

Aggregate Industries Tucson South

EXG2019-00001

Vicinity of 16202 Tucson Street

October 8, 2019

Board of County Commissioners Public Hearing
Community and Economic Development Department

Case Manager: Greg Barnes

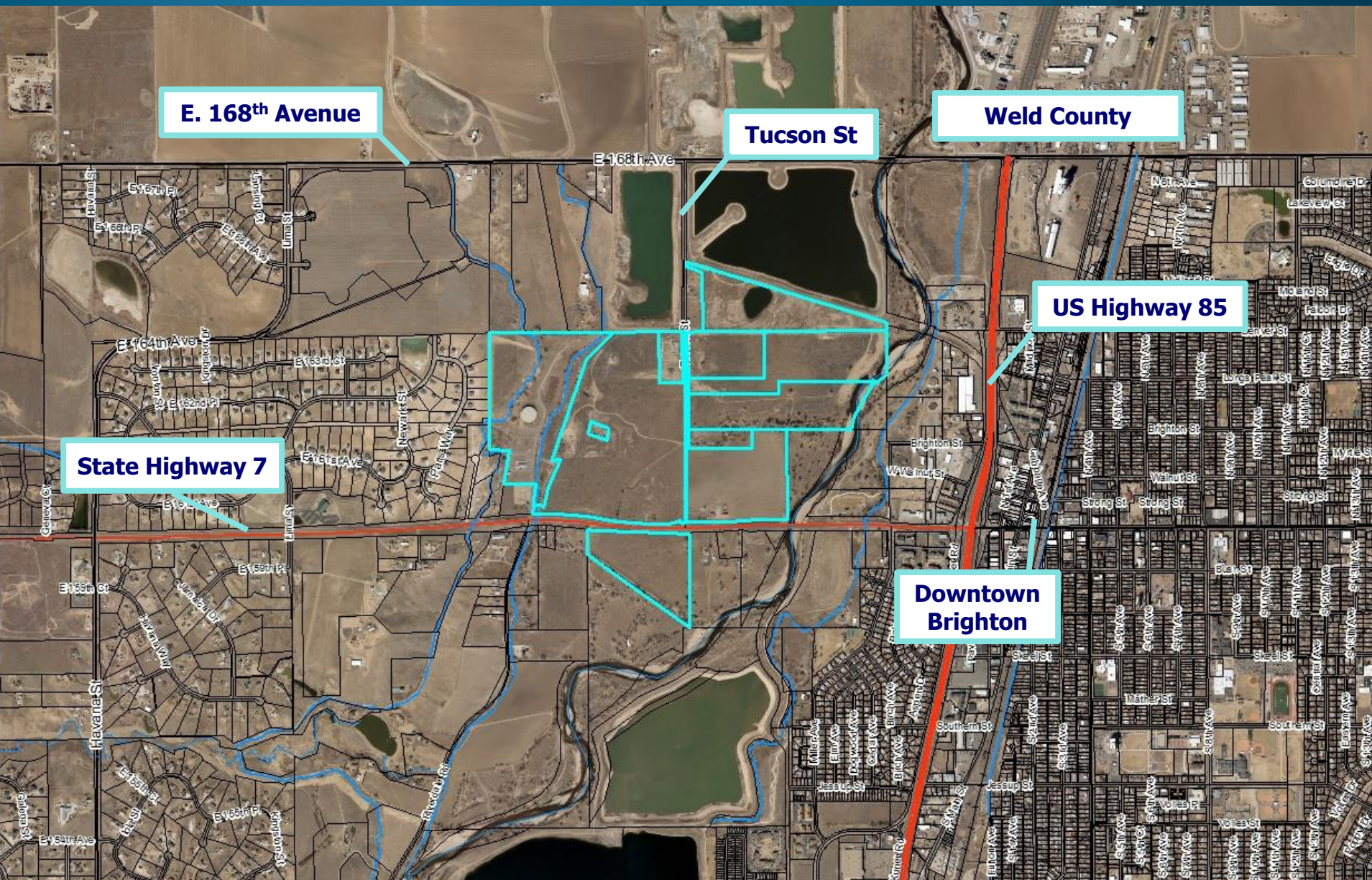


Requests

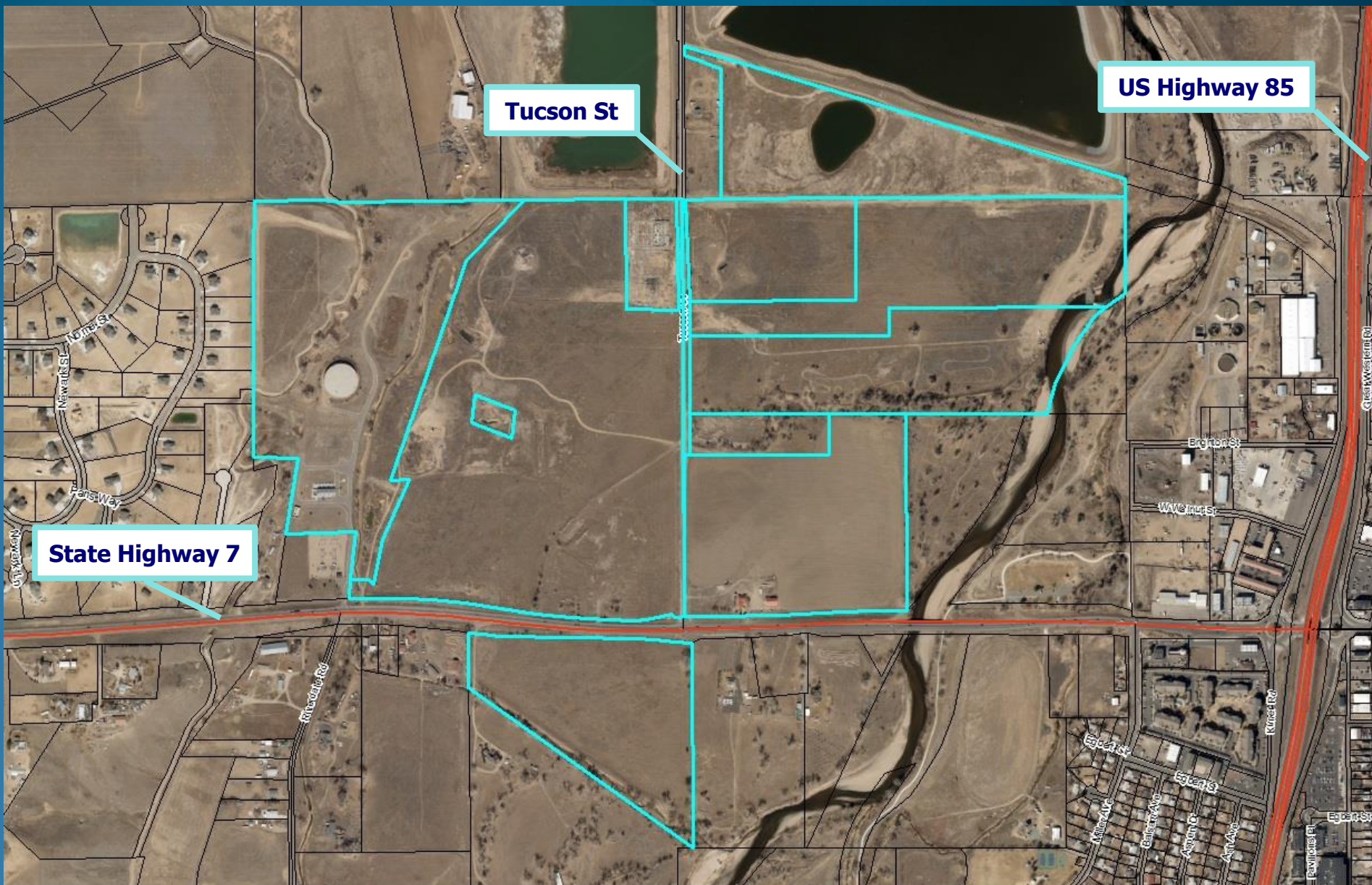
Conditional Use Permit to allow:

- Extraction and disposal use in the Agricultural-1 (A-1) zone district until 2032
- Approximately 308 acres

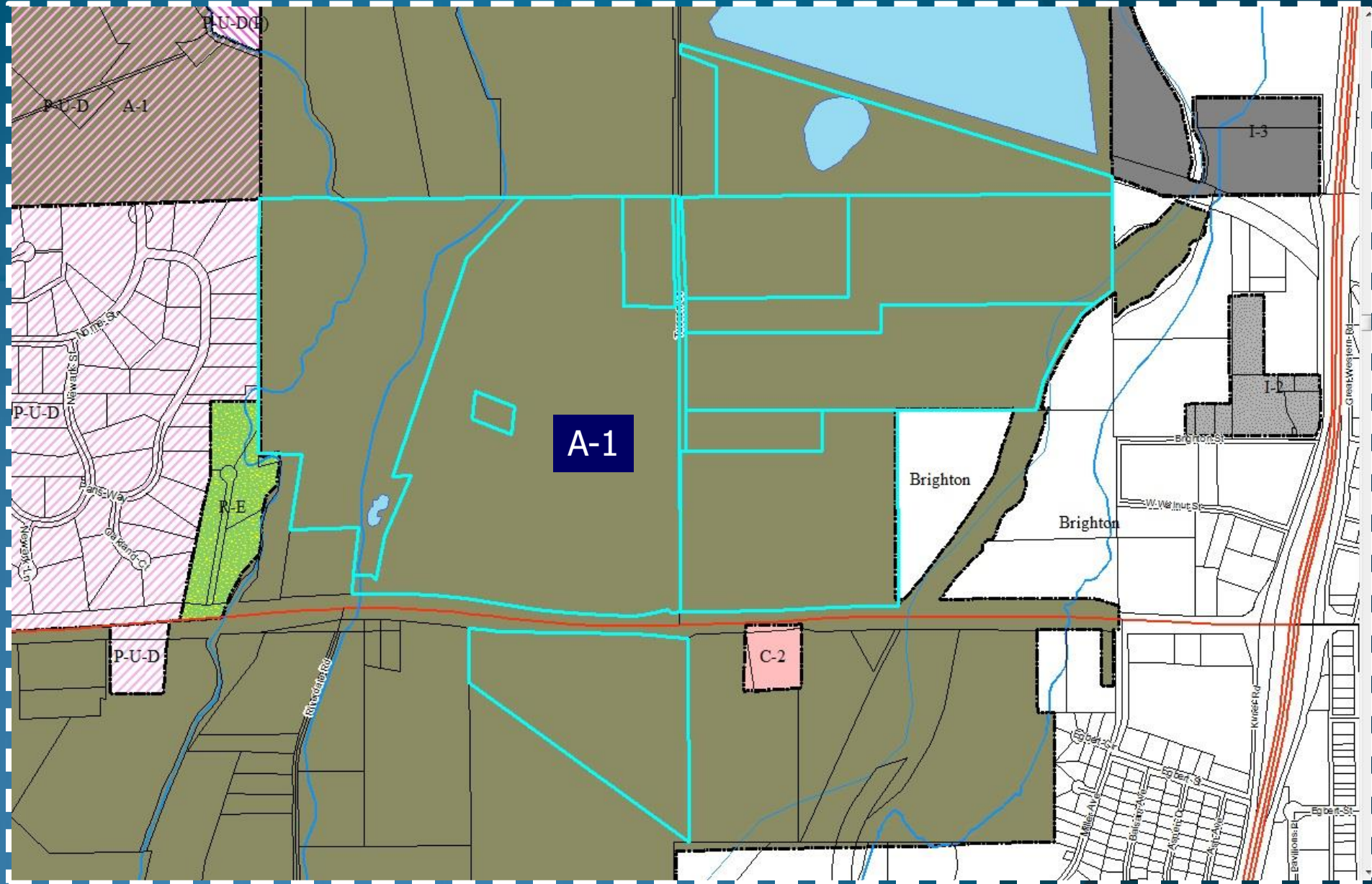
AERIAL MAP



AERIAL MAP



ZONING MAP



FUTURE LAND USE MAP

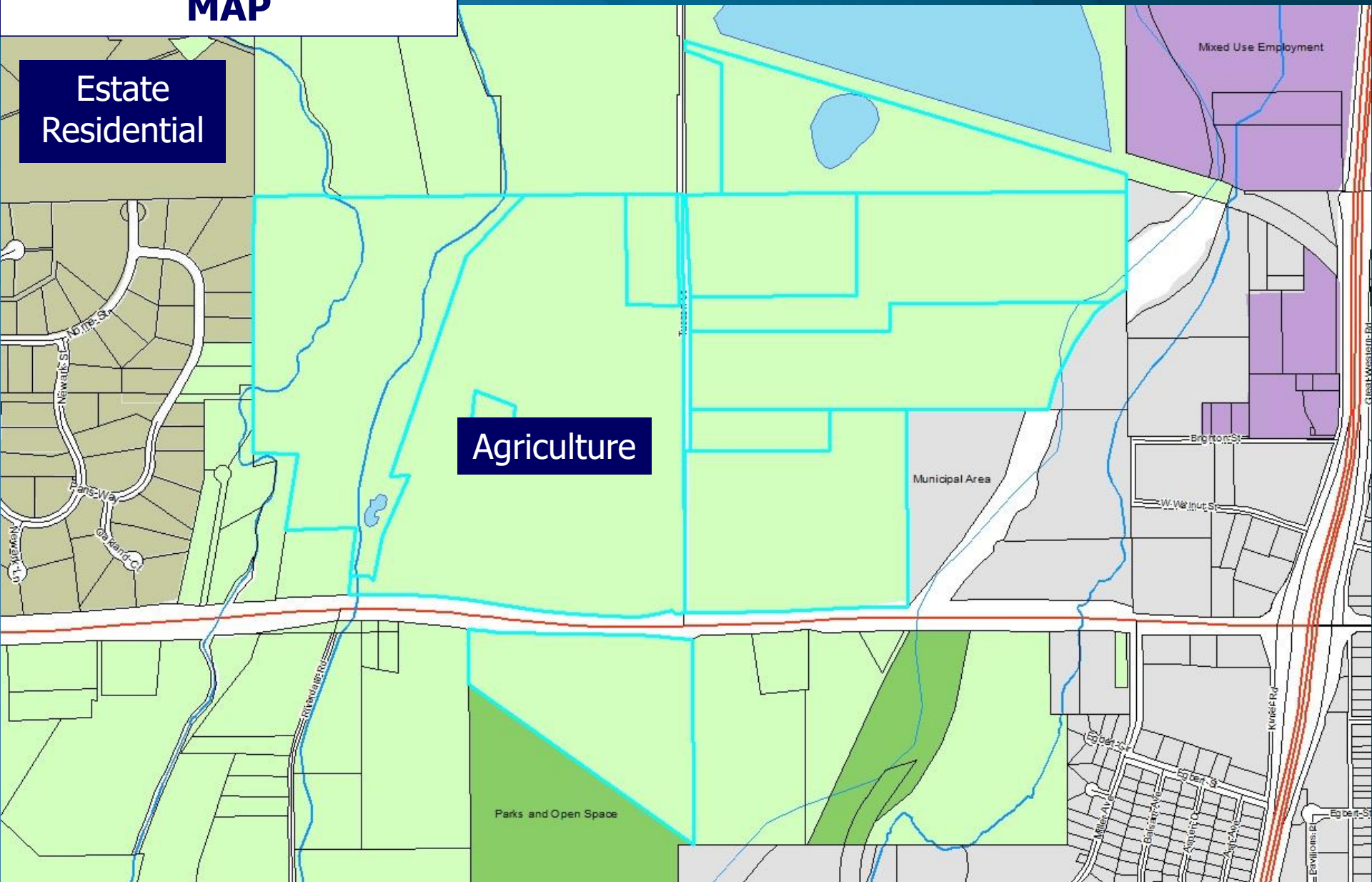
Estate
Residential

Agriculture

Mixed Use Employment

Municipal Area

Parks and Open Space

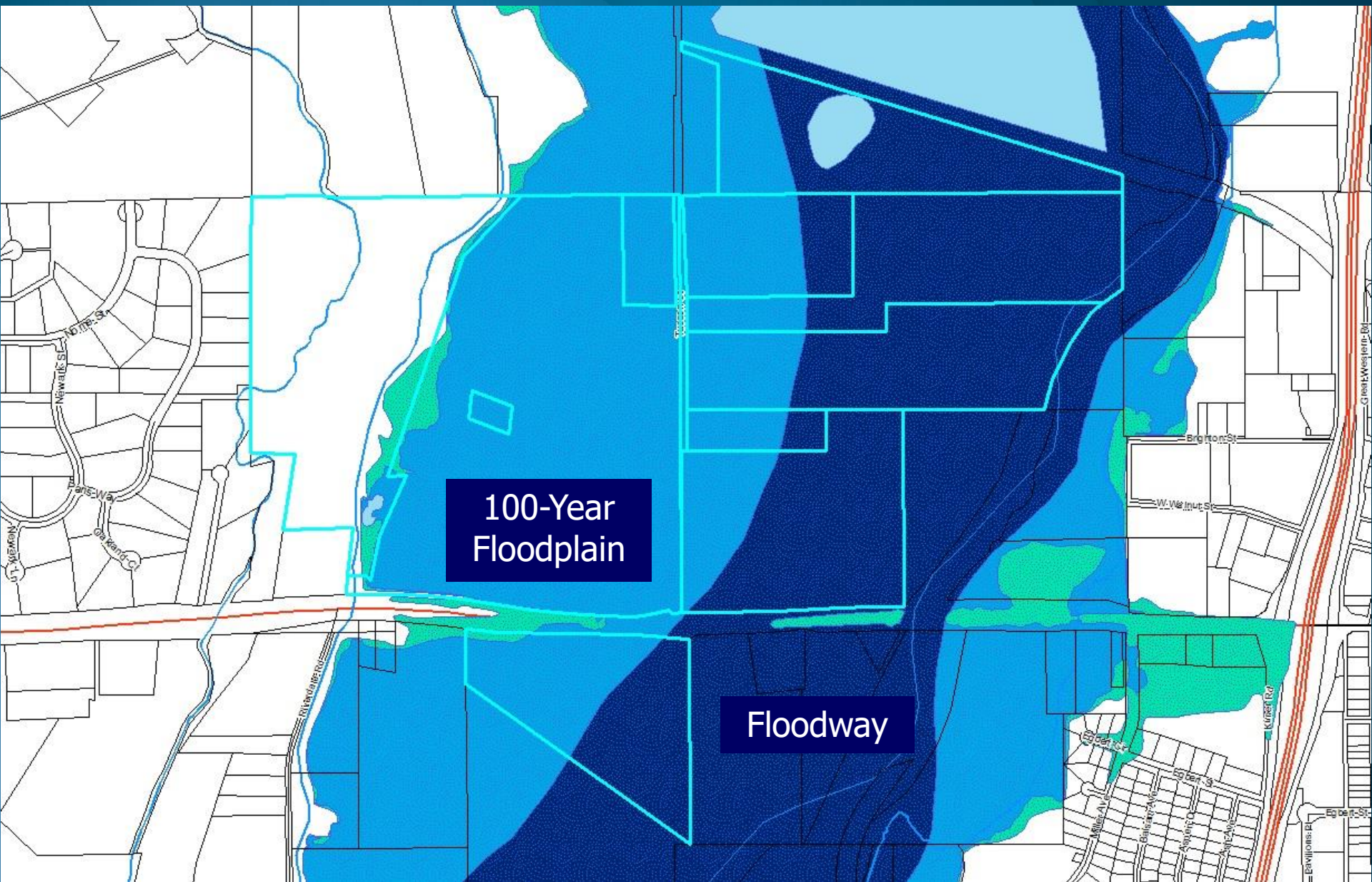


Criteria for Conditional Use Permits

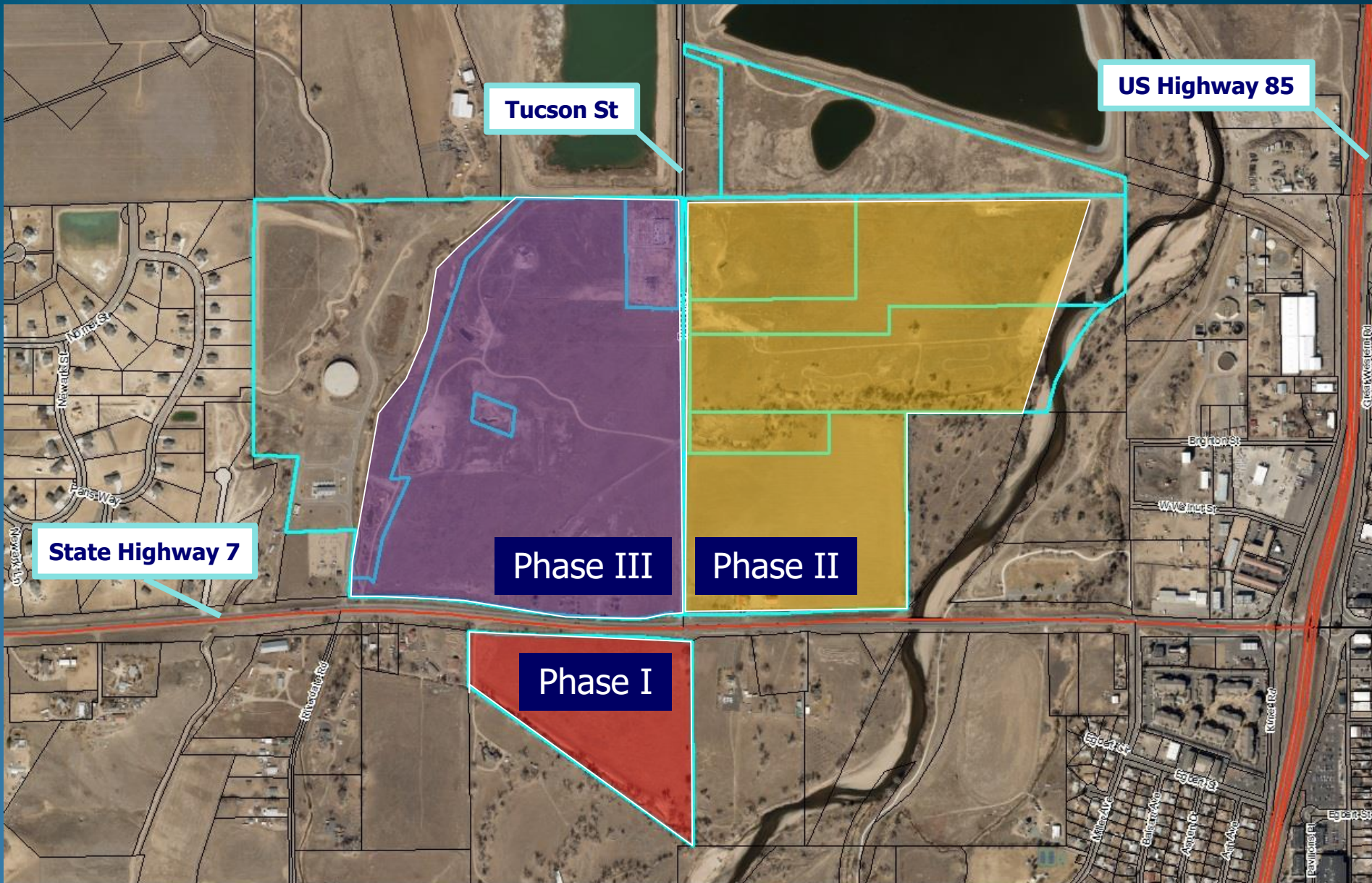
Section 2-02-08-06

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

FLOODPLAIN MAP



PHASING



Impact Mitigation

- Roadway Maintenance Agreement
- Wildlife Survey Reporting
- Fugitive Dust Control
- Reclamation Planning
- Mosquito Control
- Hours of Operation
- Preferred Hauling Routes
- Stockpile Height
- Trail Construction
- 10-12' Berms

HAUL ROUTE

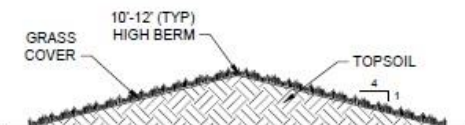


HAUL ROUTE

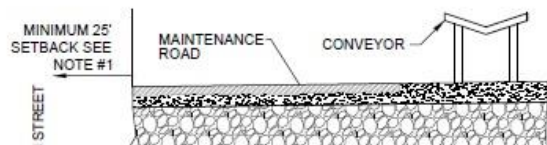


Roadway Maintenance Agreement

- Analysis of existing conditions
- Recommendation to improve roadways (Tucson Street and East 168th Avenue)
- Applicant shall pay for all improvements
- Applicant shall pay for all maintenance during hauling operations



1
-
NTS
TEMPORARY GRASS SCREENING BERM



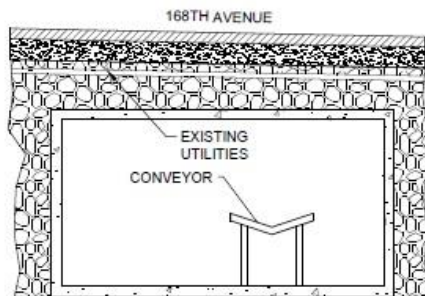
NOTE:

1. CONVEYOR ACCESS AND MAINTENANCE ROAD SHALL BE SETBACK A MINIMUM OF 25' FROM TUCSON STREET.

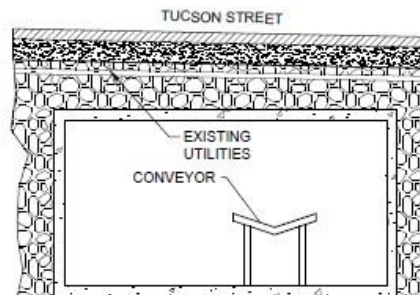
2
-
NTS
ON-SITE ABOVE GROUND CONVEYOR SYSTEM DETAIL

THIS DETAIL IS INTENDED TO BE CONCEPTUAL DESIGN. INSTALLATION OF THE CONVEYOR CROSSING BOX UNDER 168TH AVENUE IS SUBJECT TO APPROVAL OF ADAMS COUNTY AND WELD COUNTY PUBLIC WORKS DEPT. AND COORDINATION WITH EXISTING UTILITIES.

CONVEYOR UNDER 168TH STREET WILL BE PERMITTED THROUGH AN AMENDMENT TO WATTENBERG LAKES (051) 112 PERMIT.



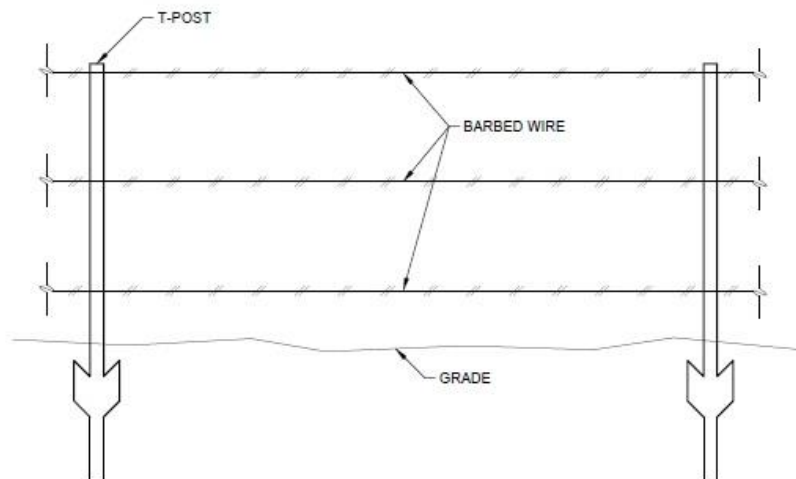
4
-
NTS
168TH AVENUE CONVEYOR CROSSING DETAIL



NOTE:

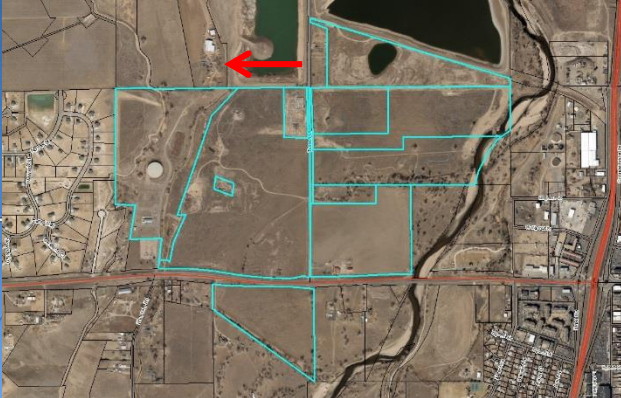
1. THIS DETAIL IS INTENDED TO BE CONCEPTUAL DESIGN. INSTALLATION OF THE CONVEYOR CROSSING BOX UNDER TUCSON STREET IS SUBJECT TO APPROVAL OF ADAMS COUNTY PUBLIC WORKS DEPT. AND COORDINATION WITH EXISTING UTILITIES.

3
-
NTS
TUCSON STREET CONVEYOR CROSSING DETAIL



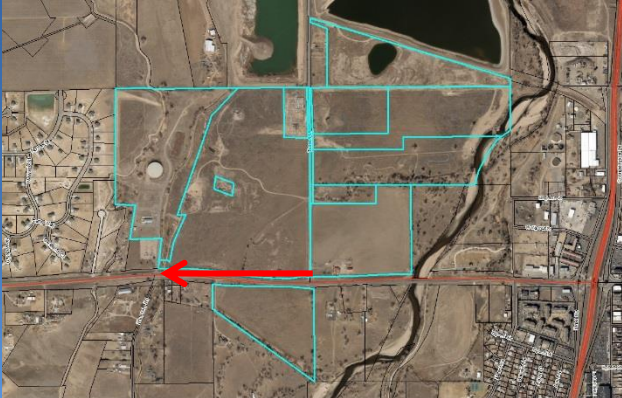
5
-
NTS
3-WIRE FARM FENCE DETAIL

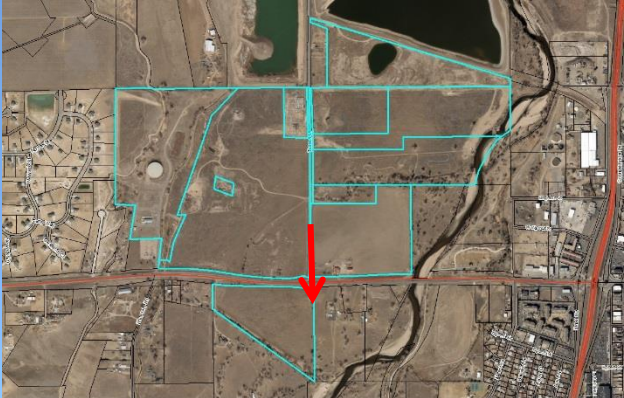






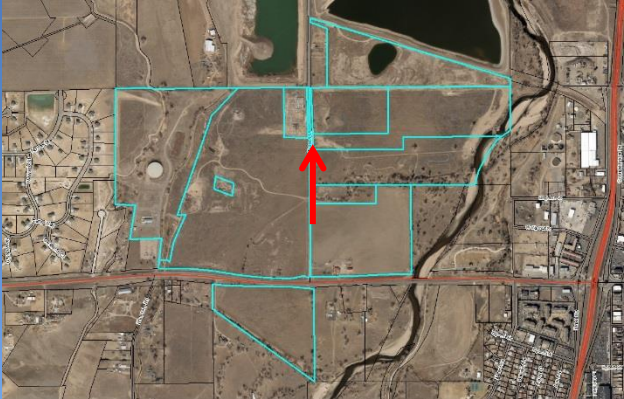


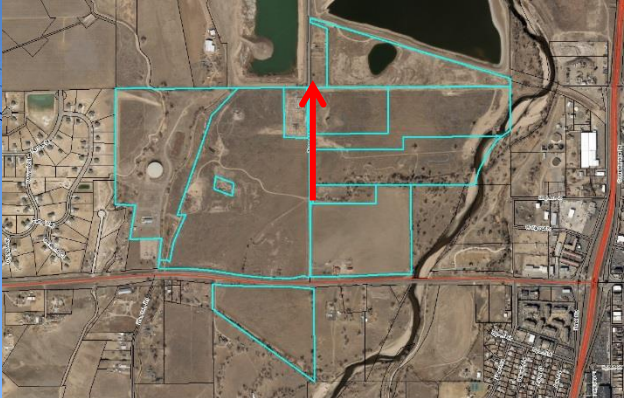


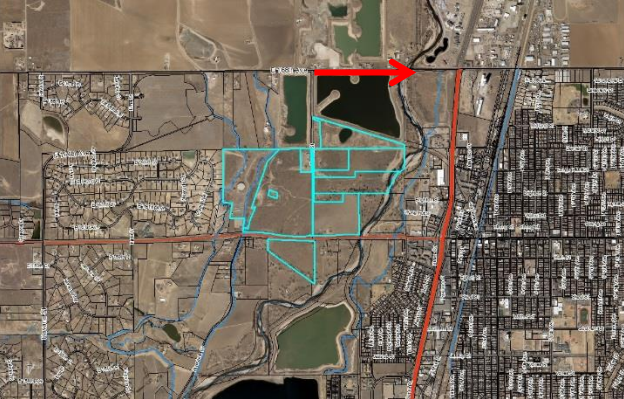


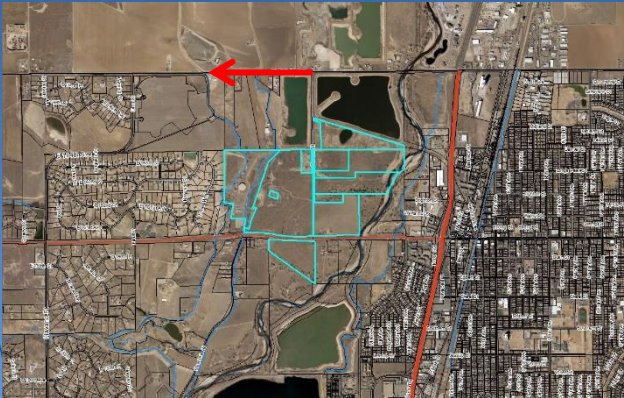












Referral Period

Public Notice

Notices sent*	# of Comments Received
866	23

- Property owners and residents within ½ mile were notified

Public Comments

•Support

- Financial livelihood and trail development (9); Compatibility (1); Improves Water Infrastructure (1); Provides essential resource for economic development (3)

•Concerns/Opposition

- Increased traffic (3); Increased pollution (5); Health concerns (2); Compatibility (2)

Referral Agency Comments

- City of Brighton – may have negative impacts on the gateway into their downtown. The applicant and the City negotiated the installation of a trail. City of Brighton did not oppose the application.
- Tri-County Health Department, Colorado Division of Parks & Wildlife, CDPHE, and CDOT all provided comments that were used to draft conditions of approval.

PC Update

- Public Hearing: September 26, 2019
- Public Comments
 - Negative effects on Downtown Brighton
 - Need for greater public outreach
 - Reservoir considered undesirable
 - 400 truck trips/day
 - Desire for conservation easement on Phase I
- PC Concerns
 - Duration of project
 - Traffic
 - Compatibility

PC Recommendation

Approval (4-3) of Conditional Use Permit
(EXG2019-00001) Aggregate Industries
Tucson South) with:

- 8 Findings-of-Fact
- 7 Conditions Precedent
- 24 Conditions
- 1 Note

Recommended Conditions Precedent

1. Approval of a Floodplain Use Permit. Any conditions of the approved floodplain use permit shall become conditions of this conditional use permit.
2. The applicant shall provide evidence that the State of Colorado has approved the ground water monitoring and mitigation plan for the site that specifically addresses impacts to owners of affected, adjacent, permitted groundwater wells.
3. Applicant shall provide the County with verification that a Colorado Discharge Permitting System (CDPS) permit from CDPHE, has been obtained prior to site preparation activities and commencement of mining operations.
4. Applicant shall provide Wildlife Survey Reports for burrowing owls conducted immediately prior to the start of clearing and grubbing operations and for raptors if construction will occur between October 15th and July 31st.
5. Prior to the commencement of mining activities on the site, the applicant shall host a neighborhood meeting to introduce and distribute contact information for those responsible for mining activities on the site. Notification of the neighborhood meeting will be required for all property owners and residents within 1,000 feet of the subject parcels.
6. The applicant shall perform all necessary roadway assessments, repairs, and/or improvements, as outlined in the Roadway Maintenance Agreement.
7. Applicant shall submit and obtain approval of a landscape plan from the Community & Economic Development Director to address the visual impact of the site along public roadways and adjacent residential uses.

Recommended Conditions

1. Extraction and disposal use shall not proceed until a “Notice to Proceed” is issued by the Adams County Community and Economic Development Department, after all the condition’s precedent have been completed.
2. The operator will conform to all terms of the executed Roadway Maintenance Agreement.
3. Applicant shall notify the County of all complaints from any well owner within 600 feet from the site boundary and necessary actions taken to address impacts within 30 days of filing such reports with DRMS. For subject wells put to beneficial use prior to commencement of mining activities, Aggregate Industries will begin to implement one or more mitigation measures if mining and reclamation activity is determined to be a significant contributing factor to groundwater changes requiring mitigation.
4. Fugitive dust control measures as prescribed within the facility’s Air Pollutant Emission Notice permit, issued by CDPHE, must always be in place and functioning to ensure onsite visible emissions do not exceed 20% at any time. There must be no off-property transport of visible emissions.

Recommended Conditions

5. The facility shall cease operations during periods of high winds as measured by anemometer or other type of wind gauge permanently stationed on-site. High winds shall be defined as when wind speeds exceed 35 mph or a sustained 25 mph.
6. Reclamation activity and sequential extraction of material must be initiated to keep the total disturbed areas at any one time to a minimum.
7. 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.
8. Aboveground petroleum storage tanks used for equipment fueling must be placed within secondary containment.
9. Any new sources of filling, other than the ones listed within the application, shall require a “Notice to Proceed” to be issued by the Department of Community and Economic Development, after the applicant has certified the cleanliness of the new source material and any new haul routes are approved.

Recommended Conditions

10. Mining and Reclamation shall comply with the Mineral Conservation Overlay (MCO) and the section titled Extraction and Disposal Uses found within the Industrial Use Performance Standards, as adopted by Adams County found within the Adams County Development Standards.
11. Applicant shall provide copies of CWA 404 Permit and WQCD 401 Certification as required for operations affecting the South Platte River and adjacent riparian wetlands.
12. Mining and Reclamation shall comply with the Mineral Conservation Overlay (MCO) and the section titled Extraction and Disposal Uses found within the Industrial Use Performance Standards, as adopted by Adams County found within the Adams County Development Standards and Regulations.
13. Applicant shall conform to the mosquito control plan submitted with this application.
14. No storage or processing of materials that are buoyant, flammable, hazardous, explosive, or considered solid waste shall be allowed within the floodplain.
15. Materials that are not required for regular operations or reclamation shall not be imported into the site without the permission of the Adams County Director of Community and Economic Development.

Recommended Conditions

16. The mining operations will conform to the phasing plan provided with the application.
17. Hours of operation to include all uses on the site shall only occur between the hours of 7:00 am to 7:00 pm, Monday-Saturday.
18. The applicant shall install radar-activated white noise backup alarms for their equipment.
19. All hauling shall conform to the traffic routes outlined in the application.
20. Mining operations shall be completed no later than October 8, 2031. Final reclamation of sloping, grading, and initial seeding shall be completed by October 8, 2032.
21. Stockpiles of material shall not exceed a maximum of twenty (20) feet in height. Stockpiles shall not be stored in the floodway.
22. The applicant shall comply with all the requirements specified by the Colorado Department of Natural Resources' Division of Parks & Wildlife provided in their letter dated March 7, 2019, including surveying the site for nesting birds, swift foxes, prairie dogs, and burrowing owls if installation of panels occurs between March 15th and July 31st of the year.

Recommended Conditions

23. The applicant shall comply with all the requirements specified by the Tri-County Health Department provided in their letter dated March 7, 2019.
24. The applicant shall construct and dedicate a trail to the Adams County Parks, Open Space, & Cultural Arts Department after mining operations are complete. The trail design shall be reviewed and approved by both the City of Brighton and Adams County by October 10, 2025.

Recommended Notes

1. All applicable building, zoning, health, engineering, and fire codes shall be adhered to with this request.

