

Henderson Aggregates Pit

EXG2019-00002

50000 E. 72nd Avenue

July 14, 2020

Board of County Commissioners Public Hearing
Community and Economic Development Department

Case Manager: Greg Barnes



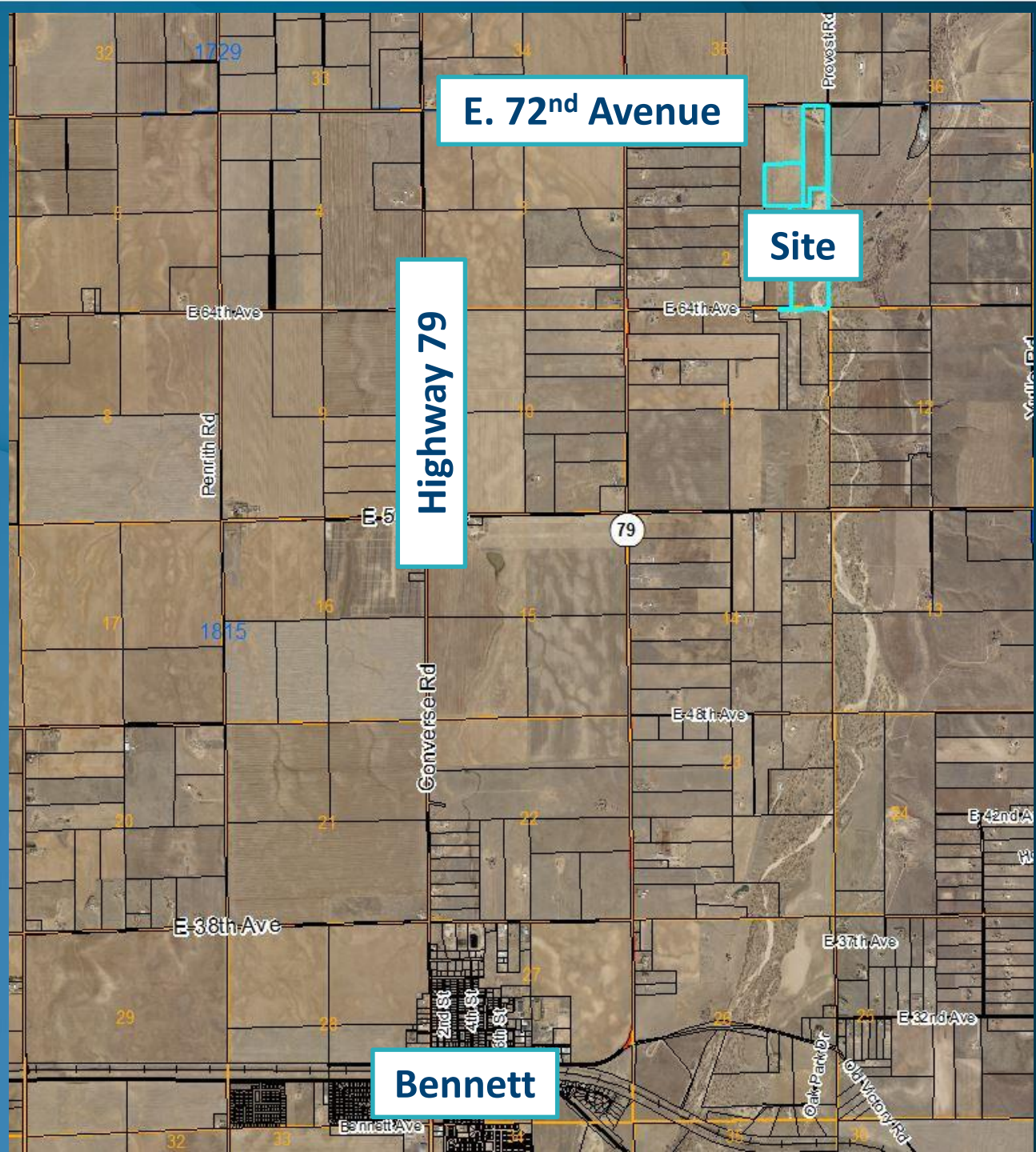
Request

Conditional Use Permit to allow an extraction use (mining) in the Agricultural-3 (A-3) zone district.

Background

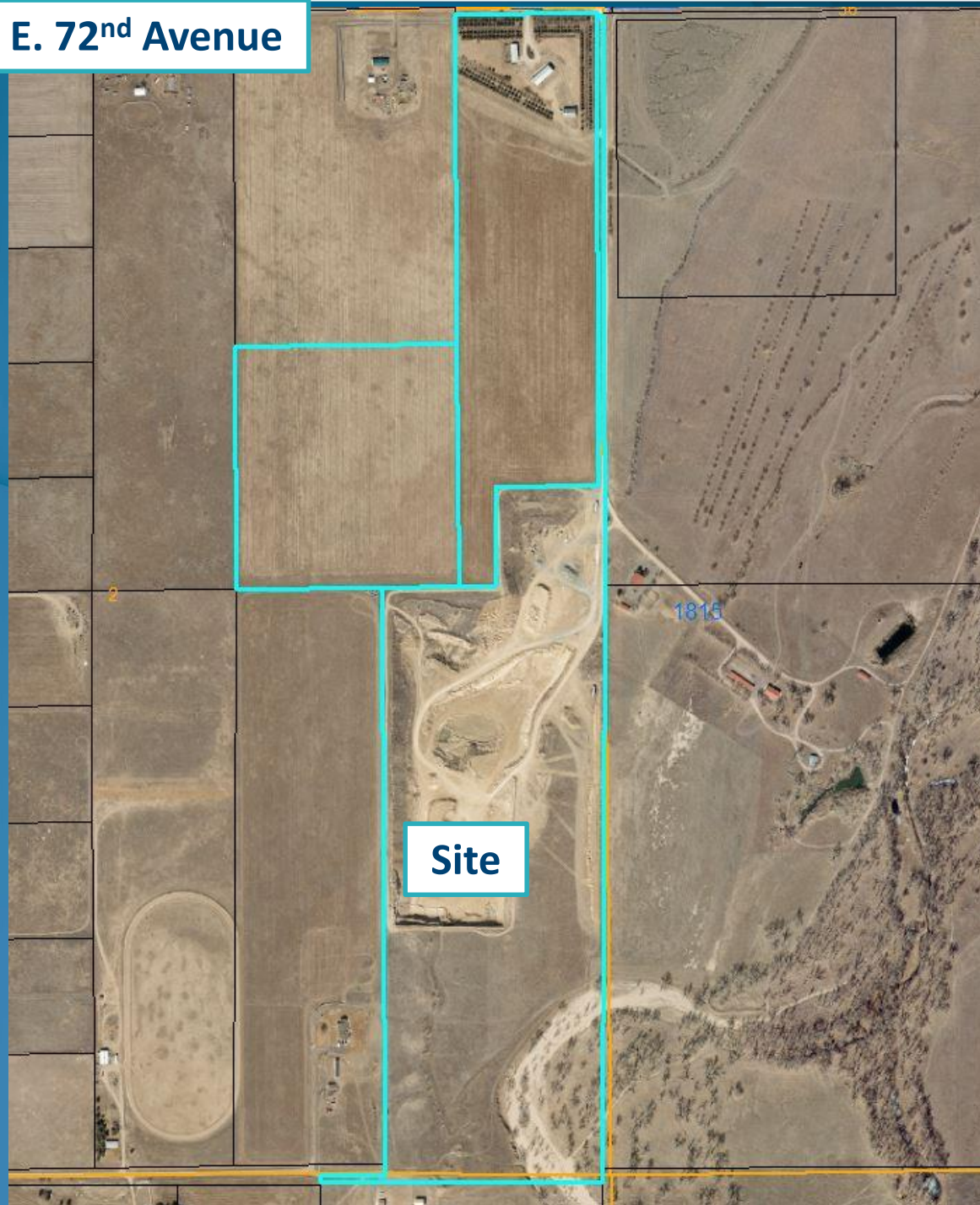
- Bennett Sand & Gravel
- June 25, 2001
 - Conditional use permit (EXG2001-00004) application for a gravel mining operation for five years
- March 13, 2006
 - Extension of the use (EXG2005-00006) for ten years
- March 8, 2016
 - Extension of the use (RCU2015-00041) and inert fill operations for ten years
- Albert Frei & Sons
- Today
 - Expansion of the extraction use on to two additional parcels not included in the previous requests

AERIAL OVERVIEW



**AERIAL
CLOSE-UP**

E. 72nd Avenue

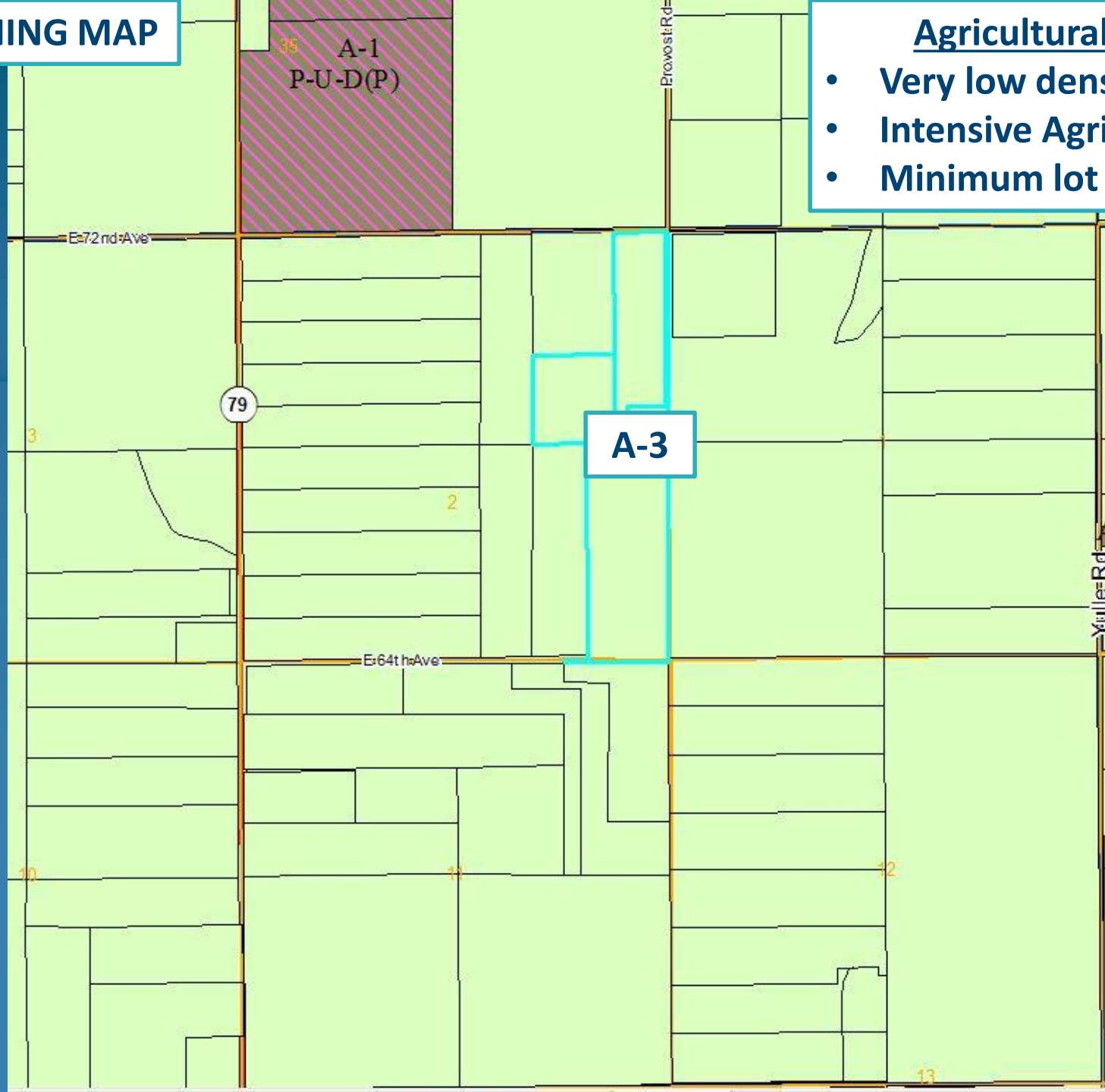


Site

ZONING MAP

Agricultural-3 Zoning

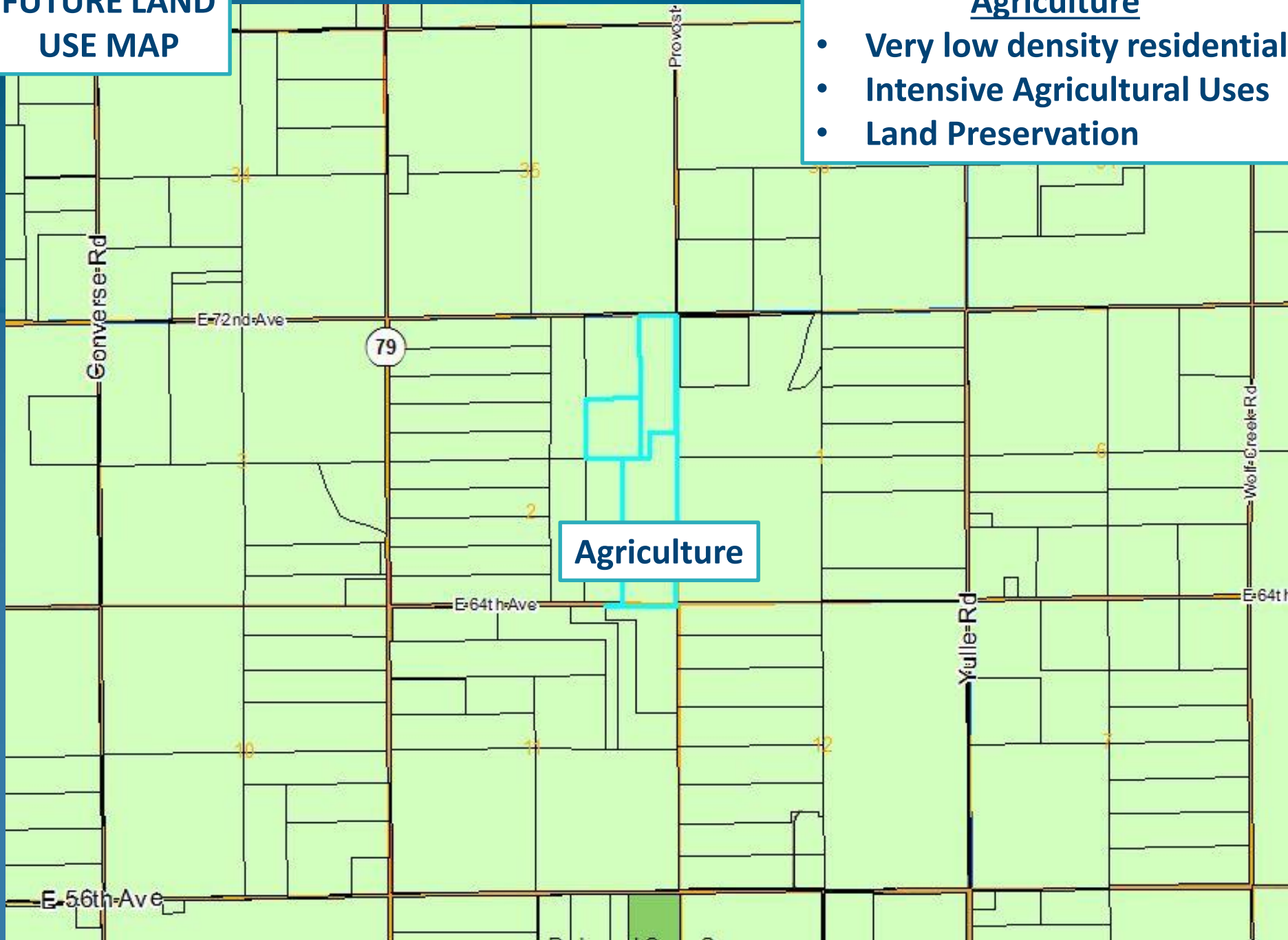
- Very low density residential
- Intensive Agricultural Uses
- Minimum lot size 35 acres



FUTURE LAND USE MAP

Agriculture

- Very low density residential
- Intensive Agricultural Uses
- Land Preservation



Criteria for Conditional Use

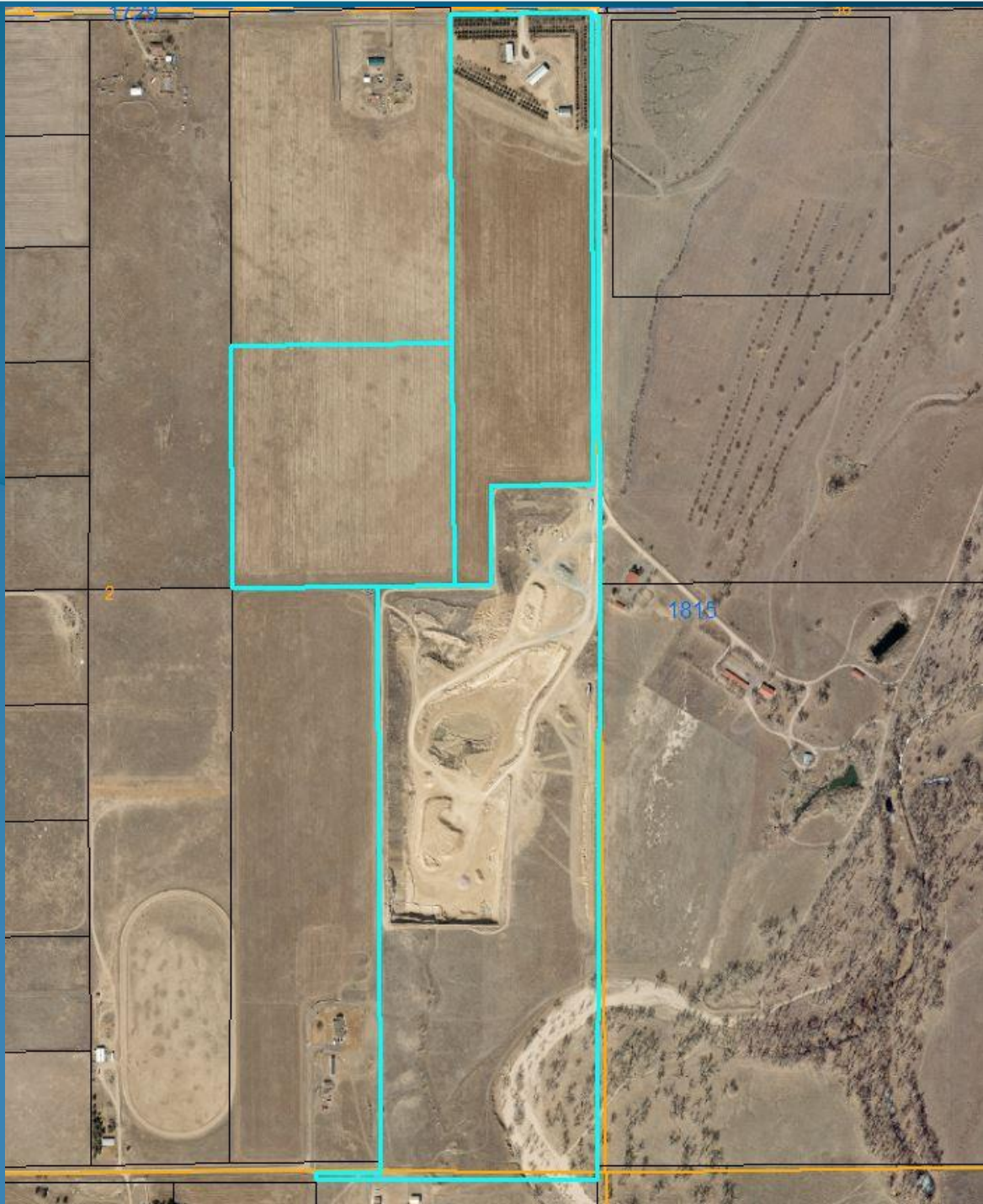
Section 2-02-09-06

1. Permitted in zone district
2. Consistent with purpose of 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

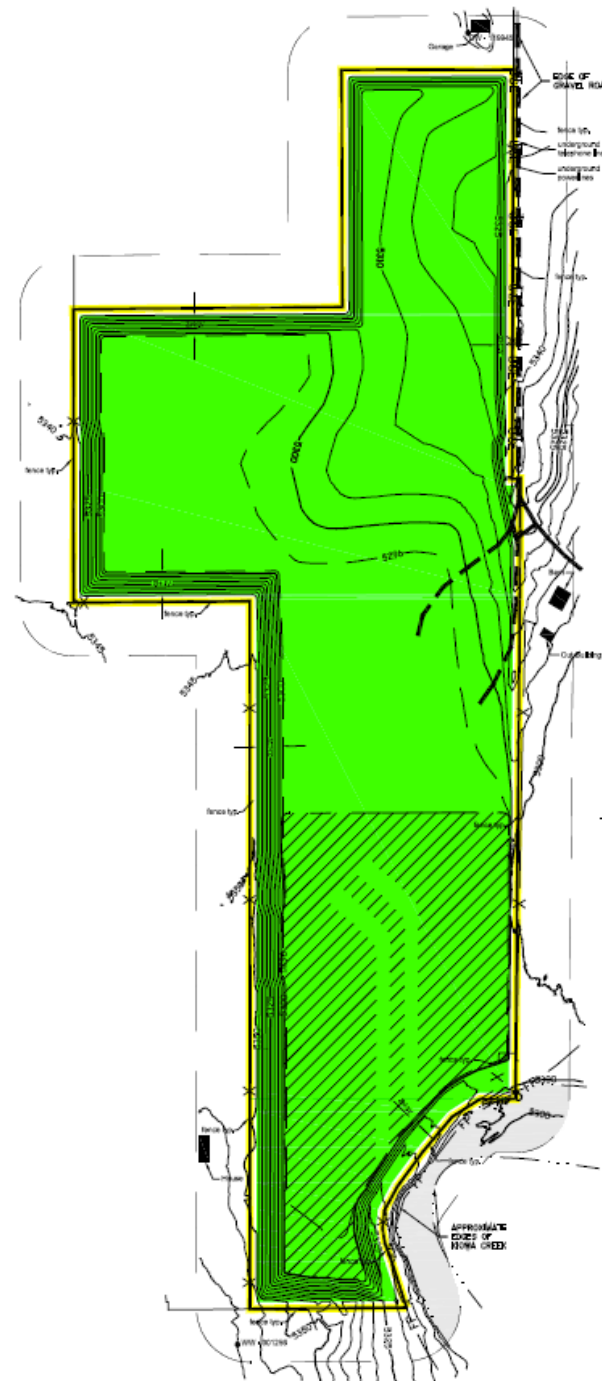
Roadway Maintenance Agreement

- 2019 – Applicants entered into a Roadway Maintenance Agreement with Adams County
- Applicant agreed to finance improvements to East 72nd Avenue and State Highway 79, which will accommodate for increased traffic on the site

EXPANDED ACTIVITY



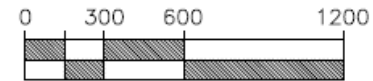
EXPANDED ACTIVITY



AFS

ALBERT FREI & SONS

P.O. BOX 700 | Henderson, Colorado 80640
phone: (303) 287-4656 | fax: (303) 289-2865
AFS- BENNETT PIT - M-2001-038
Map Exhibit E-1 - Reclamation Plan Map (Revised 1-2-19)



SCALE 1"=600'

LEGEND

	PERMIT BOUNDARY/ AFFECTED LANDS
	200 FOOT LIMIT
	BURIED COMMUNICATION LINES
	BURIED ELECTRIC LINES
	CREEK BANK
	FLOOD PLAIN BOUNDARY
	FENCE
	ROADS (HAUL, ACCESS) (TYP.)
	TOPO CONTOUR
	WATER WELL / PERMIT #
	MINING DIRECTION
	BUILDINGS
	RECLAIMED AREA
	POTENTIAL DEVELOPED WATER STORAGE















Referral Comments

Referral agencies

- Bennett Fire (no objection)
- CDPHE (operational conditions)
- CPW (operational conditions)
- IREA (informational comment)
- TCHD (operational conditions)
- Xcel (no concerns)

Public comments: Property owners and residents within one mile:

Notifications Sent	Comments Received
63	10

Referral Period

- Comments from 7 individuals or groups
 - 3 comments supported the application
 - Applicants have demonstrated they can be thoughtful neighbors and helpful members of community.
 - 7 comments with concern or objection to the use
 - Air pollution
 - Noise pollution
 - Increased traffic
 - High speed of traffic along East 72nd Avenue
 - Public safety
 - Illegal hunting activities
 - Incompatible and unharmonious to surrounding properties
 - Water Quality
 - Perceived Loss of Property Values
 - Hours of Operation

Planning Commission Update

Hearing: June 25, 2020

Concerns Noted: Hours of Operation

5-1 Vote for Approval

Recommendation

Approval of Conditional Use Permit (EXG2019-00002) based on:

- 8 Findings-of-Fact,
- 6 conditions precedent,
- 22 conditions, and
- 2 notes

Recommended Conditions Precedent

1. The applicant shall obtain and provide to Adams County all required and approved DRMS permits prior to commencing any extraction activities at the site.
2. The applicant shall provide a copy of the final Groundwater Well Monitoring Plan as approved by DRMS.
3. The Applicant shall provide a copy of its APEN as submitted to Colorado Department of Public Health and Environment (CDPHE) for extraction operations.
4. The applicant shall notify Adams County upon Notice of Startup form submission to the Air Pollution Control District as may be required by new or modified construction permit.
5. The applicant shall submit to Adams County its Mosquito Control Program as approved by Tri-County Health Department.
6. Extraction on the newly added area shall not proceed until a “Notice to Proceed” is issued by the Adams County Community and Economic Development Department, after applicant has demonstrated all Conditions Precedent have been completed.

Recommended Conditions

1. 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, applicant will begin to implement one or more mitigation measures if extraction and reclamation activity is determined to be a significant contributing factor to groundwater changes requiring mitigation.
2. Reclamation activities and sequential extraction of material shall be followed to keep the total disturbed areas at any one time to a minimum.
3. To minimize light pollution impact to active nocturnal or resting diurnal wildlife species, all site lights shall be motion-activated and downward directed-directed.
4. A setback buffer consisting of a minimum 50 feet from the riparian plant community along the length of Kiowa Creek shall be maintained and protected from mining activities in accordance with Section 4-11-02-04-02.5.b of the Adams County Development Standards and Regulations

Recommended Conditions

5. As recommended in the Resources Review, the applicant shall conduct a raptor nest survey one week before disturbing any new area from April 1 through August 31. If raptor nests are found, vegetation shall not be removed as part of land disturbing activities. The applicant shall keep records of all nest survey results and make these available to the County upon request.
6. The applicant shall install a wind gauge, such as an anemometer, in the vicinity of mining and crushing operations to monitor wind speeds and shall cease both mining and crushing activities when wind speeds exceed a sustained 25 mph and when gusts exceed 35 mph occur. Records of cessation due to high winds shall be maintained on site for one year past the record date.
7. Fugitive dust control measures prescribed within the facility's Air Pollutant Emission Notice permit issued by CDPHE, must always be in place and functioning to ensure on-site visible emissions do not exceed 20% at any time. There must be no off-property transport of visible emissions.
8. Per the executed Roadway Maintenance Agreement between Adams County and AFS dated December 6, 2019, the applicant shall cooperate with the County to share the costs of repair, maintenance, and reconstruction for East 72nd Avenue.

Recommended Conditions

9. An Annual Reclamation Report shall be submitted to Adams County by January 31st of each year. The Annual Report shall be the same report as is submitted to the DRMS
10. Aboveground petroleum storage tanks used for equipment fueling must be placed within secondary containment and meet applicable fire code requirements.
11. If fuel will be stored on this site: All fuel storage at this site shall be provided with secondary containment, which complies with Division of Oil and Public Safety Storage Tank Regulations; and Fueling areas shall be separated from the rest of the site's surface area, and protected from storm water; and Applicant shall make available for review by its Spill Prevention, Control, and Countermeasures Plan.
12. 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.
13. The hours of operation shall be from 6:00 a.m. to 8:00 p.m, Monday-Saturday. If there is an emergency that requires material outside of the stated hours of operation, the applicant shall submit a written request to the Director of Community & Economic Development for an extension of operation hours. The Director of Community & Economic Development or his or her appointed designee shall provide a response within one business day.

Recommended Conditions

14. This site is subject to inspections from Adams County staff, during reasonable working hours. Adams County may or may not give notice of an inspection prior to the inspection.
15. The Conditional Use Permit for extraction shall expire on July 14, 2030.
16. All haul trucks shall cover their loads pursuant to C.R.S. 42-4-1407, or as amended.
17. Kiowa Creek runs on a section of the southeastern corner of the property. The Applicant shall be required to continually evaluate and avoid erosion and encroachment of extraction activities to the bank of the river, and construct creek bank protection when necessary.
18. 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.
19. All applicable operational standards found in Sections 4-10-02-03, Extraction and Disposal Uses, and 4-13, Operational Standards, of the Adams County Development Standards and Regulations shall be followed.

Recommended Conditions

20. 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 Community and Economic Development Department and may be justification for a Show Cause Hearing before the Adams County Board of County Commissioners.
21. The applicant shall comply with all the requirements of the Colorado Division of Parks and Wildlife provided in their letter dated September 2, 2019.
22. The applicant shall comply with all the requirements of the Tri-County Health Department provided in their letter dated December 30, 2019.

Recommended Notes

1. The applicant shall obtain a separate Conditional Use Permit for the concrete and aggregate recycling operations prior to commencement of those operations.
2. The applicant shall obtain a separate Conditional Use Permit for any inert filling operations beyond those approved by RCU2015-00041.