

Hillen Recycling Facility

RCU2016-00038

January 15, 2019

Board of County Commissioners

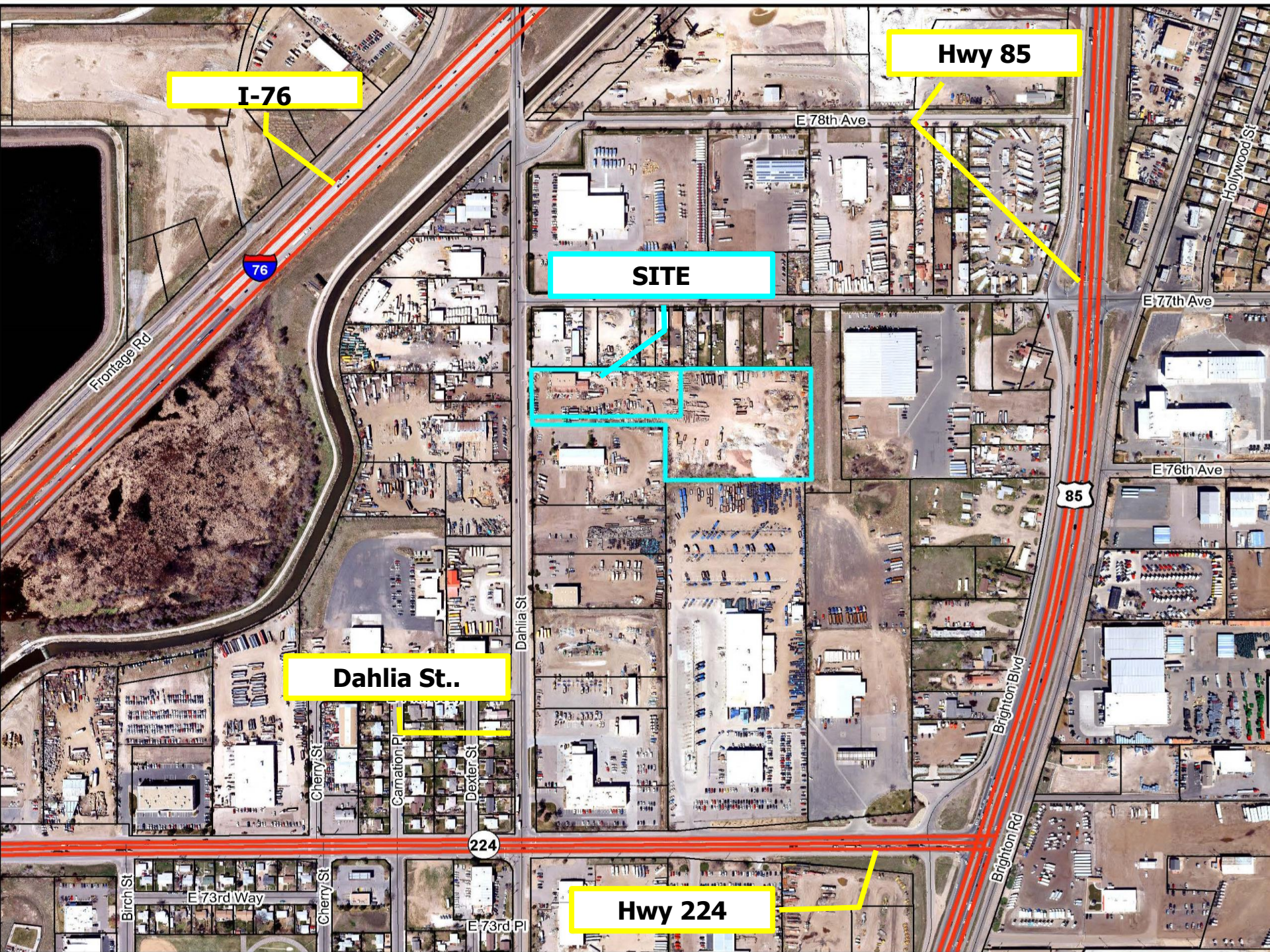
Community and Economic Development

Case Manager: Emily Maldonado



Requests

- Conditional Use Permits to allow:
 - Recycling facility in I-2 zone district
 - Pile heights up to 20'



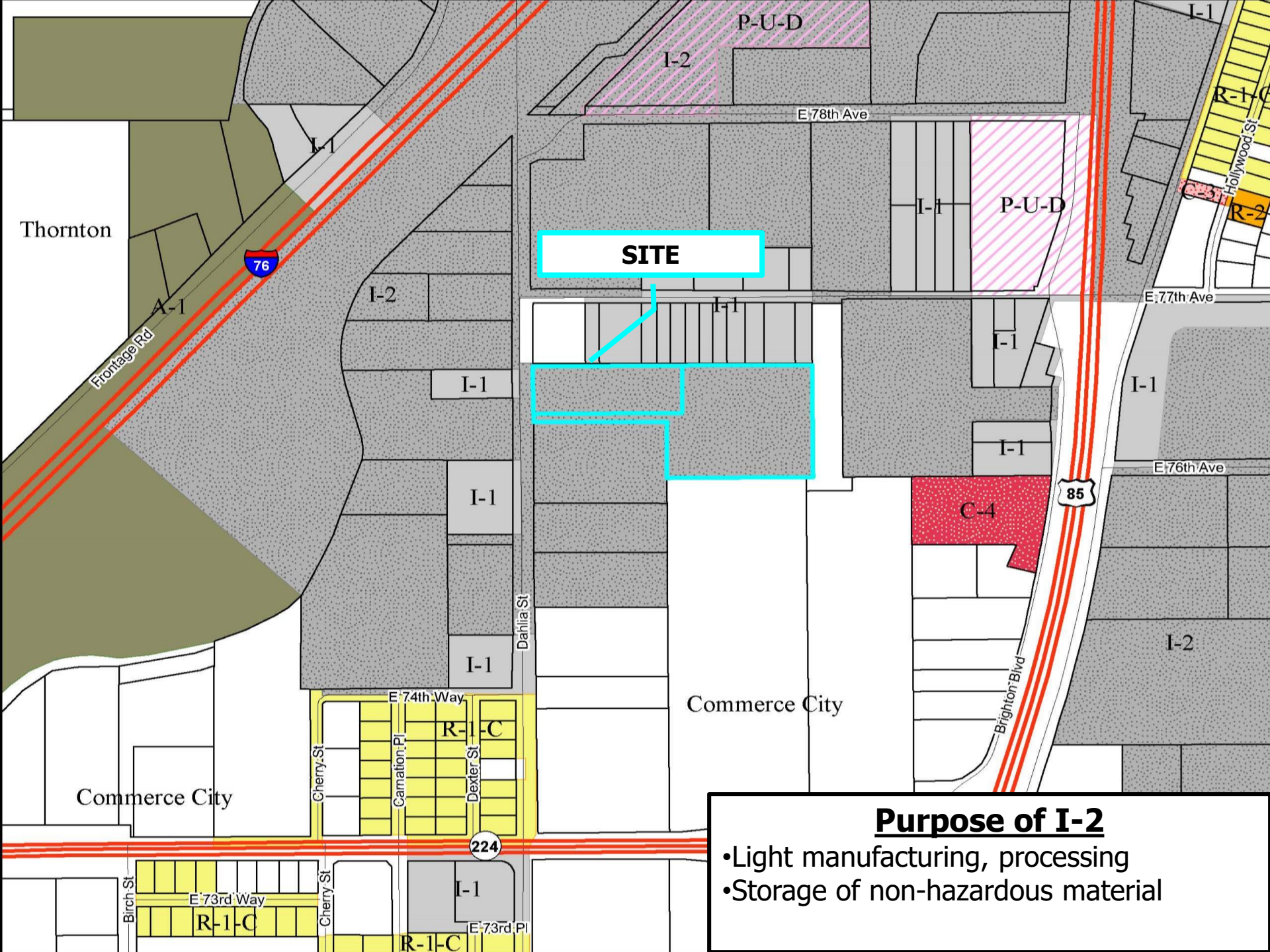
I-76

Hwy 85

SITE

Dahlia St..

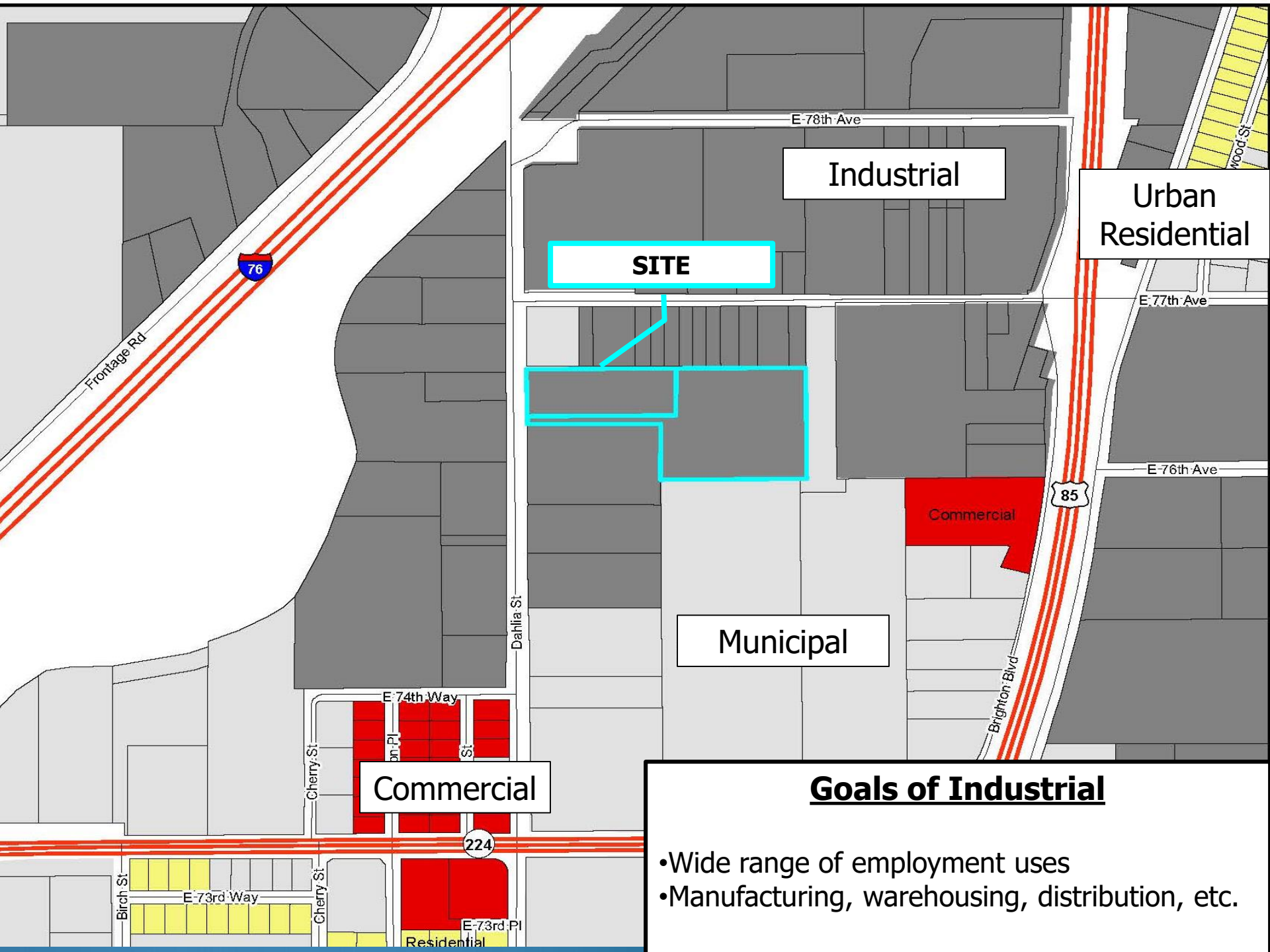
Hwy 224



SITE

Purpose of I-2

- Light manufacturing, processing
- Storage of non-hazardous material



SITE

Industrial

**Urban
Residential**

Commercial

Municipal

Commercial

Residential

Goals of Industrial

- Wide range of employment uses
- Manufacturing, warehousing, distribution, etc.

Background

- Early 1980's
 - Former gravel mine
- 1981:
 - Certificate of Designation to dispose brick, mortar, concrete
- 1984:
 - Conditional Use to allow outdoor storage in excess of 100% building area
- 2016:
 - Zoning violation for recycling facility

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

Section 2-02-08-07-03

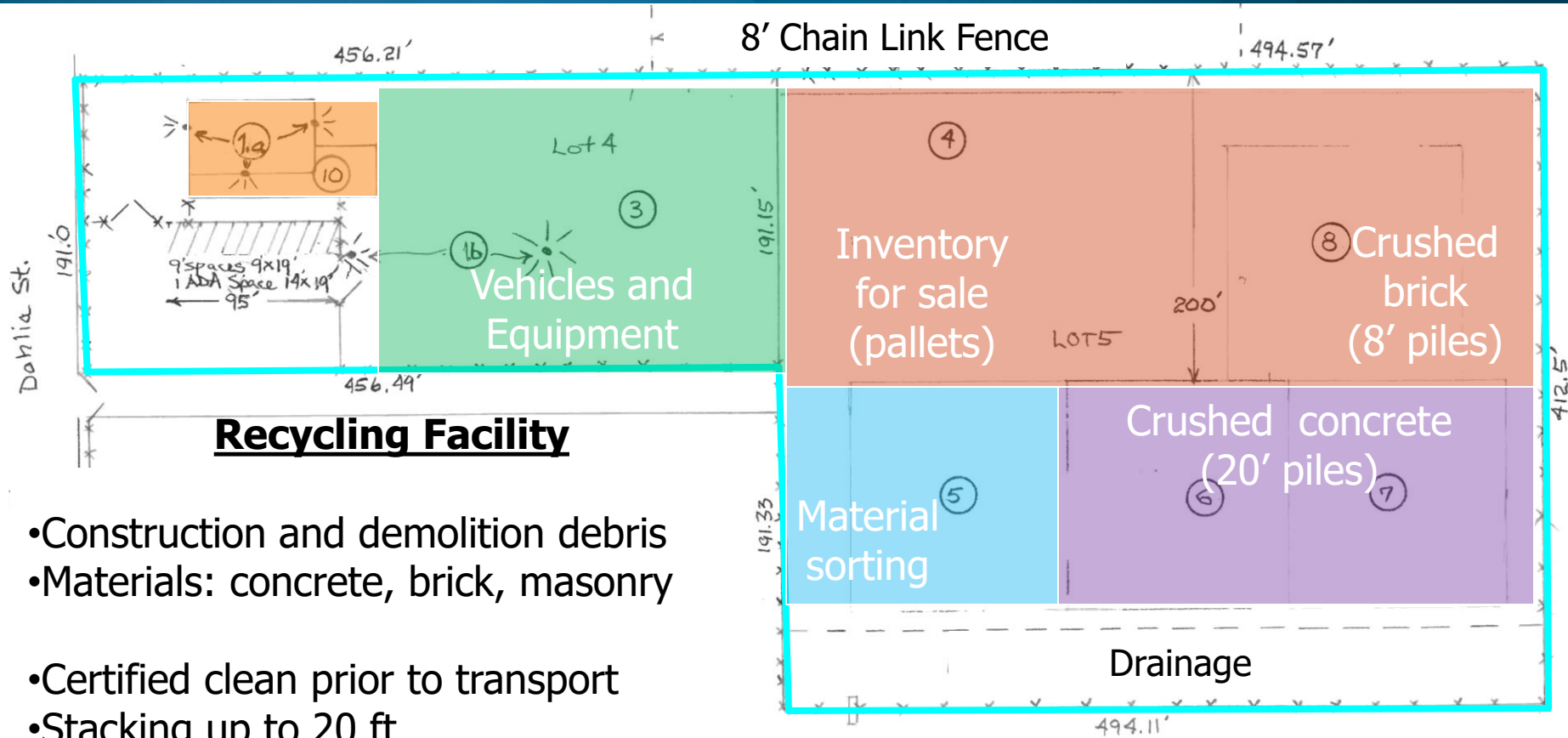
1. Demonstrate need for the facility/ storage
2. Compatible with regulations and Comprehensive Plan
3. Comply with all health standards (TCH and CDPHE)
4. No significant traffic congestion or hazards
5. Compatible with surrounding area
6. Health and welfare



E. 77TH Ave.

SITE
7 acres

Dahlia St.

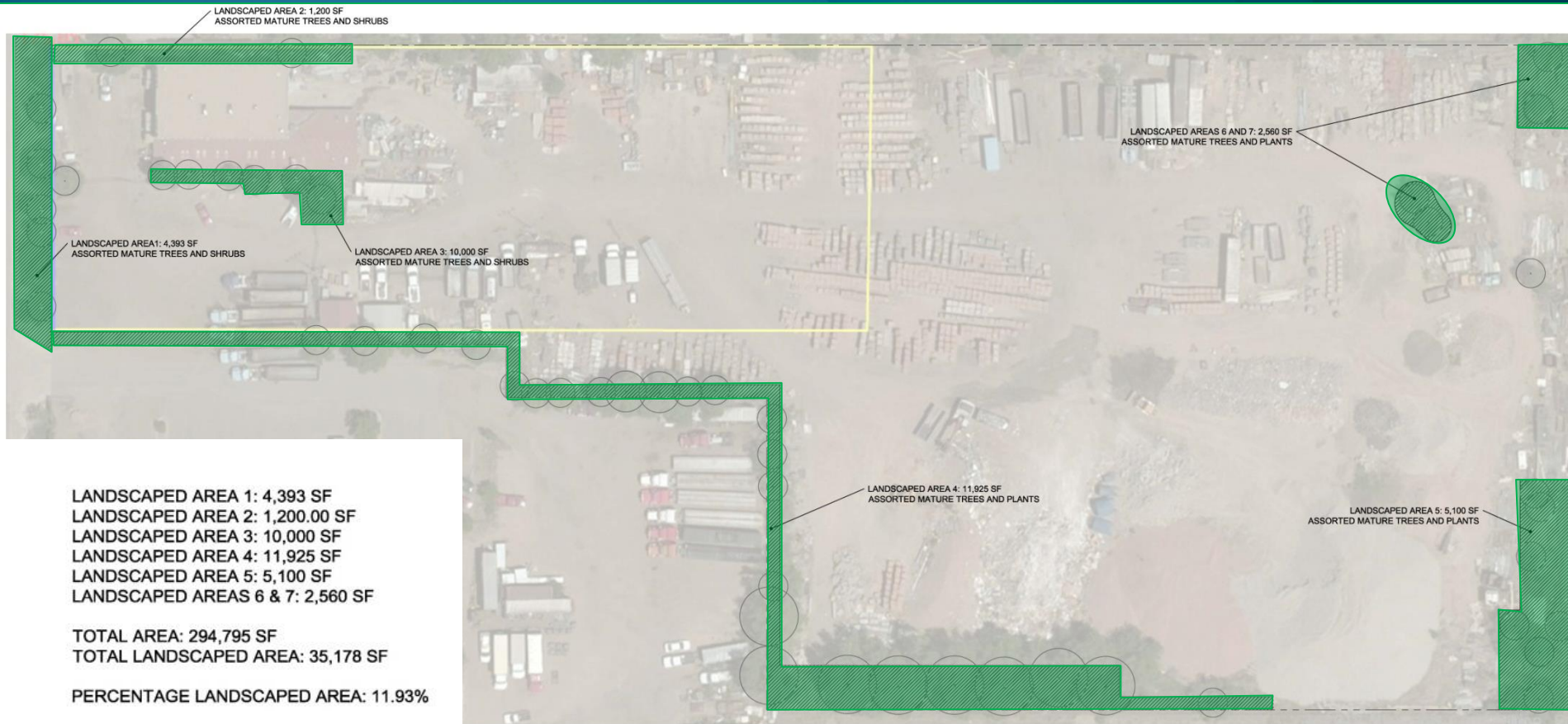


- Construction and demolition debris
- Materials: concrete, brick, masonry
- Certified clean prior to transport
- Stacking up to 20 ft

- Crushing: 60 days/year
- Hours: 8 am to 5 pm

Scale 1" = 40'
Reduced 50%

Landscape and Screening



- *All landscape must be installed by summer 2019
- *No storage permitted in drainage or landscape areas
- *New solid wood or masonry screen fence on north property line



West from Dahlia St.



North on Dahlia St.









South on E. 77th Ave





Referral Comments

- No concerns:
 - Commerce City, CDOT, Xcel Energy
- Concerns:
 - Tri-County Health
 - Vector control
 - Fugitive dust control
 - CDPHE
 - Guidelines for recycling facilities
 - Drywall is not recyclable material

Referral Comments

- Property Owners within 750 ft:

Notifications Sent	Comments Received
138	3

- 2 comments in support
- 1 comment in opposition with petition signed by 7 residents
 - Air quality and dust control concerns

PC UPDATE

- December 13, 2018
 - Unanimous approval (5-0 vote)
- Public Testimony:
 - 2 people in opposition (dust, air quality, & visual mitigation)
- Discussion:
 - Applicant requested several changes to conditions
 - Expiration date
 - Screen fence requirement
 - Hours of operation
 - Vehicle tracking pad
 - Dust mitigation (staff added condition #19)

Analysis

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
9. Demonstrate need for the facility/ storage
10. Compatible with regulations and Comprehensive Plan
11. Comply with all health standards (TCH and CDPHE)
12. No significant traffic congestion or hazards
13. Compatible with surrounding area
14. Health and welfare

Recommendation

PC and Staff recommend approval based on 14 Findings-of- Fact, 2 Conditions Precedent, and 19 Conditions.

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. 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. The applicant shall install all landscape and screening, as shown on the approved plan submitted with this application, including a minimum eight-foot solid screen fence constructed of wood or masonry material to replace the existing chain link fence along the north property line. These improvements shall be installed and inspected prior to issuance of a Notice to Proceed or any building permits. Improvements shall be installed no later than March 30, 2019.

Conditions

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 January 15, 2024 (5 years).
3. Hours of operation shall be limited to 8 am to 5 pm, Monday through Friday for crushing and sorting operations. Other business operations shall be limited to 6 am to 6 pm Monday through Saturday. No operations shall occur on weekends. Crushing operations shall be limited to a maximum of 30 calendar days per year.
4. Fugitive dust control mechanisms must be in place and functioning at all times and shall include dust mitigation on the access road. The applicant shall water all gravel areas a minimum of once per week.
5. 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.
6. The applicant shall install and maintain a vehicle tracking pad at the entrance of Dahlia Street to be used for erosion and sediment control.

7. 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.
8. 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.
9. Waste associated with or generated by the recycling facility shall only be disposed of at permitted solid waste disposal sites or facilities.
10. 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.

11. 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.
12. 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.
13. 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.
14. Outdoor storage of crushed materials shall not be permitted over the height of the screen fence (8 ft) for a distance of 200 feet from the northern property line as shown on the approved site plan. Maximum pile height for crushed material (concrete, brick, etc.) shall be 20 feet in height as shown on the site approved site plan.

15. 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 (at most within 24 hours for non-emergency issues) by the applicant. Disputes concerning nuisance conditions from the operation 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.
16. 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.
17. 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.
18. Noise emanating from the site shall be within the limits defined in the noise impact plan submitted with this application.

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19. The applicant shall perform quarterly air quality monitoring and provide a quarterly report to Adams County. The testing shall consist of PM10 air monitoring conducted over an 8 hour shift at representative locations along the east, west, south and north side of the facility. The PM10 levels shall be compared to the EPA National Ambient Air Quality Standard (NAAQS) for Particle Pollution (PM10) at 150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) over an integrated 24 hour period. PM10 monitoring shall be conducted during normal work hours and for work activities with the highest potential to contribute to dust levels from approximately 8 a.m. to 5 p.m.

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

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