

Colorado Cleanup Recycling Facility PRC2017-00006

March 6, 2018

Board of County Commissioners

Community and Economic Development

Case Manager: Emily Collins

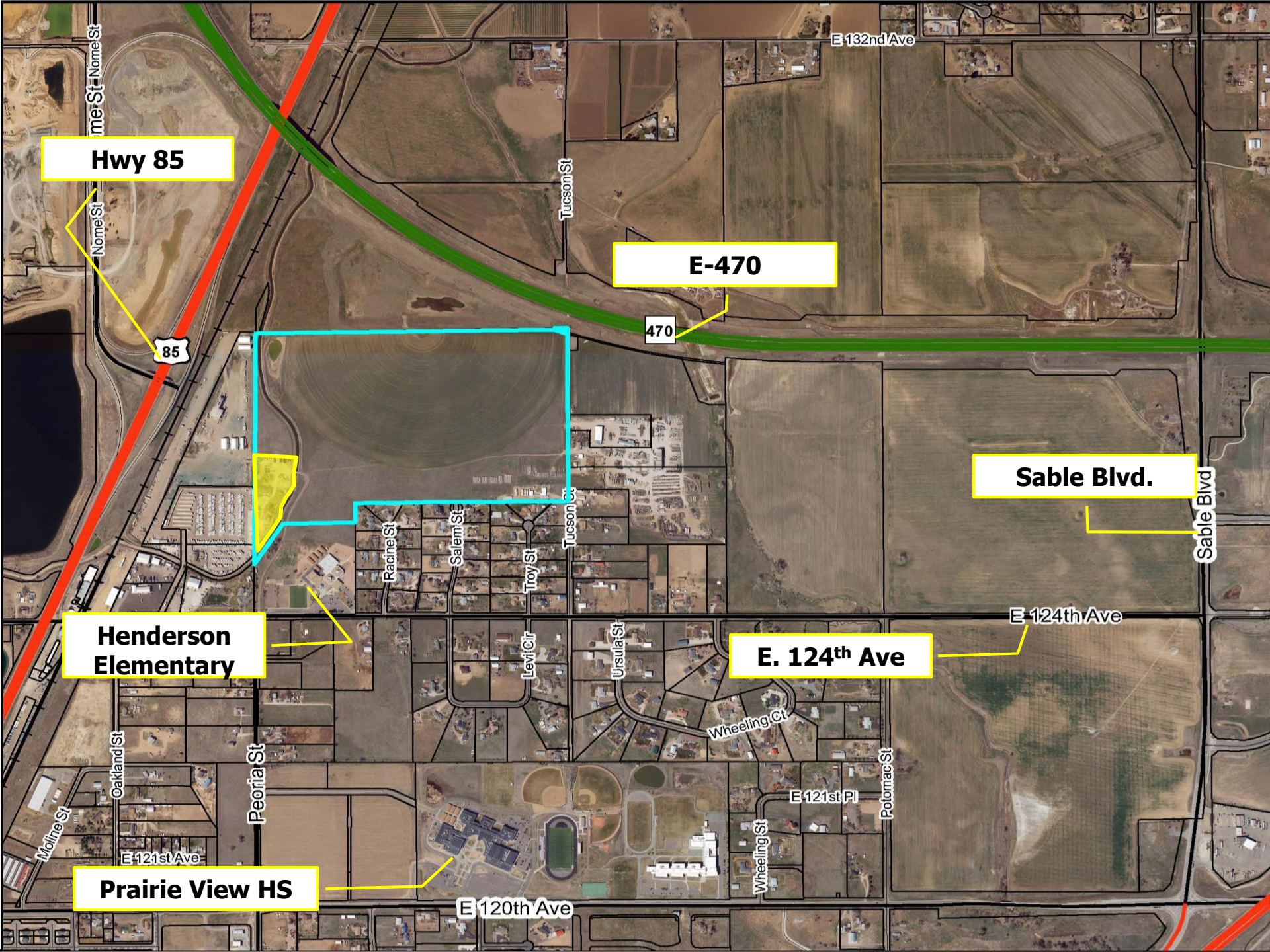


BOCC Update

- Considered on November 14, 2017
- Continued to January 30, 2018
 - Address staff and PC concerns
 - Met with applicant on December 20, 2017
- Continued to March 6, 2018
 - Met with applicant on February 22, 2018
 - Revised site plan, access, etc.

Request

1. Conditional Use Permit to allow recycling facility in A-3



Hwy 85

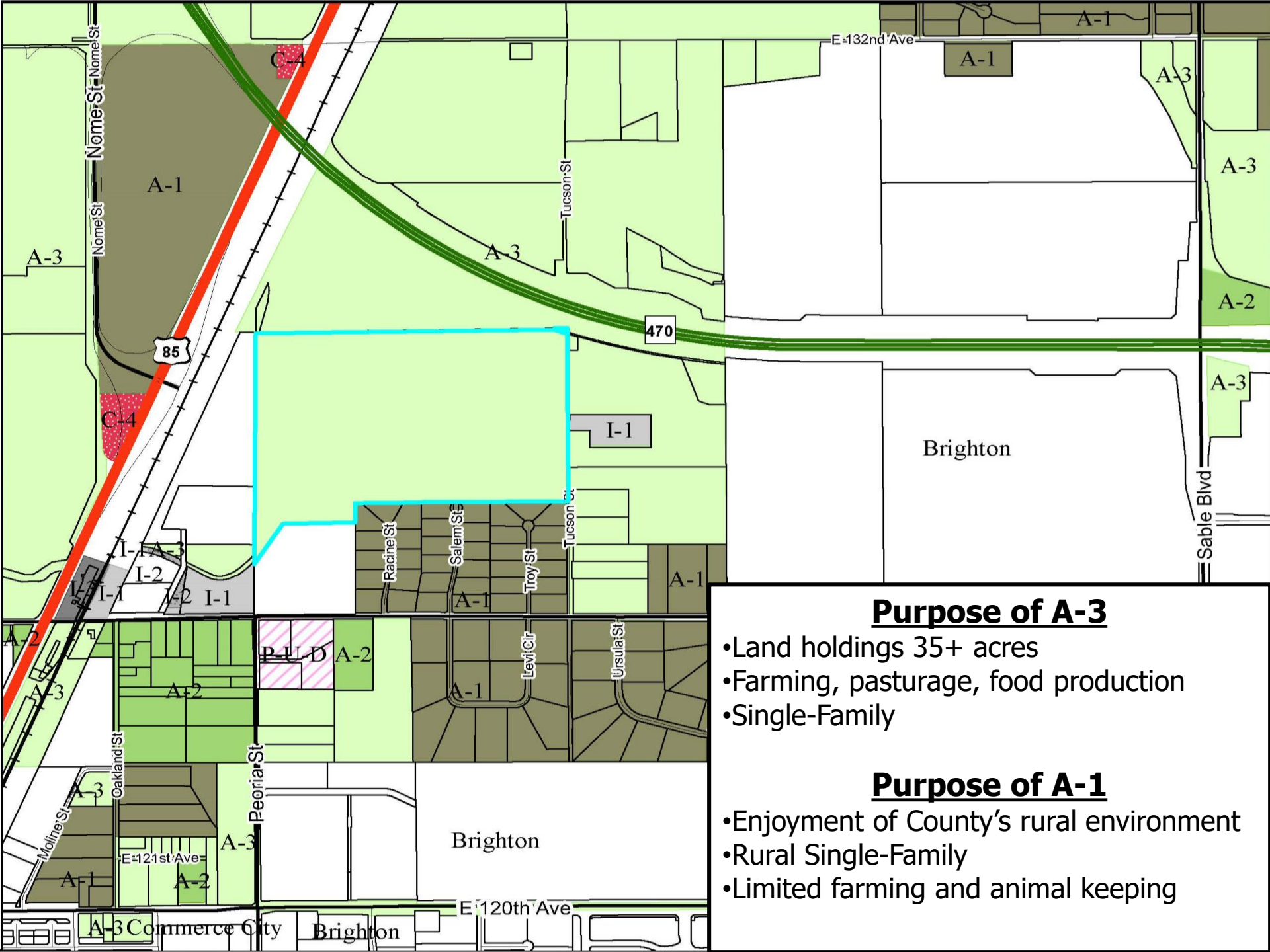
E-470

Sable Blvd.

**Henderson
Elementary**

E. 124th Ave

Prairie View HS

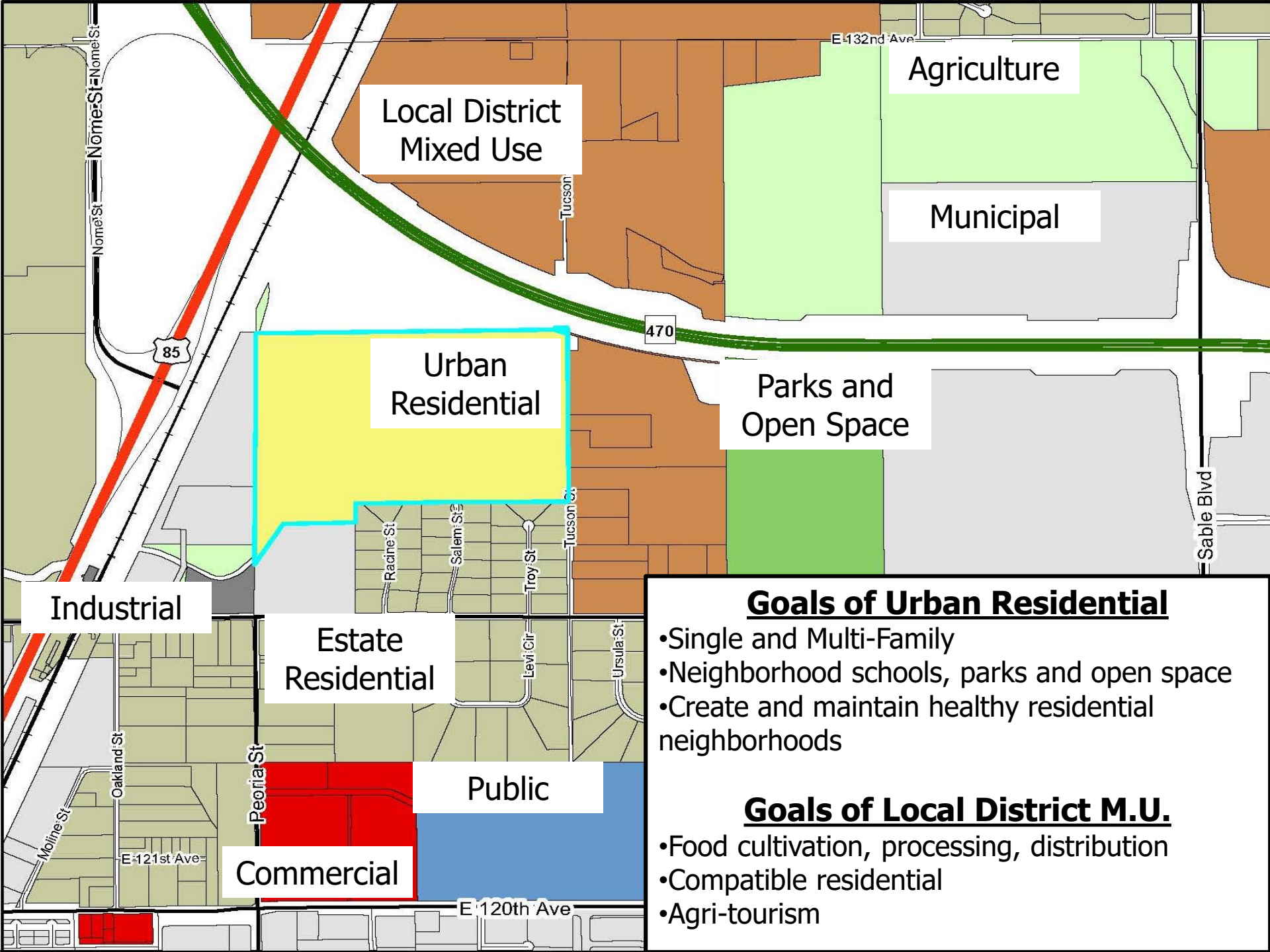


Purpose of A-3

- Land holdings 35+ acres
- Farming, pasturage, food production
- Single-Family

Purpose of A-1

- Enjoyment of County's rural environment
- Rural Single-Family
- Limited farming and animal keeping



Local District
Mixed Use

Agriculture

Municipal

Parks and
Open Space

Urban
Residential

Industrial

Estate
Residential

Public

Commercial

Goals of Urban Residential

- Single and Multi-Family
- Neighborhood schools, parks and open space
- Create and maintain healthy residential neighborhoods

Goals of Local District M.U.

- Food cultivation, processing, distribution
- Compatible residential
- Agri-tourism

Background

- Facility operating for 12+ years without permits
- 2013:
 - Notice of violation
 - Conceptual Review meeting
 - Aug. '13- Oct. '15: on-going discussions
- 2015:
 - CEDD rejected CUP application
 - Zoning violation trial
 - BOA approved an appeal of administrative decision in January 2016

Purpose of Conditional Use

Section 2-02-08-01

- Ensure proposed use will be **compatible** with the surrounding area, as well as **character** of the neighborhood, and **not detrimental** to the health, safety, or welfare of inhabitants of the surrounding area.
- Elements of **compatibility** include height, scale, mass and bulk of structures, traffic, circulation, access, parking, landscape, lighting, noise, odor, architecture.
 - Does not mean “the same as” but refers to **sensitivity of development in maintaining existing character**.

Criteria for Conditional Use

Section 2-02-08-06

1. Permitted in zone district
2. Consistent with regulations
3. Comply with performance standards
4. Harmonious & compatible
5. Addressed all off-site impacts
6. Site suitable for use
7. Site plan adequate for use
8. Adequate services

Criteria for Recycling Facilities and Outdoor Storage

Section 2-02-08-07-03 and 2-02-08-07-05

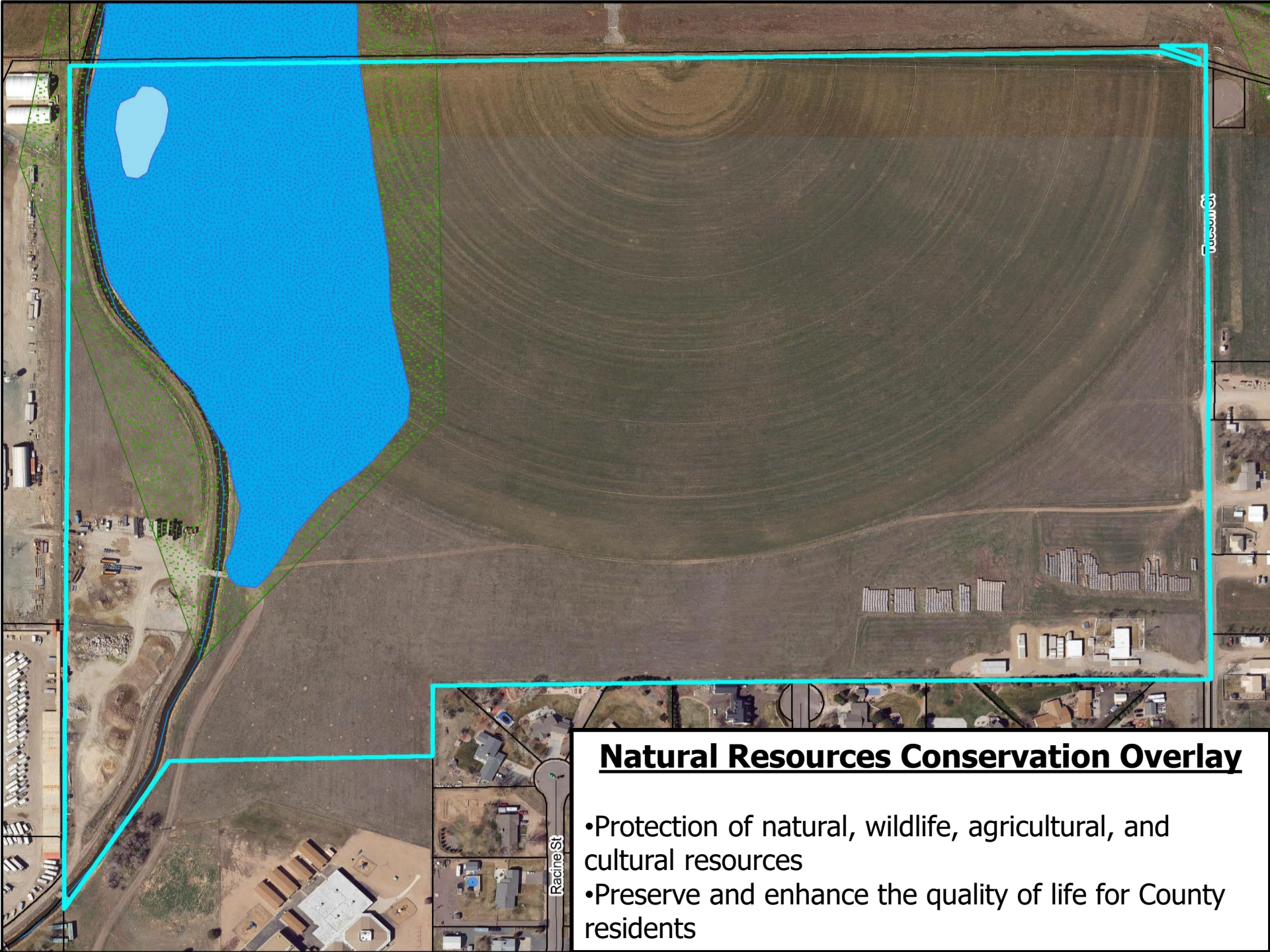
1. Demonstrate need for the facility/ storage
2. Compatible with regulations and Comprehensive Plan
3. Comply with all health standards (TCH and CDPHE)
4. No significant traffic congestion or hazards
5. Compatible with surrounding area
6. Health and welfare
7. Storage subordinate to principal use
8. Aesthetics addressed



Recycling
Facility

Tucson
Estates

Henderson
Elementary

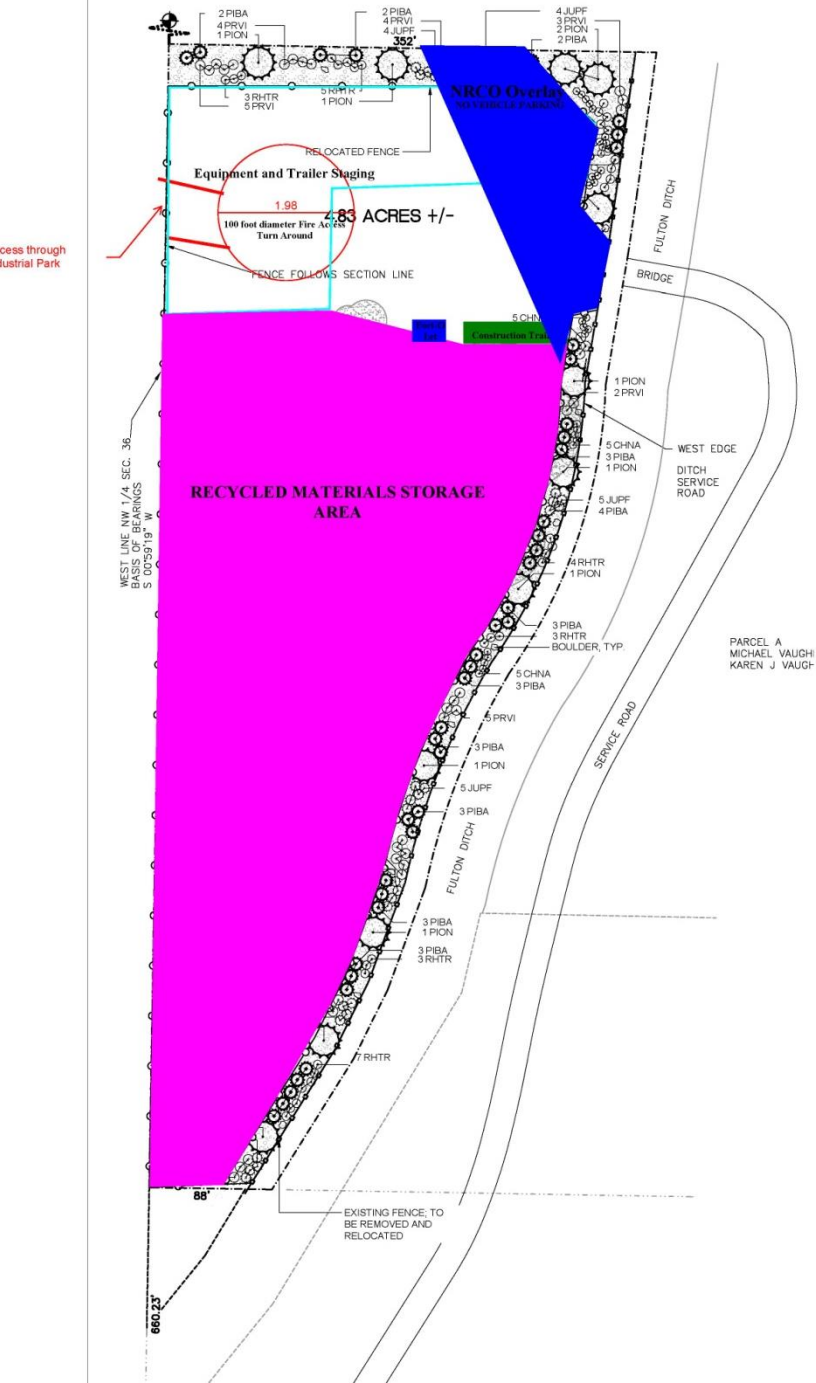


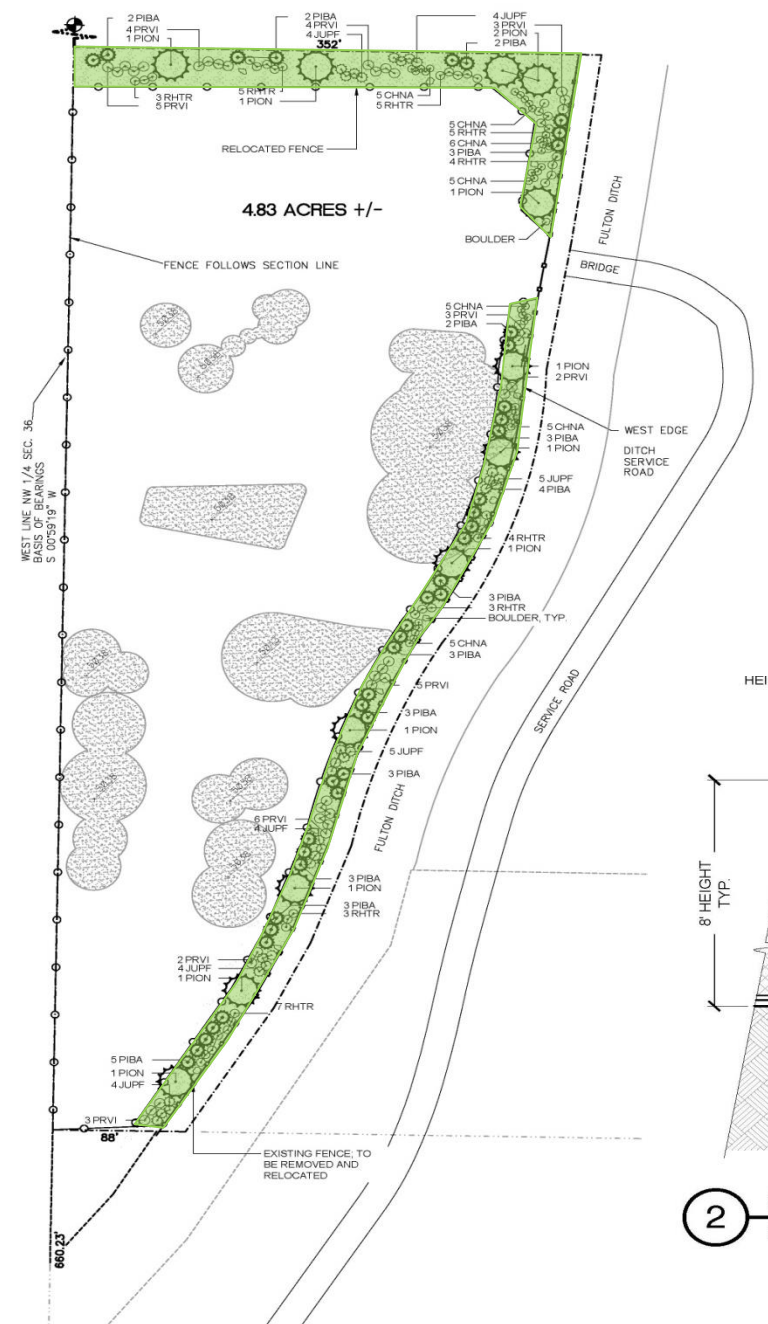
Natural Resources Conservation Overlay

- Protection of natural, wildlife, agricultural, and cultural resources
- Preserve and enhance the quality of life for County residents

Recycling Facility

- Approximately 4.83 acres
- Construction and demolition debris
- Stacking up to 8 ft
- Materials: concrete and asphalt
- Certified clean prior to transport
- Crushing: 20 days/year
- Hours: 7 am to 6 pm
- Proposed landscape and screening
- Heavy trucks and equipment
- Access through adjacent industrial property (west)





SITE REQUIREMENTS		
TOTAL SITE AREA:	210,394 SF	100%
MIN. LANDSCAPE AREA REQUIRED	21,039 SF	10%
LANDSCAPE AREA PROVIDED	23,199 SF	11%

*MINIMUM OF 75% ORGANIC MATERIAL PROVIDED WITHIN LANDSCAPE AREA

LANDSCAPE REQUIREMENTS TABLE:

DESCRIPTION	BUFFER WIDTH REQUIRED / PROVIDED	REQUIREMENTS	QTY. (L.F. or S.F.)	TREES REQ.	TREES PROV.
BUFFERYARD B INDUSTRIAL/COMMERCIAL	10' / 10'	2 TREE PER 80 LINEAR FEET	351'	5	10
BUFFERYARD D INDUSTRIAL/INSTITUTIONAL	15' / 15'	3 TREE PER 60 LINEAR FEET AND 6' FENCE	851'	43	43

ADDITIONAL LANDSCAPE REQUIREMENTS TABLE: (NON JURISDICTIONAL CITY OF BRIGHTON)

DESCRIPTION	REQUIREMENTS	QTY. (L.F. or S.F.)	TREES REQ.	TREES PROV.	EV. SHRUBS REQ.	EV. SHRUBS PROV.	DEC. SHRUBS REQ.	DEC. SHRUBS PROV.
CITY OF BRIGHTON LANDSCAPE REGULATIONS INDUSTRIAL/INSTITUTIONAL	1 TREE, 3 EVERGREEN SHRUBS AND 3 DEC. SHRUBS / 40 LINEAR FEET	851'	22	44	64	22 ²	64	81

NOTE:

1. TABLE AND CALCULATION IS FOR INFORMATION ONLY, THIS SITE IS WITHIN ADAMS COUNTY AND CITY OF BRIGHTON REQUIREMENTS ARE FOR INFORMATION ONLY.
2. DEFICIENCY IN EVERGREEN SHRUBS IS PROVIDED FOR IN OVERAGE OF REQUIRED TREES (EVERGREEN TREES +22) AT A RATE OF 10 REQUIRED SHRUBS EQUAL 1 TREE (42 EV. TREES DEFICIENT, 5 ADDITIONAL EVERGREEN TREES PROVIDED).

PLANT SCHEDULE

EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT.	CAL.
PIBA	41	PICEA PUNGENS 'BAKERI'	BAKERI SPRUCE	B & B	6' HT
PION	12	PINUS PONDEROSA	PONDEROSA PINE	B & B	6' HT.
DECIDUOUS SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT.	
CHNA	36	CHRYSOETHAMNUS NAUSEOSUS ALBICAULIS	TALL BLUE RABBITBRUSH	5 GAL	
PRVI	37	PRUNUS VIRGINIANA	CHOKECHERRY	5 GAL	
RHTR	39	RHUS TRILOBATA	SKUNKBUSH SUMAC	5 GAL	
EVERGREEN SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT.	
JUPF	30	JUNIPERUS X MEDIA 'PFITZERANA'	PFITZER JUNIPER	5 GAL	

2 CHAIN LINK FENCE W/ PRIVACY SLATS
3/8" = 1'-0"

North from 124th Ave



West from access road



West from access road



West from access road



North from E. 124th Ave



Referral Comments

- No concerns:
 - Xcel, CDOT, CDPHE, United Power, Brighton Fire
- Concerns:
 - Tri-County Health
 - Vector control, fuel storage and well contamination
 - Sanitation and wastewater management
 - School District 27J
 - Access easement with approved County permits
 - City of Brighton
 - Diminish agricultural character
 - Change access point
 - Limit outdoor storage height to 6 ft

Referral Comments

- Development Services:
 - Not compatible with surrounding area
 - Health and welfare
 - Off-site impacts
- Property Owners within 2,000 ft:

Notifications Sent	Comments Received
125	12

**All comments in opposition of the request*

- Proximity to school and homes
- Air and water pollution
- Noise and hours of operation
- Traffic congestion and safety due to access point
- Degraded aesthetics

North towards E-470



East towards Tucson Estates



SE towards Henderson Elementary



PC Update

- Considered on October 26, 2017
 - Recommended denial (5-2)
 - Incompatible with area, zoning, and comprehensive plan
 - Generally not opposed to recycling operations
- Discussion:
 - Permits
 - Site selection
 - Crushing details and noise
 - Material testing
 - Pile heights
- Public Testimony
 - Property owner (support)

Criteria for Conditional Use, Recycling Facilities, and Outdoor Storage

- Permitted in zone district
- Consistent with regulations and performance standards
- Harmonious & compatible with surrounding area
- Site suitable for use and addressed all off-site impacts
- Compatible with Comprehensive Plan
- Comply with all health standards (TCH and CDPHE)
- No significant traffic congestion or hazards

Recommendation

PRC2017-00006

Staff recommends **Approval** based on 17 Findings-of- Fact, 4 Conditions Precedent, and 17 Conditions.

Conditions of Approval

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. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare of residents as a 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 Adams County staff time expended in such corrective actions.
2. Prior to or with any building permits the applicant shall provide a copy of the executed access agreement with Coblaco Services, Inc.
4. The applicant shall install all landscape and screening as shown on the approved plan submitted with this application. A minimum six-foot solid screen fence constructed of wood or masonry material is required to replace the existing chain link fence. These improvements shall be installed and inspected prior to issuance of a Notice to Proceed or any building permits.
5. The applicant shall comply with all comments provided by Tri-County Health Department in their letter dated July 20, 2016 including identification of water wells and above ground fuel storage requirements.

Conditions of Approval

1. Prior to continuing operations, the applicant shall receive a "Notice to Proceed" from the Community and Economic Development Department. The applicant shall provide written proof that all conditions precedent has been satisfied prior to receiving the notice.
2. The conditional use permit shall expire on March 5, 2021.
3. Hours of operation for crushing activities shall be limited to 7 am to 6 pm. No operations shall occur on weekends.
4. The applicant shall submit a building permit for all structures, including the existing office structure.
5. Fugitive dust control mechanisms must be in place and functioning at all times and shall include dust mitigation on the access road.
6. The facility shall cease operations during times of high winds. High winds shall be defined as wind speeds exceeding 35 mph or sustained 25 mph. An on-site anemometer shall be installed and daily wind speeds recorded to be kept with operational records.

Conditions of Approval

7. The applicant shall install and maintain a vehicle tracking pad at the entrance of E. 124th Ave to be used for erosion and sediment control.
8. Lighting shall be arranged and positioned so no direct lighting or reflection of lighting creates a nuisance or hazard to any adjoining property or right-of-way.
9. Adams County inspectors and the Colorado Department of Public Health and Environment reserve the right to inspect the site during reasonable working hours in order to evaluate compliance with solid waste regulations and conditions of the Conditional Use Permit. Notice of inspection may be given prior to the inspection.
10. Waste associated with or generated by the recycling facility shall only be disposed of at permitted solid waste disposal sites or facilities.
11. The operators shall remove trash, or other waste material, of the type which is brought to the facility, along public rights-of-way within one-half (1/2) mile of the facility which is attributable to the facility operations.

Conditions of Approval

12. The operator shall maintain records showing amounts of stockpiled materials both processed and unprocessed. In addition, records containing customer lists and records showing amounts of recycled material shipped off site shall be maintained. All records must be accessible on-site and shall be made available to Adams County inspectors upon request.
13. The site shall maintain a clean, neat, and orderly appearance (i.e. clean, neat, and orderly includes, but would not be limited to, screening items from the public view, maintaining drive lanes on site, keeping storage areas organized, etc). Stockpiles of materials may only be placed as specified on the site plan.
14. The facility shall be limited only to those materials and processes described in the Design and Operations plan submitted with this application. Any changes to types of material or processes shall require an amended conditional use permit.
15. Outdoor storage of crushed materials shall not be permitted over the height of the screen fence.

Conditions of Approval

16. All complaints received by the applicant concerning nuisance conditions attributable to the operation, and the resolution of those complaints, shall be conveyed to the Department of Community and Economic Development. Impacts from nuisance conditions from the operation shall be responded to and resolved immediately by the applicant. Disputes concerning nuisance conditions from the operation may be resolved by the Department of Community and Economic Development in consultation with the Adams County Community Correction Board and may be justification for a Show Cause Hearing before the Adams County Board of County Commissioners.
17. 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.
18. Shingles are not considered a recyclable material and shall not be accepted at this facility as such, except in de minimis amounts as a solid waste and then properly disposed of at a permitted waste disposal site.
19. Noise emanating from the site shall be within the limits defined in the noise impact plan submitted with this application.

Definitions

- Recyclable Material:

- “A type of material subject to reuse or recycling. Recyclable materials include metal, glass, cloth, paper, plastic, or any other material which presently has a commercial use or value as a commodity, raw material, or feedstock and is intentionally separated from a waste stream for reprocessing or remanufacture. Recyclable materials do not include any material meeting the definition of a hazardous waste under Section 25-15-101(6), CRS, any material meeting the definition of an infectious waste under Section 25-15-402(1), CRS, any material meeting the definition of a putrescible waste, or any other materials likely to contaminate ground water, create off-site odors, or otherwise pose a threat to human health or the environment as a result of processing, reclaiming, recycling, storage prior to recycling, or use of the material

Adams County
Govt. Building

Site

E470

36

124th

31

Legend

PUD Category

- Commercial
- Commercial/Industrial
- Industrial
- Mixed Use
- Mixed Use Commercial
- Mixed Use Commercial/Industrial
- Mixed Use Industrial
- Mixed Use Residential
- Multiple Family Residential
- Parks and Open Space
- Public Land
- Single Family Residential
- Site Specific
- Undesignated
- Zoning
- Surrounding Municipalities
- City Boundary
- Section Lines

Brighton Zoning Map



