	Jolene Sweetman	11920 Brighton Rd	303-286-1651
6 8/10/2016	Kevin Sweetman	11920 Brighton Rd	303-434-1262
7 8/10/2016	Tom Walahodi	12387 Brighton Rd	303-659-7244
8 8/10/2016	Lee Nelson	10920 EAST 120th	
9 8/10/2016	Diana Krenneller	10391 E 123rd Ave	720-289-4124
10 8/10/2016	Dan Krenner	10371 E 123rd Ave	720-299-4972
11 8/10/2016	ALFREDO GARCIA	10321 E 123rd Ave	303-655-0976
12 8/10/2016			
13 8/10/2016			
14 8/10/2016			
15 8/10/2016			
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17 8/10/2016			
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24 8/10/2016			
25 8/10/2016			

Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Development Review Team Comments

Date: 9/19/2016

Project Number: RCU2016-00025

Project Name: Asphalt Specialties Co.

Note to Applicant:

The following review comments and information from the Development Review Team is based on the information you submitted for the Conceptual Review meeting and applicable to the submitted documents only. The Development Review Team review comments may change if you provide different information during the scheduled Conceptual Review meeting date. Please contact the case manager if you have any questions:

Commenting Division: Building Review

Name of Reviewer: Justin Blair

Date: 08/22/2016

Email: jblair@adcogov.org

No Comment

Commenting Division:**Name of Reviewer:** Matthew Emmens**Date:** 09/16/2016**Email:** memmens@adcogov.org**Resubmittal Required**

All comments are site specific

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0336H & 08001C0317H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, the majority of the project site is located within a special flood hazard delineated area. The FIRM panels show that approximately half the site located within the 100-year floodway and, the majority of the remainder of the site is located within the 100-year floodplain. Development within the floodway is very restrictive and would require obtaining a Conditional Letter of Map Revision (CLOMR) from FEMA. Development within the 100-year floodplain is also restrictive but allowed and, will require a floodplain use permit be issued by the County.

ENG2: The applicant's submittal included information concerning traffic impacts. The information indicates that impacts from this additional use would not increase traffic impacts beyond what was approved with the original conditional use permit for this site in 2000 (RCU2000-00058). Staff is in agreement with this conclusion.

ENG3: County staff has indicated that the existing site generates a significant amount of dirt and mud that is left on Brighton Rd and 120th Ave. The applicant has indicated that they have used "broom" truck in the past to clean the streets. However, County staff believes the street cleaning needs to happen more frequently. The applicant will need to submit, for review and approval, a street maintenance plan indicating street cleaning methods and schedules. The County will expect the applicant to adhere to the approved street maintenance plan.

ENG4: The applicants site plan indicates the installation of large machinery and equipment. If the applicant is proposing to install over 3,000 square feet of impervious area, such as concrete pads and foundations, on the project site, a drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval.

Commenting Division: Environmental Analyst Review

Name of Reviewer: Jen Rutter

Date: 09/16/2016

Email: jrutter@adcogov.org

Complete

ENV1. The provided recycling operations plan is sufficient.

ENV2. Landscaping should be required, as it would mitigate the appearance of the facility and provide compatibility with the surrounding area.

ENV3. There are significant concerns regarding the pile heights and 30+ feet should not be allowed, as they can be seen from the nearby Regional Park and thoroughfares. An 8-foot screen fence will not block the view of the tall piles. It is recommended that the pile size be decreased to a height that will not be seen from the park or roadways.

ENV4. Bonding shall be required as determined by the Adams County Development Standards and Regulations. The recycling activity is an activity separate from the filling operation and shall be bonded as such. The current bonding for the facility is with the CO DRMS, which oversees the reclamation of the gravel mine, which is not associated with the recycling operation.

Commenting Division: Parks Review

Name of Reviewer: Aaron Clark

Date: 09/09/2016

Email: aclark@adcogov.org

Complete

PRK1. This property is adjacent to the Adams County Regional Park (on the west) and in close proximity to the South Platte River Trail. Recycling operations, including pile heights and noise, should impact the Park and Trail to the minimum extent possible.

Commenting Division: Planner Review

Name of Reviewer: Chris LaRue

Date: 09/16/2016

Email: clarue@adcogov.org

Resubmittal Required

PLN1. PLN1. Request is for a Conditional Use Permit (CUP) for a Recycling facility and wholesale of recycled material in the A-3 zoned district.

PLN2. Per Section 11-02-428, recycling facilities are when operators and owners claim exclusion from the Certificate of Designation Regulations by operating facilities, or sites receiving solid waste materials, for the purpose of processing, reclaiming, or recycling solid waste materials. The exclusion requires submittal of a design and operations plan to the Department of Community and Economic Development, which will be reviewed in accordance with the recyclable materials criteria.

PLN3. Per Section 3-07-01 a recycling facility is a Heavy Industrial use only allowed as a CUP in the A-3 zone.

PLN4. Recycling Uses shall comply with Section 4-10-02-04-07 (see attached). Demonstrate compliance with each listed item.

PLN5. Per Section 3-07-01 wholesale trade is a light industrial use only permitted within an A-3 zone by CUP. General commercial retail sales are a prohibited use in the A-3 zone.

PLN6. The Board of County Commissioners (BOCC) is the final decision authority to review and approve/deny CUPs. Also CUPs are reviewed by the Planning Commission (PC).

PLN7. The property is located in the A-3 zoning district. Per Section 3-10-01 the purpose of the Agricultural-3 District is to provide land primarily in holdings of at least 35 acres for dryland or irrigated farming, pasturage, or other related food production uses. The use is not consistent with the existing zoning.

PLN8. The property is located within the Agriculture future land use. Agriculture areas are those locations that are not expected to develop, except for limited areas of very low density residential at densities of 1 dwelling per 35 acres, for the foreseeable future. These areas are typically characterized by a lack of urban services. The use is not consistent with this designation.

PLN9. The site would be required to conform to the County's landscaping requirements outlined in Section 4-16. The applicant shall provide a landscaping and screening plan that conforms to the regulations. Please provide the required landscaping plan.

PLN10. Address stock pile locations and heights. Staff will not support stock piles heights that could be seen from the public right-of-ways or from neighboring properties. Pile heights of 30 feet or greater are unacceptable. Please address this issue and detail how the piles can be reduced significantly in the short term. Can the piles be reduced to eight feet or less? Please provide more information.

PLN11. You need to address the concerns from Parks concerning trail impacts. Note that trails are required to be buffered per section 4-16-18-02. At a minimum, this includes a 15 foot bufferyard width with 3 trees per 60 linear feet. Please see the comments from Parks and reach out to them to determine if their concerns will be met.

PLN12. Address how you will keep public roads and neighboring free from debris and dust. See comments from engineering.

PLN13. Provide more information about the outdoor storage. Only equipment associated with the CD operations or the recycling operations would be allowed. What are the construction trailer and traffic control items being used for?

Commenting Division: Planner Review

Name of Reviewer: Chris LaRue

Date: 09/16/2016

Email: clarue@adcogov.org

Resubmittal Required

PLN14. You will need to provide a performance bond associated with the recycling facility as required per code. Please provide an analysis concerning the bond and the amount that will be provided to Adams County. Prior to commencing operations, and thereafter during the active life of the facility, and for one (1) year after closure, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. The amount of said bond shall be necessary to remove materials from recycling facilities for disposal at an appropriate disposal facility. The amount of the bond shall be calculated to include removal, tipping fees, and transportation costs. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.

PLN15. Should staff consider this recycling request, the expiration of the CUP would need to coincide with the expiration of the CD (or sooner).

Commenting Division: ROW Review

Name of Reviewer: Robert Kovacs

Date: 09/19/2016

Email: rokovacs@adcogov.org

Complete

ROW1: No ROW concern following review of submitted documents including Title Commitment.
ROW2: Required ROW Dedication to County from previous case has been made.

From: [Aaron Clark](#)
To: [Chris LaRue](#)
Subject: RE: RCU2016-00028 Asphalt Specialties re-submittal
Date: Monday, December 12, 2016 2:49:34 PM

Chris, no comment particularly, but since there seems to be some discussion about this in this re-submittal, I'll note that I don't feel that landscaping the western edge of this site would accomplish much. There are established trees on both banks of the river that provide a decent, albeit imperfect, screen, and landscaping will take a long time to grow in; that's why my only real concern was the pile heights. If those come down, then the visual impact along the trail is greatly reduced, and there's only a short stretch of trail where the operation is plainly visible.

From: Chris LaRue
Sent: Monday, December 05, 2016 2:39 PM
To: Chris LaRue; Greg Labrie; Matthew Emmens; Jen Rutter; Aaron Clark; 'Laurel Broten'
Subject: RE: RCU2016-00028 Asphalt Specialties re-submittal

To All:

I neglected to send the updated information in the previous e-mail. Sorry about that. Attached is the new material.

Thanks,
Chris

Christopher C. LaRue

Senior Planner, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, W2000A

Brighton, CO 80601

o: 720.523.6858 | clarue@adcogov.org

www.adcogov.org

From: Chris LaRue
Sent: Monday, December 05, 2016 11:08 AM
To: Chris LaRue; Greg Labrie; Matthew Emmens; Jen Rutter; Aaron Clark; 'Laurel Broten'
Subject: RE: RCU2016-00028 Asphalt Specialties re-submittal

To All:

Please review this 2nd re-submittal from Asphalt Specialties. Please provide comments by 1:30pm on 12/13/16. If you do not have comments please respond accordingly.

Thanks,
Chris

From: [Greg Labrie](#)
To: [Chris LaRue](#)
Subject: RE: RCU2016-00028 Asphalt Specialties re-submittal
Date: Tuesday, December 06, 2016 10:07:01 AM
Attachments: [image002.png](#)

Development Engineering has no further comments.

Sincerely,

T. Greg Labrie, PE, CFM
Senior Engineer
Adams County
Development Engineering Services
4430 S. Adams County Parkway
Brighton, CO 80601
Ph # 720-523-6824



From: Chris LaRue
Sent: Monday, December 05, 2016 2:39 PM
To: Chris LaRue; Greg Labrie; Matthew Emmens; Jen Rutter; Aaron Clark; 'Laurel Broten'
Subject: RE: RCU2016-00028 Asphalt Specialties re-submittal

To All:

I neglected to send the updated information in the previous e-mail. Sorry about that. Attached is the new material.

Thanks,
Chris

Christopher C. LaRue

Senior Planner, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, W2000A

Brighton, CO 80601

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From: Chris LaRue

Sent: Monday, December 05, 2016 11:08 AM

To: Chris LaRue; Greg Labrie; Matthew Emmens; Jen Rutter; Aaron Clark; 'Laurel Broten'

Subject: RE: RCU2016-00028 Asphalt Specialties re-submittal

To All:

Please review this 2nd re-submittal from Asphalt Specialties. Please provide comments by 1:30pm on 12/13/16. If you do not have comments please respond accordingly.

Thanks,
Chris

Christopher C. LaRue

Senior Planner, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, W2000A

Brighton, CO 80601

o: 720.523.6858 | clarue@adcogov.org

www.adcogov.org

From: Chris LaRue

Sent: Monday, October 17, 2016 11:51 AM

To: Greg Labrie; Matthew Emmens; Jen Rutter; Aaron Clark; 'Laurel Broten'

Subject: RCU2016-00028 Asphalt Specialties re-submittal

To All:

Please see the attached re-submittal for the Asphalt Specialties case (RCU2016-00025). Please provide a response to me on this re-submittal by 10/31/16.

Thanks,
Chris

Christopher C. LaRue

Senior Planner, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, W2000A

Brighton, CO 80601

o: 720.523.6858 | clarue@adcogov.org

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Christopher C. LaRue

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Brighton, CO 80601

o: 720.523.6858 | clarue@adcogov.org

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From: Chris LaRue

Sent: Monday, October 17, 2016 11:51 AM

To: Greg Labrie; Matthew Emmens; Jen Rutter; Aaron Clark; 'Laurel Broten'

Subject: RCU2016-00028 Asphalt Specialties re-submittal

To All:

Please see the attached re-submittal for the Asphalt Specialties case (RCU2016-00025). Please provide a response to me on this re-submittal by **10/31/16**.

Thanks,

Chris

Christopher C. LaRue

Senior Planner, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, W2000A

Brighton, CO 80601

o: 720.523.6858 | clarue@adcogov.org

www.adcogov.org

From: [Loeffler - CDOT, Steven](#)
To: [Chris LaRue](#)
Subject: RCU2016-00025, Asphalt Specialties
Date: Tuesday, August 30, 2016 7:08:58 AM

Chris,

I have reviewed the request for comments regarding a CUP to allow the operation of asphalt and concrete products recycling at 12021 Brighton Road and have no objections.

Thank you for the opportunity to review this referral.

Steve Loeffler
Permits Unit



P [303.757.9891](tel:303.757.9891) | F [303.757.9886](tel:303.757.9886)
2000 S Holly Street, Denver, CO 80222
steven.loeffler@state.co.us | www.codot.gov | www.cotrip.org



From: [Todd - CDPHE, Andrew](#)
To: [Chris LaRue](#)
Subject: Re: RCU2016-00025 Asphalt Specialties-Speer request for comments
Date: Wednesday, August 24, 2016 2:41:29 PM

Hi Chris;

The CDPHE has no further comment. I believe we stated all we could in my June 27, 2016 e-mail to you.

Regards;
Andy Todd

On Wed, Aug 24, 2016 at 1:27 PM, Chris LaRue <CLaRue@adcogov.org> wrote:

The Adams County Planning Commission and Board of County Commissioners are requesting comments on the following request:

Conditional Use Permit to allow the operation of asphalt and concrete products recycling facility pursuant to Section 3-10-04-05.

This request is located at: 12021 BRIGHTON RD

The Assessor's Parcel Number is: 0157134000075

Applicant Information: ASPHALT SPECIALTIES CO INC
10100 DALLAS STREET
HENDERSON, CO 80640

Please forward any written comments on this application to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 [\(720\) 523-6800](tel:7205236800) by 09/16/2016 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to CLaRue@adcogov.org. The full text of the proposed request and additional colored maps can be obtained by contacting this office.

Thank you for your review of this case.



Christopher C. LaRue

Senior Planner, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, W2000A

Brighton, CO 80601

O: [720.523.6858](tel:720.523.6858) | clarue@adcogov.org

www.adcogov.org

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Andy Todd, P.E.
Environmental Protection Specialist
Solid Waste Permitting Unit



P [303.691.4049](tel:303.691.4049) | F [303.759.5355](tel:303.759.5355)

4300 Cherry Creek Drive South, Denver, Colorado 80246-1530

Andrew.Todd@state.co.us | www.colorado.gov/cdphe

From: [Todd - CDPHE, Andrew](#)
To: [Chris LaRue](#)
Cc: [Rob Laird](#)
Subject: Fwd: SPEER CUP FOR RECYCLE
Date: Monday, June 27, 2016 3:37:21 PM

Hello Chris;

There were no comments from CDPHE on the Speer CUP for recycling asphalt, concrete and metal.
As Wolf Kray mentions below, these materials are exempt from State regulation per 8.5.3 of our regulations.
Asphalt Specialties requested that the State reiterate our position on recycling of these materials.

Please call if questions or concerns.

Andy Todd

----- Forwarded message -----

From: **Kray - CDPHE, Wolfgang** <wolfgang.kray@state.co.us>
Date: Mon, Jun 6, 2016 at 6:55 AM
Subject: Re: SPEER CUP FOR RECYCLE
To: "Todd - CDPHE, Andrew" <andrew.todd@state.co.us>

Hi Andy,

Since recycling concrete and asphalt is exempt from the recycling regs- I do not plan on commeting regarding the Adams County permit.

On Thu, Jun 2, 2016 at 11:02 AM, Todd - CDPHE, Andrew <andrew.todd@state.co.us> wrote:

Wolf;

I see you're copied on this. To my vague knowledge, Asphalt Specialties' Speer Inert Landfill is an inert fill operation, landfilling asphalt/concrete/etc. I'm a bit surprised to realize they haven't been selling/recycling what they can.

I assume that you may comment back to Chris LaRue regarding what CDPHE may require for a recycling operation at this landfill site.

Let me know if we need to talk.

----- Forwarded message -----

From: **Chris LaRue** <CLaRue@adcogov.org>
Date: Wed, Jun 1, 2016 at 10:04 AM
Subject: SPEER CUP FOR RECYCLE
To: Aaron Clark <AClark@adcogov.org>, Christine Francescani <CFrancescani@adcogov.org>, Eric Guenther <EGuenther@adcogov.org>, Greg Labrie <GLabrie@adcogov.org>, Jen Rutter <JRutter@adcogov.org>, Justin Blair <jblair@adcogov.org>, Marc Pedrucci <MPedrucci@adcogov.org>, Matthew Emmens <MEmmens@adcogov.org>, Nathan Mosley <NMosley@adcogov.org>, Robert Kovacs <RKovacs@adcogov.org>, Mark Moskowitz <MMoskowitz@adcogov.org>, Emily Collins <ECollins@adcogov.org>, Greg Barnes <GJBarnes@adcogov.org>, Nana Appiah <NAppiah@adcogov.org>, Lynette Baumgartner <LBaumgartner@adcogov.org>, Libbie Adams <LAdams@adcogov.org>, Land Use Tri-County Health <landuse@tchd.org>, "lbroten@tchd.org" <lbroten@tchd.org>, Andrew Todd CDPHE - Solid Waste Unit <andrew.todd@state.co.us>, "Kray - CDPHE, Wolfgang" <wolfgang.kray@state.co.us>,

"rlaird@asphaltspecialties.com" <rlaird@asphaltspecialties.com>, Gary Stillmunkes
<GaryS@asphaltspecialties.com>, Augusta Allen <AAllen@adcogov.org>

When: Monday, June 20, 2016 2:15 PM-3:00 PM (UTC-07:00) Mountain Time (US & Canada).

Where: large conference room (the cove)

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Case Manager: Chris LaRue

Asphalt Specialties (Rob Laird) / [303.289.8555](tel:303.289.8555)

Possible conditional use permit (CUP) for recycling of asphalt & concrete construction materials.
Applicant has an existing CD for an inert landfill (see attached resolution and CD certificate)

Please have all comments by the close of business on 6/10.

Accela: PRE2016-00044

Edocs: 5370225

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Andy Todd, P.E.
Environmental Protection Specialist
Solid Waste Permitting Unit



P [303.691.4049](tel:303.691.4049) | F [303.759.5355](tel:303.759.5355)

4300 Cherry Creek Drive South, Denver, Colorado 80246-1530

Andrew.Todd@state.co.us | www.colorado.gov/cdphe

--

Wolf Kray
Environmental Protection Specialist
Materials Management Unit



P [303-692-3337](tel:303-692-3337) |
wolfgang.kray@state.co.us | www.colorado.gov/cdphe

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Andy Todd, P.E.
Environmental Protection Specialist
Solid Waste Permitting Unit



P [303.691.4049](tel:303-691-4049) | F [303.759.5355](tel:303-759-5355)
4300 Cherry Creek Drive South, Denver, Colorado 80246-1530
Andrew.Todd@state.co.us | www.colorado.gov/cdphe

MEMO

To: Chris LaRue, Case Manager

From: Robin Kerns, City Planner

Subject: RCU2016-00025

Date: September 16, 2016

Thank you for allowing the City of Commerce City the opportunity to comment on land use cases in Adams County.

Staff has reviewed the proposal and has no comments.

Please contact me with any questions at rkerns@c3gov.com or 303-289-3693.





August 26, 2016

Chris LaRue
Adams County Planning and Development Dept.
4430 South Adams County Parkway
Brighton, Co. 80601

RE: Asphalt Specialties, Inc.
12021 Brighton Road
Adams County, Colorado
RCU2016-00025

Chris,

The South Adams County Water and Sanitation District ("District") has reviewed the information provided on the Asphalt Specialties Conditional Use Permit. The property is not in the District's service area.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Voehringer".

Steven Voehringer
Development Review Coordinator

Cc
file folder





September 15, 2016

Chris LaRue
Adams County
Community & Economic Development Department
4430 S Adams County Pkwy, Suite W2000
Brighton, CO 80601-8204

RE: Asphalt Specialties
Project No. RCU2016-00025
TCHD Case No. 4064

Dear Mr. LaRue:

Thank you for the opportunity to review and comment on the Conditional Use Permit for recycling and wholesale of concrete and asphalt for Asphalt Specialties located at 12021 Brighton Rd. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

Construction and Demolition Recycling Facility

Recycling of industrial materials has the potential to cause odors, ground water contamination, and nuisance conditions. Recycling facilities are regulated by the Hazardous Materials and Waste Management Division of Colorado Department of Public Health and Environment (CDPHE) under Section 8 of 6 CCR 1007-2, Part 1. Asphalt and concrete recycling facilities are exempt from solid and hazardous waste regulations but the facility must be registered with CDPHE. More information can be found at <https://www.colorado.gov/pacific/cdphe/recycling> and the applicant should contact Wolf Kray with CDPHE at (303) 692-3337 regarding registration.

Vector Control – Outdoor Storage

Rodents such as mice and rats carry diseases which can be spread to humans through contact with rodents, rodent feces, urine, or saliva, or through rodent bites. Often, storage of materials can attract rodents such as mice and rats which carry diseases that can be spread to humans through contact with rodent feces, urine, or saliva. To prevent rodent infestations, TCHD recommends that the applicant keep the facility – especially the stockpiles and abandoned office area - as clean as possible and create a plan for regular pest control. More information on rodent control can be found at <http://www.tchd.org/400/Rodent-Control>.

Fugitive Dust

Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, heart disease, and low birth weight. The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions, including fugitive dust. TCHD recommends that the applicant employ on-site dust control measures to minimize the amount of dust created at the project site and ensure that trucks leaving the facility are

covered. Additionally, the crusher used on site may require its own air quality permit. More information is available at <https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/business-and-industry> .

Please feel free to contact me at (720) 200-1585 or lbroten@tchd.org if you have any questions regarding TCHD's comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laurel Broten'.

Laurel Broten, MPH
Land Use and Built Environment Specialist
Tri-County Health Department

CC: Sheila Lynch, Monte Deatrich, Lisa Oliveto, TCHD

From: [Marisa Dale](#)
To: [Chris LaRue](#)
Subject: RE: RCU2016-00025 Asphalt Specialties-Speer request for comments
Date: Thursday, August 25, 2016 11:32:41 AM

Chris,

Thank you for allowing United Power, Inc. to review and comment on the request below.

United Power, Inc. has no objection.

Thank you,
Marisa

Marisa Dale, RWA | [Engineering & Rates ROW](#)
500 Cooperative Way, Brighton, CO 80603 | O 303.637.1387 | C 720.334.5282

Schedule: Mon-Thurs 7:00-4:30, every other Fri 7:00-3:30
Off Friday Aug 26, Sep 9 & 23, Oct 7 & 21



From: Chris LaRue [mailto:CLaRue@adcogov.org]
Sent: Wednesday, August 24, 2016 1:28 PM
To: Justin Blair; 'wmeans@brightonfire.org'; 'kmonti@sd27j.org'; 'jim.dileo@state.co.us'; 'patrick.j.pfaltzgraff@state.co.us'; 'Andrew.Todd@state.co.us'; 'brandyn.wiedrich@centurylink.com'; 'jbradford@brightonco.gov'; 'eburke@brightonco.gov'; 'developmentsubmittals@cityofthornton.net'; Eric Guenther; 'steven.loeffler@state.co.us'; 'bradley.sheehan@dot.state.co.us'; 'eliza.hunholz@state.co.us'; 'joe.padia@state.co.us'; 'thomas_lowe@cable.comcast.com'; 'rkerns@c3gov.com'; Christine Francescani; Mark Moskowitz; Greg Labrie; Matthew Emmens; Robert Kovacs; Jen Rutter; 'barb.fitzpatrick@fema.gov'; 'CSIMMONDS@MWRD.DST.CO.US'; 'sgosselin@northmetrofire.org'; Augusta Allen; Nathan Mosley; 'chris.quinn@rtd-denver.com'; Nikki Blair; Amanda Overton; Michael Kaiser; 'snielson@adcogov.org'; Tonia Fuller; 'kcphillips@southadamsfire.org'; 'svoehringer@sacwsd.org'; 'firedept@cityofthornton.net'; 'landuse@tchd.org'; Marisa Dale; Steve Barwick; Monica Hansen; 'dmallory@udfcd.org'; 'christensen.stanley@epa.gov'; 'Donna.L.George@xcelenergy.com'
Subject: RCU2016-00025 Asphalt Specialties-Speer request for comments

The Adams County Planning Commission and Board of County Commissioners are requesting comments on the following request:

Conditional Use Permit to allow the operation of asphalt and concrete products recycling facility pursuant to Section 3-10-04-05.

This request is located at: 12021 BRIGHTON RD
The Assessor's Parcel Number is: 0157134000075
Applicant Information: ASPHALT SPECIALTIES CO INC
10100 DALLAS STREET
HENDERSON, CO 80640

Please forward any written comments on this application to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

September 13, 2016

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Chris LaRue

Re: Asphalt Specialties, Case # RCU2016-00025

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the conditional use permit plans for **Asphalt Specialties** and has **no apparent conflict**.

Should the project require any new gas service or modification to existing facilities, the property owner/developer/contractor must contact the **Builder's Call Line** at 1-800-628-2121 **or** <https://xcelenergy.force.com/FastApp> (register, application can then be tracked) to complete the application process. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the **Utility Notification Center** at 1-800-922-1987 to have all utilities located prior to any construction.

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George
Contract Right of Way Referral Processor
Public Service Company of Colorado

CERTIFICATE OF POSTING

PUBLIC NOTICE

CASE NO. PLU2016-0025 POSTING DATE 1/31/17

A PUBLIC HEARING HAS BEEN SET BY ADAMS COUNTY
^(PC) PLANNING COMMISSION + ^(BCC) BOARD OF COUNTY COMMISSIONERS
TO BE HELD ON PC: 2/14/17 AT 6:00 PM
BCC: 3/14/17 AT 9:30 AM

IN THE ADAMS COUNTY GOVERNMENT CENTER
4430 S. ADAMS COUNTY PKWY, BRIGHTON, CO 80601

FOR THE FOLLOWING REASON:
CONDITIONAL USE PERMIT TO ALLOW AN ASPHALT +
CONCRETE PRODUCTS RECYCLING FACILITY

THE REQUEST IS LOCATED AT APPROXIMATELY:
12021 BRIGHTON RD

THIS WILL BE A PUBLIC HEARING. ANY INTERESTED
PARTIES MAY ATTEND AND BE HEARD.

FOR ADDITIONAL INFORMATION, CONTACT:
CHRIS LARUE 720-543-6838

I, Christopher C. La Rue do hereby certify that I had the property posted at

12021 Brighton Road

on January 27, 2017

in accordance with the requirements of the Adams County Zoning Regulations

Christopher C. La Rue

Christopher C. La Rue

CERTIFICATE OF POSTING



I, Christopher C. La Rue do hereby certify that I had the property posted at

12021 Brighton Road

on May 12, 2017

in accordance with the requirements of the Adams County Zoning Regulations

Christopher C. La Rue

Christopher C. La Rue

Community & Economic
Development Department
Development Services Division
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000B
Brighton, CO 80601-8218
PHONE 720.523.6800
FAX 720.523.6967

Public Hearing Notification

Case Name:	Henderson Pit
Case Number:	RCU2016-00014
Planning Commission Hearing Date:	02/09/2017 at 6:00 p.m.
Board of County Commissioners Hearing Date:	03/14/2017 at 9:30 a.m.

January 18, 2017

A public hearing has been set by the Adams County Planning Commission and the Board of County Commissioners to consider the following request:

Requesting a conditional use for recycling and wholesale of concrete, steel, and asphalt.

The proposed use will be:	Industrial
This request is located at:	10925 E 120TH AVE
The Assessor's Parcel Number(s):	0157135301001
Applicant Information:	DAVE SCHULTEJANN 10929 E 120TH AVE HENDERSON, CO 80640

The hearing will be held in the Adams County Hearing Room located at 4430 South Adams County Parkway, Brighton CO 80601-8216. This will be a public hearing and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. If you require any special accommodations (e.g., wheelchair accessibility, an interpreter for the hearing impaired, etc.) please contact the Adams County Community and Economic Development Department at (720) 523-6800 (or if this is a long distance call, please use the County's toll free telephone number at 1-800-824-7842) prior to the meeting date.

For further information regarding this case, please contact the Department of Community and Economic Development, 4430 S Adams County Parkway, Brighton, CO 80601, 720-523-6800. This is also the location where maps and/or text certified by the Planning Commission may be viewed.

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Erik Hansen
DISTRICT 3

Steve O'Dorizio
DISTRICT 4

Mary Hodge
DISTRICT 5

Thank you,

A handwritten signature in dark ink that reads "Christopher C. LaRue". The script is fluid and cursive, with the first name "Christopher" being the most prominent part of the signature.

Christopher C. LaRue
Senior Planner

Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Request for Comments

Case Name:	Asphalt Specities
Case Number:	RCU2016-00025

August 24, 2016

The Adams County Planning Commission and Board of County Commissioners are requesting comments on the following request:

Conditional Use Permit to allow the operation of asphalt and concrete products recycling facility pursuant to Section 3-10-04-05.

This request is located at: 12021 BRIGHTON RD

The Assessor's Parcel Number is: 0157134000075

Applicant Information: ASPHALT SPECIALTIES CO INC
10100 DALLAS STREET
HENDERSON, CO 80640

Please forward any written comments on this application to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 (720) 523-6800 by 09/16/2016 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to CLaRue@adcogov.org. Once comments have been received and the staff report written, the staff report and notice of public hearing dates will be forwarded to you for your information. The full text of the proposed request and additional colored maps can be obtained by contacting this office.

Thank you for your review of this case.

Christopher LaRue
Senior Planner

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Erik Hansen
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Jan Pawlowski
DISTRICT 5

120 85 LLC
10925 E 120TH AVE
HENDERSON CO 80640-9733

CITY AND COUNTY OF DENVER
C/O MANAGER OF AVIATION
8500 PENA BLVD
DENVER CO 80249-6340

12330 BRIGHTON ROAD LLC
6885 LOWELL BLVD
DENVER CO 80221-2652

CITY AND COUNTY OF DENVER ACTING BY AND
THROUGH ITS BOARD OF WATER COMMISSIONERS
1600 W 12TH AVE
DENVER CO 80204

A LANDSCAPE SUPPLY LLC
10701 E 120TH AVE
HENDERSON CO 80640-9737

CITY AND COUNTY OF DENVER ACTING BY AND
THROUGH ITS BOARD OF WATER COMMISSIONERS
1600 W 12TH AVE
DENVER CO 80204-3412

ACKLAM CHRIS THOMAS AND
ACKLAM DOROTHY JANE
10280 E 120TH AVE
HENDERSON CO 80640-9746

CLARK MELVIN M/VICKI L
REVOCABLE TRUST THE
10381 E 123RD AVE
HENDERSON CO 80640-7436

ADAMS COUNTY
4430 SOUTH ADAMS COUNTY PKWY
BRIGHTON CO 80601-8204

COUNTY OF ADAMS THE
4430 SOUTH ADAMS COUNTY PKWY
BRIGHTON CO 80601-8204

ASPHALT SPECIALTIES CO INC
10100 DALLAS STREET
HENDERSON CO 80640

CROM RAYMOND L
12291 BRIGHTON RD.
HENDERSON CO 80640-0033

ASPHALT SPECIALTIES COMPANY INC
10100 DALLAS STREET
HENDERSON CO 80640

CUTLER ROBERT L AND
CUTLER SHIRLEY E
12395 BRIGHTON RD
HENDERSON CO 80640

BOARD OF COUNTY COMMISSIONERS OF
ADAMS COUNTY
4430 SOUTH ADAMS COUNTY PKWY
BRIGHTON CO 80601-8204

CUTLER ROBERT L AND
CUTLER SHIRLEY E
12395 BRIGHTON RD
HENDERSON CO 80640-9747

BURBACK MELVIN W
12199 BRIGHTON RD
HENDERSON CO 80640-9751

DE VAULT CLAYTON D
15653 S FURROW RD
LARKSPUR CO 80118-5706

CHURCH DENNIS E AND
CHURCH EILEEN A
PO BOX 457
BENNETT CO 80102-0457

DE VAULT CLAYTON D
15653 S FURROW RD
LARKSPUR CO 80118

FICAN INVESTMENTS LLC
8720 GRANT ST
THORNTON CO 80229-4716

HERR JACOB FREDERICK
PO BOX 365
WATKINS CO 80137

FISHER CRAIG D AND
FISHER DONITA L
591 SW 50TH AVE
SAINT JOHN KS 67576-6623

ISELL LARRY AND ISELL DONNA
12211 BRIGHTON RD
HENDERSON CO 80640-9749

FISHER MAX TRUST
591 SW 50TH AVE
SAINT JOHN KS 67576-6623

KIM SO YEON
12345 BRIGHTON ROAD
HENDERSON CO 80640

FROST GERALDINE H TRUST THE
PO BOX 23
HENDERSON CO 80640-0023

KIRBY KIRK S
PO BOX 430
HENDERSON CO 80640

GARCIA ALFREDO AND
GARCIA ADELINA R
10321 E 123RD AVE
HENDERSON CO 80640-7436

KREMER DANNY DUAINÉ AND
KREMER JACQUINE JEAN
10371 E 123RD AVE
HENDERSON CO 80640-7436

GORDONS STOUT LLC
602 W 62ND AVE
DENVER CO 80216-1019

KREMHILLER DIANNA O AND
KREMHILLER DAVID B
10391 E 123RD AVE
HENDERSON CO 80640-7436

HAMILTON PATRICIA L LIVING TRUST THE
10485 HENDERSON RD
BRIGHTON CO 80601-8111

LANCASTER LEW M
12300 BRIGHTON ROAD
HENDERSON CO 80640

HENDERSON AGGREGATE LTD
7321 E 88TH AVE
HENDERSON CO 80640-8137

MARQUEZ ANEDA
PO BOX 65
HENDERSON CO 80640-0065

HENDERSON INVESTMENTS LLC
7238 MEADOWDALE DR
LONGMONT CO 80503-8526

MARQUEZ ANEDA AND
WONG ANTONIO V
PO BOX 65
HENDERSON CO 80640

HENDERSON WATER SKI CLUB LLC
C/O TOM KRUEGER
15037 W 49TH PLACE
GOLDEN CO 80403

MERAZ RICARDO
1201 W THORNTON PKWY
THORNTON CO 80260-5458

MUNIZ ALEX I AND
MUNIZ BENNIE I
12010 BRIGHTON RD
HENDERSON CO 80640-9754

RODRIGUEZ-RONQUILLO SANDRA C AND
RODRIGUEZ-RONQUILLO SAUL
10285 E 112TH WAY
HENDERSON CO 80640-9357

NAZARENUS LLC
C/O DELBERT CRANDALL
PO BOX 538
MOAB UT 84532-0538

SABLE ROGER
12270 BRIGHTON RD
HENDERSON CO 80640-9750

NELSON ANNE J
17227 W 12TH AVE
GOLDEN CO 80401-2899

SASAKI FAMILY PARTNERSHIP LLLP
697 VOILES DR
BRIGHTON CO 80601-3322

OFF DON AND JEANNE PARTNERSHIP
10495 E 120TH AVE
HENDERSON CO 80640-9742

SCHUMANN VERNA M
8501 E 104TH AVENUE
HENDERSON CO 80640

PAPOI HAROLD M
9608 PERRY ST
WESTMINSTER CO 80031-2625

SCOTT RODERICK D AND
SCOTT MARY ANN
5124 DVORAK CIR
FREDERICK CO 80504-3400

PARKFIELD PARTNERS LLC
PO BOX 247
EASTLAKE CO 80614-0247

SHURTLEFF JOSEPH W AND
SHURTLEFF MINDY
12221 BRIGHTON RD
HENDERSON CO 80640

PEARSON BEN
12230 BRIGHTON ROAD
HENDERSON CO 80640

SMITH FARMS THE
RR 1 BOX 66
COMMERCE CITY CO 80022-9801

PEARSON BEN E AND
CLIFTON RITA
12230 BRIGHTON RD
HENDERSON CO 80640-9750

SUBURBAN SAND AND GRAVEL CO
C/O BADEN TAX MANAGEMENT
PO BOX 8040
FORT WAYNE IN 46898-8040

PRILL MICHAEL J AND
PRILL JOLENE L
12375 BRIGHTON RD
HENDERSON CO 80640-9747

SWEETMAN JAMES K
PO BOX 321
HENDERSON CO 80640

RASUL LAILUMA
6842 E 131ST DR
THORNTON CO 80602-6950

SWEETMAN KEVIN W AND
SWEETMAN JOLENE M
11920 BRIGHTON RD
HENDERSON CO 80640-9322

SWEETMAN KEVIN WAYNE AND
SWEETMAN JOLENE
11920 BRIGHTON RD
HENDERSON CO 80640-9322

TRUNKENBOLZ FREDRICK A LIVING TRUST 1/2
TRUNKENBOLZ ELSIE R LIVING TRUST 1/2
609 S 1ST AVE
BRIGHTON CO 80601-3001

TRUNKENBOLZ LLC
609 S 1ST AVE
BRIGHTON CO 80601-3001

UNKNOWN OWNERSHIP

UPCHURCH MATTHEW R AND
UPCHURCH DENISE M
12271 BRIGHTON RD
HENDERSON CO 80640

WAITE INVESTMENTS LLC
PO BOX 163
GILCREST CO 80623-0163

WARNER LILLIAN M
50700 E 38TH AVE
BENNETT CO 80102-8913

WHITE JEFFREY J AND
WHITE JUDY A
12290 BRIGHTON RD
HENDERSON CO 80640-9750



Referral Listing
Case Number RCU2016-00025
Asphalt Specities

Agency	Contact Information
Adams County Development Services - Building	Justin Blair JBlair@adcogov.org 720.523.6825 JBlair@adcogov.org
BRIGHTON FIRE DISTRICT	WHITNEY MEANS 500 South 4th Avenue 3rd Floor BRIGHTON CO 80601 (303) 659-4101 wmeans@brightonfire.org
BRIGHTON SCHOOL DISTRICT 27J	Kerrie Monti 18551 E. 160TH AVE. BRIGHTON CO 80601 303-655-2984 kmonti@sd27j.org
CDPHE - AIR QUALITY	JAMES A. DILEO 4300 CHERRY CREEK DRIVE SOUTH DENVER CO 80246-1530 303-692-3127 jim.dileo@state.co.us
CDPHE - WATER QUALITY PROTECTION SECT	Patrick Pfaltzgraff 4300 CHERRY CREEK DRIVE SOUTH WQCD-B2 DENVER CO 80246-1530 303-692-3509 patrick.j.pfaltzgraff@state.co.us
CDPHE SOLID WASTE UNIT	Andy Todd 4300 CHERRY CREEK DR SOUTH HWMWD-CP-B2 DENVER CO 80246-1530 303.691.4049 Andrew.Todd@state.co.us
Century Link, Inc	Brandyn Wiedreich 5325 Zuni St, Rm 728 Denver CO 80221 720-508-3724 720-245-0029 brandyn.wiedrich@centurylink.com
CITY OF BRIGHTON - Planning	Jason Bradford 500 S 4th Ave BRIGHTON CO 80601 303-655-2024 jbradford@brightonco.gov

Agency	Contact Information
CITY OF BRIGHTON - WATER & SANATATION DEPT.	ED BURKE 500 S. 4th Ave, 4th Floor BRIGHTON CO 80601 303-655-2084 eburke@brightonco.gov
CITY OF THORNTON	JASON O'SHEA 9500 CIVIC CENTER DR THORNTON CO 80229 0
CITY OF THORNTON	Lori Hight 9500 CIVIC CENTER DRIVE THORNTON CO 80229 303-538-7670 developmentsubmittals@cityofthornton.net.
CITY OF THORNTON	JIM KAISER 12450 N WASHINGTON THORNTON CO 80241 720-977-6266
Code Compliance Supervisor	Eric Guenther eguenther@adcogov.org 720-523-6856 eguenther@adcogov.org
COLORADO DEPARTMENT OF TRANSPORT.	Steve Loeffler 2000 South Holly Street, Room 228 Denver CO 80222 303-757-9891 steven.loeffler@state.co.us
COLORADO DEPT OF TRANSPORTATION	Steve Loeffler 2000 S. Holly St. Region 1 Denver CO 80222 303-757-9891 steven.loeffler@state.co.us
COLORADO DIVISION OF WILDLIFE	Eliza Hunholz Northeast Regional Engineer 6060 BROADWAY DENVER CO 80216-1000 303-291-7454 eliza.hunholz@state.co.us
COLORADO DIVISION OF WILDLIFE	Eliza Hunholz Northeast Regional Engineer 6060 BROADWAY DENVER CO 80216-1000 303-291-7454 eliza.hunholz@state.co.us
COLORADO DIVISION OF WILDLIFE	JOSEPH PADIA 6060 BROADWAY DENVER CO 80216 303-291-7132 joe.padia@state.co.us

Agency	Contact Information
COLORADO DIVISION OF WILDLIFE	JOSEPH PADIA 6060 BROADWAY DENVER CO 80216 303-291-7132 joe.padia@state.co.us
COMCAST	JOE LOWE 8490 N UMITILLA ST FEDERAL HEIGHTS CO 80260 303-603-5039 thomas_lowe@cable.comcast.com
Commerce City Planning Division	Robin Kern 7887 East 60th Avenue COMMERCE CITY CO 80022 303-289-3693 rkerns@c3gov.com
COUNTY ATTORNEY- Email	Christine Francescani CFrancescani@adcogov.org 6884
Engineering Department - ROW	Transportation Department PWE - ROW 303.453.8787
Engineering Division	Transportation Department PWE 6875
ENVIRONMENTAL ANALYST	Jen Rutter PLN 6841
F.E.M.A. REGION VIII	BARB FITZPATRICK DFC; BLDG 710A; BOX 25267 DENVER CO 80225-0267 303-235-4825 barb.fitzpatrick@fema.gov
METRO WASTEWATER RECLAMATION	CRAIG SIMMONDS 6450 YORK ST. DENVER CO 80229 303-286-3338 CSIMMONDS@MWRD.DST.CO.US
NORTH METRO FIRE DISTRICT	Steve Gosselin 101 Lamar Street Broomfield CO 80020 (303) 452-9910 sgosselin@northmetrofire.org
NS - Code Compliance	Augusta Allen 720.523.6206
Parks and Open Space Department	Nathan Mosley mpedruci@adcogov.org aclark@adcogov.org (303) 637-8000 nmosley@adcogov.org

Agency	Contact Information
REGIONAL TRANSPORTATION DIST.	CHRIS QUINN 1560 BROADWAY SUITE 700 DENVER CO 80202 303-299-2439 chris.quinn@rtd-denver.com
SHERIFF'S OFFICE: SO-HQ	MICHAEL McINTOSH nblair@adcogov.org; aoverton@adcogov.org; mkaiser@adcogov.org snielson@adcogov.org (303) 654-1850 aoverton@adcogov.org; mkaiser@adcogov.org; snielson@adcogov.org
Sheriff's Office: SO-SUB	SCOTT MILLER TFuller@adcogov.org; smiller@adcogov.org aoverton@adcogov.org; mkaiser@adcogov.org 720-322-1115 smiller@adcogov.org
SOUTH ADAMS CO. FIRE DISTRICT	Kevin Phillips 6550 E. 72ND AVENUE COMMERCE CITY CO 80022 303-288-0835 FAX: 303-288-5977 kcphillips@southadamsfire.org
South Adams County Water & San Dist	Steve Voehringer 10200 E 102nd Ave Henderson CO 80022 720.530.8396 svoehringer@sacwsd.org
THORNTON FIRE DEPARTMENT	Chad Mccollum 9500 Civic Center Drive THORNTON CO 80229-4326 303-538-7602 firedept@cityofthornton.net
TRI-COUNTY HEALTH DEPARTMENT	Sheila Lynch 6162 S WILLOW DR, SUITE 100 GREENWOOD VILLAGE CO 80111 720-200-1571 landuse@tchd.org
TRI-COUNTY HEALTH DEPARTMENT	MONTE DEATRICH 4201 E. 72ND AVENUE SUITE D COMMERCE CITY CO 80022 (303) 288-6816 mdeatrich@tchd.org
Tri-County Health: Mail CHECK to Sheila Lynch	Tri-County Health landuse@tchd.org .
United Power, Inc	Marisa Dale PO Box 929 500 Cooperative Way Brighton CO 80601 303-637-1387 720-334-5282 mdale@UnitedPower.com

Agency	Contact Information
United Power, Inc	Steve Barwick PO Box 929 500 Cooperative Way Brighton CO 80603 303-637-1234 307-351-3787 sbarwick@UnitedPower.com
United Power, Inc	Monica Hansen PO Box 929 500 Cooperative Way Brighton CO 80601 303-637-1336 mhansen@unitedpower.com
United Power, Inc	Steve Barwick PO Box 929 500 Cooperative Way Brighton CO 80601 303-637-1234 720-388-0952 sbarwick@unitedpower.com
URBAN DRAINAGE & FLOOD CONTROL	David Mallory 2480 W 26TH AVE, #156B Denver CO 80211 (303) 455-6277 dmallory@udfcd.org
US EPA	Stan Christensen 1595 Wynkoop Street DENVER CO 80202 1-800-227-8917 christensen.stanley@epa.gov
Xcel Energy	Donna George 1123 W 3rd Ave DENVER CO 80223 303-571-3306 Donna.L.George@xcelenergy.com

RECEPTION#: 2011000007686
 02/01/2011 at 03:51:04 PM, 1 OF 5,
 TD Pgs: 0 Doc Type: ZONHEA
 Karen Long, Adams County, CO

STATE OF COLORADO)

COUNTY OF ADAMS)

RECORDED AS RECEIVED

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton, Colorado on the 6th day of December, 2010 there were present:

Alice J. Nichol	Chairman
W.R. "Skip" Fischer	Commissioner
Larry W. Pace	Commissioner
Hal B. Warren	County Attorney
Kristen Hood, Deputy	Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

ZONING HEARING DECISION - CASE #EXG2009-00002, SPEER/ASPHALT SPECIALTIES

WHEREAS, on the 6th day of December, 2010, the Board of County Commissioners, held a public hearing on the application of Asphalt Specialties Company, Inc., Case #EXG2009-00002; and,

WHEREAS, this case involved an application for: Certificate of Designation to allow this site to be filled with approximately 500,000 cubic yards of inert material in order to bring the site back to its approximate former grade of land on the following described property:

LEGAL DESCRIPTION:

0157134000075

SECT, TWN, RNG: 34-1-67 DESC: PT OF S2 SEC 34 DESC AS FOL BEG 1923/81 FT W OF SE COR TH CONT W 716/70 FT TO S4 COR TH CONT W 58/40 FT TO SE COR ADAMS COUNTY REGIONAL PARK COMPLEX ADDITION #1 TH THE FOL DIST AND BRNG N 08D 33M W 63/81 FT TH N 07D 41M W 473/73 FT TH N 18D 52M W 191/83 FT TH N 25D 30M E 422/06 FT TH N 38D 29M E 220/91 FT TH N 52D 32M E 288/79 FT TH N 76D 55M E 486/22 FT TH N 22D 28M E 214/81 FT TH N 09D 53M E 160 FT TH N 07D 38M E 149/98 FT TH N 17D 49M E 538/95 FT H N 72D 18M E 210/97 FT TO A PT WHICH BRS S 12/10 FT FROM NW COR E2 SE4 TH S 2301/59 FT TO A PT ON NWLY ROW LN OLD BRIGHTON RD TH S 31D 48M W 237/09 FT TH N 63D 22M W 410 FT TH S 19D 47M W 332/50 FT TO POB 52/44A

0157134000037

SECT, TWN, RNG: 34-1-67 DESC: COM AT SE COR SEC TH W 80 RODS TH N 15 RODS 3 AND 1/2 FT TO POB TH N 71 AND 1/2 RODS TH S 62D 30M E 39 RODS TO CEN OF CO RD TH S 31D 30M W 61 AND 1/2 RODS TO POB 8A

Please Return To
 BoCC 6th Floor
 5th

0157134000079

SECT,TWN,RNG:34-1-67 DESC: PT OF SE4 AND NE4 SEC 34/1/67 DESC AS FOL BEG AT NE COR SD SE4 TH S 88D 58M W 673/10 FT TO A PT ON SWLY ROW LN CO RD 20 TH S 48D 59M E 655/07 FT TH S 13D 25M E 34/63 FT TO A PT ON WLY ROW LN CO RD 31 TH S 29D 28M W 339/31 FT TO TRUE POB TH N 57D 57M W 299/95 FT TH N 58D 39M W 118/27 FT TH N 39D 46M W 286/42 FT TH S 39D 34M W 351/46 FT TH S 39D 46M E 428/62 FT TO A PT 335 FT NWLY OF AS MEAS AT R/A FROM WLY ROW LN CO RD 31 TH N 31D 12M E 252/62 FT TH S 57D 57M E 335 FT TO A PT ON WLY ROW LN CO RD 31 TH N 31D 12M E 138/34 FT TH N 29D 28M E 3/35 FT TO TRUE POB EXC ELY 20 FT 4/301A

0157134402001

SUB:SWEETMAN SUBDIVISION LOT:3

APPROXIMATE LOCATION: 12021 Brighton Road.

WHEREAS, substantial testimony was presented by members of the public and the applicant; and,

WHEREAS, the Adams County Planning Commission held a public hearing on the 10th day of November, 2010, and forwarded a recommendation of APPROVAL to the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that based upon the evidence presented at the hearing and the recommendations of the Department of Planning and Development and the Planning Commission, the application in this case be hereby **APPROVED** based upon the following findings of fact and subject to the fulfillment of the following conditions precedent and conditions by the applicant:

FINDINGS OF FACT

1. The proposed use is an acceptable use in the applicable zone district.
2. The certificate of designation is consistent with the purposes of these standards and regulations and meets the intent of the Adams County Comprehensive Plan.
3. The certificate of designation will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The certificate of designation is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the certificate of designation will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.
5. The certificate of designation has addressed all off-site impacts.
6. The site is suitable for the certificate of designation, including adequate usable space, adequate access, and absence of environmental constraints.
7. There is a need for the facility in the County.

8. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Health, the Tri-County Health Department, and other relevant agencies.
9. The site is accessible to Adams County residents and other potential users.
10. The proposed facility will comply with all applicable laws and regulations relating to air pollution, water pollution, and noise. When standards do not exist for regulating emissions from a particular type of facility, the County will consider whether the facility may impact health and welfare of the community based upon specific facility design and operating procedures.
11. The site conforms to siting standards for the type of facility being proposed.

Conditions Precedent:

1. Dedication by warranty deed of 20 ½ feet of right-of-way for Brighton Road along the Brighton Road frontage shall be required.
2. The existing Floodplain Use Permit shall be reviewed and updated as required.
3. A regional drainage facility to accommodate the flows from Henderson Creek shall be required. A drainage easement consisting of 50 feet shall be required for the drainage channel. The easement shall be described in a drainage easement document that shall be reviewed and approved by the Right-of-Way Supervisor of Adams County.
4. The applicant shall comply with all the requirements of the Colorado Division of Water Resources as stated in their letter dated September 29, 2010.
5. The applicant shall provide a schedule for the construction of the perimeter drain specified in the Operation and Closure Plan. The schedule shall be reviewed and approved by the Colorado Division of Reclamation Mining and Safety

Conditions:

1. Operations shall not proceed until a "Notice to Proceed" is issued by the Department of Planning and Development, after the applicant has demonstrated all pertinent Conditions of Approval, as determined by Adams County, have been completed.
2. Hours of operation for the facility shall be from 6:00 A. M. to 6:00 P.M., Monday through Saturday.
3. All conditions set forth by the Colorado Department of Public Health and Environment (Solid Waste and Material Management Unit) as stated in their letter August 27, 2010 shall be considered as conditions in this case.
4. The applicant shall comply with the Colorado Department of Public Health and Environment's (Air Pollution Control Division) letter dated September 29, 2010.
5. The CD shall expire on December 6, 2017.
6. Fugitive dust control mechanisms must be in place and functioning at all times.
7. All complaints received by the applicant concerning impacts to offsite wells, and the resolution of those complaints, shall be conveyed to the Department of Planning and Development. Impacts to offsite water wells shall be responded to and resolved immediately by the applicant. Disputes concerning impacts to offsite water wells may be resolved by the Department of Planning and Development and may be justification for a Show Cause Hearing before the Adams County Board of County Commissioners.
8. All haul trucks shall cover their loads pursuant to C.R.S. 42-4-1407.
9. The facility shall cease operations during periods of high winds. High winds shall be defined as when wind speeds exceed 35 mph or a sustained 25mph.
10. All fluid spills such as hydraulic and oil from maintenance of equipment, shall be removed and disposed of at a facility permitted for such disposal.

11. All applicable operational standards found within the Solid and Hazardous Waste Disposal section of the Adams County Development Standards shall be followed.
12. The total volume of the import shall not exceed 500,000 cubic yards over the lifetime of this project.
13. The proposed fill operation shall not obstruct or cause interference of any kind to irrigation ditch laterals or roadside ditches that are in place.
14. Authorized personnel trained to recognize non-inert material shall be present on site while filling is taking place and shall inspect and screen each load of material brought to the fill site. Trash, organic material, and other waste material not meeting the definition of inert material shall be removed from each load at the screening location. A visual inspection and screening shall be made where loads are offloaded and materials not meeting the definition of inert material shall be removed. All materials removed from the waste stream shall be disposed of at an approved waste disposal facility at regular intervals and records of the transportation disposal shall be kept.
15. The applicant shall be responsible for the cleanliness and safety of all roadways adjacent to this site. If at any time, these roadways are found to be dangerous or not passable due to debris or mud, the Adams County Public Works Department will shut down the project, until the roadway conditions have improved and are deemed acceptable. If the contractor/applicant fails to keep the adjacent roadways clean and free from debris, the Public Works Department has the option to do the required clean up and bill the charges directly to the owner/applicant.
16. All materials must be inert, as defined in the Adams County Development Standards and Regulations including: non-water soluble and non-putrescible solids together with such minor amounts and types of other materials as will not significantly affect the inert nature of such solids, as determined by Adams County. The term includes, but is not limited to, earth, sand, gravel, rock, concrete (which has been in a hardened state for at least sixty (60) days), masonry, asphalt paving fragments which are not located in the water table, and other inert solids including those the Colorado Department of Health may identify by regulation. Street sweepings from street cleaning machines are not considered inert material and are instead considered solid waste.
17. Control of the fill materials, keeping records of the sources of the materials used at this site, shall be the responsibility of the applicant. Records concerning sources of fill materials and certifications shall be made available to Adams County inspectors upon request. This site is subject to inspection from Adams County inspectors, during reasonable working hours. Adams County may give notice of inspection prior to the inspection.
18. Finished elevations shall be at or below pre-mine elevations.
19. If fuel will be stored on this site:
 - All fuel storage at this site shall be provided with secondary containment, which complies with State of Colorado Oil Inspection Section Regulations; and
 - Fueling areas shall be separated from the rest of the site's surface area, and protected from storm water; and
 - Applicant shall provide a spill prevention plan and release prevention plan for fuel storage and fueling operations. Good housekeeping shall be practiced at this site. Spill and drip containment pans shall be emptied frequently and all spills shall be cleaned up and disposed of immediately at a facility permitted for such disposal.

Notes to the Applicant:

1. All conditions precedent must be satisfied prior to commencing operations on the subject site. Proof that the concerns have been addressed will require a Notice to Proceed from the Department of Planning and Development.
2. All applicable requirements of the Zoning, Health, Building and Fire Codes shall be adhered to with this request.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Nichol	_____	Aye
Fischer	_____	Aye
Pace	_____	Aye
Commissioners		

STATE OF COLORADO)

County of Adams)

I, Karen Long, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 6th day of December, A.D. 2010.

County Clerk and ex-officio Clerk of the Board of County Commissioners

Karen Long:

By:



Deputy

From: [Megan Ulibarri](#)
To: "Bobi"
Cc: [Shayla Christenson](#); [Chris LaRue](#)
Subject: RCU2016-00025 Newspaper Publication
Date: Thursday, March 23, 2017 12:08:08 PM

Good Afternoon Bobi,

Please see the attached publication request for the following case(s):

- RCU2016-00025 Asphalt Specialties co.

May I get this case published in the Wednesday March 29th, 2017 issue of the Brighton Blade. Please let me know if there are any issues with deadlines.

Also, as your leaving who will we direct our publication emails to? Thank you for always working with us and best of luck as your adventure onto new things.

Thank you,

Megan Ulibarri

Community and Economic Development

4430 South Adams County Parkway, Suite W2000B

Brighton, CO 80601-8212

720.523.6848 | mulibarri@adcogov.org

PUBLICATION REQUEST

Asphalt Specialties Co.

Case Number: RCU2016-00025
Planning Commission Hearing Date: 04/13/2017 at 6:00 p.m.
Board of County Commissioners Hearing Date: 05/16/2017 at 9:30 a.m.

Request: Conditional Use Permit to allow the operation of a asphalt and concrete products recycling facility pursuant to Section 3-10-04-05.

Location: 12021 BRIGHTON RD

Parcel Number: 0157134000075

Case Manager: Chris LaRue

Case Technician: Shayla Christenson

Applicant: ASPHALT SPECIALTIES CO INC 303-289-8555
10100 DALLAS STREET
HENDERSON, CO 80640

Owner: ASPHALT SPECIALTIES CO INC
10100 DALLAS STREET
HENDERSON, CO 80640

Representative:

Legal Description:

Legal Description (Parcel 1: Speer 52.3 AC.)

SECT,TWN,RNG:34-1-67 DESC: PT OF S2 SEC 34 DESC AS FOL BEG 1923/81 FT W OF SE COR TH CONT W 716/70 FT TO S4 COR TH CONT W 58/40 FT TO SE COR ADAMS COUNTY REGIONAL PARK COMPLEX ADDITION #1 TH THE FOL DIST AND BRNG N 08D 33M W 63/81 FT TH N 07D 41M W 473/73 FT TH N 18D 52M W 191/83 FT TH N 25D 30M E 422/06 FT TH N 38D 29M E 220/91 FT TH N 52D 32M E 288/79 FT TH N 76D 55M E 486/22 FT TH N 22D 28M E 214/81 FT TH N 09D 53M E 160 FT TH N 07D 38M E 149/98 FT TH N 17D 49M E 538/95 FT H N 72D 18M E 210/97 FT TO A PT WHICH BRS S 12/10 FT FROM NW COR E2 SE4 TH S 2301/59 FT TO A PT ON NWLY ROW LN OLD BRIGHTON RD TH S 31D 48M W 237/09 FT TH N 63D 22M W 410 FT TH S 19D 47M W 332/50 FT TO POB 52/44A

Legal Description (Parcel 2: Sweetman 12.7 AC)

SUB: SWEETMAN SUBDIVISION LOT: 3

Legal Description (Parcel 3: Seeger 6.9 AC)

SECT,TWN,RNG:34-1-67 DESC: COM AT SE COR SEC TH W 80 RODS TH N 15 RODS 3 AND 1/2 FT TO POB TH N 71 AND 1/2 RODS TH S 62D 30M E 39 RODS TO CEN OF CO RD TH S 31D 30M W 61 AND 1/2 RODS TO POB AND EXC RD (2010000090166) 6/8602A

STATE OF COLORADO)
COUNTY OF ADAMS)

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton, Colorado on the 16TH day of OCTOBER, 2000 there were present:

Elaine T. Valente	Chairman
Martin J. Flaum	EXCUSED Commissioner
Ted L. Strickland	Commissioner
James D. Robinson	County Attorney
Lucy Trujillo, Deputy	Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

ZONING HEARING DECISION - CASE #RCU2000-00058
ASPHALT SPECIALTIES

0725642
10/26/2000 16:21:35
BK: 6303 PG: 0349-0353
CAROL SNYDER
ADAMS COUNTY
0.00 DDC FEE: 0.00

WHEREAS, on the 16th day of October, 2000, the Board of County Commissioners, held a public hearing on the application of Asphalt Specialties Company, Inc., Case #RCU2000-00058; and,

WHEREAS, this case involved an application for: Conditional Use Permit to allow: 1) Sand and gravel mining and processing; 2) Concrete batch plant; 3) Concrete recycling; 4) Construction equipment repair and storage; and 5) Maintenance facility and office, on the following described property:

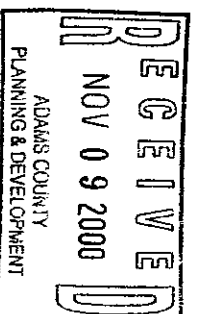
LEGAL DESCRIPTION: Beginning at a point on the south line of the SE ¼ Section 34, Township 1 South, Range 67 West of the 6th P.M., which is 598.1 feet westerly of the southeast corner of the SW ¼ of the SE ¼ of said Section 34; thence S89°13'46"W along said south line a distance of 722.13 feet to the S ¼ corner of said Section 34; thence S89°33'15"W along the south line of the SW ¼ of said Section 34 a distance of 58.41 feet to a point; thence N08°46'11"W a distance of 63.81 feet to a point; thence N07°53'41"W a distance of 473.73 feet to a point; thence N19°05'03"W a distance of 22.99 feet to a point; thence N19°05'05"W a distance of 168.84 feet to a point; thence N25°18'02"E a distance of 422.06 feet to a point; thence N38°17'09"E a distance of 220.91 feet to a point; thence N52°19'58"E a distance of 288.79 feet to a point; thence N76°43'22"E a distance of 161.73 feet to a point; thence N52°39'11"E a distance of 11.39 feet to a point; thence N76°22'39"E a distance of 305.96 feet to a point; thence N21°55'18"E a distance of 214.81 feet to a point; thence N09°20'38"E a distance of 160.00 feet to a point; thence N07°05'00"E a distance of 149.98 feet to a point; thence N17°16'37"E a distance of 62.40 feet to a point; thence N17°16'37"E a distance of 476.55 feet to a point; thence N71°45'43"E a distance of 210.97 feet to a point on the N-S centerline of the SE ¼ of said Section 34, 12.14 feet south of the northeast corner of the NW ¼ of said SE ¼; thence S00°27'48"E along said N-S centerline a distance of 2,299.57 feet to a point on the westerly right-of-way line of County Road No. 31; thence S31°05'04"W along said right-of-way a distance of 238.03 feet to a point; thence N64°17'56"W a distance of 410.00 feet to a point; thence S18°16'19"W a distance of 328.66 feet to the point of beginning, containing 52.29 acres more or less.

APPROXIMATE LOCATION: 12021 Brighton Road.

WHEREAS, substantial testimony was presented by members of the public and the applicant; and,

WHEREAS, the Adams County Planning Commission held a public hearing on the 28th day of September, 2000, and forwarded a recommendation of APPROVAL to the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that based upon the evidence presented at the hearing and the recommendations of the Planning Commission, the application in this case be hereby **APPROVED** based upon the following findings of fact and is subject to the fulfillment of the following conditions precedent and stipulations by the applicant:



Findings of Fact:

1. The Adams County Zoning Regulations allow mineral extraction and related operations in the A-3 Zone District after receiving Conditional Use Permit approval. Negative externalities from these types of land uses are usually related to dust, noise, truck traffic, and damage to existing water wells. This request has demonstrated that these externalities will not be prevalent and will be mitigated. Therefore, this request has demonstrated the ability to comply with the requirements of the Adams County Zoning Regulations, and the area in which it is located if all recommended conditions and stipulations are adhered to with this request.
2. The Future Land Use Map of the Adams County Comprehensive Plan designates this property Agriculture/Natural Resource Conservation. The use of this property for gravel mining and related operations will not affect these designations with the net result being open space/wetlands. This proposal would be consistent with the South Platte River Heritage Plan and provide great opportunities to implement this plan in this location. Therefore, this request would be consistent with the intent of the Adams County Comprehensive Plan for this area of the County.
3. The surrounding area is made up of parcels zoned A-1, A-2, A-3, C-2, C-4, C-5, and I-2. The area is composed of rural residential, agricultural, limited commercial, and similar mining land uses. Under Section 6.200 of the Adams County Zoning Regulations, the Board of County Commissioners may require conditions of approval to make a land use or operation compatible with the area. This case is also subject to the operation and rehabilitation standards outlined in Section 11.340 of the Adams County Zoning Regulations. Provided all of the conditions and stipulations are adhered to with this project, the proposed uses spelled out within the application and mining plan will not be detrimental to the health, safety, or general welfare of the inhabitants of the area and the County.
4. This property is located within the Mineral Conservation Overlay Zone District and is, therefore, protected from development.

Conditions Precedent:

1. Submittal and approval of a Floodplain Use Permit (FUP). Conditions of the FUP shall become conditions of the Conditional Use Permit for mining. The developer's engineer shall certify and substantiate that there will not be any adverse impact on the adjacent properties due to the proposed mining activities during the 100 year flood event. During the review of the Floodplain Use Permit, should the Urban Drainage and Flood Control District recommend lakeside spillway(s) construction, the operator shall present the final design of the spillway structure(s) for approval by the District and Adams County, and shall construct the spillway(s).
2. Applicants shall provide details and locations of the riverbank and pit/side bank stabilization for review by, and approval from, Urban Drainage and Flood Control and Public Works Department. This shall include, but not be limited to, areas north and south of Area 3. Riverbank and pit/shore protection that does not meet the mining regulations standard shall not be considered as valid protection.
3. Provide a list and location on the plan for any and all fuel tanks and chemicals to be used in the operation for review and approval by Adams County Public Works Department and/or Environmental Analyst, and show how they will be brought into compliance with the floodplain regulations.
4. The operator shall enter into an agreement with the Urban Drainage and Flood Control District to implement all the necessary improvements required by the *Technical Review Guidelines for Gravel Mining Activities*. These improvements may include both riverbank stabilization and spillway structure(s). In addition, an easement for flowage, maintenance access and recreation/maintenance access trails shall be granted to the District or the County.
5. Approval of the Street Construction Plans for the northbound left turn lane on Brighton Road, and construction of these street improvements.
6. Dedication by warranty deed of 10 feet of right-of-way for Brighton Road to Adams County. This dedication shall be coordinated with the Adams County Public Works Department.

APEN 1

7. Submittal and approval of a maintenance agreement and bond to provide for road maintenance and repair road damage to the Adams County Public Works Department.
8. Applicant shall continue to coordinate the review and approval on an APEN/air emission permit. Applicant shall continue to coordinate the review and approval for noise mitigation means. Applicant shall demonstrate compliance with Air Pollution Control Division, and Water Quality Control Division of the Colorado Department of Public Health and Environment.
9. The applicant shall enter into an agreement with the County to dedicate Area 3 mining to the County.

Stipulations:

1. The *Technical Review Guidelines for Gravel Mining Activities* and the County's floodplain regulations shall govern as the minimum standard for the proposed development.
2. The mining setback shall be a minimum of 400 feet from the top of riverbank, unless adequate documentation is provided showing how, when, and who will be responsible for the riverbank and pit side bank stabilization. The County may allow 200 feet setback if the mining lakeshore is stabilized, and 100 feet setback if the riverbank and the pidside bank are stabilized.
3. Stockpiling and any other development within the floodway will be prohibited unless hydraulic modeling of the 100-year flood shows no increase of the flood elevation.
4. Groundwater protection, monitoring, and mitigation plan, as defined in the mining plan, shall be implemented at all times.
5. A landscaped berm shall be constructed along Brighton Road at a height no less than 6 feet to provide screening of the proposed mining operation.
6. Applicants shall continue to coordinate efforts with the Colorado Division of Wildlife for the protection of existing wildlife and planning for post mining/reclamation efforts to provide areas for new wildlife habitats.
7. Any fuel storage at this site shall be provided with secondary containment, which complies with State of Colorado Oil Inspection Section Regulations.
8. Applicant shall provide a spill prevention plan and release prevention plan for fuel storage and fueling operations. Good housekeeping shall be practiced at this site. Spill and drip containment pans shall be emptied frequently and all spills shall be cleaned up and disposed of immediately at a facility permitted for such disposal.
9. Fueling areas shall be separated from the rest of the site's surface area, and protected from stormwater.
10. Any and all fluid spills such as hydraulic and oil from equipment, shall be removed and disposed of at a facility permitted for such disposal.
11. Any and all parking of construction equipment related to the proposed mining operation shall be out of view from Brighton Road and/or within existing buildings.
12. All maintenance and/or repair shall occur at this location within a building with appropriate spill prevention and fluid disposal systems in place at all times.
13. Mining and Reclamation shall comply with the Technical Review guidelines for Gravel Mining Activities, December 1987, as adopted by Adams County under section 11.241 (7) of the Adams County Zoning Regulations.
14. Fugitive dust control mechanisms shall be in place, and functioning at all times.
15. Truck washout pits associated with the batch plant operation shall be designed with a liner system to prevent uncured concrete materials escaping into the environment, approved by the County. The Planning Department shall observe placement of the liner system, and approve, prior to notification to proceed with concrete batch plant activities.

16. The hours of operation for the batch plant and concrete recycling operation shall be limited to 6:00 a.m. to 6:00 p.m. Monday through Saturday.
17. A "Notice to Proceed" from the Department of Planning and Development will be required prior to the start up of concrete batch plant activities.
18. All complaints received by the applicant concerning impacts to offsite wells, and the resolution of those complaints, shall be conveyed to the Department of Planning and Development. Impacts to offsite water wells, from de-watering activities, shall be responded to and resolved immediately by the applicant. Disputes concerning impacts to offsite water wells may be resolved by the Department of Planning and Development, and may be justification for a Show Cause Hearing before the Adams County Board of County Commissioners.
19. The Conditional Use Permit shall apply only to Asphalt Specialties Co, Inc., and shall not be transferable to any other party except by amendment to the Conditional Use Permit.
20. The Conditional Use Permit shall expire ten (10) years from the Board of County Commissioners hearing date (Oct. 16, 2010).
21. This site is subject to inspections from Adams County inspectors, during reasonable working hours. Adams County may give notice of inspection prior to the inspection.
22. All portable toilets shall be regularly maintained and serviced. The use of all existing septic systems shall comply with all applicable Tri-County Regulations.
23. One Hundred (100) feet of undisturbed material will be maintained from the Urban Drainage and Flood Control District (UDFCD) top of bank at the north and south ends of the property, as illustrated on the Site Plan map. Riverbank protection, per UDFCD's requirement (see Detail 2, Post Mining Land Use Map) must be installed, prior to mining within 200 feet of the top of bank.
24. Ultimate mining limits in the central portion of Area 1 (adjacent to Area 3) will be 50 feet from the top of bank, subject to the following conditions: First, the riverbank protection must be in place, prior to mining within 200 feet of the top of bank. Secondly, mining and back filling to grade (to 100 feet from the top of bank) can occur only during a "Low Water Season", as defined by October 1 to April 1 of the following year. Construction of the clay liner and installation of the pit-side protection should be as concurrent as possible.
25. Mining limits of 25 feet from other property lines shall be maintained throughout the rest of Area 1.
26. Within forty-five days after the voluntary cleanup described in the plan approved by the Colorado Department of Public Health and Environment, the applicant shall provide to the Department of Public Health and Environment a certification from a qualified environmental professional that the voluntary cleanup plan has been fully implemented.
27. All stockpiling, including concrete recycling, shall not exceed a height of 30 feet.

Notes to the Applicant:

1. All conditions precedent must be satisfied prior to commencing operations on the subject site. Proof that the concerns have been addressed will require a Notice to Proceed from the Department of Planning and Development.
2. Any structures that are placed or built on this site will require a Building Permit.
3. All requirements of the Building and Fire Codes shall be adhered to with this request.

4. Unless modified or otherwise noted in the approved Resolution and Operations Plan, the mining operation shall comply with the Adams County Zoning Regulations, Section 11.340.
5. All haul trucks shall cover their loads pursuant to C.R.S. 42-4-1407.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Valente	Aye
Flaum	Excused
Strickland	Aye
Commissioners	
STATE OF COLORADO)
County of Adams)

I, Carol Snyder, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 16TH day of OCTOBER, A.D. 2000

County Clerk and ex-officio Clerk of the Board of County Commissioners
Carol Snyder:

By Jerry Swindle
Deputy

