

ATTACHMENT B

Referral Agency Response Report

Project Name: Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel 3rd Amendment

Project File #: US2021-002

Date Sent: 04/09/2024

Date Due: 04/30/2024

Agency	Date Received	Agency Response	Response Resolution
Addressing Analyst	04/11/2024	No Comment	No response necessary
Assessor	04/09/2024	No Comment	No response necessary
AT&T Long Distance - ROW	04/12/2023	No Comment A response was also sent on 07/06/2022 indicating no comment.	No response necessary
Building Services	04/09/2024	Received: Permit(s) required. Please visit Douglas County's web site for requirements and contact 303-660-7497 if you have questions.	Applicant is required to obtain all necessary building permits prior to any work commencing onsite.
CDPHE - All Referrals	04/12/2024	Received: The Division has reviewed the project letter and respectfully offers the following comments. Please note that the following Air Quality Control Commission (AQCC) regulations may not be inclusive of the regulations the proposed project will be subject to. It is the responsibility of the involved parties to determine what regulations they are subject to and follow them accordingly. APEN and Regulation No. 3 We note that projects similar to this proposal have included the use of engines and/or generators. In Colorado, most businesses that are or will be emitting air pollutants above certain levels are required to report those emissions to the Division by completing an Air Pollutant Emissions Notice (APEN). While only businesses that exceed the AQCC reporting thresholds are required to report their emissions, all businesses - regardless of emission amount - must always comply with the Colorado AQCC regulations. A permit may not be required if it meets the following criteria: <ul style="list-style-type: none"> • Is a stationary internal combustion engine that is an emergency power generator that operates no more than 250 hrs/year; or 	Applicant is required to obtain all necessary permits prior to commencement of site operations and otherwise must abide by AQCC air quality standards. The USR management plan contains additional measures to control dust, diesel emissions through truck idling limitations, restricted operations during high winds, among others. Odor control equipment is also proposed.

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		<ul style="list-style-type: none"> • Is a stationary internal combustion engine with uncontrolled actual emissions less than 5 tons per year for each individual criteria pollutant emitted; or • Is a stationary internal combustion engine with manufacturer’s site-rated horsepower of less than 50 <p>Odor All businesses in Colorado are subject to AQCC Regulation Number 2 (Odor Emission) and a permit may be required for the installation of odor control equipment. Please refer to AQCC Number 2 for guidance on odor suppression actions.</p> <p>Land Development We also note that projects similar to this proposal often involve land development. Under Colorado air quality regulations, land development refers to all land clearing activities, including but not limited to land preparation such as excavating or grading, for residential, commercial or industrial development. Land development activities release fugitive dust, a pollutant regulation by the Division. Small land development activities are not subject to the same reporting and permitting requirements as large land activities. Specifically, land development activities that are less than 25 contiguous acres and less than 6 months in duration do not need to report air emissions to the Division. It is important to note that even if a permit is not required, fugitive dust control measures including the Land Development APEN Form APCD-223 must be followed at the site.</p> <p>Additional comments were sent 07/06/2022 indicating similar requirements.</p>	

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CenturyLink	05/01/2024	<p>Received: CenturyLink has no objections providing, however, the following terms and conditions are agreed to, and met, by Landowner</p> <ol style="list-style-type: none"> 1. Locates must be performed by a state recognized organization (i.e. Call Before You Dig, Blue Stake, etc.). 2. A minimum of three feet of cover above CenturyLink facilities is maintained at all times and the final grade provides for no less than three feet of cover. 3. If any CenturyLink facilities are damaged or require relocation as a result of said Improvements, or the act of installing, maintaining, or removing said Improvements, Landowner agrees to bear the cost of repair and/or relocation of said CenturyLink facilities. 4. No buildings or structures are to be placed within the Easement Tract other than those, if any, that are approved by this APPROVAL TO PROCEED. <p>Additional comments were sent 07/04/2022 indicating no objections.</p>	Applicant is required to reach out to CenturyLink if they alter any existing utility easements and facilities.
Chatfield Community Association		No Response Received	No response necessary
Chatfield East HOA		No Response Received	No response necessary
Cherokee Ridge Estates HOA	04/24/2024	<p>Received: With the May 14th court date approaching, we did not receive a response from you to our emailed questions below, so on the side of clarity we formally request you use the attached previous referral letters from the Cherokee Ridge Estates HOA and Metro District and this email as inclusions to Brannan's new combined application for both the asphalt batch plant and crushing operations. To be very clear, the homeowners represented by the Cherokee Ridge Estates HOA and Metro District are opposed to this air polluting industrial expansion, not simply because it's so</p>	<p>Applicant responded stating the revised application includes new mitigation measures, extensive screening, the elimination of stand-alone crushing and a consolidated management plan for the entire site.</p> <p>Noise, odor, and dust will be monitored daily, and monthly logs will be available upon request. There is a noise modeling report and dust mitigation plan in conjunction with the management plan. Air quality is monitored by CDPHE. Stormwater runoff is monitored by PWE and CDPHE.</p>

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		<p>close, but for all the reasons stated in our previous responses. Also, please ensure that the referral response web page for this project shows a submission from the "Cherokee Ridge Estates HOA".</p> <p>Additional comments were sent 07/19/2022, 07/15/2021, and 09/23/2019 indicating a lack of studies and adherence to Douglas County codes. They are concerned that series health risks are being ignored since recycled cement contains both silica and hexavalent chromium among other hazardous elements. They are also concerned that no studies have been conducted on the dust spread by wind to the surrounding communities. "The failure to analyze the dust and pollutants emanating from the plant as it exists today, and the resulting health risks should be addressed before any expansion of the site."</p>	
Cherokee Ridge Estates Metro District	05/02/2023	<p>Received: This new application and documents from the applicant remains incomplete and in violation of numerous sections of the DCZR and the CMP. The Cherokee Ridge Estates HOA Board joins the District's Board of Directors in the renewal of their 9-23-2019, 4-21-2020 and 7-1-2022 objections and continues to strenuously object to the approval of Project US2021-002. The new application documents fail to address our concerns about the proposed projects negative effects on the health, safety and welfare of District residents. Specifically, they are concerned with the terrain as this site sits in a valley increasing risks to the community, additional means of mitigation for fugitive emissions does not account for emissions including those released from the loading of trucks, use of conveyor belts, and emanating from stockpiles, among other sources and are thus excluded from the total emissions</p>	<p>Applicant response states that mitigation measures, extensive screening, elimination of stand-alone crushing, and a consolidated management plan for the entire site should resolve the objections to traffic, pollution, aesthetic impacts, and changes on this site. The applicant further states that "they operate such sites, with personnel in close and constant proximity without detrimental health effects and proposes a state-of-the-art facility."</p> <p>Noise, odor, and dust will be monitored daily, and monthly logs will be available upon request. There is a noise modeling report and dust mitigation plan in conjunction with the management plan. Air quality is monitored by CDPHE. Stormwater runoff is monitored by PWE and CDPHE.</p>

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		<p>analyses. These types of emissions contribute significant amounts VOC to the air and failure to account for these emissions results in understated emissions figures and unaccounted for additional risk to the community. The report still fails to consider the combined effects from the proposed project with the existing nearby cement recycling plant which releases substantial amounts of dust that contains dangerous components like silica and hexavalent chromium, both categorized as Class 1 carcinogens by the International Agency for Research on Cancer. The combined emissions could result in higher instances of chronic exposure.</p> <p>Most importantly, while the report contains the foregoing errors and omissions that result in incomplete data, it is worrisome that the submittal does nothing to demonstrate the significant health concerns surrounding the project. In fact, it confirms the District’s ongoing concern that the project will have severe and negative long-term health implications and therefore should be denied.</p> <p>Their letter further points out details of specific numerous violations to sections of the DCZR and the CMP. There are no reasonable mitigations for several of these violations and therefore, this application must be denied.</p> <p>Additional comments were sent 07/19/2022, 07/15/2021, and 09/23/2019 indicating similar concerns.</p>	
<p>Colorado Department of Transportation CDOT-Region # 1</p>	<p>05/01/2024</p>	<p>Received: Environmental Comments: Arch/History/Paleo: Since this is a permit, a file search for Arch, Paleo and History is required. If the file search identifies anything, a more extensive report will be required.</p>	<p>The street sweeping clause in the management plan has been updated to include the intersection of US Highway 85 and Airport Rd.</p>

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		<p>If nothing is identified, then the file search should be sufficient. See letter for the Cultural/History File Search</p> <p>Residential Engineer Comments: 19Apr2024 JB - I see street sweeping was added, but only up to US-85 on Airport Rd. I would also include US-85 & Airport Rd. intersection on US-85, as that is the specific location where we saw spills, especially when trucks turned onto northbound or southbound US-85.</p> <p>Additional comments were sent 05/03/2023 and 07/20/2022 indicating a need to review for prebles meadow a historical study and obtain a permit if the new traffic study identifies volumes exceeding 20% at the intersection of US Highway 85 and Airport Road.</p>	<p>The permit area is outside of the floodplain and not anticipated to impact any habitat area.</p> <p>Engineering has confirmed that a new CDOT permit is not required for this project.</p>
Colorado Geological Survey	05/03/2024	<p>Received: CGS has no outstanding geological or geotechnical concerns.</p> <p>Additional comments were sent 07/20/2022 indicating the need for more information to verify the proposed foundation support system on the existing soils.</p>	Applicant provided additional information requested by CGS to confirm their calculations are accurate. No special soils mitigation is necessary.
Colorado Parks and Wildlife (Northwest DC - District 551)		No Response Received	No response necessary
Comcast		No Response Received	No response necessary
CORE Electric Cooperative	04/25/2024	<p>Received: CORE Electric Cooperative approves the Special Use by Review. CORE has existing underground/overhead electric facilities on the subject property. CORE will maintain these existing utility easements and facilities unless otherwise requested by the applicant to modify them under the CORE's current extension policies.</p>	Applicant and CORE are working on final plans for necessary utility extensions.
Douglas County Health Department	04/30/2024	<p>Received: Douglas County Health Department (DCHD) staff have reviewed the application for compliance with</p>	Applicant is required to obtain all necessary permits for new septic systems prior to any work commencing onsite.

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		<p>pertinent environmental and public health regulations. After reviewing the application, DCHD has the following comments:</p> <ul style="list-style-type: none"> - DCHD will accept the use of up to two portable toilets for use by on-site personnel & truck drivers. Once a septic design is received and approved by DCHD, the issuance of an Install Permit will serve as favorable recommendation regarding the proposed method of sanitary disposal. - An updated will-serve letter has been provided by Sedalia Water and Sanitation District for water service. Based on this letter, DCHD can provide a favorable recommendation regarding the proposed method of water supply - A noise analysis has been conducted to evaluate the potential impact of noise from the proposed use to surrounding areas. Results from the noise analysis indicate that the proposed expansion and operation will comply with industrial noise limits of Douglas County. - Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease. The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions, including fugitive dust. Control measures may be necessary to minimize the amount of fugitive emissions from site activities including haul roads, stockpiles, and erosion. Brannan Companies has submitted a Dust Control Plan to identify fugitive dust sources, best management practices for dust control, and a PM10 monitoring plan. 	<p>DCHD reviewed both the dust control plan and noise impact study submitted with the application. Engineering has reviewed and accepted the applicant’s drainage reports, stormwater system designs, and grading plans to ensure that all standards are met.</p>

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		<p>- Development of the subject parcel will potentially result in an increase of stormwater and snowmelt runoff that may contribute significant pollutant loadings to Plum Creek. These pollutants include bacteria, nutrients, metals, and oxygen consuming contaminants. Stormwater management is important for improving water quality and preventing flooding and erosion. Best Management Practices (BMPs) can be utilized to reduce pollutant loadings from development into Plum Creek. Brannan Companies has submitted a Phase III Drainage Report to address these stormwater concerns.</p> <p>Additional comments were sent 05/03/2023 and 07/21/2022</p>	
Douglas County Historic Preservation	04/18/2024	<p>Received: The proposed project area is identified in an industrial development node in the Louviers Rural Community of the 2040 Douglas County Master Plan. The Douglas County Curator has no further comments. The applicant addressed the previous referral response concerns.</p> <p>Additional comments were sent 05/01/2023 and 08/25/2022 indicating Louviers Rural Community has a unique character and efforts should be made to mitigate impacts on the community.</p>	There are no known historic resources present on this site. This site is over 2000 feet from the historic Louviers Village area. Open space and agricultural property to the west provides separation between the industrial use and the historic community.
Douglas County Open Space & Natural Resources Division	08/26/2022	<p>Received: Intensive uses are to be expected. The site is also immediately adjacent to Plum Creek, a very important wildlife corridor as it is designated as a Tier I wildlife resource in Section 9 of CMP. The main concerns of this Division are reducing and mitigating impacts of this operation to the adjacent wildlife corridor.</p> <p>The notes on sheet two of this USR show that the applicant has strategized on how to address numerous impacts of the</p>	The management plan identifies controls over hours of operation, air, noise, lighting, and odor. The permit area is outside the Plum Creek riparian corridor and outside the Wildlife crossing area identified on the Louviers Rural Community Map located in the 2040 CMP, being in the designated industrial node. Additional fencing has been added in addition to the proposed landscaping along the western edge of the site. The asphalt batch plant

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		<p>operation including dust/air quality, light, noise, and hours of operation. The stipulations or requirements in the notes are a great start.</p> <p>Air Quality: A huge volume of dust, exhaust, or volatile chemicals drifting into the corridor would have a deleterious effect on wildlife.</p> <p>Light: The controls in the notes requiring lights to be turned off after hours, down-lighting, limiting security lighting, and allowing nighttime operational lighting only during limited, authorized nighttime operations are a great step to reducing light disturbance. Many species of wildlife tend toward nocturnal activities and movement. Reducing light infiltration into the adjacent riparian corridor will correspondingly cause less disruption and avoidance, especially during the important nighttime hours. Similarly, life cycles of diurnal wildlife species could be interrupted by light, noise or other disturbance to the riparian corridor as well, disrupting sleep patterns. Wildlife is living in this corridor, not just moving through.</p> <p>Hours of Operation: disruption of both night activities and movement of nocturnal species and rest periods of diurnal species is a major consideration. It is very helpful to provide temporal separation by concentrating the heavy operations during the daytime and minimizing it at night. The applicant has proposed cutting off operations at 6PM typically. They have requested authorization to operate at night for up to six months during the warmer portion of the year.</p> <p>This Division recognizes the importance of allowing for the maximum profitability of the operation and providing the quantities of paving materials required for roadway projects during the nighttime hours that disrupt traffic flow less. These goals must be balanced somehow with reduction of</p>	<p>site is within the bounds of an already improved area of the site.</p>

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		<p>disturbance to the adjacent riparian area. It is important to note that even with a 6-month night operations permit, the crucial winter months would be avoided. Avoiding nighttime operations during these months is beneficial.</p> <p>Noise: Any measure that reduces the volume or duration of noise will reduce impacts to wildlife. The USR notes limit nighttime and daytime noise levels. Moving the activities & operations that cause noise or vibration farther away from the creek is another opportunity. One of the most significant factors in noise mitigation is distance; sound levels drop off precipitously over distance. Woody vegetation screening is somewhat helpful, more so for light, less so for noise.</p> <p>Landscaping is oriented toward screening the facility from nearby houses. There is no problem with that philosophy; it should merely be expanded to provide similar treatment to the wildlife corridor. Fleshing out the western edge of the parcel with a more continuous row of trees and shrubs would be very helpful. Deciduous trees are great during the growing season but lose much of their effectiveness after leaf drop. Conifers do not have the same limitations. Dispersing conifers throughout the western tree and shrub buffer would make it more effective.</p> <p>OSNR commends the applicant for proposing numerous mitigation measures within this plan.</p>	
Douglas Land Conservancy		No Response Received	No response necessary
Engineering Services	05/07/2024	<p>Received: Traffic comments: The APM Facility is projected to generate 618 total trips (includes 10 non-truck trips) and the Accessory Crushing Operation is projected to generate 204 total trips (includes 4 non-truck trips). Total Truck trips would be</p>	<p>The applicant’s traffic consultant updated the traffic study to accurately identify 808 truck trips and removed the eastbound lane calculations, which updated intersection calculations accordingly. The applicant provided revised signage and striping plans.</p>

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		<p>808 trips which is 2 trips higher than what is listed on the Management Plan for this application (Asphalt Production).</p> <p>New comments: Page 2, Section 2.2 Study Assumptions; For the Short-Term 2024 Horizon, it is assumed that phase 1 of the County's right turn lane project for eastbound Airport Rd to southbound US 85 is complete. However, per our special projects staff, this phase has been held due to delays in acquisition of ROW. It is now unknown when this phase will be constructed. The related analysis in this study will need to be revised.</p> <p>While the County's project to add an eastbound right turn lane at US 85 has not been completed, the author of the traffic study notes that "While an eastbound right turn lane isn't marked at US 85, the approach is wide enough for two lanes and observations show that two motorists can use the approach at the same time." Because of the above observations, the analysis of this intersection assumes an eastbound right turn lane exists. The study needs to identify the time periods of the observations to make sure that the observations were made during the peak hour of this approach. If observations were conducted during non-peak hours, operational issues due to queuing of the left turn lane may have been missed.</p> <p>Table 3 Trip Generation Estimate; Note 1, (shown below the table) needs to be updated to be consistent with section 4.1 of the study. This study needs to be revised to address the comments above.</p> <p>Site Engineering comments: There are the redlines to the signage & striping plans. PWE will continue to</p>	<p>Engineering has approved all construction plans. A required improvements agreement will be approved prior to the Board of County Commissioner's public hearing.</p>

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		<p>review all revised engineering and construction drawings. Additional comments were sent 05/09/2023, 05/03/2023, and 07/20/2022 highlighting necessary corrections to multiple reports and further clarification on multiple items including traffic.</p>	
<p>Louviers Conservation Partnership</p>	<p>04/30/2024</p>	<p>Received: Louviers Conservation Partnership (LCP) remains opposed to USR Application 2021-002 due to various conflicts with the Douglas County Zoning Resolutions (DCZR) and 2040 Comprehensive Master Plan (CMP), as evidenced throughout.</p> <p>In an attempt to portray the LCP comments as inferior, Brannan, in their response letter underscored a more important issue, which we will highlight in our response. LCP is a group of “everyday volunteer citizens” participating in a governmental process. But we are not insignificant. We are not a team of lawyers hired to defend Louviers against Brannan’s revolving legal team. In fact, we operate solely to protect the Louviers Village from the industrial development of an asphalt plant adjacent to the Village and part of the Louviers Rural Community, which will be harmful to the welfare of the people, environment, and wildlife in the area.</p> <p>This application does not comply with zoning district requirements including DCZR 2102.01, 1416.01, and 1416.05. This application is not compatible with the character of the surrounding areas. The applicant clearly doesn’t understand the great breadth of protections stated in Section 4 and Goal 5-8 of the 2040 CMP which are in place to preserve Douglas County’s cultural resources for future generations.</p>	<p>Applicant stated they are “seeking to upgrade the facility, and to replace a crushing entitlement that has provoked concern with a manufacturing facility consistent, due to extended mitigation, with other commercial and industrial uses in the area.” The revised application includes a 6-foot wooden privacy fencing around the stockpile areas. The applicant states it is “committed to the dual environmental prerogatives of reducing its footprint and implementing appropriate operation mitigation measures” with regard to Cr(VI), air quality, and similar concerns.</p> <p>Traffic, noise, and air quality. Impacts will be regularly monitored and reports and logs made available to the County upon request. There is a noise modeling report and dust mitigation plan in conjunction with the management plan. Air quality is regulated by CDPHE. No significant historic or cultural resources were found on site.</p> <p>An assessment of various CMP goals, objectives, and policies is provided in the staff report. The Zoning Resolution acknowledges the need to balance the different and sometimes competing values of the CMP in the development review process.</p>

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		<p>This application does not comply with Goal 4.2 and objectives 4-2A and 4-2B; Policy 4-2B.1, Objectives 4-2C and 4-2D; Policy 4-2D.2; Policy 4-2D.3; Policy 4-2E.2, Objectives 4-2G, 4-2G.4 and 4-2K; Policy 4-2K.3 of the 2040 Master Plan and should be denied. The application does not meet the environmental standards set forth in the CMP including Section 8-1, 8-2, 8-4, 8-5, and 8-5 and the Hazard Classifications – Class 3 areas. And this application violates Section 9 of the CMP regarding wildlife.</p> <p>Traffic, air pollution, water pollution, and noise pollution violate the DCZR standards. The plan does not significantly buffer the site. This application is in direct violation of DCZR2102.12 which states an application will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the county.</p> <p>We strongly urge the county to reconsider rezoning the GI district and ask that this application be denied as it does not comply with the DCZR or the CMP.</p> <p>Additional comments were sent 04/27/2023 identifying multiple concerns regarding the health and safety of the community with these intense industrial uses. They reiterated that the additional asphalt batch plant is too intense with the existing concrete batch plant.</p>	
Louviers Water and Sanitation District	04/30/2024	<p>Received: The District understands the property owner has the right to withdraw Arapahoe Aquifer groundwater under its property. Additional demand of Arapahoe Aquifer groundwater in close proximity of Louviers Water and Sanitation District may impact long term</p>	<p>Applicant will adhere to the requirements afforded in permit #63898 and Order Approving Sedalia Water and Sanitation District’s Motion for order for Inclusion at reception number 2007004713.</p>

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		Louviere water supply and is requested to be minimized.	
Mile High Flood District	06/29/2022	No Comment	No response necessary
Office of Emergency Management	04/10/2024	Received: OEM has no concerns with this project.	No response necessary
Plum Valley Heights HOA		No Response Received	No response necessary
Sedalia Water & Sanitation District	04/10/2024	Received: SWSD has been working with applicant and has provided will serve documentation. No further action needed at this time. If water usage should change, applicant needs to reach back out to the SWSD.	No response necessary
Sheriff's Office		No Response Received	No response necessary
Sheriff's Office E911		No Response Received	No response necessary
South Metro Fire Rescue	04/15/2024	<p>Received: South Metro Fire Rescue (SMFR) has reviewed the revised documents provided. SMFR has no objection to the proposed Use by Special Review with the revised referral packet sent April 9, 2024. Applicants and Contractors are encouraged to contact SMFR regarding the applicable permit requirements for the proposed project. Permits shall be issued by SMFR prior to any construction onsite and any element of fire protection being considered approved.</p> <p>Addressing note – 5779 Airport Road address has been indicated to be affiliated with the crushing operation and proposed asphalt batch plant facility. 5775 Airport Road address is the existing address for the concrete batch plant. Appropriate permanent approved address signs shall be provided at the access point on Airport Road. Approved permanent wayfinding signs shall be provided throughout the site.</p>	Applicant is required to obtain all necessary permits prior to commencing operations. The applicant will provide additional address signs for clarity of activities onsite.

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Wildfire Mitigation		No Response Received	No response necessary
Xcel Energy-Right of Way & Permits	04/16/2024	No Comment Additional comments were sent 05/01/2023 and 07/19/2022 identifying similar comments.	No response necessary

From: annb.cwc64.com
To: [Heather Scott](mailto:Heather.Scott)
Cc: [Pam Choy \(pc2914@att.com\)](mailto:Pam.Choy(pc2914@att.com)); duanew.cwc64.com; jt.cwc64.com
Subject: 5775 Airport Road Sedalia, Colorado Douglas County eReferral #US2021-002
Date: Wednesday, April 12, 2023 11:12:03 AM

Hi Heather,

This is in response to your eReferral with a utility map showing any buried AT&T Long Line Fiber Optics near 5775 Airport Road Sedalia, Colorado. The Earth map shows the project area in red and the buried AT&T Long Line Fiber Optics in yellow. Based on the address and/or map you provided, there should be NO conflicts with the AT&T Long Line facilities.

Please feel free to contact us with any questions or concerns.

Ann Barnowski
Clearwater Consulting Group Inc
120 9th Avenue South
Suite 140
Nampa, ID 83651
Annb@cwc64.com

The attached google earth maps are intended to show approximate locations of the buried AT&T long line fiber optic cable. The maps are provided for informational purposes only. In no way should the maps be used for anything other than general guidelines as to where the fiber is or is not and any other use of these maps is strictly prohibited.



From: annb@cw64.com
To: [Heather Scott](mailto:Heather.Scott@att.com)
Cc: [Rob Williamson \(rw7517@att.com\)](mailto:Rob.Williamson@att.com); duanew@cw64.com; jt@cw64.com; danab@cw64.com
Subject: Airport Rd Louviers, Colorado Douglas County eReferral #US2021-002
Date: Wednesday, July 6, 2022 11:37:58 AM

Hi Heather,

RE: Project No US2021-002

This is in response to your eReferral with a utility map showing any buried AT&T Long Line Fiber Optics near Airport Rd Louviers, Colorado. The Earth map shows the project area in red and the buried AT&T Long Line Fiber Optics in yellow. Based on the address and/or map you provided, there should be NO conflicts with the AT&T Long Lines.

Please feel free to contact us with any questions or concerns.

Ann Barnowski
Clearwater Consulting Group Inc
120 9th Avenue South
Suite 140
Nampa, ID 83651
Annb@cw64.com

The attached google earth maps are intended to show approximate locations of the buried AT&T long line fiber optic cable. The maps are provided for informational purposes only. In no way should the maps be used for anything other than general guidelines as to where the fiber is or is not and any other use of these maps is strictly prohibited.



Thank you for contacting the Colorado Department of Public Health and Environment (CDPHE). Please note that the following requirements and recommendations apply to many but not all projects referred by local governments. Also, they are not intended to be an exhaustive list and it is ultimately the responsibility of the applicant to comply with all applicable rules and regulations. CDPHE's failure to respond to a referral should not be construed as a favorable response.

Hazardous and Solid Waste

The applicant must comply with all applicable hazardous and solid waste rules and regulations.

Hazardous waste regulations are available here:
<https://www.colorado.gov/pacific/cdphe/hwregs>.

Solid waste regulations are available here:
<https://www.colorado.gov/pacific/cdphe/swregs>.

Applicable requirements may include, but are not limited to, properly characterizing all wastes generated from this project and ensuring they are properly managed and disposed of in accordance with Colorado's solid and hazardous waste regulations.

If this proposed project processes, reclaims, sorts, or recycles recyclable materials generated from industrial operations (including, but not limited to construction and demolition debris and other recyclable materials), then it must register as an industrial recycling facility in accordance with Section 8 of the Colorado Solid Waste Regulations. The industrial recycling registration form is available here:

<https://www.colorado.gov/pacific/cdphe/sw-recycling-forms-apps>.

If you have any questions regarding hazardous and/or solid waste, please contact CDPHE's Hazardous Materials and Waste Management Division (HMWMD) by emailing comments.hmwm@state.co.us or calling 303-692-3320.

Water Quality

The applicant must comply with all applicable water quality rules and regulations. The Water Quality Control Division (WQCD) administers regulatory programs that are generally designed to help protect both Colorado's natural water bodies (the clean water program) and built drinking water systems. Applicants must comply with all applicable water quality rules and regulations relating to both clean water and drinking water. All water quality regulations are available here:

<https://cdphe.colorado.gov/water-quality-control-commission-regulations>.



Heather Scott
Douglas County Planning Services
100 Third Street Castle Rock, CO 80104

VIA EMAIL

RE: Douglas County eReferral (US2021-002) Is Ready For Review

Dear Heather Scott,

The Colorado Department of Public Health and Environment's Air Pollution Control Division (APCD or Division) received a request for conformity review request concerning the proposed Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel 3rd Amendment project as described in your correspondence dated Apr 8, 2024. The Division has reviewed the project letter and respectfully offers the following comments. Please note that the following Air Quality Control Commission (AQCC) regulations may not be inclusive of the regulations the proposed project will be subject to. It is the responsibility of the involved parties to determine what regulations they are subject to and follow them accordingly.

APEN and Regulation No. 3

We note that projects similar to this proposal have included the use of engines and/or generators. In Colorado, most businesses that are or will be emitting air pollutants above certain levels are required to report those emissions to the Division by completing an Air Pollutant Emissions Notice (APEN). This is a two in one form for reporting air emissions and to obtain an air permit, if a permit will be required. While only businesses that exceed the AQCC reporting thresholds are required to report their emissions, all businesses - regardless of emission amount - must always comply with the Colorado AQCC regulations, found here <https://cdphe.colorado.gov/aqcc-regulations>. APEN and permit reporting thresholds are provided at

<https://cdphe.colorado.gov/apens-and-air-permits/apen-and-permit-threshold-table>.

A permit may not be required if it meets the following criteria:¹

- Is a stationary internal combustion engine that is an emergency power generator that operates no more than 250 hrs/year; or
- Is a stationary internal combustion engine with uncontrolled actual emissions less than 5 tons per year for each individual criteria pollutant emitted; or
- Is a stationary internal combustion engine with manufacturer's site-rated horsepower of less than 50

For additional information on exemptions and permitting requirements, please visit <https://cdphe.colorado.gov/apens-and-air-permits/common-apen-or-air-permit-exemptions>.

Odor

All businesses in Colorado are subject to AQCC Regulation Number 2 (Odor Emission) and a permit may be required for the installation of odor control equipment. Please refer to AQCC Number 2 for guidance on odor suppression actions. You may also view the complete regulatory language at <https://cdphe.colorado.gov/aqcc-regulations>.

¹ APEN or Permit Exemptions, CDPHE,
<https://cdphe.colorado.gov/apens-and-air-permits/common-apen-or-air-permit-exemptions>



Land Development

We also note that projects similar to this proposal often involve land development. Under Colorado air quality regulations, land development refers to all land clearing activities, including but not limited to land preparation such as excavating or grading, for residential, commercial or industrial development. Land development activities release fugitive dust, a pollutant regulated by the Division. Small land development activities are not subject to the same reporting and permitting requirements as large land activities. Specifically, land development activities that are less than 25 contiguous acres and less than 6 months in duration do not need to report air emissions to the Division. It is important to note that even if a permit is not required, fugitive dust control measures including the Land Development APEN Form APCD-223 must be followed at the site. Fugitive dust control techniques commonly included in the plan are included in the table below.

Control Options for Unpaved Roadways	
Watering	Use of chemical stabilizer
Paving	Controlling vehicle speed
Graveling	
Control Options for Mud and Dirt Carry-Out Onto Paved Surfaces	
Gravel entry ways	Washing vehicle wheels
Covering the load	Not overfilling trucks
Control Options for Disturbed Areas	
Watering	Application of a chemical stabilizer
Revegetation	Controlling vehicle speed
Compaction	Furrowing the soil
Wind Breaks	Minimizing the areas of disturbance
	Synthetic or Natural Cover for Slopes

Please refer to the website <https://cdphe.colorado.gov/apens-and-air-permits> for information on land use APENs and permit forms. Click on “Land Development” to access the land development specific APEN form. Please contact KC Houlden, Construction Permits Unit Supervisor, at 303-692-4092, kenneth.houlden@state.co.us if you have any specific questions about APENs and permit forms.

If you have any other questions or need additional information, please use the contact info listed above, or e-mail or call me directly. Thank you for contacting the Air Pollution Control Division about your project.

Sincerely,
Brendan Cicione
Air Quality and Transportation Planner
General SIP Unit
Air Pollution Control Division
Colorado Department of Public Health and Environment
303-691-4104 // brendan.cicione@state.co.us



Clean Water Requirements

Stormwater

Applicable clean water requirements may include, but are not limited to, obtaining a stormwater discharge permit if construction activities disturb one acre or more of land or if they are part of a larger common plan of development that will disturb one or more acres of land. In determining the area of construction disturbance, WQCD looks at the entire plan, including disturbances associated with utilities, pipelines or roads constructed to serve the facility.

Please use the Colorado Environmental Online Services (CEOS) to apply for new construction stormwater discharge permits, modify or terminate existing permits and change permit contacts.

For CEOS support please see the following WQCD website:

<https://cdphe.colorado.gov/cor400000-stormwater-discharge>

or contact:

Email: cdphe_ceos_support@state.co.us or cdphe_wqcd_permits@state.co.us

CEOS Phone: 303-691-7919

Permits Phone: 303-692-3517

Domestic Wastewater

Some projects with wastewater collection may have domestic wastewater treatment works (i.e., treatment plant, interceptor sewer, or lift station) with a design capacity to receive greater than 2,000 gallons per day (gpd) and are subject to state-wide site location, design, and permitting requirements implemented by the Water Quality Control Division. State review and approval of the site location application and design is required by the Colorado Water Quality Control Act (Act), Section 25-8-702, C.R.S. which states in part that:

“No person shall commence the construction of any domestic wastewater treatment works or the enlargement of the capacity of an existing domestic wastewater treatment works, unless the site location and the design for the construction or expansion have been approved by the division.”

State review may also be necessary for projects with multiple on-site wastewater treatment systems (OWTS) on a single property, unless the OWTS meet the requirements of division’s “Site Application Policy 6: Multiple On-Site Wastewater Treatment Systems” (Policy 6).

If applicable, the project would need to meet all applicable regulatory requirements including, but not limited to, site location and design review, discharge permitting, having a certified operator; and routine monitoring and reporting. For questions regarding domestic wastewater regulation applicability or other assistance and resources, visit these websites:

<https://cdphe.colorado.gov/design>

<https://cdphe.colorado.gov/clean-water-permitting-sectors>



Drinking Water Requirements

The definition of a public water system is self-implementing. It is the responsibility of all water systems in Colorado to assess whether their system is a public water system and to comply with the regulations accordingly. There is not a notification process whereby a system only becomes a public water system if the Department notifies that system. A system becomes subject to regulation as a public water system at the point the system begins operating a system meeting the definition of a public water system under Regulation 11.

Some projects may also need to address drinking water regulations if the proposed project meets the definition of a “Public Water System” per the Colorado Primary Drinking Water Regulations (Regulation 11):

A Public Water System means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system or a non-community water system. Such term does not include any special irrigation district. Such term includes:

- (a) Any collection, treatment, storage, and distribution facilities under control of the supplier of such system and used primarily in connection with such system.*
- (b) Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.*

If applicable, the project would need to meet all applicable requirements of Regulation 11 including, but not limited to, design review and approval; technical, managerial and financial review and approval; having a certified operator; and routine monitoring and reporting. If it is determined that your facility meets the definition of a public water system please submit a drinking water inventory update form to the department. For questions regarding drinking water regulation applicability or other assistance and resources, visit these websites:

<https://cdphe.colorado.gov/drinking-water>

<https://cdphe.colorado.gov/dwtrain>

If you have any other questions regarding either clean or drinking water quality, please contact CDPHE’s WQCD by emailing cdphe.commentswqcd@state.co.us or calling 303-692-3500.

Air Quality

The applicant must comply with all relevant state and federal air quality rules and regulations. Air quality regulations are available here:

<https://www.colorado.gov/pacific/cdphe/aqcc-regs>.



Air Pollutant Emissions Notices (APENs) and Permits

Applicable requirements may include, but are not limited to, reporting emissions to the Air Pollution Control Division (APCD) by completing an APEN. An APEN is a two in one form for reporting air emissions and obtaining an air permit, if a permit will be required. While only businesses that exceed the Air Quality Control Commission (AQCC) reporting thresholds are required to report their emissions, all businesses - regardless of emission amount - must always comply with applicable AQCC regulations.

In general, an APEN is required when uncontrolled actual emissions for an emission point or group of emission points exceed the following defined emission thresholds:

Table 1 APEN Thresholds		
Pollutant Category	UNCONTROLLED ACTUAL EMISSIONS	
	Attainment Area	Non-attainment Area
Criteria Pollutant	2 tons per year	1 ton per year
Lead	100 pounds per year	100 pounds per year
Non-Criteria Pollutant	250 pounds per year	250 pounds per year

Uncontrolled actual emissions do not take into account any pollution control equipment that may exist. A map of the Denver Metropolitan Ozone Non-attainment area can be found on the following website: http://www.colorado.gov/airquality/ss_map_wm.aspx.

In addition to these reporting thresholds, a Land Development APEN (Form APCD-223) may be required for land development. Under Colorado air quality regulations, land development refers to all land clearing activities, including but not limited to land preparation such as excavating or grading, for residential, commercial or industrial development. Land development activities release fugitive dust, a pollutant regulation by APCD. Small land development activities are not subject to the same reporting and permitting requirements as large land activities. Specifically, land development activities that are less than 25 contiguous acres and less than 6 months in duration do not need to report air emissions to APCD.

It is important to note that even if a permit is not required, fugitive dust control measures included the Land Development APEN Form APCD-223 must be followed at the site. Fugitive dust control techniques commonly included in the plan are included in the table below.

Control Options for Unpaved Roadways	
Watering	Use of chemical stabilizer
Paving	Controlling vehicle speed
Graveling	
Control Options for Mud and Dirt Carry-Out Onto Paved Surfaces	
Gravel entry ways	Washing vehicle wheels
Covering the load	Not overfilling trucks
Control Options for Disturbed Areas	



Watering	Application of a chemical stabilizer
Revegetation	Controlling vehicle speed
Compaction	Furrowing the soil
Wind Breaks	Minimizing the areas of disturbance
	Synthetic or Natural Cover for Slopes

Additional information on APENs and air permits can be found on the following website: <https://www.colorado.gov/pacific/cdphe/air/do-you-need-an-apen>. This site explains the process to obtain APENs and air quality permits, as well as information on calculating emissions, exemptions, and additional requirements. You may also view AQCC Regulation Number 3 at <https://www.colorado.gov/pacific/cdphe/aqcc-regs> for the complete regulatory language.

If you have any questions regarding Colorado’s APEN or air permitting requirements or are unsure whether your business operations emit air pollutants, please call the Small Business Assistance Program (SBAP) at 303- 692-3175 or 303-692-3148.

Asbestos and Lead-Based Paint

In Colorado there are regulations regarding the appropriate removal and handling of asbestos and lead-based paint as part of a demolition, renovation, or remodeling project. These regulations are presented in AQCC Number 8 (asbestos) and Number 19 (lead-based paint) which can be found on the following website: <https://www.colorado.gov/cdphe/aqcc-regs>.

These regulations may require the use of, or inspection by, companies or individuals that are certified to inspect or remove these hazards **prior to renovation or demolition**. APCD must also be notified of abatement or demolition activities prior to beginning any work in the case of asbestos. For additional guidance on these regulations and lists of certified companies and individuals please visit the following website for asbestos:

<https://www.colorado.gov/cdphe/categories/services-and-information/environment/asbestos>

and the following website for lead-based paint:

<https://www.colorado.gov/pacific/cdphe/categories/services-and-information/lead>.

If you have any questions about Colorado’s asbestos and lead-based paint regulations or are unsure whether you are subject to them please call the Indoor Environment Program at 303-692-3100.

If you have more general questions about air quality, please contact CDPHE’s APCD by emailing cdphe.commentsapcd@state.co.us or calling 303-692-3100.

Environmental Justice and Health Equity

CDPHE is dedicated to promoting and protecting the health and environment for all Coloradans. As part of those efforts, we strive to achieve health equity and environmental justice.



ENVIRONMENTAL JUSTICE is the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income. Environmental justice recognizes that all people have a right to breathe clean air, drink clean water, participate freely in decisions that affect their environment, live free of dangerous levels of toxic pollution, experience equal protection of environmental policies, and share the benefits of a prosperous and vibrant pollution-free economy.

HEALTH EQUITY is when all people, regardless of who they are or what they believe, have the opportunity to attain their full health potential. Achieving health equity requires valuing all people equally with focused and ongoing efforts to address inequalities.

The Environmental Justice Act (HB21-1266) builds upon these efforts by declaring a statewide policy to advance environmental justice, defining disproportionately impacted communities, and creating an Environmental Justice Action Task Force, Environmental Justice Ombudsperson, and Environmental Justice Advisory Board. The Environmental Justice Act also directs the Air Quality Control Commission to promulgate certain rules to reduce emissions in disproportionately impacted communities, and to revise its approach to permitting actions in disproportionately impacted communities. The Environmental Justice Act further requires the Air Quality Control Commission to conduct enhanced outreach in disproportionately impacted communities for rulemakings and contested permitting actions.

The Environmental Justice Act's definition of disproportionately impacted communities includes low-income communities, communities of color, and housing cost-burdened communities, as well as communities that experience cumulative impacts and with a history of environmental racism. CDPHE's [Climate Equity Data Viewer](#) can be used to identify census block groups that meet those three criteria.

CDPHE notes that certain projects have potential to impact communities of color and low-income communities that are already disproportionately impacted by cumulative impacts across environmental media and challenges outside the environmental context. It is our strong recommendation that your organization consider the potential for disproportionate environmental and health impacts on specific communities within the project scope and take action to avoid, mitigate, and minimize those impacts.

To ensure the meaningful involvement of disproportionately impacted communities, we recommend that you interface directly with the communities in the project area to better understand community perspectives on the project to receive feedback on how it may impact them during development and construction as well as after completion. This feedback should be taken into account wherever possible, and reflected in changes made to the project plan to implement the feedback.

Additionally, to ensure the fair treatment of disproportionately impacted communities, we recommend that you consider substantive measures to avoid, minimize, and mitigate impacts to disproportionately impacted communities. This may include considering alternative facility siting locations, using best management practices to reduce impacts to air, water, soil, noise, light, or odor, or offsetting impacts by reducing impacts from other nearby facilities as appropriate.



We have included some general resources for your reference.

Resources:

[CDPHE Environmental Justice Website](#)

[CDPHE's Health Equity Resources](#)

[CDPHE's "Sweet" Tools to Advance Equity](#)

[EPA's Environmental Justice and NEPA Resources](#)



5/1/2024



Heather Scott – Douglas County Planning Services Douglas County, Colorado

PROJECT INFO: Use by Special Review – County of Douglas, State of Colorado

PROJECT SUMMARY: Letter of Acknowledgment – Use by Special Review: to locate a new asphalt paving materials production facility.

APPROVAL TO PROCEED: 5775 and 5779 Airport Road in Sedalia, Colorado: LOT 1A, OWENS INDUSTRIAL CENTER FILING 1, 1st AMD, AND METES AND BOUNDS PARCEL (Property)

**P861591
US2021-002**

To Whom It May Concern:

CenturyLink of Colorado, Inc. d/b/a CenturyLink (“CenturyLink”) has reviewed your request to proceed with improvements and incorporated by this reference, within the Easement Tract and has no objections providing, however, the following terms and conditions are agreed to, and met, by Landowner:

- 1. Locates must be performed by a state recognized organization (i.e. Call Before You Dig, Blue Stake, etc.).**

- 2. A minimum of three feet of cover above CenturyLink facilities is maintained at all times and the final grade provides for no less than three feet of cover.**

- 3. If any CenturyLink facilities are damaged or require relocation as a result of said Improvements, or the act of installing, maintaining, or removing said Improvements, Landowner agrees to bear the cost of repair and/or relocation of said CenturyLink facilities.**

4. No buildings or structures are to be placed within the Easement Tract other than those, if any, that are approved by this APPROVAL TO PROCEED.

It is the intent and understanding of CenturyLink that this action shall not reduce our rights to any existing easements or rights we have on this site or in the area.

If you have any questions or would like to discuss this action further, please contact Varina Hoopes at Varina.Hoopes@lumen.com.

Sincerely yours,

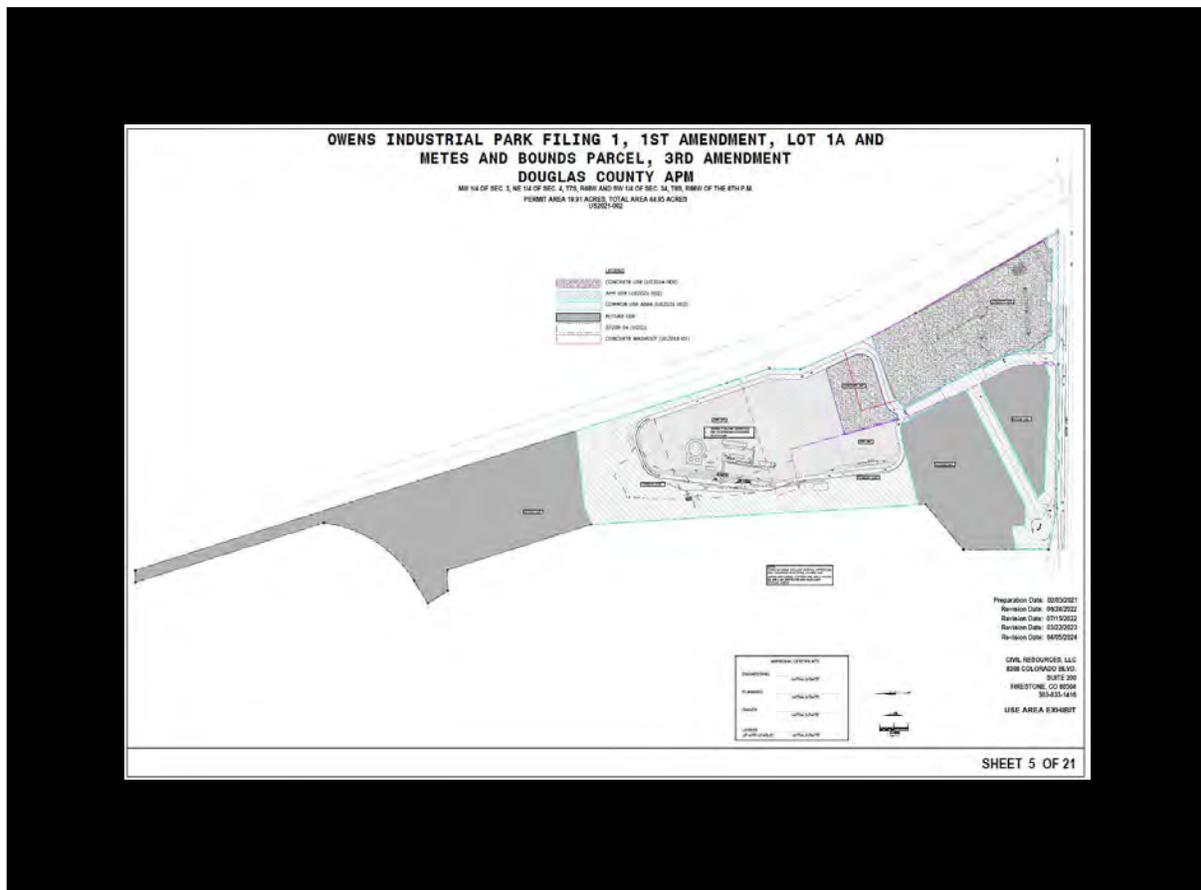
/s/

CenturyLink Right of Way Team

EXHIBIT "A"

**OWENS INDUSTRIAL PARK FILING 1, 1ST AMENDMENT, LOT 1A AND
METES AND BOUNDS PARCEL, 3RD AMENDMENT
DOUGLAS COUNTY APM**

NW 1/4 OF SEC. 3, NE 1/4 OF SEC. 4, T7S, R88W AND SW 1/4 OF SEC. 34, T6S, R88W OF THE 6TH P.M.
PERMIT AREA 19.91 ACRES, TOTAL AREA 44.95 ACRES
US2021-002



From: [PlatReview](#)
To: [Heather Scott](#)
Cc: [Benson, William](#)
Subject: RE: Douglas County eReferral (US2021-002) Is Ready For Review
Date: Monday, July 4, 2022 10:41:31 AM

Requester,

Our engineer has reviewed this plat and their comments are: "I have reviewed this project request and have no objections or comments."

If you require signatures, you can contact the engineer CC'd on this email and if you have any further questions, please don't hesitate to reach out.

Thank you!
Lumen Plat Review

-----Original Message-----

From: hscott@douglas.co.us <hscott@douglas.co.us>
Sent: Wednesday, June 29, 2022 1:44 PM
To: PlatReview <PlatReview@lumen.com>
Subject: Douglas County eReferral (US2021-002) Is Ready For Review

There is an eReferral for your review. Please use the following link to log on to your account: <https://imss91-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fapps.douglas.co.us%2fplanning%2fprojects%2fLogin.aspx&umid=B509C1AD-E29A-8D05-9CE0-F9333C3D2556&auth=19120be9529b25014b618505cb01789c5433dae7-5c9663e36a4e8d4ffbd52a47d51741c97f3f1cf2>

Project Number: US2021-002

Project Title: Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel 3rd Amendment - Brannan Sand & Gravel

Brief Description:

Request to add an asphalt batch plant facility.

This referral will close on July 20, 2022.

If you have any questions, please contact me.

Sincerely,

Heather Scott
Douglas County Planning Services
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)
303-919-4801 (cell)

This communication is the property of Lumen Technologies and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.

From: jcowan320@gmail.com
To: [Heather Scott](mailto:Heather.Scott)
Cc: "[Anthony Colarusso](mailto:Anthony.Colarusso)"; "[Bernd Sokolowski](mailto:Bernd.Sokolowski)"; "[Rob Howard](mailto:Rob.Howard)"; "[Kelly Cowan](mailto:Kelly.Cowan)"; "[Garrett Silva](mailto:Garrett.Silva)"; eduardo@sancivil.com; "[Sandy Ward](mailto:Sandy.Ward)"; "[Kaelin, Bruno \(GE Renewable Energy\)](mailto:Kaelin.Bruno)"; [Jeanette Bare](mailto:Jeanette.Bare); gretchenfarrell@gmail.com; jwilmsen@comcast.net; jcowan320@gmail.com
Subject: RE: Asphalt Plant RE: Douglas County eReferral (US2021-002) Is Ready For Review
Date: Wednesday, May 8, 2024 8:17:54 PM
Attachments: [CREMD Letter to Douglas County re Brannan Asphalt Batch Plant 7-19-2022 - Final .pdf](#)
[CREMD and CREHOA Letter to Douglas County re Brannan Expansion - Final .pdf](#)
[CRMD Letter Objecting to Asphalt Plant.Final \(00422847xC440A\).pdf](#)

Heather,

With the May 14th court date approaching, we did not receive a response from you to our emailed questions below, so on the side of clarity we formally request you use the attached previous referral letters from the Cherokee Ridge Estates HOA and Metro District and this email as inclusions to Brannan's new combined application for both the asphalt batch plant and crushing operations. To be very clear, the homeowners represented by the Cherokee Ridge Estates HOA and Metro District are opposed to this air polluting industrial expansion, not simply because it's so close, but for all the reasons stated in our previous responses. Also, please ensure that the referral response web page for this project shows a submission from the "Cherokee Ridge Estates HOA".

Thank you.

John Cowan

Cherokee Ridge Estates Metro District - President
303-549-7897

Anthony Colarusso

Cherokee Ridge Estates HOA - President
419-699-7284

cc'ed all CRE HOA & MD Board Members

-----Original Message-----

From: jcowan320@gmail.com <jcowan320@gmail.com>

Sent: Wednesday, April 24, 2024 10:31 AM

To: 'Heather Scott' <hscott@douglas.co.us>

Cc: 'Bernd Sokolowski' <bsokolow@me.com>; 'Rob Howard' <rob@frontrangeconservation.org>; 'Anthony Colarusso' <colarussoa@gmail.com>; 'Kelly Cowan' <kcsingsbari@gmail.com>; 'Garrett Silva' <mrgarrettlis@yahoo.com>; eduardo@sancivil.com; 'Sandy Ward' <jawfather1@gmail.com>; 'Kaelin, Bruno (GE Renewable Energy)' <bruno.kaelin@ge.com>; wilmsen@wilmsen.us; 'Jeanette Bare' <JBare@douglas.co.us>; jcowan320@gmail.com

Subject: RE: Asphalt Plant RE: Douglas County eReferral (US2021-002) Is Ready For Review

Heather,

Thank you for your response below. I was able to navigate via your directions and see that our previous responses from the joint Cherokee Ridge Estates HOA and Metro District are still in your system. Please respond to the following:

1. Confirm our previous referral response letters in your system will be considered during your review process for the merger of the asphalt batch plant and crushing operations application.
2. Should we submit a Referral Response Request form to "update" our concerns and involvement? If so, please email us the specific form and we will submit it and point to our previous letters.

Again, thank you!

John Cowan
Cherokee Ridge Estates Metro District - President
303-549-7897

-----Original Message-----

From: Heather Scott <hscott@douglas.co.us>

Sent: Tuesday, April 9, 2024 11:51 AM

To: jcowan320@gmail.com

Cc: 'Bernd Sokolowski' <bsokolow@me.com>; 'Rob Howard'

<rob@frontrangeconservation.org>; 'Anthony Colarusso'

<colarussoa@gmail.com>; Kelly Cowan <kcsingsbari@gmail.com>; 'Garrett Silva'

<mrgarretts@yahoo.com>; eduardo@sancivil.com; Sandy Ward <jawfather1@gmail.com>; 'Kaelin, Bruno (GE Renewable Energy)'

<bruno.kaelin@ge.com>; wilmsen@wilmsen.us; Jeanette Bare <JBare@douglas.co.us>

Subject: RE: Asphalt Plant RE: Douglas County eReferral (US2021-002) Is Ready For Review

Good morning John,

Brannan's application changed to include both the asphalt batch plant and crushing operations so we sent this application out on another referral.

The public system we use can only show one referral at a time under the Referral Responses tab. All the comments from the first two referrals are still in the public file and accessible. Please reference both "Referral Comments Summary Report" and "Referral Comments Summary Report - 2" in the file and I have attached them hereto. The "PRO" program will not allow any files to be removed to ensure transparency.

There are 2 tabs I have to check to ensure referrals are sent out electronically. I closed the first tab so the emails were sent however the second tab, allowing all the documents to be reviewed, did not close yesterday. That tab is now closed and should allow you to see the 12 revised documents as well as the referral response request form. I apologize for that oversight. I labeled all the revised documents to start with "US2021-002_5th Resub_" to distinguish the latest request. Please let me know if you still can't see these documents.

The files may also be viewed via the Douglas County Website at <https://apps.douglas.co.us/planning/projects/Default.aspx?PossePresentation=UseBySpecialReviewJob&PosseObjectId=73368608>. Go to the "Documents" tab and sort by

"uploading date descending". Hit the "Update" button to see the most recent documents including 3 courtesy notification documents, the referral response form for this referral and 12 revised documents.

Sincerely,

Heather Scott, AICP | Principal Planner

Douglas County Department of Community Development Address | 100 Third St., Castle Rock, CO 80104 Direct | 303-814-4358 Mobile | 303-919-4801 Email | hscott@douglas.co.us

-----Original Message-----

From: jcowan320@gmail.com <jcowan320@gmail.com>

Sent: Tuesday, April 9, 2024 8:35 AM

To: Heather Scott <hscott@douglas.co.us>

Cc: 'Bernd Sokolowski' <bsokolow@me.com>; 'Rob Howard' <rob@frontrangeconservation.org>; jcowan320@gmail.com; 'Anthony Colarusso' <colarussoa@gmail.com>; Kelly Cowan <kcsingsbari@gmail.com>; 'Garrett Silva' <mrgarrettls@yahoo.com>; eduardo@sancivil.com; Sandy Ward <jawfather1@gmail.com>; 'Kaelin, Bruno (GE Renewable Energy)' <bruno.kaelin@ge.com>; wilmsen@wilmsen.us

Subject: Asphalt Plant RE: Douglas County eReferral (US2021-002) Is Ready For Review

Heather,

I'm not seeing any new documents uploaded to the planning website to review for the proposed asphalt plant. All the "Owens Industrial Park Filing" documents are from 2021, 3 years ago. What am I missing?

Also, the Referral Responses from 2021 for this project have been removed from the "Referral Responses" tab. Where did they go?

John Cowan

Cherokee Ridge Estates Metro District - President
303-549-7897

-----Original Message-----

From: hscott@douglas.co.us <hscott@douglas.co.us>

Sent: Monday, April 8, 2024 5:06 PM

To: JCowan320@gmail.com

Subject: Douglas County eReferral (US2021-002) Is Ready For Review

There is an eReferral for your review. Please use the following link to log on to your account:

<https://apps.douglas.co.us/planning/projects/Login.aspx>

Project Number: US2021-002

Project Title: Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel
3rd Amendment

Brief Description:

This is a re-referral request to add an asphalt batch plant and crushing operations in addition to the concrete batch plant at Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel, 3rd Amendment.

The property currently has two addresses: 5775 and 5779 Airport Road.

This re-referral will close on April 30, 2024.

If you have any questions, please contact me.

Sincerely,

Heather Scott
Douglas County Planning Services
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)
303-919-4801 (cell)

May 2, 2023

Heather Scott
Principal Planner
Douglas County Department of Community Development
100 Third Street
Castle Rock, CO 80104

Re: Cherokee Ridge Estates HOA and Metropolitan District's Ongoing Objections to Project No. US2021-002

Dear Ms. Scott,

The Cherokee Ridge Estates Metropolitan District (the "District") filed objections on September 23, 2019, April 21, 2020, and July 1, 2022 to the above referenced development, concerning the construction of an asphalt plant near the intersection of Highway 85 and Airport Road.

This new application and documents from the applicant remains incomplete and in violation of numerous sections of the Douglas County Zoning Regulations (DCZR) and the Comprehensive Master Plan (CMP). The Cherokee Ridge Estates HOA Board joins the District's Board of Directors in the renewal of their September 23, 2019, April 21, 2020 and July 1, 2022 objections and continues to strenuously object to the approval of Project **NO. US2021-002**. The new application documents fail to address the our concerns about the proposed projects negative effects on the health, safety and welfare of District residents.

- The report fails to take the surrounding terrain into consideration. The proposed plant sits in a valley, meaning during times of air stagnation pollutants will accumulate in higher quantities. This dramatically increases the risks and impacts on the surrounding community.
- The most recent report suggests means of mitigation for fugitive emissions generated by plant operations, as defined by Title V of the EPA Clean Air Act. These unaccounted-for emissions include those released from the loading of trucks, use of conveyor belts, and emanating from stockpiles, among other sources. However, these fugitive emissions were not analyzed by either Brannan or CDPHE and are thus excluded from the total emissions analyses. These types of emissions contribute significant amounts of volatile organic compounds ("VOCs") to the air. One study has demonstrated that up to 50 tons of fugitive VOCs per year would be emitted from a plant producing 100,000 tons of asphalt. The failure to account for these emissions results in understated emissions figures and unaccounted for additional risk to the community.
- The report **still fails** to consider the combined effects from the proposed project with the existing nearby cement recycling plant. The cement plant releases substantial amounts of

dust that contains dangerous components like silica and hexavalent chromium, both categorized as Class 1 carcinogens by the International Agency for Research on Cancer. The combined emissions could result in higher instances of chronic exposure.

- Most importantly, while the report contains the foregoing errors and omissions that result in incomplete data, it is worrisome that the submittal does nothing to demonstrate the significant health concerns surrounding the project. In fact, it confirms the District's ongoing concern that the project will have severe and negative long-term health implications and therefore should be denied.
- The points below detail the *specific numerous violations* to sections of the Douglas County Zoning Regulations (DCZR) and the Comprehensive Master Plan (CMP). There are no reasonable mitigations for several of these violations and therefore, this application *must be denied*.

The USR must include the entire site

In the May 23, 2022 Staff Assessment on the related application SP2021-027, County Staff required that any future application on this Site consider the entire Site (5775-5779 Airport Road) in a single USR: *"If any additional uses were purposed on this site, all existing uses should be processed as a Use by Special Review 'USR' to ensure the site can handle any increase in intensity of use."* That was necessarily a precondition to the County's administrative approval of SP2021-027.

Accordingly, on June 1, 2022, County staff wrote to the applicant and explained that *"the proposed asphalt facility cannot be assessed without the inclusion of existing uses on site. . . . Given the co-mingling of batch plant related uses on the same property and the combined dust, noise, and traffic impacts, it is necessary that the USR depict all existing and proposed uses and improvements within the boundaries of the USR plan area."* This letter expressly provides that the County cannot consider an incomplete USR application, which includes uses that compete with other previously approved uses at the site.

Nevertheless, the applicant still refuses to comply with this explicit directive from County staff. This application must consider all uses on this Site to properly assess the intensity, impact and legality of the uses. The applicant proposes to operate three related industrial operations – a concrete batch plant, an asphalt batch plant and a concrete crushing operation – on a single site with a single entrance and exit. It would be impossible to disentangle the impact of one operation from the others. The intensity of the multiple operations will aggregate and result in tremendous increases in traffic, noise, hazardous air pollutants and dust being emitted beyond the Site boundary and affecting nearby residents and businesses.

The applicant also proposes to modify the concrete-crushing stockpile configuration that was part of SP2021-027 as part of this new USR, but – despite proposing changes to that SIP Revision – seems to contend that the concrete-crushing operation is *not* to be included in this new USR. This is bizarre and self-contradictory. The contention that there are multiple independent and unrelated uses on this site is nonsensical – the impact of this application cannot be properly assessed by the County without considering the aggregate effect of all uses on the Site and incorporating all uses into a single USR and management plan.

The application violates Douglas County outdoor storage regulations

The application clearly violates Section 1416 of the DCZR by calling for visible 25-foot stockpiles of raw materials for asphalt production. Section 1416 prohibits outdoor stockpiles that are visible from any adjacent public right-of-way. The application makes clear that these stockpiles would be visible from multiple public rights-of-way, including Airport Road, Lavaun Road, Main Street, Waterton Road and Valley View Street. The County has no discretion on this point, as the DCZR is very clear that stockpiles must be prohibited if they are visible from adjacent public rights-of-way. Because it violates the DCZR, the application must be denied.

The applicant has provided an amateurish “visual assessment,” with no information on the qualifications of the person taking the photos or adding simulated landscaping to the photos. The visual assessment does not consider all elevation changes on adjacent properties and rights of way. Even so, the provided visual assessment *still* shows that the towering 25-foot stockpiles would be visible from numerous vantage points on Airport Road, Lavaun Road, Main Street, Waterton Road, Valley View Street and from adjacent properties. There is no way that even mature deciduous trees can completely screen the 25-foot stockpiles, and the applicant acknowledges numerous places along the property line where no trees or other screening will be present. This is a clear violation of the DCZR, and the application must be denied.

The application violates the Comprehensive Master Plan’s “industrial development node” designation and proposes heavy industrial activity inside a protected floodway

The application clearly violates the Douglas County Comprehensive Master Plan by proposing a high-intensity industrial operation in an area that includes a FEMA-protected floodway and in an area that is NOT designated as an “industrial development node” by the CMP. A careful review of the CMP industrial development node map (CMP Map 4.5) shows that the floodway, which bisects the parcel owned by the applicant, is NOT part of the industrial development node. This floodway is under federal protection by FEMA and is critical to the health and safety of the community. The water that moves through this floodway feeds Plum Creek, which in turn feeds the Chatfield Watershed and provides drinking water to many Colorado residents. The applicant proposes an extreme, high-intensity industrial operation *on top of* this floodway. This would require trucks loaded with scalding-hot liquid asphalt to traverse the floodway continuously. The

only access to the proposed asphalt batch plant would require trucks and other machinery to travel over the floodway. There would be huge, dangerous hot-asphalt-oil tanks located within feet of the floodway, creating a tremendous risk of fire, spills and other accidents that could affect the floodway, the nearby protected riparian area, and nearby homes. The existing bridge in the Louviers floodway is based on a 50-year floodway model – assuming significant flooding will occur in the next 50 years. During a significant flooding event, the proposed use and associated pollution would almost certainly be swept into the watershed.

It is clear that an operation of this intensity would jeopardize the local ecosystem and violate the federal and County requirement that this floodway be treated as a protected area. Most importantly, the CMP specifically excludes heavy industrial operations from taking place in the floodway, and specifically notes that this area is NOT part of the industrial development node. This application clearly violates the spirit and the letter of the CMP and must be denied.

USR Approval Standards

The application violates numerous USR approval standards and, pursuant to the DCZR, must be denied. Please note that the Planning Commission considered a very similar application in 2019 and reached the same conclusion, unanimously recommending that the application be denied. That application was withdrawn by the applicant prior to the Board of County Commissioners hearing only to be replaced just a few years later with this nearly identical application.

2102.01 and 2102.02: Because the proposal violates Section 1416 of the DCZR due to the proposed visible outdoor material stockpiles, it does not comply with *“the minimum zoning requirements of the zone district in which the special use is to be located.”* Because the application violates 2102.01, it also violates 2102.02, which requires that the application *“Complies with the requirements of this Section 21.”*

2102.04: The application violates approval standard 2102.04, which requires that the use *“Will be in harmony and compatible with the character of the surrounding areas and neighborhood.”* The USR proposes 24-hour-a-day asphalt batch plant operations which will emit extreme noise, dust, odor and hazardous air pollutants past the boundary of a site that is just 300 feet from the nearest home. The surrounding neighborhood includes homes, businesses, and vehicle and equipment storage lots; this application would dramatically increase the intensity of industrial operations in the area, introduce new traffic, introduce new carcinogenic air pollutants, introduce a horrendous odor and destroy the character of the historic and protected Louviers Rural Community (CMP Map 4.5). The CMP provides: *“Currently, residents in and around these century-old rural communities [Louviers is Douglas County’s ONLY historic district] continue to enjoy quiet, “sleepy-town” lifestyles.”* This application is clearly not in harmony with or compatible with the character of the Louviers Rural Community.

We invite you to revisit CMP Section 4 Rural Communities - Louviers (CMP Section 4) where it states, *“The Louviers Rural Community is characterized by a mix of urban and rural land uses. Land use review within the Louviers Rural Community is also subject to the Urban Land Use and Nonurban Land Use sections of this Plan. **If there is conflict between policies, the policies in this section take precedence.**”* Please read these policies with careful consideration in their entirety as they are extensive and complete.

2102.05: This application violates approval standard 2102.05 because it is not *“consistent with the Douglas County Comprehensive Master Plan.”* As detailed above, the application violates the CMP goal of maintaining *“quiet, ‘sleepy-town’ lifestyles”* in the Louviers Rural Community. The CMP also shows (Map 4.5) that a significant portion of the Site is not within an industrial development node, as discussed earlier in this document. The proposal for heavy industrial use in an area that is not designated as an industrial development node is not consistent with the CMP.

2102.06: This application violates approval standard 2102.06 because it will *“result in an over-intensive use of land.”* In fact, the applicant seems to be specifically attempting to elude this fact by incorrectly separating the three related uses on the site into multiple different applications. As required by County staff in previous communication to the applicant, all uses on the site must be considered together as part of this USR. When all uses are considered, this application results in an over-intensive use of land.

2102.07: While the applicant has provided a more recent re traffic analysis, the most recent study of actual vehicular traffic was conducted in 2020 prior to the completed widening of Rt 85. Consequently, analyses for 2023 and 2040 are based on assumed projected growth rates.

The proposed addition of 3500 trucks per week at 583/day to the already present 2400 trucks per week or 400/day for the cement crushing operation would result in approximately 80 trucks/hour. This amount of truck traffic will introduce an immense amount of noise, air pollution and fugitive emissions to the surrounding communities, in addition to increasing congestion resulting from slow moving trucks.

2102.09: The application violates approval standard 2102.09, because it will *“cause significant air, water, or noise pollution.”* While the County Zoning Resolution does not define *“significant,”* it is clear that the application would create new, carcinogenic pollution (as acknowledged by the applicant in its own study in the now-withdrawn US2018-010 application). It is clear that the use will emit significant PM 10 and PM 2.5 pollutants that are hazardous to nearby residents. For example, Cherokee Ridge Estate homes are just to the north of the proposed plant at different elevations and will certainly be impacted by southerly winds carrying air pollutants from the 70-80 foot stack of the plant. Moreover, data show that asphalt plants will detrimentally affect the value of homes, including the proposed Range Development, which will be built across the street

from the plant. In addition, it is clear that the proposed use will create extreme noise that affects residents far beyond the lot boundaries. There is a significant risk that the 300-degree hot asphalt oil storage on the Site could create dangerous spills polluting the floodway that bisects the Site that feeds Plum Creek, which is just a few hundred feet downhill from the Site. It is inevitable that pollution emitted from the site would affect the air and water of the surrounding communities.

2102.10: The application violates approval standard 2102.10 because it will not *“be adequately landscaped, buffered, and screened.”* As discussed above, the application violates the outdoor storage visibility standards in Section 1416 of the DCZR, and thus fails to comply with the DCZR screening requirements.

2102.12: The application violates this approval standard because it will *“otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.”* In fact, the applicant itself admits that an asphalt plant would increase the risk of cancer for nearby residents [Asphalt ingredients: benzene, ethyl benzene, formaldehyde, 2,2,4-trimethylpentane, methyl chloroform, toluene, xylene, PAH HAPs 3, arsenic, beryllium, cadmium, chromium, cobalt, hexavalent chromium, lead, manganese, mercury, nickel and selenium]. It admits that the use would emit dust, noise, and hazardous air pollutants. The entirety of this proposed industrial operation would unavoidably be detrimental to the health, safety and welfare of all current and future inhabitants of the area, including Cherokee Ridge Estates. In addition, given the revelations that CDPHE was improperly issuing air pollution permits to asphalt plants during the time Brannan received their permit, it is feasible that a re-review would likely find violations. This is partly reflected in the lack of any modeling for fugitive emissions.

Because the newly submitted reports and documents do not address the previously raised concerns and in fact shows that approval of the project would be seriously detrimental to the health, safety and welfare of the surrounding population, the HOA joins with the District in it’s renewal of its September 23, 2019, April 21, 2020, and July 1, 2022 objections and respectfully requests the County to **deny** approval of Project No. US2021-002.

Cherokee Ridge Estates



John Cowan
Metropolitan District President



Anthony Colarusso
HOA President

cc: Board of Directors, Cherokee Ridge Estates HOA and Metropolitan District, Erb Law, LLC

July 15, 2021

Heather Scott
Principal Planner
Douglas County Department of Community Development
100 Third Street
Castle Rock, CO 80104

Re: Opposition to SP2021-027 (5779 Airport Road)

Dear Ms. Scott,

The Cherokee Ridge Metropolitan District and HOA Board of Directors, in collaboration with resident Bernd Sokolowski, PhD and ENT Professor Emeritus, offer this letter in strong objection to the proposed expansion of the Brannan Concrete Recycling Plant.

Lack of studies and adherence to Douglas County codes

The proposal is insufficient and incomplete in addressing the impact on the health and safety of the surrounding communities. For example, there is a lack of traffic and noise analyses regarding both the increased traffic and the proposed crushing of concrete 12 hours per day six days a week. Moreover, the proposal does not pass the applicable Douglas County Planning codes including:

- 2102.04 Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
 - The surrounding areas and neighborhoods include agricultural, commercial, some industrial, and residential properties. The expansion of concrete recycling activities and construction of an asphalt plant are not consistent with the existing areas, and is a significant change to the type and number of industrial activities in the area.
- 2102.06 Will not result in an over-intensive use of land;
 - Please see discussion below regarding pollution of air and leaching of contaminants from stockpiles.
- 2102.08 Will provide roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development concurrently with the impacts of such development;

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- There would be a significant, unplanned for increase in the amount of heavy truck traffic to and from the proposed site that would cause a significant, negative impact to the use of the roads by the existing users of the area.
- 2102.09 Will not cause significant air, water, or noise pollution;
 - Please see discussion below regarding pollution of air and leaching of contaminants from stockpiles.
- 2102.11 Will be adequately landscaped, buffered, and screened; and
 - There are not adequate buffers or screening for the proposed expansion and asphalt plant, which will result in a negative impact to the areas aesthetics, including increased noise and dust.
- 2102.12 Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.
 - Please see discussion below regarding pollution of air and leaching of contaminants from stockpiles.

Serious health risks are ignored

The negative health effects of the proposed development are inadequately addressed, since recycled cement contains both silica and hexavalent chromium among other hazardous elements. Material Safety Data Sheets (MSDS) on recycled cement show that both silica and chromium VI are present and classified as Class 1 carcinogens by the International Association for Research in Cancer (“IARC”) [IARC, 1990; IARC 2009] and regulated by the National Institute for Occupational Safety & Health (“NIOSH”)[NIOSH, 2013, 2020]. IARC provides the gold standard for determining the health effects of industrial chemicals and waste. Thus, it has been known for quite some time that both airborne silica and chromium VI can cause cancer through cell damage and mutagenesis in human cells, [Leung et al., 2008; Kazuhiro 2018]. Effects of chromium VI are also born out in epidemiological studies of communities near cement plants, where acute negative health effects of cement dust can be seen in children [Marcon A. et al., 2014], which can lead to a significant risk for laryngeal cancer [Leem J. et al., 2008] and emphysema [Seung Lee, H. et al., 2016]. Additionally, Brannan’s requests for an expansion will add to the already existing leachates from their cement stockpiles that include chromium VI. Leaching of toxic elements, such as chromium VI, increases with the age of stockpiles [Estokova et al., 2013] and can lead to health hazards from increased alkaline pH levels that contaminate soil as well as surface and groundwaters [Chen J. et al., 2013].

Consequently, it is of eminent concern that the health issues caused by this plant have never been adequately addressed, especially since the exterior and interior of homes that surround the plant are inundated with cement dust. Moreover, when winds come out of the southwest, clouds of dust originating from stockpiles can form and drift to communities that lie north of the plant, including Cherokee Ridge Estates. Why has there never been an analysis of samples taken from homes surrounding the plant? The failure to analyze the dust and pollutants emanating from the plant as it exists today and the resulting health risks should be addressed before any expansion of the site should be considered, especially when such expansion would only increase the pollution. *Chronic exposure* to any of these elements is dangerous to the surrounding communities and, thus, do not meet the Douglas County Planning Codes. Therefore, this application should be denied.



John Cowan
Cherokee Ridge Estates Metropolitan District,
President



Bruno Kaelin
Cherokee Ridge Estates Homeowner's
Association, President

cc: Cherokee Ridge Estates Metropolitan District, Board of Directors
Cherokee Ridge Estates Homeowner's Association, Board of Directors

Links to References

Chen, H. J. *Transpo Res Bd.* 2349:81, 2013. <https://journals.sagepub.com/doi/10.3141/2349-10>

Estokova et al., *Int J Env Res Pub He.*15:824, 2013. <https://pubmed.ncbi.nlm.nih.gov/29690550/>

IARC Monograph Vol. 49, 1990. <https://publications.iarc.fr/Book-And-Report-Series/Iarc-Monographs-On-The-Identification-Of-Carcinogenic-Hazards-To-Humans/Chromium-Nickel-And-Welding-1990>

IARC Monograph 100C:355, 2009. <https://monographs.iarc.who.int/wp-content/uploads/2018/06/mono100C-14.pdf>

Kazuhiro Y. et al. *J UOEH*, 40:157, 2018. <https://pubmed.ncbi.nlm.nih.gov/29925735/>

Leem J. et al., *Epidemiology* 19:5230, 2008.
https://journals.lww.com/epidem/fulltext/2008/11001/The_Health_Effect_of_Chromium_Containing_Cement.648.aspx

Leung et al., *Lancet*, 26:2008, 2012. <https://pubmed.ncbi.nlm.nih.gov/22534002/>

Marcon A. et al., *Int. J. Hyg Environ Health* 217: 386, 2014.
<https://www.sciencedirect.com/science/article/abs/pii/S1438463913001107?via%3Dihub>

NIOSH Publication No. 2013–128, Sept. 2013. https://www.cdc.gov/niosh/docs/2013-128/pdfs/2013_128.pdf

NIOSH Publication, Dec. 18, 2020. <https://www.cdc.gov/niosh/topics/silica/default.html>

Seung Lee, H. et al., Ann Occup Environ Med 28:17, 2016.

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4823915/pdf/40557_2016_Article_101.pdf
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September 23, 2019

Via E-mail: bocc@douglas.co.us and davery@douglas.co.us
Douglas County Board of County Commissioners
100 Third Street
Castle Rock, CO 80104

Re: Cherokee Ridge Estates Metropolitan District's Objection to Project No. US2018-010

Dear Board of County Commissioners:

This firm represents Cherokee Ridge Estates Metropolitan District (the "**District**"). On September 17, 2019 the District Board of Directors (the "**Board**") voted 4-0 in favor of filing a written objection to the above-referenced development project concerning the construction of an asphalt plant near the intersection of Highway 85 and Airport Road. Construction of the proposed plant will have a dramatic negative impact on the health, safety and welfare of the District's residents, as well as other surrounding Douglas County residents, and will subject neighboring properties to an increase in heavy trucking. The Board strenuously objects to the approval of Project No. US2018-010.

Asphalt plants release many toxic chemicals into the air during the manufacturing process of mixing sand and gravel with crude oil derivatives and other chemicals. The federal Environmental Protection Agency ("**EPA**") as well as the World Health Organization has identified asphalt processing facilities as major sources of hazardous air pollutants including formaldehyde, hexane, phenol, polycyclic organic matter and toluene. Exposure to these air toxins may lead to central nervous system problems, liver damage, respiratory problems and skin irritation, and alterations to DNA that can lead to cancer and other disease-related mutations. The federal Occupational Safety and Health Administration noted asphalt fumes are known to cause headaches, skin rashes, fatigue, reduced appetite, throat and eye irritation, and coughing associated with breathing problems, asthma, bronchitis and skin irritation. Chronic exposure has been shown to contribute to lung, stomach and skin cancers. According to the National Institute for Occupational Safety and Health, exposure to asphalt fumes are considered potential occupational carcinogens.

According to the EPA additional toxins and pollutants are released during the asphalt loading and transportation process including volatile organic compounds, polycyclic aromatic hydrocarbons and very fine condensed particulates. Release of these toxins is often difficult to measure as they are not released from a single point, like a smoke stack, but rather generally released into the air where they can spread to nearby communities.

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Douglas County Board of County Commissioners
Re: Cherokee Ridge Estates Metropolitan District's Objection to Project No. US2018-010
September 23, 2019
Page 2 of 2

The proposed asphalt plant site is just over one mile from the District and District residents will be directly impacted by the proposed plant. Frequent heavy trucking will make access to the District, off of Hwy 85, more dangerous as a result. Additionally, the surrounding area is undergoing rapid residential development and many thousands of people will be exposed to the described health risks in the future. The Board of County Commissioners must act to protect Douglas County residents from these risks.

For the foregoing reasons, the District Board respectfully urges the Douglas County Board of County Commissioners to reject Project No. US2018-010.

Sincerely,

SETER & VANDER WALL, P.C.
On behalf of Cherokee Ridge Estates
Metropolitan District



Cameron J. Richards

CJR:cjr

cc: Board of Directors, Cherokee Ridge Estates Metropolitan District

{00422766}

REFERRAL RESPONSE REQUEST

 Date sent: June 29, 2022

 Comments due by: July 20, 2022

Project Name: Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel 3rd Amendment – Brannan Sand & Gravel

Project File #: US2021-002

Project Summary: Request to an asphalt batch plant facility.

Information on the identified development proposal located in Douglas County is enclosed. Please review and comment in the space provided.

<input type="checkbox"/> No Comment	
<input type="checkbox"/> Please be advised of the following concerns:	
<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/>	
<input checked="" type="checkbox"/> See letter attached for detail.	
Agency: Cherokee Ridge Estates Metropolitan District	Phone #: 303-549-7897
Your Name: John Cowan President	Your Signature: 
<i>(please print)</i>	Date: July 19, 2022

Agencies should be advised that failure to submit written comments prior to the due date, or to obtain the applicant's written approval of an extension, may result in written comments being accepted for informational purposes only.

Sincerely,

Heather Scott, AICP
 Project Planner
 303-919-4801
hscott@douglas.co.us

July 19, 2022

Heather Scott
Principal Planner
Douglas County Department of Community Development
100 Third Street
Castle Rock, CO 80104

**Re: Cherokee Ridge Estates Metropolitan District's Ongoing Objections to
Project No. US2021-002**

Dear Ms. Scott,

Cherokee Ridge Estates Metropolitan District (the "District") filed objections on September 23, 2019 and April 21, 2020, to the above referenced development concerning the construction of asphalt plant near the intersection of Highway 85 and Airport Road.

This new application and documents from the applicant are incomplete and in violation of numerous sections of the Douglas County Zoning Regulations (DCZR) and the Comprehensive Master Plan (CMP). The District's Board of Directors (the "Board") renews its September 23, 2019 and April 21, 2020 objections and continues to strenuously object to the approval of Project **NO. US2021-002**. The new application documents fail to address the Districts' concerns about the proposed projects negative effects on the health, safety and welfare of District residents.

- The report fails to take the surrounding terrain into consideration. The proposed plant sits in a valley, meaning during times of air stagnation pollutants will accumulate in higher quantities. This dramatically increases the risks and impacts on the surrounding community.
- The report does not account for fugitive emissions generated by plant operations. These unaccounted-for emissions include those released from the loading of trucks, use of conveyor belts, and emanating from stockpiles, among other sources. These types of emissions contribute significant amounts of volatile organic compounds ("VOCs") to the air. One study has demonstrated that up to 50 tons of fugitive VOCs per year would be emitted from a plant producing 100,000 tons of asphalt. The failure to account for these emissions results in understated emissions figures and unaccounted for additional risk to the community.
- The report does not consider the combined effects from the proposed project with the existing nearby cement recycling plant. The cement plant releases substantial amounts of dust that contains dangerous components like silica and hexavalent chromium, both

categorized as Class 1 carcinogens by the International Agency for Research on Cancer. The combined emissions could result in higher instances of chronic exposure.

- Most importantly, while the report contains the foregoing errors and omissions that result in incomplete data, it does not do anything to demonstrate the significant health concerns surrounding the project are not worrisome. In fact, it confirms the District’s ongoing concern that the project will have severe and negative long-term health implications and therefore should be denied.
- The points below detail the *specific numerous violations* to sections of the Douglas County Zoning Regulations (DCZR) and the Comprehensive Master Plan (CMP). There are no reasonable mitigations for several of these violations and therefore, this application must be denied.

The USR must include the entire site

In the May 23, 2022 [Staff Assessment on the related application SP2021-027](#), County Staff required that any future application on this Site consider the entire Site (5775-5779 Airport Road) in a single USR: *“If any additional uses were purposed on this site, all existing uses should be processed as a Use by Special Review ‘USR’ to ensure the site can handle any increase in intensity of use.”* That was necessarily a precondition to the County’s administrative approval of SP2021-027.

Accordingly, on June 1, 2022, County staff wrote to the applicant and explained that *“the proposed asphalt facility cannot be assessed without the inclusion of existing uses on site. . . . Given the co-mingling of batch plant related uses on the same property and the combined dust, noise, and traffic impacts, it is necessary that the USR depict all existing and proposed uses and improvements within the boundaries of the USR plan area.”* This letter expressly provides that the County cannot consider an incomplete USR application which includes uses that compete with other previously approved uses at the site.

Nevertheless, the applicant refuses to comply with this explicit directive from County staff. This application must consider all uses on this Site to properly assess the intensity, impact and legality of the uses. The applicant proposes to operate three related industrial operations – a concrete batch plant, an asphalt batch plant and a concrete crushing operation – on a single site with a single entrance and exit. It would be impossible to disentangle the impact of one operation from the others. The intensity of the multiple operations will aggregate and result in tremendous increases in traffic, noise, hazardous air pollutants and dust being emitted beyond the Site boundary and affecting nearby residents and businesses.

The applicant also proposes to modify the concrete-crushing stockpile configuration that was part of SP2021-027 as part of this new USR, but – despite proposing changes to that SIP Revision

– seems to contend that the concrete-crushing operation is *not* to be included in this new USR. This is bizarre and self-contradictory. The contention that there are multiple independent and unrelated uses on this site is nonsensical – the impact of this application cannot be properly assessed by the County without considering the aggregate effect of all uses on the Site and incorporating all uses into a single USR and management plan.

The application violates Douglas County outdoor storage regulations

The application clearly violates Section 1416 of the DCZR by calling for visible 35-foot stockpiles of raw materials for asphalt production. Section 1416 prohibits outdoor stockpiles that are visible from any adjacent public right-of-way. The application makes clear that these stockpiles would be visible from multiple public rights-of-way, including Airport Road, Lavaun Road, Main Street, Waterton Road and Valley View Street. The County has no discretion on this point, as the DCZR is very clear that stockpiles must be prohibited if they are visible from adjacent public rights-of-way. Because it violates the DCZR, the application must be denied.

The applicant has provided an amateurish “visual assessment,” with no information on the qualifications of the person taking the photos or adding simulated landscaping to the photos. The visual assessment does not consider all elevation changes on adjacent properties and rights of way. Even so, the provided visual assessment *still* shows that the towering 35-foot stockpiles would be visible from numerous vantage points on Airport Road, Lavaun Road, Main Street, [Waterton Road](#), Valley View Street and from adjacent properties. There is no way that even mature deciduous trees can completely screen the 35-foot stockpiles, and the applicant acknowledges numerous places along the property line where no trees or other screening will be present. This is a clear violation of the DCZR, and the application must be denied.

The application violates the Comprehensive Master Plan’s “industrial development node” designation and proposes heavy industrial activity inside a protected floodway

The application clearly violates the Douglas County Comprehensive Master Plan by proposing a high-intensity industrial operation in an area that includes a FEMA-protected floodway and in an area that is NOT designated as an “industrial development node” by the CMP. A careful review of the CMP industrial development node map ([CMP Map 4.5](#)) shows that the floodway, which bisects the parcel owned by the applicant, is NOT part of the industrial development node. This floodway is under federal protection by FEMA and is critical to the health and safety of the community. The water that moves through this floodway feeds Plum Creek, which in turn feeds the Chatfield Watershed and provides drinking water to many Colorado residents. The applicant proposes an extreme, high-intensity industrial operation *on top of* this floodway. This would require trucks loaded with scalding-hot liquid asphalt to traverse the floodway continuously. The only access to the proposed asphalt batch plant would require trucks and other machinery to travel over the floodway. There would be huge, dangerous hot-asphalt-oil tanks located within

feet of the floodway, creating a tremendous risk of fire, spills and other accidents that could affect the floodway, the nearby protected riparian area, and nearby homes. The existing bridge in the Louviers floodway is based on a 50-year floodway model – assuming significant flooding will occur in the next 50 years. During a significant flooding event, the proposed use and associated pollution would almost certainly be swept into the watershed.

It is clear that an operation of this intensity would jeopardize the local ecosystem and violate the federal and County requirement that this floodway be treated as a protected area. Most importantly, the CMP specifically excludes heavy industrial operations from taking place in the floodway, and specifically notes that this area is NOT part of the industrial development node. This application clearly violates the spirit and the letter of the CMP and must be denied.

USR Approval Standards

The application violates numerous USR approval standards and, pursuant to the DCZR, must be denied. Please note that the Planning Commission considered a very similar application in 2019 and reached the same conclusion, unanimously recommending that the application be denied. That application was withdrawn by the applicant prior to the Board of County Commissioners hearing only to be replaced just a few years later with this nearly identical application.

2102.01 and 2102.02: Because the proposal violates Section 1416 of the DCZR due to the proposed visible outdoor material stockpiles, it does not comply with *“the minimum zoning requirements of the zone district in which the special use is to be located.”* Because the application violates 2102.01, it also violates 2102.02, which requires that the application *“Complies with the requirements of this Section 21.”*

2102.04: The application violates approval standard 2102.04, which requires that the use *“Will be in harmony and compatible with the character of the surrounding areas and neighborhood.”* The USR proposes 24-hour-a-day asphalt batch plant operations which will emit extreme noise, dust, odor and hazardous air pollutants past the boundary of a site that is just 300 feet from the nearest home. The surrounding neighborhood includes homes, businesses, and vehicle and equipment storage lots; this application would dramatically increase the intensity of industrial operations in the area, introduce new traffic, introduce new carcinogenic air pollutants, introduce a horrendous odor and destroy the character of the historic and protected Louviers Rural Community ([CMP Map 4.5](#)). The CMP provides: *“Currently, residents in and around these century-old rural communities [Louviers is Douglas County’s ONLY historic district] continue to enjoy quiet, “sleepy-town” lifestyles.”* This application is clearly not in harmony with or compatible with the character of the Louviers Rural Community.

We invite you to revisit CMP Section 4 Rural Communities - Louviers ([CMP Section 4](#)) where it states, *“The Louviers Rural Community is characterized by a mix of urban and rural land uses. Land use review within the Louviers Rural Community is also subject to the Urban Land Use and*

Nonurban Land Use sections of this Plan. If there is conflict between policies, the policies in this section take precedence. Please read these policies with careful consideration in their entirety as they are extensive and complete.

2102.05: This application violates approval standard 2102.05 because it is not *“consistent with the Douglas County Comprehensive Master Plan.”* As detailed above, the application violates the CMP goal of maintaining *“quiet, ‘sleepy-town’ lifestyles”* in the Louviers Rural Community. The CMP also shows ([Map 4.5](#)) that a significant portion of the Site is not within an industrial development node, as discussed earlier in this document. The proposal for heavy industrial use in an area that is not designated as an industrial development node is not consistent with the CMP.

2102.06: This application violates approval standard 2102.06 because it will *“result in an over-intensive use of land.”* In fact, the applicant seems to be specifically attempting to elude this fact by incorrectly separating the three related uses on the site into multiple different applications. As required by County staff in previous communication to the applicant, all uses on the site must be considered together as part of this USR. When all uses are considered, this application results in an over-intensive use of land.

2102.07: The applicant has not provided a recent traffic study, and past studies indicated that increases in truck traffic to the Site would create extreme traffic issues on nearby roads. At best, the application fails to provide useful traffic data, as the study provided is outdated and fails to consider future new residential development and changes to the configuration of US-85 and Waterton Road. At worst, the outdated study shows that the level-of-service on nearby roadways is likely to significantly worsen as a result of this application. At the very least, the applicant must provide an updated traffic study that includes traffic from the Waterton Road connector and new residential development in The Range and Sterling Ranch.

Upon review of the Owen’s Industrial Park Amendment dated 6/24/22 we have calculated 3,500 combined truck trips a week. If applicant operates 6 days a week, truck trips will equal 583 trips a day for asphalt, 400 trips a day for crushing, and 200 trips a day for the batch plant. A total of 1,183 truck trips per day, divided by 12 hours equals 98.58 truck trips per hour and 1.64 truck trips per minute.

2102.09: The application violates approval standard 2102.09, because it will *“cause significant air, water, or noise pollution.”* While the County Zoning Resolution does not define *“significant,”* it is clear that the application would create new, carcinogenic pollution ([as acknowledged by the applicant in its own study](#) in the now-withdrawn US2018-010 application). It is clear that the use will emit significant PM 10 and PM 2.5 pollutants that are hazardous to nearby residents. It is clear that the proposed use will create extreme noise that affects residents far beyond the lot boundaries. There is a significant risk that the 300-degree hot asphalt oil storage on the Site

could create dangerous spills polluting the floodway that bisects the Site that feeds Plum Creek, which is just a few hundred feet downhill from the Site. It is inevitable that pollution emitted from the site would affect the air and water of the surrounding communities.

2102.10: The application violates approval standard 2102.10 because it will not *“be adequately landscaped, buffered, and screened.”* As discussed above, the application violates the outdoor storage visibility standards in Section 1416 of the DCZR, and thus fails to comply with the DCZR screening requirements.

2102.12: The application violates this approval standard because it will *“otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.”* In fact, [the applicant itself admits that an asphalt plant would increase the risk of cancer](#) for nearby residents [Asphalt ingredients: benzene, ethyl benzene, formaldehyde, 2,2,4-trimethylpentane, methyl chloroform, toluene, xylene, PAH HAPs 3, arsenic, beryllium, cadmium, chromium, cobalt, hexavalent chromium, lead, manganese, mercury, nickel and selenium]. It admits that the use would emit dust, noise, and hazardous air pollutants. The entirety of this proposed industrial operation would unavoidably be detrimental to the health, safety and welfare of all current and future inhabitants of the area, including Cherokee Ridge Estates.

Because the newly submitted reports and documents do not address the District’s previously raised concerns and in fact shows that approval of the project would be seriously detrimental to the health, safety and welfare of the surrounding population the District renews its September 23, 2019 and April 21, 2020 objections and respectfully requests the County denies approval of Project No. US2021-002.



John Cowan
President
Cherokee Ridge Estates Metropolitan District

cc: Board of Directors, Cherokee Ridge Estates Metropolitan District and HOA
Erb Law, LLC

Traffic & Safety

Region 1
2829 W Howard Place, 2nd Floor
Denver, Colorado 80204



COLORADO
Department of Transportation
Region 1

Project Name: Brannan Sand and Gravel in Sedalia - OnBase

Print Date: 5/1/2024

Highway: 85

Mile Marker: 193.2

A comment response letter is REQUIRED along with the next submittal.

Review POC: Loeffler, Steven

Environmental Comments:

Required:

Arch/History/Paleo:

Since this is a permit, a file search for Arch, Paleo and History is required. If the file search identifies anything, a more extensive report will be required. If nothing is identified, then the file search should be sufficient. For the file search contact:

Cultural/History File Search: <http://www.historycolorado.org/oahp/file-search> email: hc_filesearch@state.co.us

Paleo File Search: <https://www.colorado.edu/cumuseum/research-collections/paleontology/policies-procedure> and <https://www.dmns.org/science/earth-sciences/earth-sciences-collections/>

Permits Comments:

4.17.24 No comment. -- Aaron Eyl 4.17.24

Residential Engineer Comments:

19Apr2024 JB - I see street sweeping was added, but only up to US-85 on Airport Rd. I would also include US-85 & Airport Rd. intersection on US-85, as that is the specific location where we saw spills, especially when trucks turned onto northbound or southbound US-85.

STATE OF COLORADO

Traffic & Safety

Region 1

2829 W. Howard Place
Denver, Colorado 80204



COLORADO
Department of Transportation

Project Name: **Brannan Sand and Gravel in Sedalia**

Print Date:

Highway:

Mile Marker:

Drainage Comments:

I have reviewed the attached drainage report, they building the following best management practices: proposed to reduce the discharge of pollutants from the site: x Extended detention basin x Roadside swale x Disconnected impervious area, the location is adjacent to airport rd, and there will be no negative drainage impact to SH85 or the downstream users since the existing drainage patterns will be maintained and improved

I agree with Josh's comments that it is their responsibility to keep CDOT ROW clear from Asphalt and Concrete

samer 4-17-2023

Environmental Comments:

Brannan Sand and Gravel will have to modify their air quality permit through CDPHE, which will regulate the emissions from their expanded operation and include requirements for fugitive dust control.

This location is adjacent to Preble's meadow jumping mouse (PMJM) Critical Habitat and wetlands/waters of the U.S. There could be potential for impacts to adjacent habitat due to elevated noise and light spill over into the PMJM habitat. We need to see ROW lines on the plansheets and the PMJM habitats marked on those sheets. A site visit with the CDOT Biologist might be needed to discuss plans and precautions.

This facility will be covered by an industrial stormwater permit, so we have no water quality concerns for CDOT.

For ANY ground disturbance/work within CDOT ROW---

Required:

Arch/History/Paleo:

Since this is a permit, a file search for Arch, Paleo and History is required. If the file search identifies anything, a more extensive report will be required. If nothing is identified, then the file search should be sufficient. For the file search contact:

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- Paleo File Search: <https://www.colorado.edu/cumuseum/research-collections/paleontology/policies-procedure> and <https://www.dmns.org/science/earth-sciences/earth-sciences-collections/>

Resident Engineer Comments:

07/13/2022 JB - Not sure if this can be included in this, but asphalt spills from their trucks on CDOT ROW should be picked up/swept immediately. We have had some concrete spills at the US-85/Airport Rd. intersection in the past and when we asked them to clean it up, they said it was on CDOT ROW and not their problem. I want to make sure there is something that says it would be their responsibility.

Permits Comments:

5-1-23 If there is an increase in the traffic volume, due to the addition of the asphalt batch plant, at the intersection of Airport Road and Highway 85 by 20% or more a State Highway Access Permit will be required. **AE 5-1-23**

STATE OF COLORADO

Traffic & Safety

Region 1

2829 W. Howard Place

Denver, Colorado 80204



COLORADO
Department of Transportation

Project Name: **Brannan Sand and Gravel in Sedalia**

Print Date:

Highway:

Mile Marker:

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From: [Jill Carlson](#)
To: [Heather Scott](#)
Subject: US2021-002 Brannan Asphalt Plant
Date: Friday, May 3, 2024 3:42:49 PM
Attachments: [Outlook-The Colora.png](#)

Hi Heather,

I apologize for not responding to the US2021-002 resubmittal by the April 30 due date. Looking back over my review comments and notes, I see that I determined at last year's May 2023 resubmittal that our previous comments regarding tank settlement had been satisfactorily addressed in Brannan Asphalt Plant, Louviers, Colorado, Project No. 18.150, Revised Addendum No. 1 (last page is Cesare, Inc. 8/27/2019 response to CGS review comments)

CGS has no outstanding geological or geotechnical concerns.

Thanks,
Jill Carlson



Engineering geologist
[Land Use Review Program](#), and
Deputy Director
[Colorado Geological Survey](#)
Colorado School of Mines
1801 Moly Road, Golden, CO
303-384-2643
carlson@mines.edu

COLORADO GEOLOGICAL SURVEY

1801 Moly Road
Golden, Colorado 80401



Karen Berry
State Geologist

July 20, 2022

Heather Scott
Douglas County Planning Services
100 Third Street
Castle Rock, CO 80104

Location:
NW¼ Section 3,
T7S, R68W, 6th P.M.
39.4744, -104.9947

Subject: Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel 3rd Amendment
Brannan Sand & Gravel / Proposed Asphalt Batch Plant (US2021-002)
Douglas County, CO; CGS Unique No. DU-20-0002_3

Dear Heather:

Colorado Geological Survey has reviewed the Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel 3rd Amendment – Brannan Sand & Gravel referral (US2021-002). I understand the applicant proposes an asphalt batch plant facility on approximately 19 acres of an overall 45-acre property containing an existing concrete plant and recycling operation at 5775/5779 Airport Road, Louviers. CGS previously reviewed US2018-010, a Use by Special Review – Amendment application for a hot-mix asphalt batch plant on the same site. That application was withdrawn on September 15, 2020.

No geologic or geotechnical information was included with the currently available referral documents, but CGS previously reviewed:

- Geotechnical Study, Brannan Asphalt Plant (Cesare, Inc., January 9, 2019),
- an addendum discussing foundation alternatives for the large 60 ft. diameter asphalt cement (oil) tank (Cesare, Inc., May 14, 2019), and
- Revised Brannan Asphalt Plant Addendum No. 1 (Cesare, Inc., July 22, 2019)

In their 1/9/2019 Geotechnical Study, Cesare observed thick, relatively low density, low strength soils. Cesare's laboratory test results indicate that the site soils are both hydrocompactive (exhibiting collapse under loading and wetting) and compressible (exhibiting compression under approximate foundation loads). In their 5/14/2019 addendum, Cesare provided several foundation alternatives for the large, 60 ft. diameter asphalt cement (oil) tank, but the large consolidation observed in several of Cesare's swell/consolidation tests, especially a sample of sandy clay collected from boring B-7 at a depth of 34 feet which exhibited approximately 5.5% compression under the approximate oil tank load of 2600 psf, indicate that **overexcavation may not be successful at reducing total and differential settlement to the "several inches" of deflection that can be tolerated by the (previously proposed) tank's flexible mat (sheet metal) base, regardless of efforts to prevent deep wetting of the site soils.** Cesare states on page 4 of their 1/19/2019 Geotechnical Study, and CGS agrees, "Due to the [tank's] large diameter, its load influence will extend quite deep, such that all the soil above the bedrock would be affected." This would include the relatively thick column of compressible soil beneath the overexcavated and replaced fill prism.

DU-20-0002_3 Brannan Sand & Gravel, Proposed Asphalt Batch Plant US2021-002
9:05 PM, 07/19/2022

The revisions in Cesare's 7/22/2019 addendum primarily involve an explanation of collapsible soils, but the proposed mitigation for the observed low density, low strength, compressible and hydrocompactive soils is unchanged: excavate and replace as a compacted fill the upper 20 feet of soil beneath the oil tank. CGS agrees that proper site grading and control of surface water are typically effective at limiting wetting and hydrocompaction. Cesare refers to but does not define "moisture protection."

Cesare states (page 2 of the 7/22/2019 revised addendum), and CGS agrees, that most of the tested samples exhibited only minor (1-2%) consolidation in response to loading prior to inundation. However, it remains unclear whether Cesare's calculation indicating a design settlement of 2-1/2 inches includes the 4.8% consolidation observed under a 2000 psf load *prior to the addition of water* in the sample of sandy clay collected from boring B-7 at a depth of 34 feet. **CGS recommended (8/19/2019) that the county request written verification that Cesare's settlement calculation includes the approximately 4.8% pre-wetting consolidation data point.**

In the absence of the previously requested verification or an updated geotechnical investigation, analysis, and recommendations based on current development plans, **CGS continues to recommend straight shaft drilled pier or driven pile foundations for silos, oil tanks, and other heavily loaded structures.**

Thank you for the opportunity to review and comment on this update. If you have questions, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

Jill Carlson, C.E.G.
Engineering Geologist



April 30, 2024

Heather Scott
100 Third St.
Castle Rock, CO 80104

RE: US2021-002

Dear Ms. Scott,

Thank you for the opportunity to review and comment on the request for Brannon Sand and Gravel asphalt batch plant. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations. After reviewing the application, DCHD has the following comments:

Sewer Service

DCHD will accept the use of up to two portable toilets for use by on-site personnel & truck drivers.

Once a septic design is received and approved by DCHD, the issuance of an Install Permit will serve as favorable recommendation regarding the proposed method of sanitary disposal.

Water Supply

An updated will-serve letter has been provided by Sedalia Water and Sanitation District for water service.

Based on this letter, DCHD can provide a favorable recommendation regarding the proposed method of water supply.

Noise

A noise analysis has been conducted to evaluate the potential impact of noise from the proposed use to surrounding areas.

Results from the noise analysis indicate that the proposed expansion and operation will comply with industrial noise limits of Douglas County.

Fugitive Dust – Permanent uses

Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease. The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions, including fugitive dust. Control measures may be necessary to minimize the amount of fugitive emissions from site activities including haul roads, stockpiles, and erosion.

Brannan Companies has submitted a Dust Control Plan to identify fugitive dust sources, best management practices for dust control, and a PM10 monitoring plan.

Stormwater Impacts on Nearby Waterway

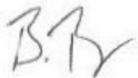
Development of the subject parcel will potentially result in an increase of stormwater and snowmelt runoff that may contribute significant pollutant loadings to Plum Creek. These pollutants include bacteria, nutrients, metals, and oxygen consuming contaminants.

Stormwater management is important for improving water quality and preventing flooding and erosion. Best Management Practices (BMPs) can be utilized to reduce pollutant loadings from development into Plum Creek.

Brannan Companies has submitted a Phase III Drainage Report to address these stormwater concerns.

Please feel free to contact me at 720-907-4886 or bfreyer@douglas.co.us if you have any questions about our comments.

Sincerely,



Brent Freyer
Environmental Health Specialist II
Douglas County Health Department

May 03, 2023

Heather Scott
100 Third St.
Castle Rock, CO 80104

RE: US2021-002

Dear Ms. Scott,

Thank you for the opportunity to review and comment on the request for Brannon Sand and Gravel asphalt batch plant. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations. After reviewing the application, DCHD has the following comments:

Water and Sewer Service

An updated will-serve letter should be provided by Sedalia Water and Sanitation District. Based on receipt of this letter, DCHD can provide a favorable recommendation regarding the proposed method of water supply.

Sedalia Water and Sanitation District does not currently provide sanitary service and DCHD does not have any records of an Onsite Wastewater Treatment System. DCHD would need to receive documentation to provide a favorable recommendation regarding the proposed method of sanitary disposal.

Noise

A noise analysis has been conducted to evaluate the potential impact of noise from the proposed use to surrounding areas. Results from the noise analysis indicate that the proposed expansion and operation will comply with industrial noise limits of Douglas County.

Fugitive Dust – Permanent uses

Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease. The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions, including fugitive dust. Control measures may be necessary to minimize the amount of fugitive emissions from site activities including haul roads, stockpiles, and erosion. The applicant shall contact the APCD, at (303) 692-3100 for more information. Additional information is available at <https://cdphe.colorado.gov/air-emissions-from-business-and-industry>.

Brannan Companies has submitted a Dust Control Plan to identify fugitive dust sources, best management practices for dust control, and a PM10 monitoring plan.

Stormwater Impacts on Nearby Waterway

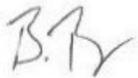
Development of the subject parcel will potentially result in an increase of stormwater and snowmelt runoff that may contribute significant pollutant loadings to Plum Creek. These pollutants include bacteria, nutrients, metals, and oxygen consuming contaminants.

Stormwater management is important for improving water quality and preventing flooding and erosion. Best Management Practices (BMPs) can be utilized to reduce pollutant loadings from development into Plum Creek. For post-construction runoff, the Urban Drainage and Flood Control District (UDFCD) Drainage Criteria Manual recommends methods that are called "minimizing directly connected impervious areas" that include reducing paved areas, using porous pavements and grass swales. These BMPs both improve water quality and limit the volume of water that must be retained/detained in ponds; and they can also reduce the potential for mosquito breeding conditions. We encourage the applicant to follow UDFCD's design hierarchy.

Brannan Companies has submitted a Phase III Drainage Report to address these stormwater concerns.

Please feel free to contact me at 720-907-4886 or bfreyer@douglas.co.us if you have any questions about our comments.

Sincerely,



Brent Freyer
Environmental Health Specialist I
Douglas County Health Department



July 21, 2022

Heather Scott
Douglas County Department of Community Development
Planning Services Division
100 Third Street
Castle Rock, CO 80104

RE: Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds
Parcel 3rd Amendment - Brannan Sand & Gravel, US2021-002
TCHD Case No. 7769

Dear Ms. Scott,

Thank you for the opportunity to review and comment on the Use by Special Review application for the addition of an asphalt batch plant and associated uses on a site that currently contains a concrete batch plant and concrete crushing and recycling operation, located at 5775 Airport Road. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

Noise – Loud Use

Regular exposure to elevated sound levels can have a negative impact on both physical and mental health by increasing the risk of stress, hearing impairment, hypertension, ischemic heart disease, and sleep disturbance. Colorado's noise abatement statute (CRS 25-12-103) sets maximum permissible noise levels for various land uses at different time periods. Noises that exceed these levels are considered to be a public nuisance. Noise levels from commercial uses are considered a public nuisance if they exceed 60 db(A) beyond 25 feet of the property boundary during the day (7 a.m. – 7 p.m.). At night (7 p.m. - 7 a.m.), the nuisance level is 55 db(A).

The submittal includes a Noise Modeling Report dated February 4, 2021. The Noise Modeling Report indicates that the noise contributions of the proposed operation are not predicted to significantly add to the Combined Operations noise levels.

Wastewater

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment.

The proposed project is located in the Interim Water and Sanitation Overlay District. The use of On-Site Wastewater Treatment Systems (OWTS) may be permitted to serve a proposed use or change in use of a property within the Interim Water and Sanitation Overlay District provided:

1704B.01 The proposed use shall be compatible with an OWTS, as determined by the Tri-County Health Department, and other applicable agencies.

1704B.02 The proposed use does not create more than an average flow of 1,999 gallons of effluent per day, as determined by the Tri-County Health Department.

It does not appear that the use will create any process wastewater, and that wastewater will be limited to domestic uses by employees.

On-Site Wastewater Treatment System (OWTS) – Use Permit

In 2020, in a conversation about a related project, the applicant's representative indicated that an OWTS exists and that the location of the OWTS is not known. TCHD does not have a record of the OWTS. Tri-County Health Department Regulation Number O-17, Section 4.2 requires a Use Permit be obtained when there is no permit record for an existing OWTS.

To obtain a Use Permit, the OWTS will need to be inspected by a National Association of Wastewater Technicians (NAWT) Certified Use Permit Inspector. A list of Certified Inspectors is available here <http://www.nawt.org/search.html>. If it is determined by the inspector that the system has deficiencies that require repair, these repairs must be completed prior to TCHD issuing a Use Permit.

In order to obtain a Use Permit, the applicant may contact the TCHD Castle Rock Office, 410 S. Wilcox, (303) 663-7650 or the Douglas County Health Department at 303-660-7400, at the same address after September 1, 2022. More information is available at <http://www.tchd.org/269/Septic-Systems> under the Use Permit tab.

It appears that most of the site is paved and is used for parking or driving. The Property owners should be aware that vehicle traffic on an OWTS may damage the system and result in failure. More information is available at <http://www.tchd.org/269/Septic-Systems>.

Wastewater – Toilets for Onsite Personnel

The project narrative and site plan indicate that portable toilets are proposed for use by onsite personnel. The narrative mentions "a small number of employees," but does not give a specific number. Sheet 8 of the site plan submitted with this referral shows an office trailer with a toilet and sink, but there is no mention of plans for sewage disposal.

TCHD has no objection to the office trailer being served by an OWTS provided that the system is permitted, inspected and operated in accordance with TCHD's current OWTS Regulation or those of the Douglas County Health Department. A permit for the installation and final approval of the OWTS is required. In order to start the process, the applicant may contact TCHD Castle Rock Office, 410 S. Wilcox, (303) 663-7650 or the Douglas County Health Department at 303-660-7400, at the same address. More

information is available at <http://www.tchd.org/269/Septic-Systems>. Portable toilets are not an approved wastewater solution for permanent uses.

Aboveground Storage Tanks

Leaking aboveground storage tanks have the potential to contaminate the soil and groundwater around the tank. The fuel storage tanks and piping shall comply with the regulations of the Environmental Protection Agency (EPA) and the Oil Inspections Section of the Colorado Department of Labor and Employment's Division of Oil and Public Safety. Compliance with these regulations will reduce the likelihood of a tank or piping leak and release of fuel, and provide for detection if a leak occurs. The Oil Inspections Section (OIS) can be reached at (303) 318-8547, or information can be obtained from the web site <https://www.colorado.gov/ops>.

Pollution Prevention for Truck Storage

Parked vehicles are at risk for leaking fluids such as fuels, antifreeze, brake fluids, and cleaning agents which may be harmful to exposed site workers, pollute the soil on the site, or be discharged into nearby water sources. For the safety of site workers and the public, we recommend that the operator monitor arriving and parked vehicles for fluid leaks, and use absorbents to clean up leaks, and spills. Absorbents and rags used to clean up spills should also be placed in approved DOT receptacles and disposed of in accordance with applicable federal, state and local waste regulations.

Mosquito Control - Stormwater Facilities

The site plan indicates that a detention pond is proposed. Detention ponds can become sites for mosquito breeding. To reduce the potential for human exposures to West Nile and other mosquito-borne viruses, TCHD recommends that the applicant prepare a mosquito control plan. Elements of the plan should include proper design, construction and regular inspection and maintenance of stormwater quality facilities, and mosquito larvaciding if the insects become a problem. More information is available here <http://www.tchd.org/276/Mosquitoes-West-Nile-Virus>. A guidance document is attached.

Air Pollution – Permit Required

Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease. The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions of hazardous air pollutants, asbestos, and chlorofluorocarbons (CFCs). An air permit will be required for this project. TCHD is aware that the applicant has obtained the necessary permit. The applicant shall contact the APCD at (303) 692-3100 for more information or to update the permit as necessary. Additional information is available at <https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/air-emissions-business-and-industry>

Fugitive Dust – Permanent uses

Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease. The Colorado Department of Public Health and

Environment Air Pollution Control Division (APCD) regulates air emissions, including fugitive dust. Control measures may be necessary to minimize the amount of fugitive emissions from site activities including concrete crushing, haul roads, stockpiles, and erosion. The applicant shall contact the APCD, at (303) 692-3100 for more information.

Additional information is available at

<https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/business-and-industry> .

Air Pollution – Vehicle Fleet Recommendations

The project will increase diesel truck traffic in the area. To mitigate the environmental impact that the increased traffic will cause we recommend:

1. Restricting vehicle idling

Vehicle emissions can be reduced significantly by restricting excessive idling. The applicant can impose an idling restriction policy on all trucks that use its proposed facility, whether they are owned by the company or by contract haulers. We recommend that the applicant implement a policy to prohibit on-site diesel idling for more than five minutes.

2. Requiring vehicle inspections

State statute requires that diesel trucks be inspected for air emissions at intervals dependent on the age of the truck. To ensure that non-company owned vehicles using the facility meet state inspection criteria, the company could stipulate that contract haulers provide current proof of inspection as a condition for use of the facility.

3. Committing to purchase new, clean-burning vehicles as fleet vehicles are replaced

The age of a diesel truck is a major factor affecting its emissions, with newer diesels generally having far fewer emissions than older ones. Yet it may be less expensive to purchase used, over-the-road resale vehicles. We recommend that the applicant make a commitment to purchase only trucks that are equipped with clean-burning engines. At a minimum, the company should agree that it will only purchase turbo-charged replacement vehicles, which burn cleaner than naturally aspirated vehicles.

4. Considering accelerated adoption of technological advances

Fleet owners can reduce emissions by retiring older vehicles at an accelerated rate, retrofitting trucks with post-combustion devices or more efficient engines, or using alternative fuels. Clean Air Fleets (CAF) is a regional public-private initiative of the Regional Air Quality Council (RAQC) to help on- and off-road diesel operators reduce diesel emissions and save money by providing information on, and funding for, retrofit technologies and advances in diesel emissions mitigation. If the applicant is interested in pursuing any of these options, we suggest the company contact the RAQC for assistance or visiting <http://cleanairfleets.org/>.

Owens Industrial Park (Brannan Sand and Gravel, RCM Park)

July 21, 2022

Page 5 of 7

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions on TCHD's comments.

Sincerely,

A handwritten signature in cursive script, appearing to read 'K Boyer', followed by a horizontal line extending to the right.

Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Keith Homersham, Michael Weakley, TCHD
Caitlin Gappa, Douglas County Health Department
Ben Cappa, CDPHE APCD

**Tri-County Health Department
Guidance for Preparation of
Mosquito Control Plan**

A Mosquito Control Plan should contain the following elements:

1. Designation of a management entity
This is the entity with authority/responsibility for implementing the plan. Typically, this will be a Special District or a Homeowners Association. If this is the case, the applicant shall submit a copy of the organizational Service Plan, by-laws or other legal document providing the authority for mosquito control. If the entity is the developer, this should be noted.
2. Funding mechanism
A method needs to be put in place to finance the program. This could be a commitment for the Service District, HOA or developer to include adequate funds for the activities as part of its annual budgeting process, or a plan by the District or HOA to assess an annual fee on residents in the subject service area, or to fund the program in some other way, per its legal authority as noted in #1.
3. Activities that will be undertaken to prevent mosquito breeding conditions
This section places emphasis on the proper design, construction, operation and maintenance of stormwater facilities to prevent mosquitoes from breeding. In most instances, it is nothing different than is already required by the County and Volume 3 of the Urban Drainage and Flood Control District's (UDFCD) Urban Storm Drainage Criteria Manual for flood control and stormwater quality. The literature on this subject, supported by local field experience, suggests that if stormwater facilities are well-designed, built to specification, and regularly inspected and maintained to meet operating standards, stormwater facilities that are designed to completely drain in 72 hours or less are likely to do so and to prevent mosquito breeding conditions.

The likelihood or extent of mosquito breeding can also be reduced through the proper design, construction and inspection/maintenance of retention ponds or constructed wetlands that are intended to hold permanent water pools.

We have found that at the time of construction of stormwater facilities, there is often little thought given to continuity of maintenance. Requiring the applicant to think through the tasks that need to be accomplished from design through operation, who will be responsible for tasks in each phase, and a schedule for their accomplishment increases the probability that these tasks will be completed.

Ideally, before getting to this point, the applicant will have considered stormwater facility options that do not rely on extended retention or detention of stormwater without flushing over a period of 2-3 days; e.g. grass swales, porous pavements, landscape detention, reducing directly connecting impervious areas to increase infiltration. This would be

coordinated through and in compliance with the requirements of the County's Engineering and/or Stormwater sections.

Suggested elements in this section include the following:

- Design review – Qualified personnel review construction plans and conduct field investigation to ensure construction per specifications of UDFCD Volume 3 and County criteria.
- Operation and maintenance activities:
This should identify who will conduct these activities (e.g., staff or contractor), and a schedule or trigger point for doing each task. Again, the UDFCD's Vol. 3 contains minimum operation and maintenance activities. If staff are to be used, this section should note if they will need training and how they will receive it.
- Regular inspections:
Facilities that are found to retain water should be inspected regularly to ensure that no mosquito larvae are present. Facilities should be inspected once a week beginning in April and continuing through September.
- Larvacide program:
Even if inspections do not reveal larvae, a larvaciding program should be established as a preventive measure at the same time that the inspection program begins (generally May) and continue through September. Some mosquitoes lay their eggs in mud, and when rain falls later, they can hatch and present a problem. Larvacide should be applied at the recommended rate and frequency specified by the product manufacturer. Mosquito control products can be found by doing a search on the internet.
Natural control of mosquito larva can be very effective is done properly. Consult the Colorado Department of Wildlife, Fisheries Division, for consultation on proper stocking of ponds with fish that will effectively control mosquito larvae.

April 18, 2024

Heather Scott
Principal Planner
Douglas County Community Development
100 Third Street
Castle Rock, CO 80104

Re: USR 2021-002, Owens Industrial Park Filing 1

Dear Ms. Scott:

The letter provides comments regarding the proposal to locate an asphalt paving materials production facility on a General Industrial (GI) zoned site located at 5775 Airport Road in Sedalia, Douglas County. The proposed project area is identified in an industrial development node in the Louviers Rural Community of the 2040 Douglas County Master Plan.

The Douglas County Curator has no further comments. The applicant addressed the previous referral response concerns in the April 5, 2024 Applicant Response to Staff and Referral Comments ("Applicant Response Letter 3") on page 41 and 42.

Thank you in advance for your attention to the preservation and protection of Douglas County's cultural resources for future generations.

Sincerely,

Brittany Cassell

Brittany Cassell, Curator

May 1, 2023

Heather Scott
Principal Planner
Douglas County Community Development
100 Third Street
Castle Rock, CO 80104

Re: USR 2021-002, Owens Industrial Park Filing 1, 1st Amendment

Dear Ms. Scott:

The letter provides comments regarding the proposal to locate a new asphalt paving materials production facility on a General Industrial (GI) zoned site located at 5775 Airport Road in Sedalia, Douglas County. The proposed project area is identified in an industrial development node in the Louviers Rural Community of the 2040 Douglas County Master Plan.

The Douglas County Curator would like to reiterate the previous response on the project that the proposed project is within .6 miles of the Louviers Village Historic District. Louviers Village was listed on the National Register of Historic Places in 1999 (5DA.1391). The number of resources within the Historic District is 88 contributing buildings and two sites. The period of significance is 1908-1962.

Douglas County 2040 Master Plan Section 4 (Goal 4-2) states, "Preserve and protect the historic and unique character of the Louviers Rural Community and balance development, infrastructure, open space, and recreational needs, while recognizing constraints and opportunities." As a result, efforts to minimize the potential effects of the proposed use, as identified in applicant's narrative, should be considered in order to reduce impacts to the historic community of Louviers.

Thank you in advance for your attention to the preservation and protection of Douglas County's cultural resources for future generations.

Sincerely,

Brittany Cassell

Brittany Cassell, Curator

August 25, 2022

Heather Scott
Principal Planner
Douglas County Community Development
100 Third Street
Castle Rock, CO 80104

Re: USR 2021-002, Owens Industrial Park

Dear Ms. Scott:

The letter provides comments regarding the proposal to locate a new asphalt paving materials production facility on a General Industrial (GI) zoned site located at 5775 Airport Road in Sedalia, Douglas County. The proposed project area is identified in an industrial development node in the Louviers Rural Community of the 2040 Douglas County Master Plan.

Upon researching the cultural resources on the property and the surrounding area, the Douglas County Curator found the proposed project to be within .6 miles of the Louviers Village Historic District. Louviers Village was listed on the National Register of Historic Places in 1999 (5DA.1391). The number of resources within the Historic District is 88 contributing buildings and two sites. The period of significance is 1908-1962.

Douglas County 2040 Master Plan Section 4 (Goal 4-2) states, "Preserve and protect the historic and unique character of the Louviers Rural Community and balance development, infrastructure, open space, and recreational needs, while recognizing constraints and opportunities." As a result, efforts to minimize the potential effects of the proposed use, as identified in applicant's narrative, should be considered in order to reduce impacts to the historic community of Louviers.

Thank you in advance for your attention to the preservation and protection of Douglas County's cultural resources for future generations.

Sincerely,

Brittany Cassell

Brittany Cassell, Curator

From: [Chris Martin](#)
To: [Chuck Smith](#)
Cc: [Heather Scott](#)
Subject: US2021-002 Brannan Resubmittal
Date: Monday, May 6, 2024 4:33:29 PM

Chuck,

I have reviewed the revised traffic study for this project. The APM Facility is projected to generate 618 total trips (includes 10 non-truck trips) and the Accessory Crushing Operation is projected to generate 204 total trips (includes 4 non-truck trips). Total Truck trips would be 808 trips which is 2 trips higher than what is listed on the Management Plan for this application (Asphalt Production).

All comments on the previous submittal have been addressed. New comments are:

- Page 2, Section 2.2 Study Assumptions; For the Short-Term 2024 Horizon, it is assumed that phase 1 of the County's right turn lane project for eastbound Airport Rd to southbound US 85 is complete. However, per our special projects staff, this phase has been held due to delays in acquisition of ROW. It is now unknown when this phase will be constructed. The related analysis in this study will need to be revised.

While the County's project to add an eastbound right turn lane at US 85 has not been completed, the author of the traffic study notes that "While an eastbound right turn lane isn't marked at US 85, the approach is wide enough for two lanes and observations show that two motorists can use the approach at the same time." Because of the above observations, the analysis of this intersection assumes an eastbound right turn lane exists. The study needs to identify the time periods of the observations to make sure that the observations were made during the peak hour of this approach. If observations were conducted during non-peak hours, operational issues due to queueing of the left turn lane may have been missed.

- Table 3 Trip Generation Estimate; Note 1, (shown below the table) needs to be updated to be consistent with section 4.1 of the study.

This study needs to be revised to address the comments above. Let me know if you have any question or need additional information or clarification.

Thanks
Chris

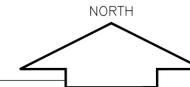
CONSTRUCTION PLANS FOR SEDALIA BATCH PLANT

NW 1/4 OF SECTION 3 & NE 1/4 OF SECTION 4, T7S, R68W OF THE 6TH PRINCIPAL MERIDIAN
DOUGLAS COUNTY, COLORADO



PROJECT LOCATION MAP

SCALE: 1" = 1000 UNITS



PROJECT BENCHMARK

ELEVATIONS AND CONTOURS ARE BASED UPON THE FOLLOWING BENCHMARK:

DOUGLAS COUNTY CONTROL STATION 2061086
A STAINLESS STEEL ROD IN BOX, ELEVATION = 5704.38 FEET (NAD 1983).

LOCAL BENCHMARK: NORTHWEST CORNER OF THE EXISTING 10' TYPE R INLET LOCATED DIRECTLY TO THE EAST OF THE EXISTING ACCESS HAVING AN ELEVATION OF 5580.78

BASIS OF BEARINGS

BEARINGS ARE BASED COLORADO STATE PLANE CENTRAL ZONE. THE BASIS OF BEARING IS A LINE FROM A 88 FOOT WITNESS CORNER MONUMENTED BY A 3.25" ALUMINIUM CAP STAMPED "WSSI, WC, T-7S R-68W, 1/4, S4/S3, 1987, 88 FT NORTH, PLS 23053" AND NORTHWEST CORNER OF SECTION 3 MONUMENTED BY A 2.5" ALUMINIUM CAP STAMPED "KRW CONSULTING, T6S R68W, S33/S34,S4/S3, T7S, PLS20140, 2003, CONTROL" FOUND TO BEAR NORTH 1° 19' 45" EAST A DISTANCE OF 2714.41 FEET.

ENGINEERING CERTIFICATION STATEMENT

THESE CONSTRUCTION PLANS FOR THE SEDALIA BATCH PLANT WERE PREPARED BY ME (OR UNDER MY DIRECT SUPERVISION) IN ACCORDANCE WITH THE REQUIREMENTS OF DOUGLAS COUNTY'S ROADWAY DESIGN AND CONSTRUCTION STANDARDS, STORM DRAINAGE DESIGN AND TECHNICAL CRITERIA, AND THE GRADING, EROSION AND SEDIMENT CONTROL MANUAL.

JIM BRZOSTOWICZ
CIVIL RESOURCES, LLC

GESC ENGINEERING CERTIFICATION STATEMENT

THE GRADING, EROSION AND SEDIMENT CONTROL PLAN INCLUDED HEREIN HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF THE GRADING, EROSION AND SEDIMENT CONTROL (GESC) CRITERIA MANUAL OF DOUGLAS COUNTY, AS AMENDED.

JIM BRZOSTOWICZ
CIVIL RESOURCES, LLC

DEVELOPER/OWNER

BRANNAN
2500 E BRANNAN WAY
DENVER, CO 80229
303.534.1231

ENGINEER:

CIVIL RESOURCES, LLC

8308 COLORADO BLVD
SUITE 200
FIRESTONE, CO 80530
303.833.1416

ASSISTANT DIRECTOR OF DEVELOPEMENT REVIEW

DATE

THESE CONSTRUCTION DRAWINGS HAVE BEEN REVIEWED BY DOUGLAS COUNTY FOR STREET AND DRAINAGE, GRADING EROSION AND SEDIMENT CONTROL, AND UTILITIES ONLY

ENGINEERING DIVISION ACCEPTANCE BLOCK

SHEET INDEX	
SHEET NUMBER	SHEET TITLE
CS1.0	COVER SHEET
CS1.1	NOTES
C1.0	EXISTING CONDITIONS AND DEMO PLAN
C2.0	SITE & SIGNAGE PLAN - ACCESS ROAD
C3.0	GRADING PLAN - ACCESS ROAD
C3.1	GRADING PLAN - ASPHALT PLANT
C3.2	INITIAL GESC PLAN - ACCESS ROAD
C3.3	INTERIM GESC PLAN - ACCESS ROAD
C3.4	FINAL GESC PLAN - ACCESS ROAD
C3.5	INITIAL GESC PLAN - ASPHALT PLANT
C3.6	FINAL GESC PLAN - ASPHALT PLANT
C4.0	ACCESS ROAD PLAN AND PROFILE
C5.0	STORM SEWER PLAN AND PROFILE
C6.0	WATER LINE PLAN AND PROFILE
C7.0	DETAILS 1
C7.1	DETAILS 2
C7.2	DETAILS 3
C7.3	DETAILS 4
C7.4	DETAILS 5
C7.5	DETAILS 6

Add separate Douglas County Signage and Striping Supplemental plan sheets 1 - 4 to plan set. These Sheets are available on the Douglas County web site at:

<https://www.douglas.co.us/documents/rwd-exhibit-g-plan-sheets.pdf>



CIVIL RESOURCES

8308 COLORADO BLVD
SUITE 200
FIRESTONE, CO 80530
303.833.1416
WWW.CIVILRESOURCES.COM



2500 E BRANNAN WAY
DENVER, CO 80229
303.534.1231

SEDALIA BATCH PLANT
CONSTRUCTION & GESC PLANS
5775 AIRPORT ROAD, SEDALIA, CO 80135

REVISIONS		
NO.	DESCRIPTION	DATE
01	COUNTY COMMENTS	03/21/23
02	COUNTY COMMENTS	09/29/23
03	COUNTY COMMENTS	03/07/24

DESIGNED BY: CMH DATE: 10/07/2022
DRAWN BY: CMH
CHECKED BY: JAB
JOB NO.: 303.001.09
DWG NAME: SEDALIA CVR.DWG

COVER SHEET

SHEET:
CS1.0



May 3, 2023

Christine M. Francescani
Authorized Representative
Fairfield and Woods, PC
1801 California Street
Denver, CO 80202

DV 2021-102

Subject: Resubmittal of Owens Industrial Park #1-1st Amendment-Lot 1A Metes & Bounds Parcel 3rd Amendment – Brannan Sand & Gravel – Use by Special Review

Dear Christine,

Plan Review Summary:

Submitted to Engineering	-	6/29/22
Comments Sent Out	-	7/20/22
Resubmitted to Engineering	-	10/14/22
Comments Sent Out	-	10/25/22
Resubmitted to Engineering	-	10/25/22
Comments Sent Out	-	12/7/22
Resubmitted to Engineering	-	4/10/23
Comments Sent Out	-	5/3/23

Engineering has reviewed the above referenced resubmittal and have the following comments:

USR Comment

Comment #1-The SIPIA will need to be submitted for review and approval prior to our approval of this USR.

Construction Plan Comments

Comment #1-On sheet C2.0, our traffic engineers will be reviewing the signage/stripping plan as well as the revised traffic study and I will forward any comments they may have.

Comment #2-On sheet C3.0, please clarify the purpose of the permanent stockpile area.

Comment #3-On sheet C3.3, please clarify if the single net erosion control blanket is a straw blanket.

Comment #4-On sheet C4.0, the proposed grade break at station 0+00 will exceed the County's criteria (with the 2% crown off Airport Road). Either include a crossspan or design a vertical curve to meet the criteria.

Comment #5-On sheet C5.0, the proposed outfall to Plum Creek will need to be reviewed and approved by Mile High Flood District. I will forward any comments they may have.

Comment #6-On sheet C6.0, please remove the lean concrete from the 2nd cell of the outlet structure. The concrete within the 2nd cell of the outlet structure negates having the water quality plate and trash rack extend to the bottom of the micropool.

Comment #7-On sheet C6.0, please include the flow depth in cross section C-C. The width of the proposed swale will be dependent on the flow depth.

Comment #8-On sheet C6.0, please include the invert elevation for the 18-in. pond outlet pipe.

Comment #9-We will need a drainage easement over the proposed detention facility and a "operation & maintenance" manual for the pond.

We cannot recommend approval of this use by special review until these comments have been addressed. If you have any questions, please give me a call.

Sincerely,



Chuck Smith
Development Review Engineer

cc: Matt Williams, PE; Assistant Director of Public Works Engineering
Heather Scott, AICP; Principal Planner

DV21102b

From: [Chuck Smith](#)
To: [Christine M. Francescani](#); [Heather Scott](#)
Cc: [Chris Martin](#)
Subject: FW: Brannan Submittal, US2021-002
Date: Tuesday, May 9, 2023 10:04:30 AM

Good Morning Christine & Heather – below are the comments from our traffic group - thanks

From: Chris Martin <CMartin@douglas.co.us>
Sent: Tuesday, May 9, 2023 8:45 AM
To: Chuck Smith <CSmith@douglas.co.us>
Subject: RE: Brannan Submittal, US2021-002

Chuck,

I have reviewed the traffic study for this project by STS dated March 24, 2023 and also the management plan and have the following comments.

Traffic Study

Page 2 – Intersection Capacity Improvements

Eastbound Right Turn – This study indicates that this improvement was assumed in the short-term analysis. However, this improvement will be constructed in phases beginning with an eastbound left turn decel lane at Peterson Rd (2023) The extension of this lane to US 85 will occur in future phase(s) due to RR clearances etc (timing unknown) This information was provided to STS via email dated 09-01-2022. This correction will require re-analysis of the short term scenarios.

Page 3 – Year 2020 Traffic Volumes

Updated traffic volume data was not collected. This study uses the volumes collected in November of 2020 for the Sanderson Stewart traffic study for this project. In addition to concerns that the 2020 traffic patterns were likely influenced by the pandemic and resulting remote working dynamics, the road network in the area changed significantly when the Waterton Rd connection was opened between Moore Rd and Rampart Range Rd (late 2022). It was also noted, in the Sanderson Stewart TIS, that the crushing/recycling trucks were not in operation at the time the data was collected. Due to the combination of issues effecting traffic pattern, an update to the existing traffic volumes in this study is needed.

Page 4 – Site Generated Traffic Volumes

This section, as well as Table 3, covers trip generation from the Asphalt Production and the Crushing/Recycling Operations but does not include the trips related to the Concrete Production. All trips generated by the site need to be accounted for this study. If it is assumed that the concrete production volumes are included in the existing traffic counts

then this needs to be described in this section.

Page 5 – Year 2023 Traffic Conditions

This section notes that the background traffic volume scenarios include the traffic from the crushing/recycling operation. It needs to be confirmed that the crushing/recycling operation trips were manually added to these scenarios as these trucks were not in operation during the data collection done for the Sanderson Stewart study. (see note above for page 3).

Page 6 – Auxiliary Lane Review

This section identifies that a westbound right turn deceleration lane is currently required at the east access. It should also note (here and on Table 4) that this required lane currently exists.

Table 2 – Intersection Operational Summary

While the focus of the levels of service for signalized intersections is based on the delay for the entire intersection as noted at the bottom of this table, approach lane Delay/LOS information should be provided in the table

Table 4 – Need for Aux Lanes at the Site Accesses

A note for this table should reflect that the westbound right turn Decel and southbound to westbound right turn Accel lane at the east access are both currently existing.

-

Management Plan

Sheet 2 of 20 – The Management Table lists a truck trip as a “ROUND TRIP”. However for traffic analysis, a “trip” is one way. For example the 200 round trips per day shown in the management plan for the concrete production, translate to 400 one way trips for the traffic analysis. There needs to be coordination between the Management Plan and the Traffic Impact Study. The approved SIP exhibit for the Concrete Production (USR – Site Improvement Plan US2014-009 lists “200 concrete truck trips per Day” but does not call out the trips as “one way” or “round trip”. Clarification is required.

As noted in our previous comments, this project should provide fair share participation for improvements planned by the County for the eastbound approach to the Airport Road/US 85 Intersection

Let me know if you have any comments or questions on this information.

Thanks - Chris

July 20, 2022

Karl Barton, AICP
Authorized Representative
Ikaros Development Group, LLC
3012 Hooker Street
Denver, CO 80211

DV 2021-102

Subject: Owens Industrial Park #1-1st Amendment-Lot 1A Metes & Bounds Parcel
3rd Amendment – Brannan Sand & Gravel – Use by Special Review

Dear Karl,

Plan Review Summary:

Submitted to Engineering - 6/29/22
Comments Sent Out - 7/20/22

Engineering has reviewed the above referenced submittal and have the following comments:

USR Comments

Comment #1-The engineering review fee will need to be paid prior to our approval of this Use by Special Review.

Comment #3-On sheets 6 & 9, GESC plans will need to be submitted to capture the proposed disturbance to the site (grading permit is required).

Comment #4-The Phase III Drainage Report specifies that the existing detention/water quality facility will be revised to accommodate the asphalt plant. My understanding is that the pond had been previously upgraded to accommodate these uses. Please clarify.

Comment #5-On sheet 9, please include the limits of the 100-yr. floodplain.

Comment #6-On sheet 9, the proposed driveways (new impervious areas) will need to be evaluated to determine if detention would be required. The engineer will need to compare the existing condition to the proposed condition. If the existing to the developed condition are relatively close, we may not require detention. Since the impervious/disturbance is less than 1-acre, water quality is not required.

Comment #7-On sheet 9, the plan references widening improvements to Airport Road. If these improvements have been completed, please remove the information from the sheet.

Comment #8-A Site Improvement Plan Improvements Agreement (SIPIA) will be required for this project. The applicant can get a copy of this document from our office or from the Douglas County website. When submitting this document, please provide us with 1-copy with original signatures. Please include a “letter of authorization” for whoever signs the agreement, and the cost estimates need to be signed by this individual as well. This document will need to be submitted prior to our approval of this Use by Special Review.

Traffic Comments

We have reviewed the above documents for this project (Sanderson Stewart - dated February 2021) and am providing the following comments:

Planned Area Improvements by Others

CDOT - Capacity improvements are underway for US 85 corridor through the study area (Widening from 2 to 4-lanes)

Douglas County – Capacity improvements at the intersection of Airport Rd / US 85. In addition to the CDOT improvements on the corridor, the County is planning the addition of a dedicated eastbound right turn lane from Airport Rd to US 83 (likely to be constructed in summer of 2023)

Key Items

Available Information

This traffic study is out of date and should be updated based on information provided related to the County’s plans for constructing an eastbound right turn deceleration lane at Airport Rd / US 83 (approx. summer of 2023) and provided in the more recent study done for the Range development at Airport Rd on the east side of US 85.

Trip Generation

The trip generation is noted as being related to the anticipated amount of asphalt production and the number of material import trucks and delivery trucks needed to produce and deliver the asphalt. The TIA assumes that this is based on an anticipated amount of 2,000 tons of asphalt production per day but the narrative for the project

indicates that the plant would be capable of producing 400 tons per hour, which would be 3,200 tons for an 8-hour day generating more trips than estimated in this TIA. **This needs to be explained and clarified.**

Neither the TIA, Management Plan and/or Narrative for the project indicate how many days per week the facility would operate. **This information needs to be included.**

The Management Plan indicates that the hours of operation are from 6 AM to 7 PM, but also notes that extended hours up to 24-hour operations shall be allowed. The TIA doesn't include information related to extended hours. **This needs to be a part of the study.**

- What triggers the extended hours and how is the use of extended hours managed?
- Do extended hours require prior approval by the County or is this managed by the operator?

The Management Plan also indicates the truck trips will be limited to 3,500 trips per week which for a 5-day week would be 700 daily trips and for a 7-day week would be 500 trips per day. In either case, this limited number of trips per week exceeds the number of daily trips assumed in the TIA. **An explanation / clarification needs to be provided related to the daily volumes that will be generated**

Comments:

- Page 7, under "Trip Generation", notes that the proposed asphalt daily production is 2,000 tons per day. This study should describe how the production is regulated or controlled. The narrative for the project indicates that the plant would be capable of producing 400 tons per hour, which would be 3,200 tons for an 8-hour day generating more trips than estimated in this TIA. **This needs to be explained.**
- Page 9, under "Trip Distribution", notes that the trip distribution assumed in the Sterling Ranch traffic studies were applied the APM facility trips. It is not likely that the asphalt materials facility will have the same distribution as a residential development. Please provide additional support/verification that the percentages assumed north and south on US 85 (65% north and 35% south) are realistic for this project. A better comparison for US 85 may be the existing concrete plant trip distribution (assuming that this information is available in the truck logs kept by the existing use).
- Page 14, Figures – It was found that some volumes used in the figure do not match the volume used for the same movement & for the same horizon and peak hour in the synchro analysis sheets. For example, the north bound left turn

volumes at Moore Rd & Titan Rd are shown as 30 AM and 70 PM on Figure 8 but are shown as 24 AM and 46 PM in the synchro analysis. **This discrepancy needs to be explained or corrected for all instances.**

- Page 18, under “Mitigation Alternatives”, note that the long-term plan for the intersection of Airport Rd / US 85 is for a grade separated intersection.

Management Plan:

The maximum trips per week per the management plan is 3,500 per week. This translates to 700 trips per day based on a 5-day week or 500 trips per day based on a 7-day week, compared to the TIA which indicates 440 truck trips per day. **This needs to be explained**

The plan indicates that the hours of operation are 6:00 AM to 7:00 PM but does not say how many days per week that operations would be conducted.

The plan indicates that there is a potential of 24-hour operations. The TIA needs to include a narrative and analysis of the impacts for these events.

Recommendations

- This TIA should be updated based on the above comments and information.
- This project should be required to provide fair share participation for improvements planned by the County for the eastbound approach to the Airport Rd / US 85 intersection.

We cannot recommend approval of this use by special review until these comments have been addressed. If you have any questions, please give me a call.

Sincerely,



Chuck Smith
Development Review Engineer

cc: Matt Williams, PE; Assistant Director of Public Works Engineering
Chris Martin, Senior Traffic Engineer
Heather Scott, AICP; Project Planner

DV21102

MEMORANDUM

DATE: August 26, 2022

TO: Heather Scott, Principal Planner

FROM: Andy Hough, Environmental Resources Coordinator AH

THRU: Dan Dertz, Interim Director

SUBJECT: Referral Response – US2021-02 Owens Ind. Park Asphalt Batch Plant

Thank you for the opportunity to provide input on this project. The Division of Open Space and Natural Resources (OSNR) has the following comments.

The land in question is zoned General Industrial (GI). This is an industrial area, and intensive uses are to be expected. The site is also immediately adjacent to Plum Creek, a very important wildlife corridor. It is designated as a Tier 1 wildlife resource in Section 9 of Douglas County's Comprehensive Master Plan (CMP). The main concerns of this Division are reducing and mitigating impacts of this operation to the adjacent wildlife corridor.

The notes on sheet two of this USR show that the applicant has spent considerable time strategizing on how to address numerous impacts of the operation. These impacts include dust/air quality, light, noise, and hours of operation. All of these have the potential to impact the habitat quality and functionality of the riparian area beside this parcel as a wildlife corridor. The stipulations or requirements in the notes are a great start. The following paragraphs will address specific points related to these impacts.

Air Quality: This is not an overwhelming concern. A huge volume of dust, exhaust, or volatile chemicals drifting into the corridor would have a deleterious effect on wildlife. This Division believes the proposed measures, including the traffic plan, restriction on continuous idling, and dust control will contain these substances sufficiently to keep them from affecting wildlife.

Light: The controls in the notes requiring lights to be turned off after hours, down-lighting, limiting security lighting, and allowing nighttime operational lighting only during limited, authorized nighttime batching and loading operations are a great step to reducing light disturbance. Many species of wildlife tend toward nocturnal activities and movement. Reducing light infiltration into the adjacent riparian corridor will correspondingly cause less disruption and avoidance, especially during the important nighttime hours. Similarly, life cycles of diurnal wildlife species could be interrupted by light, noise or other disturbance to the riparian corridor as well, disrupting sleep patterns. It is important to realize that riparian areas serve as habitat to more species of wildlife than any other habitat type. Wildlife is living in this corridor, not just moving through.

Hours of Operation: Once again, disruption of both night activities and movement of nocturnal species and rest periods of diurnal species is a major consideration. It is very helpful to provide temporal separation by concentrating the heavy operations during the daytime and minimizing it at night. However, there is public demand for asphalt and concrete products during the night to minimize lane closures during daytime high-traffic periods. The applicant has proposed cutting off operations at 6 or 7 PM typically. This is an excellent practice. They have requested authorization to operate at night for up to six months during the warmer portion of the year.

Nighttime operations will cause additional impacts to wildlife. Impacts for additional nighttime operations could be minimized by:

- General minimization of all disturbance factors (e.g. dust, light, noise, odors, vibration)
- Moving disturbance factors farther east on site and away from the riparian corridor
- Screening and buffering to contain or muffle emissions that do occur
- Reducing the number of days nighttime operations are permitted.

This Division recognizes the importance of allowing for the maximum profitability of the operation and providing the quantities of paving materials required for roadway projects during the nighttime hours that disrupt traffic flow less. These goals must be balanced somehow with reduction of disturbance to the adjacent riparian area. It is important to note that even with a 6-month night operations permit, the crucial winter months would be avoided. During the colder months, food is less available, and energy wasted by avoidance, flushing, or disturbance from sleep eats up precious calories. Avoiding nighttime operations during these months is beneficial.

Noise: Any measure that reduces the volume or duration of noise will reduce impacts to wildlife. The USR notes limit nighttime and daytime noise levels to 75 & 80 decibels respectively. This limitation is a big step forward. Moving the activities & operations that cause noise or vibration farther away from the creek is another opportunity. One of the most significant factors in noise mitigation is distance; sound levels drop off precipitously over distance. Another major mitigating factor is berming. Earthen berms attenuate noise very well. Taller berms along the western edge of the parcel will help with noise, light, and vibration attenuation tremendously. Woody vegetation screening is somewhat helpful, more so for light, less so for noise.

Screening/Berming: As mentioned above, berming and screening are a fantastic buffer. The taller the berm, the more effective it is. Incorporation of earthen berms on the west side of the operations or property would be helpful. The design could be undulating to provide a more natural appearance.

The notes indicate that the landscaping is oriented toward screening the facility from nearby houses. There is no problem with that philosophy; it should merely be expanded to provide similar treatment to the wildlife corridor. Fleshing out the western edge of the parcel with a more continuous row of trees and shrubs would be very helpful.

There are many deciduous trees in the landscape plan. These are great during the growing season but lose much of their effectiveness after leaf drop. Conifers do not have the same limitations. Dispersing conifers throughout the western tree and shrub buffer would make it more effective.

The trees and shrubs proposed are good. Austrian Pine is a good choice but is not native and may not be quite as adapted to this climate as others. Additions such as Ponderosa Pine and Rocky Mountain Juniper could diversify and round-out the conifer palate.

Plum Creek Trail: Douglas County OSNR and Parks, Trails and Building Grounds are working together to complete a trail through the Plum Creek corridor. There is not a specified easement or designated alignment along much of the corridor. As land use applications come in, OSNR requests that Planning staff keep this need in mind. Any logical alignment through a parcel under review should be considered. We are not implying that a trail beside a batch plant is the best option, merely that the trail alignment must be designated along the entire corridor and must align with the sections up and downstream of it.

OSNR commends the applicant for proposing numerous mitigation measures within this plan. We are very appreciative of these considerations. Hopefully this analysis and the suggestions offered will further improve the site and operational plans and reduce impacts to wildlife. Thank you for your consideration of these comments. Please reach out if we can be of further assistance.

April 30, 2024

Heather Scott Principal Planner
Douglas County Department of Community Development
100 Third Street
Castle Rock, CO 80104

Re: Louviers Conservation Partnership Referral Response to USR 2021-002

Louviers Conservation Partnership (LCP) remains opposed to USR Application 2021-002 due to various conflicts with the Douglas County Zoning Resolutions (DCZR) and 2040 Comprehensive Master Plan (CMP), as evidenced throughout.

First and foremost, we would like to clarify the “Applicant Response to Staff and Referral Comments (Applicant Response Letter 3)” dated April 5, 2024 (“Response Letter”), which dismissed the Louviers Conservation Partnership comments as taken verbatim from the Cherokee Ridge Estate comments.

At face value, it doesn’t matter who created the Referral Response comments on Brannan’s previous application because LCP is collaborating with Cherokee Ridge Estates on this issue. **However, Brannan continually fails to understand, nor can they seem to come into harmony with, the underlying sense of community in this area.** In an attempt to portray the LCP comments as inferior, Brannan, in their Response Letter, underscored a more important issue, which we will highlight in our Response.

LCP is a group of “everyday volunteer citizens” participating in a governmental process. But we are not insignificant. We are not a team of lawyers hired to defend Louviers against Brannan’s revolving legal team. In fact, we operate solely to protect the Louviers Village from the industrial development of an asphalt plant adjacent to the Village and part of the Louviers Rural Community, which will be harmful to the welfare of the people, environment, and wildlife in the area. Over the past five years, we have worked tirelessly to utilize found resources and cultivate the best understanding we can of the DCZR, CMP, and Brannan’s USR applications and the proposed industrial use of the land in the Louviers Rural Community.

The sheer work and personal cost it has taken to synthesize the complex county issues as lay people, not being privy to conversations, etc., has been phenomenal. Brannan has had a minimum of five years and many revisions to make their USR right and correct. The County has literally walked them through the process and explicitly

explained how to comply with County regulations - yet it has taken so many attempts to accomplish the Herculean feat. Why? Because it's a bad business for Douglas County.

In turn, we get days to respond. Brannan's resubmittal is not a result of feedback from outreach channels that Brannan initiated. Instead, the greater Louviers community provided feedback directly to the County, which triggered the need for revisions to prior applications that did not comply with County regulations.

Unlike Brannan, Louviers Conservation Partnership is active in our community. We work with various entities and stakeholders in and around the Louviers Rural Community and Highway 85 Corridor, including Cherokee Ridge Estates, Front Range Partners, Chatfield Estates, Castle Pines, Roxborough Park, and Sterling Ranch.

To that point, our previous Referral Response was written thoughtfully over time and in collaboration, not copied verbatim from the Cherokee Ridge Estate comments. To the contrary, we worked with environmental experts, the DU Environmental Law Clinic and Front Range Partners in conjunction with their legal team to uncover each and every instance in which the Brannan USR application violates the DCZR and CMP. Cherokee Ridge Estates, after reviewing our comments, agreed with and signed off on our assessment, and their team submitted a similar Referral Response to ours at a later date.

We understand it is a privilege to be part of this USR process as a Referral Agency. We are thankful to our partners at the County, the Planning Commission, and the County Commissioners for recognizing each Referral Agency as a significant voice and deserving of a seat at the table in these discussions. We appreciate every effort to make this dialogue about USR 2021-002 as transparent as possible. Brannan's proposal is an important issue in our community and surrounding areas, and to that end, we strongly believe in the process of business development in the County.

The responsibility of being Brannan's watchdog and adversary is cumbersome and a heavy load for "ordinary citizens" to have to bear. But we do so because we believe Brannan's USR application violates numerous County regulations and standards that will be detrimental to the health and welfare of our neighbors.

Perspective matters and should not be discounted or dismissed. LCP has taken on the task of protecting Louviers from potential environmental threats that might cause an undue burden on our community. As such, we must take the stance of a worst-case scenario when addressing USR 2021-002. We are not making "gross generalizations," as Brannan states, but presenting relevant concerns with the application as Brannan

has written it. We want to make sure that our neighbors will have the chance to thrive, not merely survive in Douglas County. Likewise, Brannan's perspective must be that they are operating in good faith in the most innovative, healthy, and safe way possible. The Commissioners job is to reconcile the two perspectives to keep the County running safely for its citizens, including, but not limited to, code enforcement and innovative and alternative future business models.

Again, we ask the County to consider the adversities that Brannan brings to Douglas County by presenting an application that remains deficient in the following areas of the DCZR and CMP:

DOES NOT COMPLY WITH ZONING DISTRICT REQUIREMENTS

DCZR 2102.01 Complies with the minimum zoning requirements of the zone district in which the special use is to be located, as set forth in this Resolution. And **DCZR 2102.02** Complies with the requirements of this Section 21.

The USR application does not comply with **Section 14 GI - General Industrial Zone** of the DCZR due to the proposed visible outdoor material stockpiles.

The recently amended (3/26/24) zoning resolution regarding outdoor storage states:

1416.01 Outdoor storage including but not limited to raw materials, supplies, finished or semi-finished products, or equipment shall be screened from view from abutting properties and public streets or trails bordering the site by a solid fence, wall or hedge that is a minimum of six (6) feet in height. Employee or customer parking or merchandise display areas shall not be considered outdoor storage.

1416.05 Where the topography of the land is such that a solid fence, wall, or hedge would not prevent viewing outdoor storage from abutting properties and public streets or trails bordering the site, additional landscaping above the height of the fence, wall, or hedge to mitigate site-specific visual impacts may be required.

Not only does the current submittal actually reduce the amount of landscaping proposed, but the site's unique location and topography prevent the concrete stockpiles from ever meeting zoning restrictions.

The adjacent public road (Airport Road/ Waterton Road) makes the storage requirements for 20' concrete stockpiles impossible to hide from public view. Nor would the proposed landscaping, in any immediate or meaningful way, screen or prevent the

stockpiles from being viewed by the public. Instead, the valley looks noticeably blighted, especially when approaching the site from west to east on the adjacent public roadway.

The USR application does not comply with “the minimum zoning requirements of the zoning district in which the special use is to be located.” Because the application violates 2102.01, it also violates 2102.02, which requires that the application “Complies with the requirements of this Section 21.” Therefore USR 2021-002 must be denied.

IS NOT COMPATIBLE WITH THE CHARACTER OF SURROUNDING AREAS

DCZR 2102.04: Will be in harmony and compatible with the character of the surrounding areas and neighborhood.

The applicant states in their response packet, "There is no policy in the CMP Section 4 that precludes the County from honoring zoning and planning designations that are consistent with the proposed USR." The applicant clearly doesn't understand the great breadth of protections stated in Section 4 and Goal 5-8 in the 2040 CMP, which are in place to preserve Douglas County's cultural resources for future generations.

LCP will provide the background information necessary to understand Louviers' historical significance and make many specific references to Section 4 and Goal 5 below.

First and foremost, we want to reiterate that Section 4 Rural Communities of the 2040 Douglas County Master Plan gives strong direction to preserve its rural heritage as unique entities within the County.

Section 4 states that The Louviers Rural Community is characterized by a mix of urban and rural land uses. And, yes, land use review within the Louviers Rural Community is also subject to the Urban Land Use and Nonurban Land Use sections of this Plan. **HOWEVER “If there is conflict between policies, the policies in this section take precedence.”**

An important component of Douglas County's sense of place is its historic legacy. As stated in the Douglas County 2040 Comprehensive Master Plan:

Goal 5-8 is to preserve Douglas County's cultural resources for future generations.

Objective 5-8A encourages preservation methods and policies for the protection of cultural resources. The proposed Asphalt Plant Development is adjacent to the Village

of Louviers, Douglas County's only Nationally Designated Historic District, and a resource the people of Louviers strongly advocate the need to preserve and protect.

"In addition to its industrial significance in the American West, in Colorado Louviers is also notable for its social history as a Du Pont company town. Relying on more than a century's experience in establishing and operating communities for its employees, Du Pont carefully planned and maintained both the Louviers Works and Louviers Village. Far from being just a collection of workers' housing, the town clearly reflects that Du Pont intended Louviers to be a model community, with parks, a school, and other amenities to attract high-quality long-term employees. Today, along with the Cokedale historic district in Las Animas County, Louviers Village is one of Colorado's two best preserved company towns" (National Places Registration Form 1998).

Louviers Village was first established in 1906. Its historic character is still very much intact. "Louviers' common green areas are today little changed from the period of significance, and they are important elements which contribute to Louviers historical significance as a Du Pont company town. Taken as a whole, Louviers Village may be viewed as a distinct cultural landscape, comprised of various styles of workers' houses in discrete sections of the town, curbless streets, planted grass lawns with shared landscape features, and landscaped common green areas, marked by planted coniferous trees" (National Places Registration Form 1998). The proposed asphalt plant cannot be located 2,200 feet from Louviers Village as the burden of noise, light, sound and odor as well as visual and health effects would be detrimental to the integrity of the Historic Louviers Village.

Please reference the following items from Section 4 of the 2040 Douglas County Master Plan as it speaks specifically to the historic nature of the Louviers Rural Community.

On page 4-11: "In 1998 and early 1999, the entire town and the DuPont plant were registered as a District on the National Historic Register." Louviers Village is a historic district found within the bounds of the Louviers Rural Community.

On page 4-11, specifically:

GOAL 4.2 - "Preserve and protect the historic and unique character of the Louviers Rural Community and balance development, infrastructure, open space, and recreational needs, while recognizing constraints and opportunities." Louviers Rural Community is referred to as historic in the CMP.

On page 4-12:

Objective 4-2A - “Establish community separators around the Louviers Village Area to maintain community identity and sense of place.” A 71’8” tower and proposed 20” materials stockpiles are not appropriate here. We are higher than the proposed plant in the Valley, and we overlook it. Also, the proposed plant extends Brannan’s current site to both the north and south entrances to the Village, so the historic approach will be greatly compromised. In addition, the odor and noise cannot be separated.

Objective 4-2B - “Ensure the nature and intensity of development is appropriate for the Louviers Rural Community and Village area.” Brannan already has a heavy industrial presence with its concrete production facility on the same location. Along with the proposed asphalt production and concrete crushing the intensity of the proposed land use is not appropriate for this site. A proposed increase of traffic by five times alone would make getting to and from home unbearable.

POLICY 4-2B.1 - “Design should be of a scale and character that complements the rural and historic character of the Louviers Village without precluding the diversity of housing choices.” A 1906 historic village does not sit complementary to a 71’8” industrial tower.

Objective 4-2C - “Design development to conserve and showcase important natural and rural features.” Our historic homes, curbsless streets and gorgeous foliage are not showcased next to an industrial asphalt plant.

Objective 4-2D - “Preserve the visual integrity of significant ridgelines, road viewsheds, view of the mountain backdrop, and other important features.” The 71’8” tower and 20’ stockpiles do not preserve the visual integrity.

Policy 4-2D.2 - “Minimize the impacts of light pollution from nonresidential and residential uses through lighting standards based on dark-sky practices.” This proposed industrial development has a substantial lighting plan which takes away from the dark skies the Louviers residents have enjoyed for over 118 years.

Policy 4-2D.3 - “Minimize visual impacts associated with intensive uses in order to preserve views of Louviers from US Highway 85 and the Cherokee Ranch & Castle.” The proposed asphalt plant, which includes a 71’8” tower and proposed 20’ materials stockpiles, will be between the view of Louviers from US Highway 85. The view of the Cherokee Castle from Louviers will also be obstructed and compromised by this proposed plant.

On page 4-14:

Policy 4-2E.2 - “In cooperation with landowners, encourage the rezoning of long, narrow strips of General Industrial-zone (GI-zoned) land situated between railways and public rights-of-way to the Agricultural One (A-1) or Open Space Conservation (OS) zone districts.”

Objective 4-2G - “Preserve the integrity of the Plum Creek Riparian Corridor.” This proposed asphalt plant is just 1,300 feet from the banks of Plum Creek.

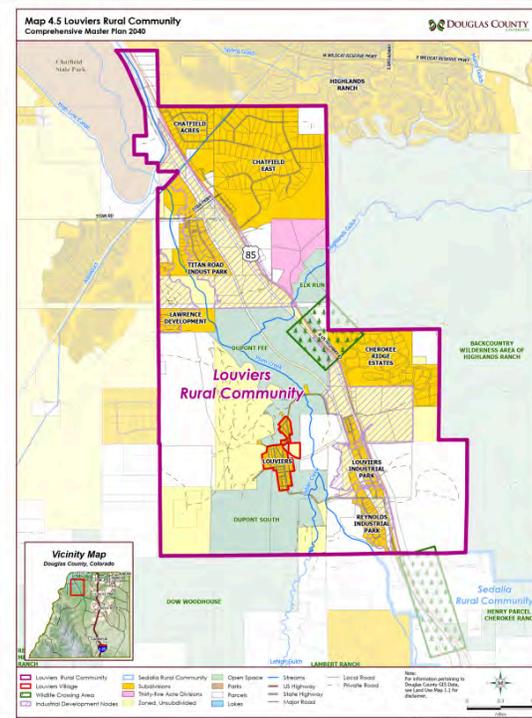
Objective 4-2G.4 - “Encourage the relocation of development located within high-value wildlife habitat and riparian corridor areas.” Please note that this area is a Tier 1 Wildlife Corridor and is prioritized at the highest levels of importance.

Objective 4-2K - “Preserve historic resources in the US Highway 85 corridor.”

POLICY 4-2K.3 - “Ensure that land use development and design proposals in the vicinity of the Louviers Village meet the intent of preserving the unique company town character and historic heritage.” This proposal does not preserve the integrity of the historic district.

USR 2021-002 proposes a 24-hour-a-day asphalt batch plant with a 71’8” stack. Brannan’s operations emit extreme noise, dust and hazardous air pollutants well past the site’s boundary. USR 2021-002 would dramatically increase the intensity of Brannan’s industrial operations in the area, introduce new traffic, introduce new carcinogenic air pollutants and odor, and destroy the character of the historic and protected Louviers Rural Community.

The CMP states: “Currently, residents in and around these century-old rural communities continue to enjoy quiet, “sleepy-town” lifestyles.” This application is clearly not in harmony nor compatible with the character of the Louviers Rural Community. The Louviers Village is Douglas County’s ONLY registered historic DISTRICT and is worth protecting for future generations. When the County is presented with competing interests in the Louviers Rural Community, per the CMP, they must protect the Louviers Village and deny USR Application 2021-002.



(Please see attached map)

DOES NOT COMPLY WITH THE 2040 COUNTY MASTER PLAN (CMP)

DCZR 2102.05 Will be consistent with the Douglas County Comprehensive Master Plan, as amended.

USR 2021-002 does not comply with the policies and resolutions set forth in the CMP and should be denied.

The application violates the intent and purpose of the CMP to protect the Louviers Rural Community

This application violates the CMP in terms of protecting the historic nature of the Louviers Rural Community and balancing the uses of land as follows and further through the violation of DCZR 2102.04 (as stated extensively above and below).

CMP INTRODUCTION - INTENT OF LAND USE: “The CMP represents a shared vision of the citizens of Douglas County as expressed by the Planning Commission. **It seeks to find an appropriate balance in land use that will provide opportunities for preservation of open space and wildlife habitat, while meeting the needs of daily life, including jobs, housing, recreation, and services appropriate for both urban and nonurban lifestyles.** The CMP incorporates general policies about how and

where growth and development should occur while offering a broad, yet realistic plan for the County now and into the future.” (2040 CMP)

CMP SECTION 4 RURAL COMMUNITIES expressly states: “The Louviers Rural Community is characterized by a mix of urban and rural land uses. Land use review within the Louviers Rural Community is also subject to the Urban Land Use and the Nonurban Land Use sections of this Plan. **If there is conflict between policies, the policies in this section [four] take precedence.**”

GOAL 4-2: Preserve and protect the historic and unique character of the Louviers Rural Community and balance development, infrastructure, open space, and recreational needs, while recognizing constraints and opportunities.

As detailed above, the application violates the intent and purpose of the CMP goal to maintain “quiet, ‘sleepy-town’ lifestyles” in the Louviers Rural Community.

The application does not meet the environmental standards set forth in the CMP

CMP SECTION 8 ENVIRONMENTAL QUALITY explains, “As growth and development occurs, environmental impacts can adversely affect the quality of life in Douglas County. **Clean air, clean water, and peace and quiet are important factors in bringing residents and businesses to the County and are a natural resource highly valued by citizens. Protecting the environmental quality of Douglas County remains a high priority.**

Some of Douglas County’s most distinct natural features, **such as riparian zones, buttes, mesas, and the foothills, contain significant environmental hazards, including wildfire, flood, rockfall, and slope failure.** At the same time, these areas offer spectacular scenic beauty, contain prime wildlife habitat, and constitute a major public asset. **Low-impact, nonurban land uses are encouraged in environmental hazard areas.** Uses such as agriculture or grazing, open space, parks, or certain low-intensity recreational uses are compatible because of the lack of permanent structural improvements. Limiting development in hazard areas creates dual benefits: **residents are spared the expense of hazard mitigation and maintenance,** while the most scenic land in the County can be preserved for open space or as land use buffers.”

HAZARD CLASSIFICATIONS - CLASS 3 areas are of very high to extreme threat to public safety where potential loss of property and life is significant enough to warrant avoidance of the natural conditions. Severe hazards may exist even after corrective

engineering measures are taken. Nearly one-quarter of the County outside the Pike National Forest contains Class 3 constraints. The Class 3 Hazards and Environmental Constraints Map ([Map 8.1](#)) illustrates the extent of the Class 3 Hazard Areas. More detailed maps illustrating the locations of all environmental constraints are available at the Douglas County Department of Community Development.

GOAL 8-1 RECOGNIZE AND RESPECT NATURAL GEOLOGIC CONDITIONS

FLOODING - Douglas County is located within a geographic area prone to receiving intense precipitation, resulting in major flooding of streams and drainageways, **notably Plum Creek**, Cherry Creek, and the South Platte River. The relatively flat area adjacent to a stream that is subject to flooding is the floodplain. In these areas the destructive force of a possible flood constitutes a significant hazard to property, public health, and safety. **The 100- year floodplain defines areas that have a 1 percent chance of flooding for any given year. Uses in the 100-year floodplain are regulated through the Floodplain-Overlay District of the Douglas County Zoning Resolution. All 100-year floodplains are classified as Class 3 Environmental Constraints.**

GOAL 8-2 LIMIT LAND USES IN FLOODPLAINS

Objective 8-2B Maintain floodplains as open space.

POLICY 8-2B.1 Protect and preserve riparian and wildlife management corridors to link habitat (please see CMP SECTION 9 below for comments on the Tier 1 Wildlife Corridor).

GOAL 8-5 MAINTAIN HIGH WATER QUALITY AND PROTECT WATER SOURCES

POLICY 8-5B.2 is to use effective measures to protect groundwater and surface water from contamination in land use proposals.

The entirety of Brannan's property which is being considered in USR 2021-002 includes a significant piece of land that is described in the CMP as a Class 3 Hazard threat and should be treated as such.

This 100-year floodplain in the Louviers Rural Community currently bisects Brannan's property - the proposed APM to the north of the floodplain and the existing concrete production facility to the south. Brannan references the floodplain in their Plan Set. In addition to being a significant hazard area in the County, it is also considered a FEMA regulatory floodway.

The floodplain has the potential to cause major flooding of Plum Creek - a source of drinking water for the County, a riparian zone, a wildlife corridor, and a significant natural feature in the Louviers Rural Community.

Of utmost consideration is that Brannan's property is a flat, highly elevated parcel of land that sits above Plum Creek. Brannan reminds us that "flood mechanics are the primary objective of floodplain regulation." We know that a floodplain is defined by the topography of the land, and that water flows downhill. We also know that flood mechanics are not always dictated by humans, but by nature itself.

As stated in Hazard Classifications - Class 3, "Severe hazards may exist even after corrective engineering measures are taken."

According to the EPA, Plum Creek is currently impaired in terms of water supply (please see report) and would be detrimentally affected by any additional uses on Brannan's property that interfere with flood mechanics that may further pollute Plum Creek.

It is not clear in either the Written Narrative nor the Plan Set what the details of the "proposed new outfall to Plum Creek" entails, nor what comments MHFD has made on the plans.

We also question whether the "installation of a 120,000-gallon underground water supply tank" used for fire mitigation is in keeping with the hazard constraints and approval standards of the floodplain overlay. According to Section 8 of the CMP, elevation, slope, erosion, geology, and the shrink-swell of soils must be considered.

It is not clear if the Cesare, Inc report from 2019, nor the CGS comments from 2022 address the current USR 2021-002 application with the entirety of land use considered.

Brannan was observed to be mitigating storm runoff by sand-bagging the south edge of the current concrete RAP pile as it abuts the floodplain in spring of 2023 after several weeks of rain.

Given the status of the floodplain as a Class 3 hazard area in Douglas County, USR 2021-002 is an additional burden to an already highly threatened area and therefore must be denied.

GOAL 8-4 IMPROVE AIR QUALITY

POLICY 8-4A.2 Encourage clean, non-polluting industries to locate in Douglas County.

Testing of concrete dust from homes in Louviers Village shows that dust from the Brannan property leaves the facility and travels to and past Plum Creek. The dust tested

also includes silica, which is known to cause cancer. Brannan is a known polluter and cannot be trusted to self-monitor or self-regulate air quality.

Goal 8-6 MAINTAIN APPROPRIATE NOISE LEVELS

Objective 8-6A Evaluate and mitigate noise impacts, where appropriate.

According to the CMP, both Railroad and Industrial areas can cause hearing damage. Brannan's facility will operate for approximately 20 hours/ day during peak season (the warmer spring/ summer/ fall months).

PER SECTION 17A NOISE OVERLAY DISTRICT

Industrial Noise level (daytime hours) - 80 dBA (sounds like a garbage disposal)

Industrial Noise level (nighttime hours) - 75 dBA (sounds like a vacuum cleaner or dishwasher)

The ambient noise of Louviers when no other noises are present (measured at night) is 40 dBA. On average, the intermittent noise of a train's safety whistle is 70 dBA. (Measurements taken by Randy Johnson from his home in Louviers in April 2024).

The constant noise of Brannan's operations, although measured at the perimeter as specified by the Overlay District guidelines, does not take into account what it sounds like and how many decibels the noise echoes through the valley and off the houses in the Louviers Village. The Commissioners should include in the zoning resolution a consideration for the topography of the land and proximity to residential areas when determining where decibels are measured.

The decibel level of Brannan's operation is disruptive and is not in harmony with the Louviers Village.

The application violates the CMP as it pertains to wildlife.

CMP SECTION 9 WILDLIFE Wildlife is one of the most valuable community assets.

The area of the applicant's proposed site is defined as a Tier 1 habitat area, designated on the Wildlife Resources Map. Further confirmed by Heather Scott, Principal Planner, Brannan's property is encompassed by the Overland Connection also known as the 2000-foot wide DuPont corridor.

Tier 1: County/Regional Countywide or regional (extending beyond the County) habitat areas. **These areas and connections are prioritized at the highest level of importance.** Countywide habitat includes large blocks of land connected by wide,

multi-directional connections. Examples include the Pike National Forest; Daniels Park; Highlands Ranch Backcountry Wilderness; and the series of corridors that connect these areas such as **Plum Creek and the 2,000-foot wide DuPont corridor which crosses US Highway 85.**

The language in the CMP is clear. Stricter review and mitigation of development and other land uses is required of applications in, or adjacent to, important wildlife resources, including moderate or high-value wildlife habitat areas, wildlife habitat conservation areas, movement corridors and overland connections as designated on the Wildlife Resources Map.

POLICY 9-1B.5 Locate development outside of important wildlife habitat and movement corridors.

Further, a closer look at CMP Map 9.1 shows the wildlife crossing areas on either side of the Overland Crossing with Brannan's proposed site sitting squarely in the middle of the Overland Connection and adjacent to Plum Creek. The applicant's proposed site sits squarely amidst the 2,000-foot wide DuPont corridor (Overland Connection) and additional use of the land would overburden the corridor and therefore must be denied.

USR 2021-002 does not comply with Sections 4, 8, and 9 of the CMP and therefore violates DCZR 2102.05. This application must be denied.

DCZR 2102.06 Will not result in an over-intensive use of land.

In previous iterations of Brannan's USR applications, certain uses of the land - specifically concrete crushing - were purposely excluded through the use of the SIP process. It was a blatant attempt by Brannan to avoid an interpretation that concrete crushing + concrete production + future asphalt production would not be an overuse of the land. The County required all uses to be included in the current USR 2021-002.

Douglas County, through their Agreement to Abate, halted Brannan's concrete crushing operation due to their violation of not conforming to the approved site plan set forth in SIP2018-04 et.al. According to the County, Brannan still does not comply with the Agreement. In addition, the District Court has halted concrete crushing.

In an attempt to circumvent the ruling and create the illusion that concrete crushing is "auxiliary" to their main operation, Brannan has stated a proposed "scaled-back" version of concrete crushing in their new USR application. **Where is the footprint of the concrete crushing operation on the Plan Set?** While Brannan has made steps to

incorporate all land uses in the current application, it is still unclear how they will incorporate concrete crushing and to what extent it will be part of their operation.

Brannan's math doesn't add up. On Sheet 2/21 of the Plan Set, Brannan specifies the number of total truck trips during operational hours as 1006/day. According to the plan, 200 trips/ day for concrete production and 806 trips/ day for asphalt. However, the Response Letter states that total asphalt delivery trips will be 266/day. The difference between the numbers in asphalt truck traffic is 540/trips per day. **Is that truck traffic for concrete-crushing?** If so, the concrete crushing operation cannot be auxiliary. Brannan has not adequately identified the specifics of the proposed concrete crushing operation. Therefore, an adequate determination of the overuse of land cannot be made at this time, and the USR application should be denied.

Of further consideration should be the myriad of uses for this land, including but not limited to the ring road and additional exit, the Class 3 FEMA-designated floodway, detention pond, Tier 1 Wildlife Corridor, stockpiles, aggregate truck traffic, views from adjacent areas, additional dust and noise, plus the slope of the land in relation to existing and future structures. When all uses are considered of the applicant's property in relation to its positioning in the Louviers Rural Community, this application results in an over-intensive land use and should be denied.

DCZR 2102.07 Will provide roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development concurrently with the impacts of such development.

Traffic Impact Studies (TIS) are created by for-profit businesses with modeling software to analyze data and make projections. The projections are only as good as the data input. The data can be manipulated and misconstrued and may contain various errors and omissions. In the Traffic Impact Study (TIS) dated February 9, 2024, the Introduction states that there is "a currently-approved crushing operation (for the recycling of concrete and asphalt paving products), Asphalt crushing has never been approved.

TIS 2.0 Study Area The current study area has been greatly diminished from previous studies. It now only addresses three intersections and Louviers Blvd., Lavaun Drive, and Reynolds Avenue are no longer considered in their study but will continue to be adversely impacted by increasing traffic. When Brannan creates volume congestion in the area, all other traffic will continue to move in the path of least resistance. While the traffic pattern is not in Brannan's direct control, other traffic congestion scenarios should not be excluded from the study, rendering the TIS incomplete.

TIS 2.2 Study Assumptions, The study assumes the short-term horizon of traffic impact is 2024 and that the APM Facility is operational. This depiction of Brannan's operation is based on faulty assumptions.

The TIS basically states that Airport Road cannot handle the additional truck traffic until 2040 and proposes east-bound right turn lanes to alleviate congestion. Airport Rd. is too narrow to accommodate an additional 800+ trucks daily. The proposed first leg of the two eastbound right turn lanes is to Peterson Rd and Brannan hopes to share in the cost to construct it with the taxpayers. The second leg anticipated in 2040 was not even assumed in any scenario of the TIS when this is the only thing that would ever alleviate congestion on Airport Road.

Also note that no traffic from the Range is included in the TIS projections until 2040 when the development is scheduled to be completed in 2028.

TIS 3.0 Year 2023 Traffic Volumes The TIS used the average daily count of 67 truck trips from June 2023 for concrete batch plant production trucks. This does not align with the approved 200 truck trips presented in USR 2021-002. This faulty assumption creates a faulty analysis and, therefore, a faulty TIS.

TIS 4.0 Site Generated Traffic Volumes - Sustainable Traffic Solutions The study notes that Brannan provided the necessary input for trip generation. According to the Management Plan Table, the total truck trips equalling 1,006 per day calculates to 1.39 trucks per minute in a 12-hour day. That is more than five times the current rate of traffic. Our roadways, even with the most recent improvements, cannot provide the level of service necessary to accommodate Brannan's proposed USR 2021-002; therefore, it must be denied.

TIS 6.0 Year 2040 Traffic Conditions The results of the TIS are summarized here:

- US 85/Airport Road ramp intersections operate at LOS A and B (assuming buildout by 2040, they do not currently exist).
- Airport Road/Peterson Road operates at LOS E
- Airport Road/East Access operates at LOS D and C
- Airport Road/West Access operates at LOS D

These LOS do not provide an acceptable level of service, and therefore, USR 2021-002 must be denied.

TIS 8.0 Conclusions It is stated that Airport/Peterson Road is currently operating at LOS B, and yet the TIS expects it to be the same in 2040. **How can 806 trucks not change the LOS?**

Airport Road can never be widened enough to accommodate 806 additional trucks and the recent improvements on US 85 do not help Brannan in any way due to the queuing at the railroad tracks.

The revised TIS is faulty and doesn't support Brannan's USR application, which you must deny.

2102.09 Will not cause significant air, water, or noise pollution.

The application violates approval standard 2102.09 because it will "cause significant air, water, or noise pollution," as evidenced by its non-compliance with the CMP, discussed previously and below.

AIR POLLUTION

USR 2021-002, by adding a proposed APM and concrete crushing site, would create new carcinogenic pollution (as acknowledged by the applicant in its own study in the now-withdrawn US2018-010 application). The proposed land use will emit significant PM₁₀ and PM_{2.5} pollutants that are hazardous to nearby residents.

Furthermore, we want to address the crystalline silica and chromium hexavalent released in concrete crushing operations, which would further pollute the air in and around the Louviers Rural Community. According to Tri-County Health previously, crystalline silica can be hazardous. In fact, it can cause cancer, autoimmune disease, tuberculosis, and kidney disease, among others. Chromium hexavalent is classified as hazardous by OSHA in the following categories: respiratory sensitization, skin sensitization, carcinogenicity, reproductive toxicity, and germ cell mutagenicity. Mutagenicity refers to the induction of permanent transmissible changes in the amount or structure of the genetic material (i.e., gene, DNA) of cells or organisms. A germ cell mutagen is a chemical that may cause mutations in the germ cells of humans that can be transmitted to the progeny. That means it can change our DNA.

WATER POLLUTION

There is a significant risk that the 300-degree hot asphalt oil storage could create dangerous spills polluting the floodway that bisects Brannan's property and could lead to pollution in Plum Creek, which is just downhill.

Please see further comments in DCZR 2102.05 (SECTION 8 ENVIRONMENTAL QUALITY)

NOISE POLLUTION

The proposed USR 2021-002 will create extreme noise that affects residents far beyond the lot boundaries.

The decibel scale measures sound intensity and is logarithmic. Each 10 dB increase represents a 10x increase in sound intensity.

60 decibels is 10 times louder than 50 decibels, and 100 times louder than a sound at 40 decibels.

The Brannan noise report tables and figures show the noise from each and all facilities combined will be heard in Louviers from around 40 to 60 dBA and dBC. With ambient noise measured in Louviers around 40 dBA all noise from Brannan is and will be heard. The continuous rotational and repetitive noise from Brannan is currently very noticeable in Louviers. Increased operations adding additional noise will greatly increase the amount of noise heard in Louviers as is shown in the report.

Extended exposure to levels above 55-60 dB can be considered disturbing or become annoying.

As shown in the dBC data lower tone sound waves travel farther because they require less energy to travel.

Brannan states they will operate at 80 dBA from 7a-7p and 75 dBA from 7p-7a, but that noise level does not make sense in the Louviers Rural Community or keep in harmony with the Louviers Village.

The following sound levels were recently observed at a residence on the SE side of Louviers using a Model BAFX3370 Digital Sound Level Meter:

4/22/24

1:00 am 40.6 dBA when no other noises present

1:20 am 50-55 dBA NB Train Engine/track noise

1:20 am 65-72 dBA NB Train Horn approaching North Entrance to Louviers (Tracks angle towards Louviers)

4/24/2024

9:00 pm 57 dBA SB Train Engine/track noise

9:00 pm 68 dBA SB Train Horn approaching South Entrance to Louviers (Tracks angle away from Louviers)

4/25/24

12:18 am 60-65 dBA NB Train Engine/track noise

12:18 am 70-75 dBA NB Train Horn approaching North Entrance to Louviers (Tracks angle towards Louviers)

12:22 am 41.5 dBA when one car southbound on Hwy 85

12:34 am 68.8 dBA Army H60 Blackhawk SB over Kellytown

12:55 am 57-65 dBA SB Train Engine/track noise

12:55 am 80 dBA SB Train Horn approaching North and South Entrance to Louviers (Tracks angle away from Louviers)

9:38 am 44-52 dBA NB Train Engine/track noise

9:38 am 60-65 dBA NB Train Horn approaching North Entrance to Louviers (Tracks angle towards Louviers)

Railroads and Industrial areas are acknowledged in CMP SECTION 8 as a noise source in Douglas County. However, SECTION 8 goes further in saying this:

“Because noise is a threat to public health, safety, and welfare, land use controls are considered a valid means of combating noise problems. Mitigation includes:

- Abatement of noise at the source
- Buffering
- Protecting noise-sensitive uses from uses generating excessive levels of undesirable noise
- Construction techniques
- Operations solutions

These measures are, in part, implemented through Douglas County regulations. Other noise sources including off-road recreational vehicles, **industrial processes**, or domestic animals, **may necessitate other regulatory measures.**”

There is a difference between intermittent safety whistles by a train and Brannan’s proposed continuous operation. The engine/track noise lasts around 5 minutes. If the APM operates at 75 dBA at night and has a similar duration to their concrete batch plant operation, the noise would be continuous for hours, while the surrounding ambient area noise would normally be at 40 dbA.

Nothing is blocking the noise from the east in the Louviers Village, and it very much echoes through the valley. There are no other continuous background noises at night as

there are during the daytime (other vehicle traffic, airplanes, etc.). There is hardly any road noise after 10 pm and no truck traffic.

While Brannan has made some mitigation efforts, it fails to recognize the bigger context of its operation in the Louviers Rural Community. As the County states, other regulatory measures may be necessary to entice Brannan to eliminate the existing and future noise pollution in its operations.

In reference to DCZR 2102.09, LCP has read the permit CDPHE previously issued (and extended) for the project and have questions:

- How does the permit approval process provide an assessment of a site where there are existing permitted activities being expanded with new operations? There are already permits issued by CDPHE for the site for a concrete batch plant and the crushing operation. It seems that emission levels should be analyzed in the aggregate of all site activities and not just individually for each operations' permit request. How does CDPHE analyze the permit application?
- The permit issued by CDPHE allows for 500,000 ton/year production. Doing the math this equals roughly 9,600 ton/day for a 7 day work week. Brannan's application to the county provides for 2,000 ton/day production. Doing the math this equals roughly 730,000 ton/year for 7 day work week, more than 50% greater than permitted by CDPHE. The capacity of the plant is actually 4,800 ton/day. The math again equals roughly 1,752,000 ton/year. Note all these huge numbers are assumed at 7 day work week. Would it really be 5 or 7. Why would Brannan spend such a great deal of money to build a plant that is required to be operated at less than 30% of it's capacity? The question here is, it seems there is no agreed upon production rate between CDPHE and Douglas County, correct? Also, who will be in charge of regulating and monitoring procedures etc? Unless someone else is counting at the gate the county and CDPHE have to rely on Brannan for that data.
- What does "Ozone Non Attainment or Attainment Maintenance" area mean? Does this have anything to do with the fact this plant is proposed to be sunk in the low-lying valley of Plum Creek where temperature inversion is visible to residents of Louviers?

- In Item 20 the permit references “Allowable Number Operating Hours.” Who determines what the allowable number is and where it is established?
- Why is the table on Hexane presented alone?
- The permit does not allow for “off-property transmission of visible emissions” does this mean in the case of asphalt, vapor or steam rising from the exporting trucks?
- It is occurring to us that we are going to be the ones monitoring the health and safety of this plant for the rest of our lives and into perpetuity. Isn't this an undue burden on the Louviers Village?

USR 2021-002 will cause significant air, water, and noise pollution in and around the Louviers Village and Louviers Rural Community and must be denied.

DCZR 2102.10 Will be adequately landscaped, buffered, and screened.

Please refer to previous comments in 2102.01 and 2102.02. USR 2021-002, does not comply with the outdoor storage visibility standards in Section 1416 of the DCZR as amended, which states:

1416.01 Outdoor storage including but not limited to raw materials, supplies, finished or semi-finished products, or equipment shall be screened from view from abutting properties and public streets or trails bordering the site by a solid fence, wall or hedge that is a minimum of six (6) feet in height. Employee or customer parking or merchandise display areas shall not be considered outdoor storage.

1416.05 Where the topography of the land is such that a solid fence, wall, or hedge would not prevent viewing outdoor storage from abutting properties and public streets or trails bordering the site, additional landscaping above the height of the fence, wall, or hedge to mitigate site-specific visual impacts may be required.

Not only does the current submittal actually reduce the amount of landscaping proposed, but the site's unique location and topography prevent the concrete stockpiles from ever meeting zoning restrictions.

The adjacent public road (Airport Road/ Waterton Road) makes the storage requirements for 20' concrete stockpiles impossible to hide from public view. Nor would the proposed landscaping, in any immediate or meaningful way, screen or prevent the

stockpiles from being viewed by the public. Instead, the valley looks noticeably blighted, especially when approaching the site from west to east on the adjacent public roadway.

The applicant's "visual assessment" is still lacking. The visual assessment does not consider all elevation changes on adjacent properties and rights of way. Even so, the provided visual assessment *still* shows that the towering 20-foot stockpiles would be visible from numerous vantage points on Airport Road, Lavaun Road, and adjacent properties. There is no way that even mature trees can completely screen the 20-foot stockpiles, and the applicant acknowledges numerous places along the property line where no trees or other screening will be present.

On the Plan Set, blue and red lines are still visible on the towers even though they are not allowed. Please revise.

LED and Flood lights are very bright even when mounted horizontal the structures and a large area around the lights will be illuminated.

"Security and Safety lights shall remain on even if operating lights are off. **Where are these lights located?**

Brannan's current and proposed operations are not adequately landscaped, screened nor buffered and therefore violate DCZR 2102.10 and so USR 2021-002 must be denied.

DCZR 2102.12 Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.

In Brannan's words, "The Applicant is under no burden to deliver a submittal that 'demonstrates the significant health concerns surrounding the project.'" (Response Letter)

In fact, the applicant itself admits that an asphalt plant would increase the risk of cancer for Louviers Rural Community residents. It admits that the proposed use would emit dust, noise, and hazardous air pollutants - by simply creating a mitigation plan. The entirety of this proposed industrial operation would unavoidably be detrimental to the health, safety and welfare of current and future inhabitants.

A filter baghouse is a type of air pollution control device commonly used in hot batch asphalt plants to capture and remove particulate matter (PM) from the plant emissions before they are released into the atmosphere. The filter baghouse works by using a series of fabric filter bags that trap the PM as the air flows through them. **However,**

filter baghouses do not capture volatile organic compounds (VOCs), another type of air pollutant commonly emitted from hot-batch asphalt plants.

VOCs are harmful to human health and the environment, and they can contribute to the formation of ground-level ozone and smog. Therefore, while filter baghouses can help to reduce the amount of PM emitted from hot batch asphalt plants, they do not address the issue of VOC emissions.

There was a tour of the applicant's Lipan facility in 2021. Gretchen Farrell, Meghan St. Clair, Valerie Hays, Polly Lawrence, Theron Olson, Josh Oliver, and Karl Barton were in attendance. Theron Olson, Brannan's Division Manager, showed us where VOCs are emitted when aggregate is mixed with hot oil, and he said in reference to questions about VOC emission on-site - "just a little bit" is emitted. As we know from Brannan, the chemicals used to make hot asphalt can also cause cancer when released into the air. "Just a little bit" of VOC emission is too much.

Part of being a community partner is recognizing the benefits and adversities you bring to the table. Admitting that you must mitigate [dust, odor, noise, etc.] to operate is a small step towards compliance. **Eliminating the risk is mandatory per the DCZR.** If eliminating potential health, safety, and welfare concerns is impossible, the County must deny USR 2021-002.

CDPHE has an entire department devoted to environmental justice to combat predatory practices on vulnerable communities such as Commerce City, Colorado, where Brannan currently houses its operations. That community is disproportionately impacted by industrial polluters compared to the entire state. Brannan is correct in stating that the Louviers Rural Community, which houses an industrial zone, is not disproportionately affected by corporate polluters if you look at it from a statewide perspective.

However, that's not the standard of the CMP and DCZR. Those documents want to prevent an area of Douglas County from having to carry the undue burden of corporate polluters as an overall impact on the County, which this area would suffer if USR 2021-002 were approved.

Brannan wants to operate in the Louviers Rural Community but doesn't understand what it means to be a part of our community, nor do they understand what it's like to live here with their business operating as it currently is. Brannan continues to miss the point. This fixed mindset about winning the argument is really detrimental to their business practice. The County has continued to grow without a new asphalt plant in the last five years. New opportunities abound.

The Louviers Rural Community is growing with high-end homes. An asphalt plant is a blight on the countryside. It's just ugly. And asphalt smells no matter how you try to mitigate the odor. However, Douglas County has worked around not having a static asphalt plant by utilizing mobile asphalt units. Smart. There is an asphalt plant already operating directly south of the Brannan site.

Sterling Ranch is thriving despite not having Brannan's proposed asphalt plant.

The Louviers Rural Community, in partnership with the County and other regional partners, is on its way to not only having clean water but also the crucial link to getting water services to the Highway 85 corridor. Water in the corridor creates new opportunities for development that were not previously possible. **WE STRONGLY URGE THE COUNTY TO CONSIDER REZONING THE GI DISTRICT.**

We are forced to defend the Louviers Rural Community from Brannan Sand & Gravel, even though things have changed. What once served this community as an industrial zone could be tomorrow's economic gem for Douglas County, providing retail, light rail, commerce, and business that works for the community, not against it.

Brannan's community outreach is another example of meeting the minimum standards and completely missing the greater conversation. The Louviers Community has tried to provide input; however, the parameters of the conversation with Brannan are often dictated by rules that don't encourage dialogue, and the communication is not reciprocal. Brannan does respond to our feedback when it comes from the County.

This is a narrative about how significant and unique the Louviers Rural Community is. It cannot be minimized as a cultural asset in Douglas County. Once it is destroyed, it cannot be replaced.

We would ask that USR 2021-002 be denied because it does not comply with the DCZR or the CMP.

Sincerely,
Louviers Conservation Partnership

April 27, 2023

Heather Scott Principal Planner
Douglas County Department of Community Development
100 Third Street
Castle Rock, CO 80104

Re: Referral Response to USR 2021-002

This response is in opposition to USR Application 2021-002. It is deficient in numerous ways, including clearly violating the Douglas County Zoning Resolutions and 2040 Comprehensive Master Plan.

The USR must include the entire site.

In the May 23, 2022 [Staff Assessment on the related application SP2021-027](#), County Staff required that any future application on this Site consider the entire Site (5775-5779 Airport Road) in a single USR: “If any additional uses were purposed [sic] on this site, all existing uses should be processed as a Use by Special Review ‘USR’ to ensure the site can handle any increase in intensity of use.” That was necessarily a precondition to the County’s administrative approval of SP2021-027.

Accordingly, on June 1, 2022, County staff wrote to the applicant and explained that “the proposed asphalt facility cannot be assessed without the inclusion of existing uses on site . . . Given the co-mingling of batch plant related uses on the same property and the combined dust, noise, and traffic impacts, it is necessary that the USR depict all existing and proposed uses and improvements within the boundaries of the USR plan area.” This letter expressly provides that the County cannot consider an incomplete USR application which includes uses that compete with other previously approved uses at the site.

Nevertheless, **the applicant refuses to comply with this explicit directive from County staff**. This application must consider all uses on this Site to properly assess the intensity, impact and legality of the uses. The applicant proposes to operate three related industrial operations – a concrete batch plant, an asphalt batch plant and a concrete crushing operation – on a single site. It would be impossible to disentangle the impact of one operation from the others. The intensity of the multiple operations will aggregate and result in tremendous increases in traffic, noise, hazardous air pollutants and dust being emitted beyond the Site boundary and affecting nearby residents, businesses and the environment.

The applicant also proposes to modify the concrete-crushing stockpile configuration that was part of SP2021-027 as part of this new USR, but – despite proposing changes to that SIP Revision – seems to contend that the concrete-crushing operation is *not* to be included in this new USR. This is bizarre and self-contradictory. The contention that there are multiple independent and unrelated uses on this site is nonsensical – the impact of this application cannot be properly assessed by the County without considering the aggregate effect of all uses on the Site and incorporating all uses into a single USR and management plan.

The application violates Douglas County outdoor storage regulations

The application clearly violates Section 1416 of the DCZR by calling for visible 25-foot stockpiles of raw materials for asphalt production. Section 1416 prohibits outdoor stockpiles that are visible from any adjacent public right-of-way. The application makes clear that these 25-foot stockpiles would be visible from multiple public rights-of-way, including Airport Road, Lavaun Road and Main Street. **The County has no discretion on this point, as the DCZR is very clear that stockpiles must be prohibited if they are visible from adjacent public rights-of-way. Because it violates the DCZR, the application must be denied.**

The applicant has provided an amateurish “visual assessment,” with no information on the qualifications of the person taking the photos or adding simulated landscaping to the photos. The visual assessment does not consider all elevation changes on adjacent properties and rights of way. Even so, the provided visual assessment *still* shows that the towering 25-foot stockpiles would be visible from numerous vantage points on Airport Road, Lavaun Road, Main Street and from adjacent properties. There is no way that even mature trees can completely screen the 25-foot stockpiles, and the applicant acknowledges numerous places along the property line where no trees or other screening will be present. This is a clear violation of the DCZR, and the application must be denied.

The application violates the Comprehensive Master Plan’s “industrial development node” designation and proposes heavy industrial activity inside a protected floodway

The application clearly violates the Douglas County Comprehensive Master Plan by proposing a high-intensity industrial operation in an area that includes a FEMA-protected floodway and in an area that is NOT designated as an “industrial development node” by the CMP. A careful review of the CMP industrial development node map ([CMP Map 4.5](#)) shows that the floodway, which bisects the parcel owned by the applicant, is NOT part of the industrial development node. **This floodway is under federal protection by FEMA and is**

critical to the health and safety of the community. The water that moves through this floodway feeds Plum Creek, which in turn feeds the Chatfield Watershed and provides drinking water to many Colorado residents. The applicant proposes an extreme, **high-intensity industrial operation on top of this floodway.** This would require trucks loaded with scalding-hot liquid asphalt traversing the floodway continuously. The only access to the proposed asphalt batch plant would require trucks and other machinery to travel over the floodway. There would be huge, dangerous hot-asphalt-oil tanks located within feet of the floodway, creating a tremendous risk of fire, spills and other accidents that could affect the floodway, the nearby protected riparian area, and nearby homes. During a significant flooding event, the proposed use and associated pollution would almost certainly be swept into the watershed.

It is clear that an operation of this intensity would jeopardize the local ecosystem and violate the federal and County requirement that this floodway be treated as a protected area. Most importantly, the CMP specifically excludes heavy industrial operations from taking place in the floodway, and specifically notes that this area is NOT part of the industrial development node. This application clearly violates the spirit and the letter of the CMP and must be denied.

The application violates the Comprehensive Master Plan concerning wildlife.

Wildlife is one of the most valuable community assets as outlined in [CMP Section 9](#). The area of the applicant's proposed site is defined as such and designated on the [Wildlife Resources Map](#):

Tier 1: County/Regional Countywide or regional (extending beyond the County) habitat areas. **These areas and connections are prioritized at the highest level of importance.** Countywide habitat includes large blocks of land connected by wide, multi-directional connections. Examples include the Pike National Forest; Daniels Park; Highlands Ranch Backcountry Wilderness; and the series of corridors that connect these areas such as **Plum Creek and the 2,000-foot wide DuPont corridor which crosses US Highway 85.**

Stricter review and mitigation of development and other land uses is required of applications in, or adjacent to, important wildlife resources, including moderate or high-value wildlife habitat areas, wildlife habitat conservation areas, movement corridors and overland connections as designated on the Wildlife Resources Map. Because the applicant's proposed site is included in the 2,000-foot wide DuPont corridor, their application should be denied.

USR Approval Standards

The application violates numerous USR approval standards and, pursuant to the DCZR, must be denied. Please note that the Planning Commission considered a very similar application in 2019 and reached the same conclusion, unanimously recommending that the application be denied. That application was withdrawn by the applicant prior to the Board of County Commissioners hearing only to be replaced just a few years later with this nearly identical application.

2102.01 and 2102.02: Because the proposal violates Section 1416 of the DCZR due to the proposed visible outdoor material stockpiles, it does not comply with “the minimum zoning requirements of the zone district in which the special use is to be located.” Because the application violates 2102.01, it also violates 2102.02, which requires that the application “Complies with the requirements of this Section 21.”

2102.04: The application violates approval standard 2102.04, which requires that the use “Will be in harmony and compatible with the character of the surrounding areas and neighborhood.” The USR proposes 24-hour-a-day asphalt batch plant with a 70’4” proposed stack. Its operations would emit extreme noise, dust and hazardous air pollutants past the boundary of a site that is just 300 feet from the nearest home. The surrounding neighborhood includes homes, businesses, and vehicle and equipment storage lots; this application would dramatically increase the intensity of industrial operations in the area, introduce new traffic, introduce new carcinogenic air pollutants, and destroy the character of the historic and protected Louviers Rural Community. The CMP provides: “Currently, residents in and around these century-old rural communities continue to enjoy quiet, “sleepy-town” lifestyles.” This application is clearly not in harmony with or compatible with the character of the Louviers Rural Community. The county must understand that the Village of Louviers is Douglas County’s ONLY registered historic DISTRICT and worth protecting.

2102.05: This application violates approval standard 2102.05 because it is not “consistent with the Douglas County Comprehensive Master Plan.” As detailed above, the application violates the CMP goal of maintaining “quiet, ‘sleepy-town’ lifestyles” in the Louviers Rural Community. The CMP also shows ([Map 4.5](#)) that a significant portion of the Site is not within an industrial development node, as discussed earlier in this document. The proposal for a heavy industrial use in an area that is not designated as an industrial development node is not consistent with the CMP.

2102.06: This application violates approval standard 2102.06 because it will “result in an over-intensive use of land.” In fact, the applicant seems to be specifically attempting to

elude this fact by incorrectly separating the three related uses on the site into multiple different applications. As required by County staff in previous communication to the applicant, all uses on the site must be considered together as part of this USR. And of further consideration should be the myriad of uses for this land including but not limited to the ring road and additional exit, the FEMA designated floodway, detention pond, Tier 1 Wildlife Corridor, stockpiles, aggregate truck traffic, views from adjacent areas, additional dust and noise, plus the slope of the land in relation to existing and future structures. When all uses are considered of the applicant's mere 5 acre parcel, this application results in an over-intensive use of land and should be denied.

2102.07: The application violates approval standard 2102.07, because the current traffic study is using data collected from November 12, 2020. This was during COVID, in the winter, with virtually no traffic happening on Airport Road. Therefore, the new traffic study is irrelevant and in essence restates obsolete data. The current study does not consider the full impact of aggregate truck traffic from three related industrial operations – a concrete batch plant, an asphalt batch plant and a concrete crushing operation – on a single site.

2102.09: The application violates approval standard 2102.09, because it will “cause significant air, water, or noise pollution.” While the County Zoning Resolution does not define “significant,” it is clear that the application would create new, carcinogenic pollution ([as acknowledged by the applicant in its own study](#) in the now-withdrawn US2018-010 application). It is clear that the use will emit significant PM₁₀ and PM_{2.5} pollutants that are hazardous to nearby residents. It is clear that the proposed use will create extreme noise that affects residents far beyond the lot boundaries. There is a significant risk that the 300-degree hot asphalt oil storage on the Site could create dangerous spills polluting the floodway that bisects the Site that feeds Plum Creek, which is just a few hundred feet downhill from the Site. **It is inevitable that pollution emitted from the site would affect the air and water of the Louviers Rural Community.**

2102.10: The application violates approval standard 2102.10 because it will not “be adequately landscaped, buffered, and screened.” As discussed above, the application violates the outdoor storage visibility standards in Section 1416 of the DCZR, and thus fails to comply with the DCZR screening requirements.

2102.12: The application violates approval standard 2102.12 because it will “otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.” In fact, [the applicant itself admits that an asphalt plant would increase the risk of cancer](#) for Louviers Rural Community residents. It admits that the use would emit dust, noise, and hazardous air pollutants. The entirety of this proposed industrial operation would unavoidably be detrimental to the health, safety and welfare of current and future

inhabitants. We encourage the county to be very cautious of the applicant's rhetoric in terms of the use of a filter baghouse. A filter baghouse is a type of air pollution control device commonly used in hot batch asphalt plants to capture and remove particulate matter (PM) from the plant emissions before they are released into the atmosphere. The filter baghouse works by using a series of fabric filter bags that trap the PM as the air flows through them. **However, filter baghouses do not capture volatile organic compounds (VOCs)**, which are another type of air pollutant commonly emitted from hot batch asphalt plants. VOCs are harmful to human health and the environment, and they can contribute to the formation of ground-level ozone and smog. Therefore, while filter baghouses can help to reduce the amount of PM emitted from hot batch asphalt plants, they do not address the issue of VOC emissions. In the applicant's [Dust Control Plan](#) submitted on April 10, 2023 there was a mention of community engagement in the form of a tour of the applicant's Lipan facility in 2021. In attendance were Gretchen Farrell, Meghan St. Clair, Valerie Hays, Polly Lawrence, Theron Olson, Josh Oliver, and Karl Barton. Theron Olson, Brannan's Division Manager, showed us where VOCs are emitted when aggregate is mixed with hot oil, and he said in reference to questions about VOC emission on site - "just a little bit." As we know from Brannan, the chemicals used to make hot asphalt can also cause cancer when released into the air. "Just a little bit" of VOC emission is too much.

We would ask that this application be denied because it does not comply with the DCZR nor the CMP. Further, this application does not include all uses on site and therefore cannot be analyzed or fully considered.

Sincerely,
Gretchen Farrell
Valerie Hays
Randy Johnson
Meghan St. Clair
Co-Directors, Louviers Conservation Partnership

REFERRAL RESPONSE REQUEST

Date sent: April 9, 2024

Comments due by: **April 30, 2024**

Project Name: Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel 3rd Amendment – Brannan Sand & Gravel

Project File #: US2021-002

Project Summary: This is a re-referral request to add an asphalt batch plant and crushing operations in addition to the concrete batch plant at Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel, 3rd Amendment. The property currently has two addresses: 5775 and 5779 Airport Road.

Information on the identified development proposal located in Douglas County is enclosed. Please review and comment in the space provided.

<input type="checkbox"/>	No Comment
<input checked="" type="checkbox"/>	Please be advised of the following concerns: The District understands the property owner has the right to withdraw Arapahoe Aquifer groundwater under its property. Additional demand of Arapahoe Aquifer groundwater in close proximity of Louviers Water and Sanitation District may impact long term Louviers water supply and is requested to be minimized.
<input type="checkbox"/>	See letter attached for detail.
Agency: Louviers Water and Sanitation District	Phone #: 303-799-5197
Your Name: Michael Gerstner, District Engineer <i>(please print)</i>	Your Signature:
	Date: 04/29/2024

Agencies should be advised that failure to submit written comments prior to the due date, or to obtain the applicant's written approval of an extension, may result in written comments being accepted for informational purposes only.

Sincerely,

Heather Scott, AICP
Project Planner
303-919-4801
hscott@douglas.co.us

REFERRAL RESPONSE REQUEST

Date sent: June 29, 2022

Comments due by: **July 20, 2022**

Project Name: Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel 3rd Amendment – Brannan Sand & Gravel

Project File #: US2021-002

Project Summary: Request to an asphalt batch plant facility.

Information on the identified development proposal located in Douglas County is enclosed. Please review and comment in the space provided.

<input checked="" type="checkbox"/> No Comment	
<input type="checkbox"/> Please be advised of the following concerns: _____	
<input type="checkbox"/> See letter attached for detail.	
Agency: Mile High Flood District	Phone #: 303-455-6277
Your Name: Jon Villines <i>(please print)</i>	Your Signature: 
	Date: 07/20/2022

Agencies should be advised that failure to submit written comments prior to the due date, or to obtain the applicant's written approval of an extension, may result in written comments being accepted for informational purposes only.

Sincerely,

Heather Scott, AICP
Project Planner
303-919-4801
hscott@douglas.co.us

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



Heather Scott, AICP, Project Planner
Douglas County Department of Community Development, Planning Services
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel
3rd Amendment – Brannan Sand & Gravel

Project File #: **US2021-002**
S Metro Review # REFOTH24-00055

Review date: April 15, 2024

Plan reviewer: Aaron Miller
720.989.2246
aaron.miller@southmetro.org

Project Summary: This is a re-referral request to add an asphalt batch plant and crushing operations in addition to the concrete batch plant at Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel, 3rd Amendment. The property currently has two addresses: 5775 and 5779 Airport Road.

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2021 International Building Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the revised documents provided. SMFR has no objection to the proposed Use by Special Review with the revised referral packet sent April 9, 2024. Applicants and Contractors are encouraged to contact SMFR regarding the applicable permit requirements for the proposed project. Permits shall be issued by SMFR prior to any construction onsite and any element of fire protection being considered approved.

Addressing note – 5779 Airport Road address has been indicated to be affiliated with the crushing operation and proposed asphalt batch plant facility. 5775 Airport Road address is the existing address for the concrete batch plant. Appropriate permanent approved address signs shall be provided at the access point on Airport Road. Approved permanent wayfinding signs shall be provided throughout the site.

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



Heather Scott, AICP, Project Planner
Douglas County Department of Community Development, Planning Services
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel
3rd Amendment – Brannan Sand & Gravel

Project File #: **US2021-002**
S Metro Review # REFSI23-00075

Review date: April 18, 2023

Plan reviewer: Aaron Miller
720.989.2246
aaron.miller@southmetro.org

Project Summary: This is a re-referral request for an asphalt batch plant facility at Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel, 3rd Amendment. The request is to add an asphalt batch plant in addition to the concrete batch plant and the concrete crushing operations. The property currently has two addresses: 5775 and 5779 Airport Road.

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2018 International Building Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the documents provided. SMFR has no objection to the proposed Use by Special Review with the referral packet sent April 12, 2023. Applicants and Contractors are encouraged to contact SMFR regarding the applicable permit requirements for the proposed project.

Addressing note – 5779 Airport Road address is affiliated with the crushing operation and proposed asphalt batch plant facility. 5775 Airport Road address is the existing address for the concrete batch plant. Appropriate permanent approved address signs shall be provided at the access point on Airport Road. Approved permanent wayfinding signs shall be provided throughout the site.

SOUTH METRO FIRE RESCUE FIRE MARSHAL'S OFFICE



Heather Scott, AICP, Project Planner
Douglas County Department of Community Development, Planning Services
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel
3rd Amendment – Brannon Sand & Gravel
Project File #: **US2021-002**
S Metro Review # REFSI22-00129

Review date: July 18, 2022

Plan reviewer: Aaron Miller
720.989.2246
aaron.miller@southmetro.org

Project Summary: Request for Brannon Sand and Gravel asphalt batch plant

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2018 International Building Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the documents provided. Revised documents dated July 15, 2022 were provided with requested revisions to wording of the fire protection portion of the management plan after initial review. SMFR has no objection to the proposed Use by Special Review with the plans dated July 15, 2022. Revised documents referenced are attached to this letter.



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

April 16, 2024

Douglas County Planning Services
100 Third Street
Castle Rock, CO 80104

Attn: Heather Scott

**Re: Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel 3rd Amendment
Case # US2021-002**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plan for **Owens Industrial Park Filing 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel 3rd Amendment** and currently has **no apparent conflict** with adding an asphalt batch plant and crushing operations in addition to the concrete batch plant. Please be aware PSCo owns and operates an existing intermediate pressure natural gas pipeline along east and south property boundaries.

The property owner/developer/contractor must complete the application process for any new natural gas service, or modification to existing facilities via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571. 3284
donna.l.george@xcelenergy.com

May 1, 2023

Douglas County Department of Community Development
100 Third Street
Castle Rock, CO 80104

Attn: Heather Scott

**RE: Owens Industrial Park F1 A1 L1A and Metes and Bounds Parcel A3 -
Brannan Sand and Gravel – 2nd referral, Case # US2021-002**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has **no apparent conflict** with adding an asphalt batch plant facility at the above captioned project, provided that proper clearances are maintained, including ground cover that should not be modified from original depths. Contact Colorado 811 before excavating. Use caution and hand dig when excavating within 18-inches of each side of the marked facilities. Please be aware that all risk and responsibility for this request are unilaterally that of the Applicant/Requestor.

Should the project require any new natural gas or electric service or modification to the existing intermediate pressure natural gas distribution facilities within the Airport Road right-of-way, the property owner/developer/contractor must complete the application process via xcelenergy.com/InstallAndConnect.

If additional easements need to be acquired by separate PSCo document, a Right-of-Way Agent will need to be contacted.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303.571.3284
donna.l.george@xcelenergy.com

July 19, 2022

Douglas County Department of Community Development
100 Third Street
Castle Rock, CO 80104

Attn: Heather Scott

RE: Owens Industrial Park Filing No. 1, 1st Amendment, Lot 1A and Metes and Bounds Parcel 3rd Amendment - Brannan Sand and Gravel, Case # US2021-002

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the use by special review documentation for the above captioned project and has **no apparent conflict** with adding an asphalt batch plant facility.

Please be aware PSCo has existing intermediate pressure natural gas distribution facilities within the Airport Road right-of-way. Should the project require any new natural gas or electric service or modification to existing facilities, the property owner/developer/contractor must complete the application process via xcelenergy.com/InstallAndConnect.

If additional easements need to be acquired by separate PSCo document, a Right-of-Way Agent will need to be contacted.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



Applicant Response to Referral Agency Comments

July 5, 2024

Heather Scott, AICP
Principal Planner
Douglas County Department of Community Development
100 3rd Street
Castle Rock, CO 80104

**Re: Use by Special Review US2021-002,
Response to referral agency comments forwarded June 3, 2024**

Ms. Scott:

On behalf of Brannan Sand and Gravel Company, LLC (“Brannan” or “Applicant”), please find below our accounting of and, where appropriate, response to comments from other Douglas County departments and outside referral agencies in the US2021-002 case.

The following referral agencies provided no comment, either without response or formally indicating no concerns with the current US2021-002 proposal. Accordingly, no further discussion is provided with regard to these agencies:

- Douglas County Addressing Analyst
- Douglas County Assessor
- AT&T Right of Way
- Chatfield Community Association
- Chatfield East HOA
- Colorado Geological Survey
- Colorado Parks and Wildlife
- Comcast
- Douglas County Historic Preservation
- Douglas Land Conservancy
- Mile High Flood District
- Office of Emergency Management
- Plum Valley Heights HOA
- Sedalia Water and Sanitation District

- Sheriff's Office
- Sheriff's Office E911
- Wildfire Mitigation
- Xcel Energy Right of Way & Permits

The following agencies provided substantive comments in their response to the County's April 9, 2024, transmittal of the revised US2021-002 proposal. The Applicant's understanding of the comment, along with appropriate clarification and/or commitments is provided for each.

Douglas County Building Services. The Applicant acknowledges that building permits will be required subsequent to the zoning review process.

Colorado Department of Public Health and Environment. The most recent referral response from CDPHE enumerates various permits and regulatory requirements overseen by the Air Pollution Control Division (APCD). The Applicant has noted in prior correspondence and documented on the submitted USR plan documents that it recognizes and will adhere to APCD requirements, and has fulfilled that obligation in this case by filing, processing and obtaining APCD permits. Similarly, the Applicant has documented the same diligence with regard to requirements elsewhere within CPDHE, particularly the Water Quality Control Division.

CenturyLink. Styled an "Approval to Proceed," CenturyLink's comment notes no objections to the project, and reiterates standard expectations regarding development overlying or in the vicinity of its facilities. These CenturyLink "terms and conditions" include obtaining locates for excavation, maintaining cover on buried lines, and avoidance of new structures in telecom easements. The referenced terms are acknowledged by the Applicant and will be adhered to by the project.

Cherokee Ridge Estates HOA. Aside from a discussion of referral procedure, the recent Cherokee Estates MD/HOA referral response incorporates by reference a series of referral submissions dating to 2019 and the withdrawn 2018 USR application for the subject property.

Comment from the Metro District/HOA does not acknowledge the changes that prompted a new referral, such as crushing operations reduced to an accessory use. The 2021 referral comments generally object to traffic, pollution, aesthetic impacts and an asserted change to industrial activities in the area. As discussed in the Project Narrative and prior correspondence, these comments have been addressed since 2021 through the addition of new mitigation measures, extensive new screening, the elimination of stand-alone crushing, and a consolidated management plan for the entire site.

Comments in 2021 and 2019 unfortunately mischaracterized both the proposed use and the state of research on health risks associated with proposed uses. Summarizing prior applicant correspondence on these topics, the current US2021-002 case proposes to replace crushing as currently allowed by SP2018-004 with crushing that is limited to material generated by the

concrete and asphalt businesses directly owned by the Applicant. The Applicant operates such sites, with its personnel in close and constant proximity without detrimental health effects, and proposes a state of the art facility in this case. In general, the proposed use involves inert bulk materials and a self-contained manufacturing process that are not associated with health risks. The Applicant is committed to implementation of mitigation measures in keeping with research and best practice (see discussion relative to hexavalent chromium in response to Louviers Conservation Partnership below).

Colorado Department of Transportation Region 1. May 2023 comments by CDOT duplicate prior CDOT comments, which the Applicant has previously addressed: The Applicant confirmed with CDOT environmental staff that no further diligence is required, as no relevant impact is anticipated. The Applicant also acknowledged and has incorporated into sweeping plans the US 85/Airport Road intersection.

CORE Electric Cooperative. CORE stated its approval of the project. CORE has extended facilities to the site and an account is established to provide electric power to the US2021-002 use area.

Douglas County Health Department. DCHD analysis supports US2021-002 strategies for water supply, noise compliance, and sanitary disposal. DCHD also indicates that APCD permitting coupled with control measures to minimize fugitive dust is appropriate, as proposed. As proposed, health department concerns regarding water runoff are addressed in submitted stormwater management plans.

Douglas County Engineering Services. The Applicant updated traffic and construction documents in accordance with Engineering Services comments in conjunction with its June 2024 resubmittal after receiving planning comments.

Louviers Conservation Partnership. The Applicant acknowledges LCP's perspective and value in this review process. All perspectives have been moderated through the County's land use review, as LCP observes, and the Applicant also struggles to know that its perspective is being effectively communicated. In no way does the Applicant seek to dismiss the LCP's questions or perspective.

- A key issue is LCP's acknowledged reflex to find the "worst-case scenario," especially where issues that are remote or novel become elevated to a level of inevitability and/or Applicant intention. The reality is that the Applicant inherited an existing concrete plant and adjacent land, already zoned and being used for heavy industrial activities. The Applicant is seeking to upgrade the facility, and to replace a crushing entitlement that has provoked extensive concern with a manufacturing facility consistent, due to extensive mitigation, with other commercial and industrial uses in the area. We would love to move toward a conversation that envisions a best-case scenario, and believe the County's USR process, applied to all uses on the site, is the means to do so.
- Louviers Village is a unique place, and under no circumstances should the proposed USR be allowed to threaten the historic values and culture of the village. The presence of industry within a mile of Louviers Village is both its historic genesis and the status quo of zoning and the built environment. It is also a potential opportunity. The Applicant seeks

opportunities to contribute to the community. And while some amount of noise, structures, and traffic and so forth will be a part of new development, the Applicant does not comprehend any specific aspect of its proposal that is specifically, much less extraordinarily, impactful on historic or cultural resources in Louviers Village. The Applicant is committed to modification of its use as appropriate. However, at present, the Applicant cannot substantiate that its proposal will obstruct views of the Cherokee Castle from Louviers Village, as an example from LCP's comments.

- In its June 2024 resubmittal, the Applicant's revised landscape plan includes extensive new privacy fencing. Privacy fencing will be in the foreground of all views of APM stockpiles, in compliance with the new code language at DCZR Section 1416.
- The Applicant acknowledges neighbor concerns regarding water quality, at the same time noting that mobilization of hexavalent chromium from recycled concrete is not a significant risk based on current practices and study. According to one recent study on the subject, "Concrete is one of the most common building materials in the world and subsequently huge amounts of concrete waste is generated every day. If the building and construction industry are to move towards a circular economy and reduce their environmental footprint more of this concrete waste will need to be recycled and reused. This work has demonstrated potential environmental concerns related to Cr(VI) leaching from crushed waste concrete. However, this may be amended by changing the physiochemical properties surrounding the concrete to reduce the leaching." (See <https://www.sciencedirect.com/science/article/pii/S030147972200281X>.) As discussed in this relevant literature, placing crushed concrete on soil organic material ("SOM") is a pathway to the chemical reduction of Cr(VI), preventing further mobilization. SOM is a feature of the Applicant's proposal.
- With regard to Cr(VI), air quality, and similar concerns, the Applicant is committed to the dual environmental prerogatives of reducing its footprint and implementing appropriate operational mitigation measures. As proposed, the APM and crushing operations meet those dual goals, and the Applicant commits to implementing further mitigation measures, if relevant to US2021-002, when accepted for their efficacy.
- Prior correspondence and Project Narrative have provided background information on the location of floodplain, wildlife crossings, the industrial node in which the subject property resides, and other key facts. The Applicant endeavors to follow code and planning guidance exhaustively and believes prior clarifications have accurately portrayed those regulatory features and the basis for US2021-002 compliance.
- Optimistically, further work between the Applicant and LCP could help reduce the number of topics. A number of comments in the most recent LCP letter appear to be spurious. For example, the Applicant does not own a "long, narrow strip between railways and public right of way," making the associated comp plan policy irrelevant.

Louviers Water and Sanitation District. LWSD requests that the Applicant refrain from placing additional demand on deep aquifer water. This request is acknowledged and does not appear to conflict with the Applicant's proposal. The Applicant's submitted water budget is tailored to existing well rights and proposes no expansion of withdrawals beyond the existing well permit as administered through the Sedalia Water and Sanitation District.

South Metro Fire Rescue. The Applicant has worked extensively with SMFR, with approved plans for both interim and long-term fire response and suppression systems on the site. The Applicant acknowledges that any additional build out of the site may require new address signs at the public roadway and wayfinding signs through the site, which will be coordinated through SMFR.

Many of the agencies initially contacted or in ongoing contact with the project have provided no comment in this latest round of referrals due to extensive, comprehensive work by the Applicant to ensure a project that meets all regulatory requirements and expectations of a responsible neighbor. Government agencies that have provided substantive comment in this recent referral process have typically done so to reiterate their terms of approval, including general or specific conditions that will govern the built project, which conditions the Applicant understands and accepts.

Resident groups, such as local homeowner associations, have generally not participated in this process. We understand the concerns of two such resident groups in the vicinity of the project, and have sought to address those concerns both in the revised land use application itself (i.e., best practices, physical mitigation) and in outreach. Shared values, such as maintaining healthy, functioning floodplain and riparian habitat, underscore the clarification that Brannan has offered in this and prior correspondence.

Please refer to the Project Narrative submitted in April for detail on outreach activities. The Applicant appreciates all comments and has endeavored to make improvements and document commitments at every step of this review. This diligence has culminated in the present application, which we look forward to presenting in upcoming hearings with any final questions or clarification.

As always, please feel free to contact me or Jessica Alizadeh at any time.

Sincerely,

BRANNAN SAND AND GRAVEL COMPANY, LLC

A handwritten signature in black ink, appearing to read "Fred Marvel". The signature is fluid and cursive, written over a light grey rectangular background.

Fred Marvel, Manager
303-534-1231
fmarvel@brannan1.com

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- o *'Processing of Recycled Asphalt Paving Material' identifies the potential to crush asphalt materials and concrete materials. The last sentence states that processed concrete shall be exported for use as road base or specified aggregate.*
 - *Further clarify 'specified aggregate in jobs served by owner concrete and asphalt paving businesses.' It should be very clear that this activity is intended to be accessory to the existing asphalt and concrete batch plant facilities and will not operate as a stand-alone use. Should businesses be plural? Should it read 'the owner of the concrete and asphalt businesses'?*

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- o *Include the intersection of Airport Road and Highway 85 in the sweeping requirements under Dust, Air Quality, and Odor Controls)*

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- o *Thank you for identifying the specific regulations including the Colorado Air Quality Control Commission Regulations Number 2. Please reword to "all necessary state odor regulations" as this management plan is a working document and will be reviewed yearly. Regulations may change or be updated, and we want to ensure the site is in compliance with regulations at all times)*

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- o *Remove notes number 1, 6 and 7 as this USR application will combine both the concrete and asphalt batch plants under one management plan)*

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- *Also remove the last section under the management plan "Conforming Changes to Other Use Permit" if the USR's are combined)*

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- *The Partial Permit Boundary, Sheets 3 & 4, have a few typos. Be sure to include the full extent of the concrete batch plant as you combine both USR applications)*

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- *Clarify all the project numbers on Sheet 5 – Use Area Exhibit. Remove any reference to SP2021-027)*

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- *The Partial Existing Conditions Plans, the Partial Site Plans, and the Grading Plans, sheets 8 through 12, have a few typos and a few leaders to items not highlighted on these pages. Be sure to adjust for the concrete batch plant if you combine both USR applications)*

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- *The existing transformer box should be protected with bollards, to prohibit any truck or machinery from backing into the box)*

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- *The Landscape Plan should reflect the new screening regulations per Section 1416 Outdoor Storage which now requires all raw materials, supplies, finished or semi-finished product, or equipment shall be screened from view of abutting properties and public street, or trails bordering the site by a solid fence, wall or hedge that is a minimum of six feet in height. Consider adding solid fencing around the stockpile areas and/or the property perimeter)*

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- o *Consider utilizing live plant materials as a further buffer to the abutting street (Airport Road), Kelly Town property owners and the town of Louviers)*

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- *Thank you for adjusting the colors on both the Building Elevations and the Visual Analysis documents. Be sure beige safety rails will compile with OSHA standards. Adjust if necessary)*

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- *The Lighting Plan still requires more clarification.*
 - o *Section 3005.05 of the DCZR states illuminance levels shall not exceed 10 foot-candles measured as initial horizontal illuminance except as otherwise permitted herein. Lighting around the batch plant is in excess of 30 foot-candles. Is this an OSHA requirement?*

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- The TIA indicates the total truck trips for the AMP will be 808 trips while the management plan states 806 trips. Please update the management plan)

As a note, please, the County is requesting that the project be consistent with the management plan.

- Table 3 Trip Generation Estimate; Note 1, shown below the table) needs to be updated to be consistent with section 4.1 of the study)

As a note, it is important to ensure that the project is consistent with the management plan.

- PWE forwarded comments on the signage & striping plans on May 7th. Please provide revised drawings)

This comment concerns the construction of the project. The project is located in Douglas County, and the project is consistent with the management plan.

- Douglas County's noise consultant has specific comments to help further clarify the noise report. Please reference DL Adams letter dated June 3, 2024 and adjust the noise modeling report accordingly. Any commitments made in Behrens Noise Modeling Report should be included in the management plan on page 2 of the USR)

As a note, the noise report is consistent with the management plan. The project is located in Douglas County, and the project is consistent with the management plan.

Issues

The project is consistent with the management plan. The project is located in Douglas County, and the project is consistent with the management plan.

Response to PWE Traffic Comments

The following comments were received from the County via email on May 14th. Responses to each comment indicate how they were addressed.

Comment 1 The APM Facility is projected to generate 618 total trips (includes 10 non-truck trips) and the Accessory Crushing Operation is projected to generate 204 total trips (includes 4 non-truck trips). Total Truck trips would be 808 trips which is 2 trips higher than what is listed on the Management Plan for this application (Asphalt Production).

Response The trip generation in the management plan has been adjusted to match the trip generation in the traffic impact study.

Comment 2 Page 2, Section 2.2 Study Assumptions; For the Short-Term 2024 Horizon, it is assumed that phase 1 of the County's right turn lane project for eastbound Airport Rd to southbound US 85 is complete. However, per our special projects staff, this phase has been held due to delays in acquisition of ROW. It is now unknown when this phase will be constructed. The related analysis in this study will need to be revised.

Response The study has been updated to assume that the eastbound right turn lanes at US 85 and Peterson Road will not exist in the short-term horizon of Year 2024.

Comment 3 While the County's project to add an eastbound right turn lane at US 85 has not been completed, the author of the traffic study notes that "While an eastbound right turn lane isn't marked at US 85, the approach is wide enough for two lanes and observations show that two motorists can use the approach at the same time." Because of the above observations, the analysis of this intersection assumes an eastbound right turn lane exists. The study needs to identify the time periods of the observations to make sure that the observations were made during the peak hour of this approach. If observation were conducted during non-peak hours, operational issues due to queueing of the left turn lane may have been missed.

Response The study has been updated to assume that the eastbound right turn lanes at US 85 and Peterson Road will not exist in the short-term horizon of Year 2024.

Comment 4 Table 3 Trip Generation Estimate; Note 1, (shown below the table) needs to be updated to be consistent with section 4.1 of the study.

Response Footnote 1 has been updated to reference Section 4.1.

Comment 5 This study needs to be revised to address the comments above. Let me know if you have any question or need additional information or clarification.

Response The study has been revised to incorporate these comments.

The following comments were received from Heather Scott in a letter addressed to Krista Wroblaski in a letter dated June 3, 2024.

Comment 6 The Traffic Impact Plan indicates a total of 808 truck trips per day while the management plan states 806 trips per day. Please clarify.

Response The trip generation discrepancy is due to rounding error in average trips (i.e., trips originally budgeted with an odd number). Two additional trips are attributed and assessed by rounding up a partial asphalt delivery trip and a partial lime delivery trip. As instructed by the County below, this discrepancy is addressed by incorporating the larger number now used in the TIA into the Management Plan.

Comment 7 PWE indicated the Traffic Impact Assessment includes a right turn at Peterson Road and that deceleration lane has not been built (as noted at the bottom of page 2). Please adjust the intersection counts accordingly.

Response The study has been updated to assume that the eastbound right turn lane approaching Peterson Road does not exist. This change does not impact the traffic volumes approaching the intersection.

Comment 8 The TIA indicates the total truck trips for the AMP will be 808 trips while the management plan states 806 trips. Please update the management plan.

Response As noted above, the Management Plan is revised to reflect the 808 trip number.

Comment 9 Table 3 Trip Generation Estimate; Note 1, (shown below the table) needs to be updated to be consistent with section 4.1 of the study.

Response Footnote 1 has been updated to reference Section 4.1.