

STATE OF COLORADO)
COUNTY OF ADAMS)

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Government Center in Brighton, Colorado on the 10th day of May, 2016 there were present:

Steve O'Dorisio	Commissioner
Eva J. Henry	Commissioner
Charles "Chaz" Tedesco	Commissioner
Erik Hansen	Commissioner
Jan Pawlowski	Commissioner
Heidi Miller	County Attorney
Erica Hannah	Clerk to the Board

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

RESOLUTION APPROVING APPLICATION IN CASE #PRC2015-00009 FREI-HATCHERY
PIT

Resolution 2016-277

WHEREAS, this case involved: 1) Major Subdivision (Preliminary Plat) to combine four parcels into one lot; 2) Street vacation of right-of-way in Tracts 11 and 12, Romana Gardens Subdivision; 3) Conditional Use to allow an aggregate mining operation; & 4) Conditional Use to allow an inert fill.

APPROXIMATE LOCATION: 9001 Monaco Street (Northwest corner of 88th Avenue and Monaco Street).

LEGAL DESCRIPTION:

TRACTS 11 AND 12, RAMONA GARDENS AND THAT PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS (INCLUDES TO BE VACATED RIGHT-OF-WAY BY THE PROPOSED PLAT):

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE S89°57'30"E ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 20, A DISTANCE OF 689.00 FEET TO THE TO THE SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO THE STATE OF COLORADO IN BOOK 234 AT PAGE 39, ARAPAHOE COUNTY RECORDS; THENCE N30°00'00"E ALONG THE EAST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 258.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N30°00'00"E ALONG SAID EAST LINE, A DISTANCE OF 741.64 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND; THENCE N76°00'00"W ALONG THE NORTH LINE OF SAID PARCEL OF LAND, A DISTANCE OF 513.27 FEET TO THE EAST LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 6130 AT PAGE 307, ADAMS COUNTY RECORDS, THENCE ALONG SAID EAST LINE LINE THE FOLLOWING FIVE (5) COURSES AND DISTANCES: 1) N07°35'26"E A DISTANCE OF 164.64 FEET; THENCE 2) N02°44'11"W A DISTANCE OF 299.23 FEET; THENCE 3) N08°12'53"W A DISTANCE OF 363.00 FEET; THENCE 4) N41°40'51"W A DISTANCE OF 121.26 FEET; THENCE 5) N14°39'04"W A DISTANCE OF 81.68 FEET TO THE SOUTH LINE OF RAMONA GARDENS; THENCE N89°59'08"E ALONG SAID SOUTH LINE, A DISTANCE OF 1127.69 FEET TO THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 106 AT PAGE 351, ADAMS COUNTY RECORDS; THENCE S00°06'47"W ALONG SAID WEST LINE, A DISTANCE OF 15.00 TO THE SOUTH LINE OF SAID PARCEL OF LAND; THENCE N89°59'08"E

ALONG THE SOUTH LINE OF SAID PARCEL OF LAND, A DISTANCE OF 975.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF MONACO STREET AS SHOWN ON THE PLAT OF SAID RAMONA GARDENS; THENCE S00°13'02"W ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 807.27 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 88TH AVENUE AS CONVEYED TO THE STATE OF COLORADO IN BOOK 1575 AT PAGE 126 & 129, ADAMS COUNTY RECORDS; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING SEVEN (7) COURSES AND DISTANCES: 1) S56°22'45"W A DISTANCE OF 539.26 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE TO LEFT, THE DELTA OF SAID CURVE IS 42°45'40", THE RADIUS OF SAID CURVE IS 816.30 FEET, THE CHORD OF SAID CURVE BEARS S76°22'50"W, 595.18 FEET; THENCE 2) ALONG THE ARC OF CURVE A DISTANCE OF 609.22 FEET TO THE END OF SAID CURVE; THENCE 3) S55°00'00"W A DISTANCE OF 515.50 FEET; THENCE 4) N67°48'55"W A DISTANCE OF 124.00 FEET; THENCE 5) S43°24'00"W A DISTANCE OF 50.00 FEET; THENCE 6) S18°30'30"E A DISTANCE OF 119.00 FEET; THENCE 7) S69°34'15"W A DISTANCE OF 283.35 FEET TO THE POINT OF BEGINNING. CONTAINS 53.174 ACRES MORE OR LESS.

WHEREAS, the Adams County Planning Commission held a public hearing on the application on the 14th day of April, 2016, and forwarded a recommendation of APPROVAL to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners held a public hearing on the application on the 10th day of May, 2016; and

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

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 recommendation of the Adams County Planning Commission, the application in this case is hereby APPROVED based upon the following findings of fact and conditions:

FINDINGS-OF-FACT:

Major Subdivision /Preliminary Plat

1. The preliminary plat is consistent with the Adams County Comprehensive Plan and any available area plan.
2. The preliminary plat is consistent with the purposes of these standards and regulations.
3. The preliminary plat is in conformance with the subdivision design standards and any approved sketch plan.
4. The applicant has provided evidence that a sufficient water supply plan has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
5. The applicant has provided evidence that adequate a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that such system complies with state and local laws and regulations.
6. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
7. The applicant has provided evidence that adequate drainage improvements comply with these standards and regulations.
8. The overall density of development within the proposed subdivision conforms to the zone district density allowances.
9. The proposed subdivision 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.

Roadway Vacation

10. The roadway vacations comply with these standards and regulations.
11. Nonconforming lots are not created.
12. The roadway vacations are in keeping with the purpose and intent of the subdivision regulations.
13. The approvals will not adversely affect the public health, safety, and welfare.
14. The vacation does not leave any land adjoining the roadway without an established public road or private access easement connecting said land with another established public road.

Conditional Use Permits

15. The conditional use is permitted in the applicable zone district.
16. The conditional use is consistent with the purposes of these standards and regulations.
17. The conditional use will comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
18. 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.
19. The conditional use permit has addressed all off-site impacts.
20. The site is suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
21. 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.
22. 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.

Conditions of Approval:

1. Mining activities on the property shall not proceed until a "Notice to Proceed" is issued by the Adams County Department of Community and Economic Development, after the applicant has demonstrated all applicable Conditions have been completed and addressed.
2. Prior to or with the final plat application, the applicant shall submit a subdivision improvement agreement, pay all required fees and submit for review and approval all final engineering plans. In addition, all required final plat mylar corrections associated with the request shall be made and will include right-of-way vacations and dedications.
3. The conditional use permit for mining and inert fill operations shall expire on March 15, 2023.
4. For larger and/or ongoing acceptance of source material where inspection of each individual delivery of the inert material into the site is not required, a "Notice to Proceed" shall be required from the Adams County prior to hauling inert material from each new source. A "source" application packet shall be submitted to the Community and Economic Development Department detailing the address of the proposed source property, the haul route, hours of operation, and shall include a signed statement certifying the fill material is not contaminated from the owner of the source property. Soil testing shall be required by Adams County in instances where acceptable certification of fill material is not provided. For the import of source material that has not received advance approval from the Community and Economic Development Department, the operator shall visually inspect each delivery of the material prior to acceptance and determine material is clean inert material, and shall prepare and have signed an Inert Material Manifest Affidavit verifying all materials in the delivery are clean inert material. The Inert Material Manifest Affidavit shall include the address of the source of the inert material, the name and address of the person signing the Inert Material Manifest Affidavit by or on behalf of the generator/owner of the material, and the name and signature of the operator's representative confirming that a visual inspection of the material was undertaken and the material was determined to be clean inert fill. The complete Affidavits shall be delivered to the Adams County Environmental Analyst.
5. All fill materials must be inert, as defined in the Adams County Development Standards and Regulations and C.R.S. Section 25-15-101(14), which includes 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 that 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.

6. The applicant shall design and install a right turn lane on west bound East 88th Avenue approaching the site access as described in the submitted traffic study (November 11, 2015 & March 23, 2016) for the proposed request. Within three months of issuing a notice to proceed for the conditional use permit, the applicant shall submit design for all required public improvements and provide associated collateral. The required public improvements shall be completed within one year of issuance of a notice to proceed for the conditional use permit.
7. A copy of the storm water management plan and Colorado Discharge permit shall be provided to Adams County prior to beginning operations.
8. A floodplain use permit shall be required prior to beginning operations on the site.
9. The site shall only accept clean and uncontained inert material. Should the applicant wish to accept any other types of material, a Major Amendment to this CUP and/or a Certificate of Designation shall be required.
10. Fugitive dust control mechanisms must be in place and functioning at all times.
11. The applicant shall install radar activated or white noise type backup alarms for their equipment to minimize noise impacts to the area.
12. Signs shall be posted on site notifying truck drivers that engine brakes shall not be permitted.
13. All accesses to the site shall be outfitted with vehicle tracking pads.
14. Control of inert 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.
15. 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.
16. All haul trucks shall cover their loads pursuant to C.R.S. 42-4-1407, or as amended.
17. Hours of operation shall be from 6:00 am to 5:00 pm Monday through Saturday. Hours of operation for truck traffic shall be limited from 8:00 am to 5:00 pm Monday through Saturday. Longer hours shall only be permitted by review and approval by the Department of Community and Economic Development on a case by case basis. A major or minor amendment may be required for longer hours of operation. The site shall remain closed on all Adams County recognized holidays with the exception of Martin Luther King Day, President's Day, Columbus Day, and Veterans Day.
18. All Mining and Reclamation Activities on the site shall comply with the Adams County requirements pertaining to the Mineral Conservation Overlay (MCO) as adopted by Adams County under the Adams County Development Standards per Section 3-37.
19. All applicable operational standards found in Section 4-10-02-03, Extraction and Disposal Uses, of the Adams County Development Standards shall be followed.
20. All applicable Operational Standards found in Section 4-13 of the Adams County Development Standards shall apply to this permit.
21. All rollers or mechanical equipment emitting high-pitched noises must be immediately replaced or repaired. Adams County will be the final arbitrator regarding the intensity of noise emitting from the conveyor system or mechanical equipment.
22. All complaints received by the applicant concerning offsite impacts, and the resolution of those complaints, shall be conveyed to the Department of Community & Economic Development. Offsite impacts shall be responded to and resolved immediately by the applicant. Disputes concerning offsite impacts may be resolved by the Department of Community and Economic Development and may be justification for a Show Cause Hearing before the Adams County Board of County Commissioners where one or both conditional use permits may be revoked.
23. The applicant will be held responsible for the cleanliness and safety of all roadways adjacent to the property. If the roadways are found to be dangerous or not passable due to debris or mud, Adams County will shut down the project until the roadway conditions have improved and are deemed acceptable. If the applicant fails to keep the adjacent roadways clean and free from debris, Adams County has the option to do the required clean up and bill the charges directly to the applicant.
24. 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. 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.
 - All other types of fluid spills such as hydraulic and oil from maintenance of equipment shall be removed and disposed of at a facility permitted for such disposal.
25. Prior to or with the final plat application, the applicant shall complete a site specific resources review report to determine any mitigation measures that may be required in accordance with the Natural Resources Conservation Overlay (NRCO).

Note to the applicant:

1. Failure to comply with any of the conditions contained within this conditional use permit may be a justification for a Show Cause Hearing before the Adams County Board of County Commissioners where this permit may be revoked.

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

O'Dorisio	_____	Aye
Henry	_____	Aye
Tedesco	_____	Aye
Hansen	_____	Aye
Pawlowski	_____	Aye
		Commissioners

STATE OF COLORADO)
County of Adams)

I, Stan Martin, 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.

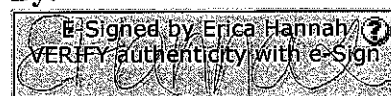
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 10th day of May, A.D. 2016.

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

Stan Martin:



By:



Deputy