

# ATTACHMENT C

# *Cancer Risk Comparison*

*Brannan Hot Asphalt Plants vs. Select Douglas County Communities*

...

*>> Deny USR 2021-002 <<*



For Douglas County Planners and Commissioners

J. Miler, Roxborough Park, CO  
July 2024

# Exec Summary

The Risks Are Clear...

- To People's **Health** (Cancer, Respiratory)
- To **Louviers** (1 mi. away), **Roxborough** (5 mi.), **Others** (nearby)
- **All** Hot Asphalt Plants  
Emit toxic fumes & micro particles... Lower property values... Increase truck traffic...  
Release objectionable odor ... **Emit agents that cause cancer, respiratory illness**
- **Brannan** Hot Asphalt Plant (Proposed)  
May violate county regulations... Despoil historic village... Be the Largest Industrial Pollution Source in the Plum Creek Valley and entire Douglas County
- EPA Stats on **Cancer** and **Respiratory Illness** Indicate:
  - **High Rates** In Brannan Plant Zip Codes
  - **Much Lower Rates** in Nearby Douglas Zips (ex: Louviers, Sedalia, Roxborough)

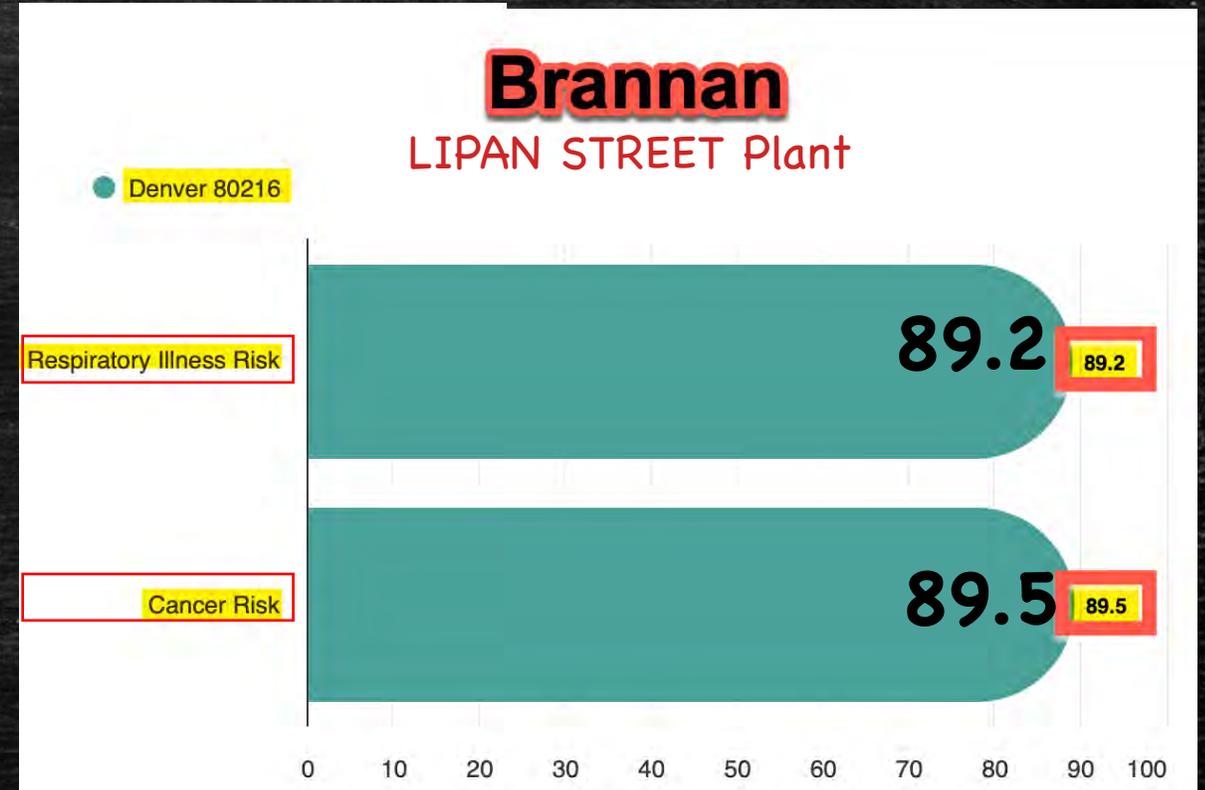
# The Track Record for Hot Asphalt Plants

- A Good Day?
  - Noisy, Dusty
  - Unsightly, Smelly
  - Heavy Truck Traffic
  - *Release Cancer causing agents*
  - *Pose Danger to workers and homeowners*
  
- A Bad Day? (on *Fire!*)
  - Poisonous Smoke
  - Polluted Creeks, Lakes
  - Nearby Home Values Depressed
  - Potential Wildfire Spreader
  - *Release Cancer causing agents*
  - *Pose Danger to workers, first responders, and homeowners*



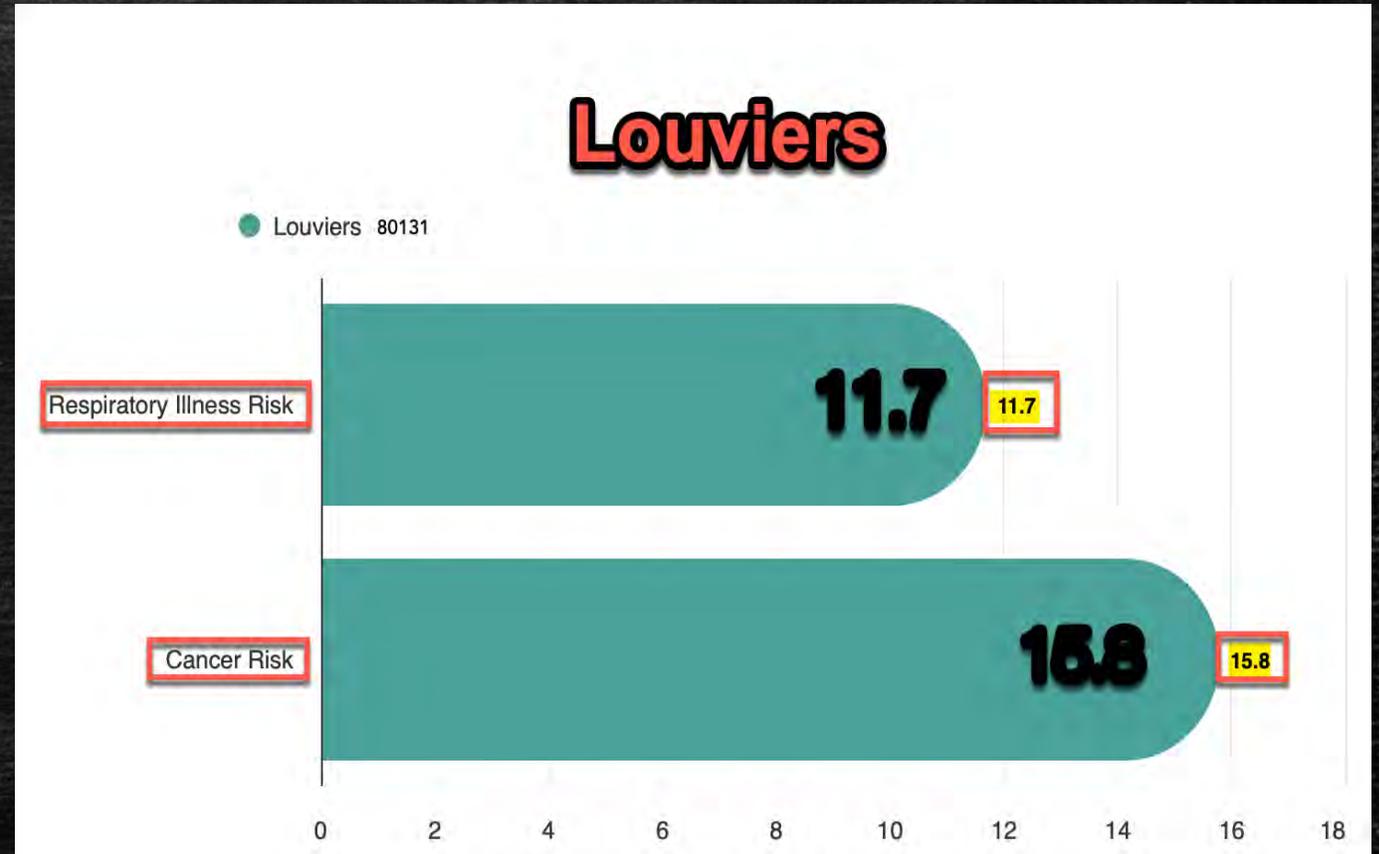
# Air Quality **Health Risk** in Brannan's Lipan Plant Zip Code, 80216

- Respiratory Risk **89.2**
- Cancer Risk **89.5**
- Both **VERY HIGH** Risk Compared to Select Douglas Communities



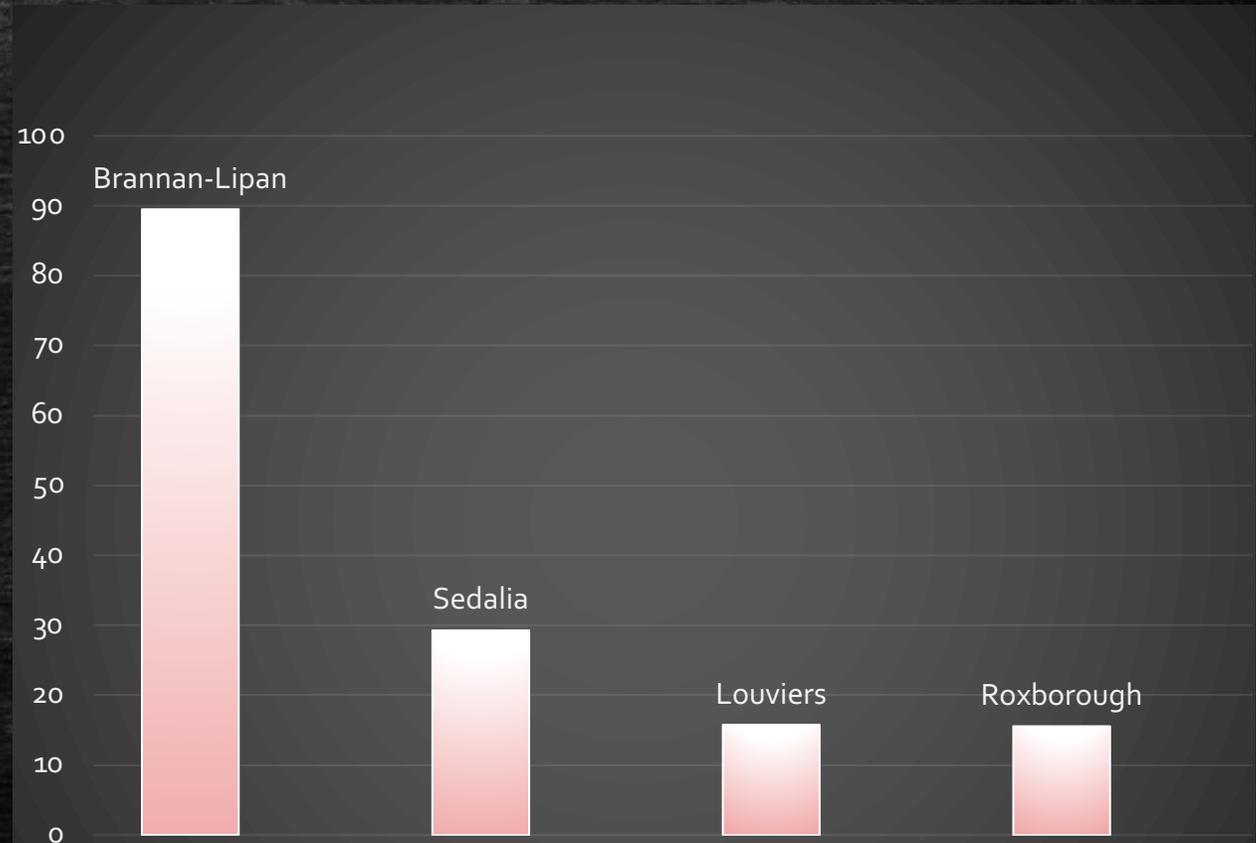
# Air Quality Health Risk in Louviers Zip Code 80131

- Respiratory Risk **11.7**
- Cancer Risk **15.8**
- **VERY** Low Compared to Brannan's Lipan Risk
- Question: Will Proposed Brannan Plant **Drive Up Louviers'** Rates?



# Cancer Risk Comparison, By Zip Code

- Cancer Risk is almost **6X higher** in **Brannan's Lipan Zip Code** compared with **Louviers' and Roxborough's**
- It's **over 3X higher** compared with **Sedalia's**
- Note: Correlation does not imply causation.
- Cancer risk in a specific population is influenced by many factors. No one factor can, by itself, account for an observed risk level.



# Concluding Remarks

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*Keep Douglas County Healthy & Clean*

*Reject A Major Source of Pollution*

*Please...*

*Deny USR 2021-002*

End of Presentation  
Notes and Resources follow

# Four Brannan Asphalt Plants

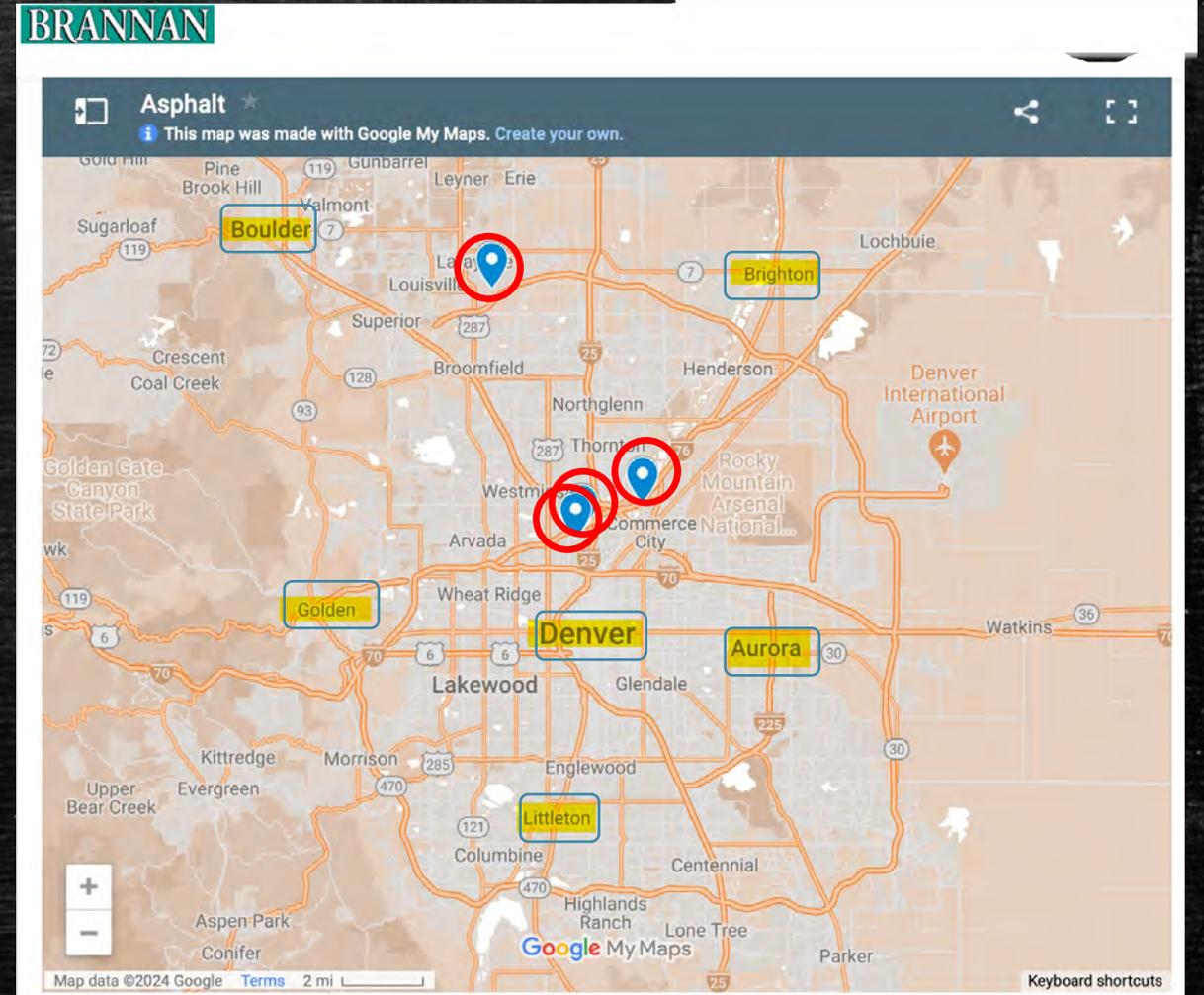
## Denver Area Zips

#1 80216 Denver Lipan

#2 80229 Thornton

#3 80221 Sherrelwood

#4 80022 Commerce City

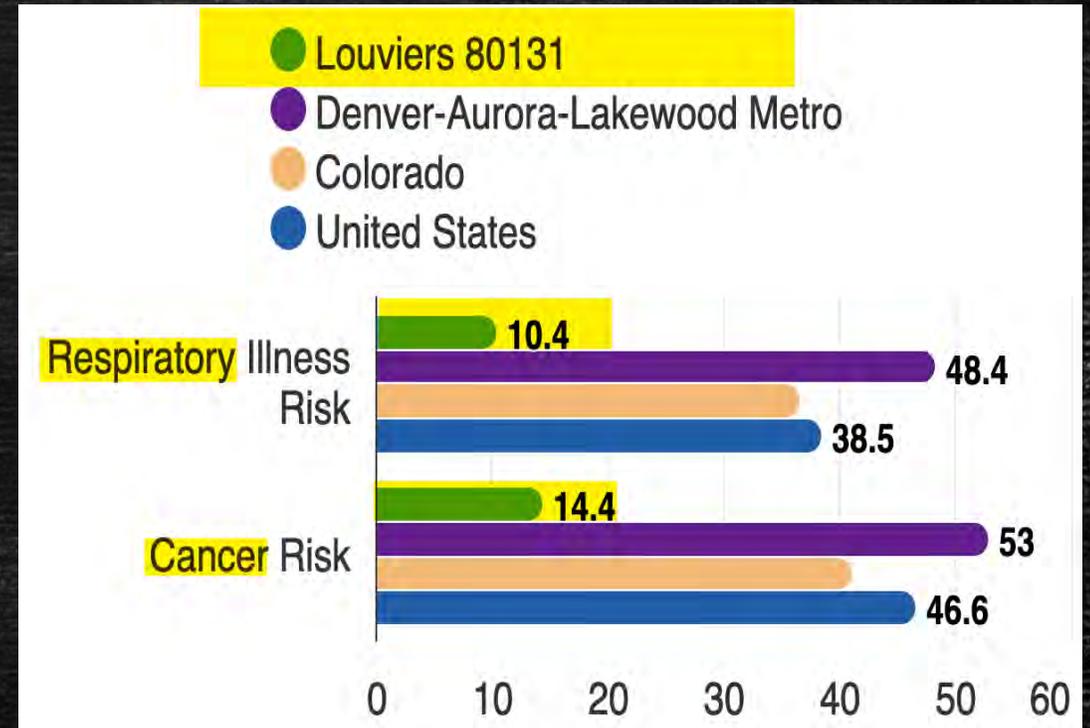


# Brannan's Lipan Plant During A 2024 Site Visit



# How to Find Health Risks by Zip Code

- Visit:  
<https://www.bestplaces.net/>
- Enter a Zip Code (example: Louviers is 80131)
- Select HEALTH in left navbar
- Scroll down, find Heading: Air Quality Health Risk
- See Respiratory Risk (10.4) and Cancer Risk (14.4)



# See EPA Health Risk Stats for These Zip Codes

## ○ Brannan Plant Zips

- 80216 Denver Lipan\* <https://www.bestplaces.net/health/zip-code/colorado/denver/80216>
- 80229 Thornton <https://www.bestplaces.net/health/zip-code/colorado/thornton/80229>
- 80221 Sherrelwood <https://www.bestplaces.net/health/zip-code/colorado/sherrelwood/80221>
- 80022 Commerce City [https://www.bestplaces.net/health/zip-code/colorado/commerce\\_city/80022](https://www.bestplaces.net/health/zip-code/colorado/commerce_city/80022)

## ○ Douglas County Town and Neighborhood Zips

- 80131 Louviers\*\* <https://www.bestplaces.net/health/zip-code/colorado/louviers/80131>
- 80135 Sedalia <https://www.bestplaces.net/health/zip-code/colorado/sedalia/80135>
- 80126 Highlands Ranch [https://www.bestplaces.net/health/zip-code/colorado/highlands\\_ranch/80126](https://www.bestplaces.net/health/zip-code/colorado/highlands_ranch/80126)
- 80108 Castle Pines North [https://www.bestplaces.net/health/zip-code/colorado/castle\\_pines\\_north/80108](https://www.bestplaces.net/health/zip-code/colorado/castle_pines_north/80108)
- 80125 Roxborough Park \*\* <https://www.bestplaces.net/health/zip-code/colorado/littleton/80125>

\* = Most Risk

\*\* = Least Risk

# Related Websites

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- Brannan Sand and Gravel

- <https://www.brannan1.com/asphalt-paving-denver>

- Cancer in Colorado

- <https://statecancerprofiles.cancer.gov/incidencerates/index.php?stateFIPS=08&areatype=county&cancer=066&stage=211&race=00&sex=1&age=001&year=0&type=incd&sortVariableName=percentlate&sortOrder=asc>

- Wellington, CO Asphalt Plant Resistance

- <https://www.cbsnews.com/colorado/news/wellington-asphalt-facility-proposed-near-neighborhood-raises-concerns-buffalo-creek/>

- Park County, CO Asphalt Plant Resistance

- <https://www.summitdaily.com/news/proposed-fairplay-asphalt-plant/>

# Contacts

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- Author: John Miller, Roxborough Park, CO. This presentation contains personal research and a point of view that may or may not align with any specific organization's goals and objectives. Email [jnm3@me.com](mailto:jnm3@me.com)
- For more information concerning opposition to the Brannan Plant near Louviers, visit: [www.FrontRangeConservation.Org](http://www.FrontRangeConservation.Org)



**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#); [Michael Cairy](#); [Jeanette Bare](#)  
**Subject:** USR 2021-0002  
**Date:** Tuesday, July 2, 2024 11:55:12 AM

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Dear Heather:

I wanted to start my, hopefully last, letter to the County with comments regarding Brannan's lawsuit with their crushing partner that I just learned of. I went back to the original approval of concrete crushing in 2018 to see what exactly was agreed to in the Management Plan for that SIP. I wanted to see how Brannan provided assurances in the SIP to manage the site. There wasn't a Management Plan in this erroneously approved SIP.

I am so curious just how Brannan got to the point that **they are now suing a third party** to remove the concrete and asphalt stockpiles now confirmed to be illegal by the Court of Appeals and must be removed?

What I did notice, finally, is that the "Owner" set forth in the Construction Documents in 2018, and revised in 2022, was actually stated as **Boral Construction Materials LLC**, and not Brannan! They did, however, have the same address as Brannan on Franklin Street in Commerce City. Weird. So they were working together on the crushing approval. These big boys in the business convinced the County Planner to take crushing out of the USR where it was already approved, to stand alone in a smokescreen of separate applications and provide a stand-alone asphalt application. They probably run this scam all the time. Five years later the County has finally made them acquiesce to submitting an application that includes all 3 uses in a single USR. But it still doesn't include all 3 completely and transparently and that is obvious.

So is it Boral who Brannan is now suing, their business partner? I found out Boral is a huge worldwide construction material enterprise based in Australia. If Brannan is suing them, they better get more and better lawyers!

What I was hoping to demonstrate is that Brannan is responsible for managing the site regardless of who their third party is that they allowed to operate illegally on their site under their SIP. Or is Boral the actual party to the SIP? Above my head!

How in the world can the County or the surrounding communities ever trust the Brannan Management Plan for this USR? Since they are suing their partners in the crushing enterprise, they obviously were not able to manage their site in accordance with the SIP and cannot be trusted to follow the rules. This has been demonstrated in so many ways already.

It looks like they deem their application complete now and push it to the Planning and

County Commissioners despite the fact that the Courts have found their stockpiles are in violation of zoning law. There would be asphalt stockpiles right? Nowhere in their entire submittal do they address the current, illegal stockpiles and what becomes of them. The removal of that material from the site, whoever pays for it, is in itself going to be a huge unhealthy nuisance to Louviers, Kelly Town, Cherokee Ridge and everyone who uses the intersection of Hwy 85 and Airport Rd. The traffic and dust can be anticipated to be as big of a nightmare as it was when they crushed before. Those piles should be required by the County to be sprayed with a firehouse as they are dismantled as demonstrated by the huge dust they created when they rearranged the piles to meet the Abatement Agreement. The Abatement Agreement that remains out of compliance for years now! The County told Brannan in the Abatement Agreement they would sue them if they didn't comply. And yet, they have still not complied. Because they can't. Because they have to sue somebody else to pay for their own inability to manage their site. And we are supposed to trust their newly and repeatedly revised Management Plan? We don't. And I have to trust the County doesn't either.

This has to stop once and for all. I have every hope the Planning Commission will acknowledge the irreparable harm to the Louviers Rural Community once again and say NO! I am not as hopeful with the County Commissioners and will only add we will continue to sue them if they sell us out to commerce and we will win!

Thank you for adding my letter to the public file!

Valerie Hays

June 27, 2024

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

Re: G. Farrell Community Input Referral Response to USR 2021-002 - Chemical Components of Asphalt

Dear Board of County Commissioners,

As a concerned citizen of Louviers, I am writing to strongly oppose the proposed USR2021-002 application for an asphalt plant by Brannan Sand and Gravel. My opposition is grounded in the profound health risks posed by the chemical components of asphalt production, as detailed in the South Asphalt Plant Preliminary Screening Risk Assessment dated September 22, 2019.

The production of asphalt involves a complex process where bituminous material, aggregates, gravel, sand, and bitumen are combined and heated to extremely high temperatures, exceeding 300 degrees Fahrenheit. This process emits a variety of volatile organic compounds (VOCs), as acknowledged by Brannan Sand and Gravel themselves. These VOCs include chemicals that have been identified by the Environmental Protection Agency (EPA) to pose both short-term and long-term adverse health effects to human beings.

Furthermore, Brannan's own documentation highlights the presence of substances in asphalt that are known to be hazardous, detailed in the subsequent pages provided. These substances not only contribute to air pollution but also pose serious risks to the health, safety, and welfare of the current and future inhabitants of Douglas County.

In their response, Brannan has asserted that they are not obligated to demonstrate the significant health concerns surrounding their project. However, their own risk assessment clearly indicates increased cancer risks and the emission of hazardous air pollutants from the proposed asphalt plant.

Given these health risks and the clear non-compliance with DCZR 2102.12, which stipulates that any project must not be detrimental to the health, safety, or welfare of residents, it is imperative that the Board of County Commissioners denies the USR2021-002 application.

Please refer to the provided table of substances in asphalt and their associated health effects, which underscores the severity of these risks. We implore the Board to prioritize the well-being of our community and reject this hazardous proposal.

Thank you for your attention to this critical matter. We look forward to your decision in safeguarding the health and welfare of Louviers and Douglas County residents.

Sincerely,

Gretchen Farrell  
7835 Valley View Street  
Louviers, CO 80131

**Brannan Sand and Gravel  
South Asphalt Plant  
Table 1. Asphalt Production Data**

Production Measure	Annual Value	Units
Hot Mix Production	500,000	tpy

**Table 2. Non-Cancer Screening Risk Assessment**

Substance	CAS No.	HAP?	Emission		Modeled Concentration <sup>4</sup>		Modeled Concentration		RfC Data Source <sup>2</sup>	
			Factor <sup>1</sup> (lb/ton)	Annual Emission Rate (lb/yr) (g/s)	(µg/m <sup>3</sup> )	(mg/m <sup>3</sup> )	EPA RfC <sup>2</sup> (mg/m <sup>3</sup> )	> EPA RfC? (Yes/No)		
benzene	71-43-2	Yes	3.9E-04	195.0	2.80E-03	2.68E-02	2.68E-05	0.03	No	IRIS
ethyl benzene	100-41-4	Yes	2.4E-04	120.0	1.73E-03	1.65E-02	1.65E-05	1.00	No	IRIS
formaldehyde	50-00-0	Yes	3.1E-03	1550.0	2.23E-02	2.13E-01	2.13E-04	0.0098	No	ATSDR
hexane, n-	110-54-3	Yes	9.2E-04	460.0	6.62E-03	6.33E-02	6.33E-05	0.7	No	IRIS
2,2,4-trimethylpentane	540-84-1	Yes	4.00E-05	20.0	2.88E-04	2.75E-03	2.75E-06	--	No	IRIS
methyl chloroform	71-55-6	Yes	4.80E-05	24.0	3.45E-04	3.30E-03	3.30E-06	5.00	No	IRIS
toluene	108-88-3	Yes	1.5E-04	75.0	1.08E-03	1.03E-02	1.03E-05	5.00	No	IRIS
styrene, mixed or all isomers	1330-20-7	Yes	2.0E-04	100.0	1.44E-03	1.38E-02	1.38E-05	0.1	No	IRIS
PAH HAPs <sup>3</sup>		Yes	1.9E-04	95.0	1.37E-03	1.31E-02	1.31E-05	--	No	IRIS
arsenic	7440-38-2	Yes	5.6E-07	0.3	4.03E-06	3.85E-05	3.85E-08	0.000015	No	CAL
beryllium	7440-41-7	Yes	0.0E+00	0.0	0.00E+00	0.00E+00	0.00E+00	2.00E-05	No	IRIS
cadmium	7440-43-9	Yes	4.1E-07	0.2	2.95E-06	2.82E-05	2.82E-08	0.00001	No	ATSDR
chromium	7440-47-3	Yes	5.5E-06	2.8	3.96E-05	3.78E-04	3.78E-07	--	No	IRIS
cobalt	7440-48-4	Yes	2.6E-08	0.0	1.87E-07	1.79E-06	1.79E-09	0.0001	No	ATSDR
hexavalent chromium	18540-29-9	Yes	4.5E-07	0.2	3.24E-06	3.10E-05	3.10E-08	0.0001	No	IRIS
lead	7439-92-1	Yes	6.2E-07	0.3	4.46E-06	4.27E-05	4.27E-08	0.00015	No	EPA OAQPS
manganese	7439-96-5	Yes	7.7E-06	3.9	5.54E-05	5.30E-04	5.30E-07	0.00005	No	IRIS
mercury	7439-97-6	Yes	2.4E-07	0.1	1.73E-06	1.65E-05	1.65E-08	0.0003	No	IRIS
nickel	7440-02-0	Yes	6.3E-05	31.5	4.53E-04	4.34E-03	4.34E-06	0.00009	No	ATSDR
selenium	7782-49-2	Yes	3.5E-07	0.2	2.52E-06	2.41E-05	2.41E-08	0.02	No	CAL
Total VOCs				14,669.00						
Total HAPs				2,678.43						

<sup>1</sup> U.S. EPA, *Hot Mix Asphalt Plants*, AP-42 Section 11.1, March 2004, Table 11.1-10 and Table 11.1-12. The fabric filter controlled emission factor for natural gas is used.

<sup>2</sup> EPA Reference Concentration for Inhalation Exposure (RfC), obtained from the EPA's Table 1: Prioritized Chronic Dose-Response Values. Sources referenced in Table 1 include Integrated Risk Information System (IRIS), US Agency for Toxic Substances and Disease Registry (ATSDR), California EPA (CAL), and EPA Office of Air Quality Planning and Standards (EPA OAQPS).

<sup>3</sup> PAH-HAP are still being evaluated by the EPA. Insufficient data for inhalation exposure (RfC's) at this time.

<sup>4</sup> To determine modeled concentrations for each individual pollutant, an AERSCREEN run was conducted using a modeled emission rate of 1 g/s. The resulting concentration (µg/m<sup>3</sup> per g/s for the annual averaging period) was multiplied by the individual pollutant emission rate (in g/s) to obtain a pollutant-specific concentration. The maximum modeled concentration in this screening model occurs 2,075 m from the asphalt plant.  
AERSCREEN Model Output Value 9.569 µg/m<sup>3</sup> per g/s

**Table 3. Cancer Screening Risk Assessment**

Substance	CAS No.	HAP?	Emission Factor <sup>4</sup> (lb/ton)	Estimated Annual Emissions <sup>5</sup> (lb/yr)	Estimated Annual Emissions (g/s)	Max Modeled Conc. (CA) (µg/m <sup>3</sup> )	Exposure Concentration (EC) <sup>1</sup> (µg/m <sup>3</sup> )	Cancer Unit Risk Estimate <sup>2</sup> (1/µg/m <sup>3</sup> )	Max. Incremental Cancer Risk	Total Increase in Cancer Risk per Million
benzene	71-43-2	Yes	3.90E-04	195.00	2.80E-03	2.68E-02	2.68E-02	7.80E-06	2.09E-07	0.21
formaldehyde	50-00-0	Yes	3.10E-03	1550.00	2.23E-02	2.13E-01	2.13E-01	1.30E-05	2.77E-06	2.77
arsenic	7440-38-2	Yes	5.60E-07	0.28	4.03E-06	3.85E-05	3.85E-05	4.30E-03	1.66E-07	0.17
cadmium	7440-43-9	Yes	4.10E-07	0.21	2.95E-06	2.82E-05	2.82E-05	1.80E-03	5.08E-08	0.05
hexavalent chromium	18540-29-9	Yes	4.50E-07	0.23	3.24E-06	3.10E-05	3.10E-05	1.20E-02	3.72E-07	0.37
									<b>Total:</b>	<b>3.57</b>

<sup>1</sup> Exposure concentration was calculated using Equation 6 from the EPA's Risk Assessment Guidance for Superfund - Volume 1: Human Health Evaluation Manual (January 2009).

EC = (CA x ET x EF x ED)/AT

Where:

EC = Exposure Concentration	Exposure Frequencies
CA = contaminant concentration in air;	Hours/Day 24
ET = exposure time (hours/day);	Days/Year 365
EF = Exposure frequency (days/year);	Years 70
ED = exposure duration (years); and	
AT = averaging time (lifetime in years x 365 days/year x 24 hrs/day)	

The calculated concentrations conservatively assume an exposure time of 24 hours/day, 365 days/year, for a plant lifetime of 70 years, and a 70 year lifetime, as is commonly applied.

<sup>2</sup> Chronic Inhalation Cancer Unit Risk Estimate for each substance per Integrated Risk Information System (IRIS). <http://www.epa.gov/ttn/atw/toxsource/table1.pdf>

<sup>3</sup> Annual averaging period was used.

<sup>4</sup> U.S. EPA, *Hot Mix Asphalt Plants*, AP-42 Section 11.1, March 2004, Table 11.1-10 and Table 11.1-12. The fabric filter controlled emission factor for natural gas is used.

<sup>5</sup> Based on Maximum production in tons per year: 500,000

<sup>6</sup> To determine modeled concentrations for each individual pollutant, an AERSCREEN run was conducted using a modeled emission rate of 1 g/s. The resulting concentration (µg/m<sup>3</sup> per g/s for the annual averaging period) was multiplied by the individual pollutant emission rate (in g/s) to obtain a pollutant-specific concentration. The maximum modeled concentration in this screening model occurs 2,075 m from the asphalt plant.

AERSCREEN Model Output Value 9.569 µg/m<sup>3</sup> per g/s

# BENZENE

(195 lb per yr)

Benzene works by causing cells not to work correctly. For example, it can cause bone marrow not to produce enough red blood cells, which can lead to anemia. Also, it can damage the immune system by changing blood levels of antibodies and causing the loss of white blood cells. People who breathe in high levels of benzene may develop the following signs and symptoms within minutes to several hours: Drowsiness, Dizziness, Rapid or irregular heartbeat, Headaches, Tremors, Confusion, Unconsciousness or Death at high levels. **The Department of Health and Human Services (DHHS) has determined that benzene causes cancer in humans.** Long-term exposure to high levels of benzene in the air can cause leukemia, cancer of the blood-forming organs. NOTE: Benzene evaporates into the air very quickly. **Its vapor is heavier than air and may sink into low-lying areas.** Benzene dissolves only slightly in water and will float on top of water. <https://www.cdc.gov/niosh/topics/asphalt/>

# ETHYL BENZENE

(120 lb per yr)

## ETHYL BENZENE Short Term Exposure

The substance is irritating to the eyes, skin and respiratory tract. If this liquid is swallowed, aspiration into the lungs may result in chemical pneumonitis. The substance may cause effects on the central nervous system. Exposure above the OEL could cause lowering of consciousness.

## Long Term Exposure

This substance is possibly carcinogenic to humans. The substance may have effects on the kidneys and liver. This may result in impaired functions.

# FORMALDEHYDE

(1550 lb per yr)

**Formaldehyde** (CH<sub>2</sub>O) is a colorless, highly toxic, and flammable gas at room temperature.

Exposure to formaldehyde can irritate the skin, throat, lungs, and eyes.

Repeated exposure to formaldehyde can possibly lead to cancer.

<https://www.cdc.gov/niosh/topics/asphalt/>

# HEXANE, n-

(460 lb per yr)

## HEXANE: Health Hazards Associated with Hexane

Chronic exposure can cause more severe damage to the nervous system. If swallowed, it may cause severe abdominal pain and impact the respiratory system, resulting in shortness of breath, coughing, burning of the mouth, throat or chest, and even chemical pneumonitis.

Acute (short-term) inhalation exposure of **humans** to high levels of **hexane** causes mild central nervous system (CNS) effects, including dizziness, giddiness, slight nausea, and headache. .... EPA has classified **hexane** as a Group D, not classifiable as to **human** carcinogenicity.

Easily inhaled or absorbed through the **skin**, **hexane** has been recognized for more than 40 years to cause long-lasting and even permanent nerve damage in feet, legs, hands, and arms. Existing regulations do not address consumer use and are not protective enough for workplace exposures.

There is no evidence that n-**hexane** **causes cancer** in people or animals. The Department of Health and Human Services (DHHS), International Agency for Research on **Cancer** (IARC) and the EPA have not classified n-**hexane** for carcinogenicity.

# 2,2,4-TRIMETHYLPENTANE

(20 lb per yr)

**2,2,4-Trimethylpentane** is released to the environment through the manufacture, use, and disposal of products associated with the petroleum and gasoline industry. During an accident, 2,2,4-trimethylpentane penetrated the skin of a human which caused necrosis of the skin and tissue in the hand and required surgery. No other information is available on the acute (short-term) effects in humans. Irritation of the lungs, edema, and hemorrhage have been reported in rodents acutely exposed by inhalation and injection. No information is available on the chronic (long-term), reproductive, developmental, or carcinogenic effects of 2,2,4-trimethylpentane in humans. Kidney and liver effects have been observed in rats chronically exposed via gavage (experimentally placing the chemical in the stomach) and inhalation. EPA has not classified 2,2,4-trimethylpentane with respect to potential carcinogenicity.

EPA - In accordance with the Guidelines for Carcinogen Risk Assessment (U.S. EPA, 2005a), there is inadequate information to assess carcinogenic potential for 2,2,4-trimethylpentane.

# METHYL CHLOROFORM

(24 lb per yr)

**Methyl chloroform** - EPA - Methyl chloroform (1,1,1-Trichloroethane) 71-55-6 Hazard Summary Methyl chloroform is used as a solvent and in many consumer products. Effects reported in humans due to acute (short-term) inhalation exposure to methyl chloroform include hypotension, mild hepatic effects, and central nervous system (CNS) depression. Cardiac arrhythmia and respiratory arrest may result from the depression of the CNS. Symptoms of acute inhalation exposure include dizziness, nausea, vomiting, diarrhea, loss of consciousness, and decreased blood pressure in humans. After chronic (long-term) inhalation exposure to methyl chloroform, some liver damage was observed in mice and ventricular arrhythmias in humans. EPA has classified methyl chloroform as a Group D, not classifiable as to human carcinogenicity.

# TOLUENE

(75 lb per yr)

**TOLUENE** - Hazard Summary Toluene is added to gasoline, used to produce benzene, and used as a solvent. Exposure to toluene may occur from breathing ambient or indoor air affected by such sources. The central nervous system (CNS) is the primary target organ for toluene toxicity in both humans and animals for acute (short-term) and chronic (long-term) exposures. CNS dysfunction and narcosis have been frequently observed in humans acutely exposed to elevated airborne levels of toluene; symptoms include fatigue, sleepiness, headaches, and nausea. CNS depression has been reported to occur in chronic abusers exposed to high levels of toluene. Chronic inhalation exposure of humans to toluene also causes irritation of the upper respiratory tract and eyes, sore throat, dizziness, and headache. Human studies have reported developmental effects, such as CNS dysfunction, attention deficits, and minor craniofacial and limb anomalies, in the children of pregnant women exposed to high

# XYLEME

(100 lb per yr)

**XYLEME** - Exposure to xylene can irritate the eyes, nose, skin, and throat. Xylene can also cause headaches, dizziness, confusion, loss of muscle coordination, and in high doses, death.

Workers may be harmed from exposure to xylene. The level of exposure depends upon the dose, duration, and work being done.

# PAH HAPs 3

(95 lb per yr)

## PAH HAPs 3 -

### Cancer<sup>[edit]</sup>

PAHs have been linked to *skin, lung, bladder, liver, and stomach* cancers in well-established animal model studies.<sup>[72]</sup>

### Cardiovascular disease<sup>[edit]</sup>

Adult exposure to PAHs has been linked to *cardiovascular disease*.<sup>[84]</sup> PAHs are among the complex suite of contaminants in *tobacco smoke* and *particulate air pollution* and may contribute to cardiovascular disease resulting from such exposures.<sup>[85]</sup>

### Developmental impacts<sup>[edit]</sup>

Multiple *epidemiological* studies of people living in Europe, the United States, and China have linked *in utero* exposure to PAHs through air pollution

# ARSENIC

(.03 lb per yr)

**ARSENIC** - Arsenic can be harmful to the eyes, skin, liver, kidneys, lungs, and lymphatic system.

Exposure to arsenic can also cause cancer.

# BERYLLIUM

(0 lb per yr)

**Beryllium** is not an element that is crucial for **humans**; in fact it is one of the most **toxic** chemicals we know. It is a metal that can be very **harmful** when **humans** breathe it in, because it can damage the lungs and cause pneumonia.

OSHA is about to enforce requirements to limit exposure to **Beryllium** on job sites and for a good reason—It is deadly. ... Like other respirable particulates found in construction, **beryllium** has been linked to a lung disease, specifically chronic **beryllium** disease. The disease **kills** around 100 people each year. Mar 12, 2018

While most commonly associated with diseases **of the lungs**, **beryllium** may also affect such organs as **the liver**, kidneys, heart, nervous system, and **the lymphatic system**. Direct contact with **beryllium** fumes or dusts may injure **the exposed areas of the body**, such as **the eyes** or **the skin**.

Berylliosis is a form of metal **poisoning** caused by inhalation of **beryllium** dusts, vapors, or its compounds or implantation of the substance in the skin.

# CADMIUM

(.02 lb per yr)

**Cadmium** - and its compounds are highly toxic and exposure to this metal is known to cause cancer and targets the body's cardiovascular, renal, gastrointestinal, neurological, reproductive, and respiratory systems. Breathing air with very high levels of cadmium can severely damage the lungs and may cause death. Breathing air with lower levels of cadmium over long periods of time (for years) results in a build-up of cadmium in the kidney, and if sufficiently high, may result in kidney disease.

The U.S. Department of Health and Human Services (DHHS) has determined that cadmium and cadmium compounds are known human carcinogens. The International Agency for Research on Cancer (IARC) has determined that cadmium is carcinogenic to humans. **The EPA has determined that cadmium is a probable human carcinogen.** We do not know whether cadmium can cause birth defects in people. Studies in animals exposed to high enough levels of cadmium during pregnancy have resulted in harmful effects in the young. The nervous system appears to be the most sensitive target. Young animals exposed to cadmium before birth have shown effects on behavior and learning. There is also some information from animal studies that high enough exposures to cadmium before birth can reduce body weights and affect the skeleton in the developing young.

# CHROMIUM

(2.8 lb per yr)

**CHROMIUM** - The health hazards associated with exposure to chromium are dependent on its oxidation state. The metal form (chromium as it exists in this product) is of low toxicity. The hexavalent form is toxic. Adverse effects of the hexavalent form on the skin may include **ulcerations, dermatitis, and allergic skin reactions**.

Chromium (Cr) Dosing and Safety. **Avoid in people with a known allergy** or sensitivity to chromium. People with allergies to chromate or leather may be more likely to have allergic reactions to chromium.

# COBALT

(0 lb per yr)

**Cobalt** - is an essential element for life in minute amounts. The  $LD_{50}$  value for soluble cobalt salts has been estimated to be between 150 and 500 mg/kg.<sup>[149]</sup> In the US, the Occupational Safety and Health Administration (OSHA) has designated a **permissible exposure limit (PEL)** in the workplace as a time-weighted average (TWA) of 0.1 mg/m<sup>3</sup>. The National Institute for Occupational Safety and Health (NIOSH) has set a **recommended exposure limit (REL)** of 0.05 mg/m<sup>3</sup>, time-weighted average. The IDLH (immediately dangerous to life and health) value is 20 mg/m<sup>3</sup>.<sup>[150]</sup>

However, chronic cobalt ingestion has caused serious health problems at doses far less than the lethal dose. In 1966, the addition of cobalt compounds to stabilize beer foam in Canada led to a peculiar form of toxin-induced **cardiomyopathy**, which came to be known as *beer drinker's cardiomyopathy*.<sup>[151][152]</sup>

Furthermore, cobalt metal is suspected of causing **cancer** (i.e., possibly **carcinogenic, IARC Group 2B**) as per the International Agency for Research on Cancer (IARC) Monographs. [PDF]

It causes respiratory problems when inhaled.<sup>[153]</sup> It also causes skin problems when touched; after **nickel** and chromium, cobalt is a major cause of **contact dermatitis**.<sup>[154]</sup> These risks are faced by cobalt miners.

# HEXAVALENT CHROMIUM

(.2 lb per yr)

## HEXAVALENT CHROMIUM

### Cancer

All hexavalent chromium compounds are considered carcinogenic to workers. The risk of developing lung, nasal, and sinus cancer increases with the amount of hexavalent chromium inhaled and the length of time the worker is exposed.

### Eyes

Direct eye contact with chromic acid or chromate dusts can cause permanent eye damage. Avoid eye contact with dusts, fumes, smoke, liquids, mists, and aerosols containing hexavalent chromium.

### Respiratory Tract

Hexavalent chromium can irritate the nose, throat, and lungs. Repeated or prolonged exposure can damage the mucous membranes of the nasal passages and result in ulcers. In severe cases, exposure causes perforation of the septum (the wall separating the nasal passages). Some employees become allergic to hexavalent chromium so that inhaling the chromate compounds can cause asthma symptoms such as wheezing and shortness of breath.

### Skin

# LEAD

(.3 lb per yr)

**LEAD** - can affect almost every organ and system in your body. Children six years old and younger are most susceptible to the effects of lead.

**Children** Even low levels of lead in the blood of children can result in: Behavior and learning problems, Lower IQ and Hyperactivity, Slowed growth, Hearing Problems, Anemia. In rare cases, ingestion of lead can cause seizures, coma and even death.

**Pregnant Women** Lead can accumulate in our bodies over time, where it is stored in bones along with calcium. During pregnancy, lead is released from the mother's bones along with calcium and can pass from the mother exposing the fetus or the breastfeeding infant to lead. This can result in serious effects to the developing fetus and infant, including: Cause the baby to be born too early or too small; Hurt the baby's brain, kidney's, and nervous system; Increase the likelihood of learning or behavioral problems; and Put the mother at risk for miscarriage.

**Other Adults** Lead is also harmful to other adults. Adults exposed to lead can suffer from: Cardiovascular effects, increased blood pressure and incidence of hypertension; Decreased kidney function; and Reproductive problems (in both men and women).

# MANGANESE

(3.9 lb per yr)

## MANGANESE - Health Risks from Excessive Manganese -NIH

No evidence shows manganese toxicity from high dietary manganese intakes [38]. However, manganese toxicity has occurred in people working in such occupations as welding and mining who were exposed to high amounts of manganese from chronic inhalation of manganese dust [1,39]. People who consume water containing high levels of manganese (in some cases as high as 28 mg/L) have also developed manganese toxicity [4,40].

Manganese toxicity mainly affects the central nervous system and can cause tremors, muscle spasms, tinnitus, hearing loss, and the feeling of being unsteady on one's feet [1,2]. Additional symptoms include mania, insomnia, depression, delusions, anorexia, headaches, irritability, lower extremity weakness, changes in mood and short-term memory, altered reaction times, and reduced hand-eye coordination [1,39]. These signs and symptoms can progress to neuromotor impairments similar to those associated with Parkinson's disease, including changes in gait and balance, tremor, and rigidity [1,4].

Iron deficiency increases manganese absorption and can therefore exacerbate symptoms of manganese toxicity [2]. People with chronic liver disease have impaired manganese elimination in bile and are more susceptible to manganese neurotoxicity and other adverse effects of excess manganese intakes [4].

# MERCURY

(.1 lb per yr)

**MERCURY** - The toxic effects of mercury depend on its chemical form and the route of exposure. Methylmercury [ $\text{CH}_3\text{Hg}$ ] is the most toxic form. It affects the immune system, alters genetic and enzyme systems, and damages the nervous system, including coordination and the senses of touch, taste, and sight. Methylmercury is particularly damaging to developing embryos, which are five to ten times more sensitive than adults. Exposure to methylmercury is usually by ingestion, and it is absorbed more readily and excreted more slowly than other forms of mercury. Elemental mercury,  $\text{Hg}(0)$ , the form released from broken thermometers, causes tremors, gingivitis, and excitability when vapors are inhaled over a long period of time. Although it is less toxic than methylmercury, elemental mercury may be found in higher concentrations in environments such as gold mine sites, where it has been used to extract gold. If elemental mercury is ingested, it is absorbed relatively slowly and may pass through the digestive system without causing damage. Ingestion of other common forms of mercury, such as the salt  $\text{HgCl}_2$ , which damages the gastrointestinal tract and causes kidney failure, is unlikely from environmental sources.

# NICKEL

(31.5 lb per yr)

**NICKEL** - The average daily exposure does not pose a threat to human health. Most of the nickel absorbed every day by humans is removed by the kidneys and passed out of the body through urine or is eliminated through the gastrointestinal tract without being absorbed. Nickel is not a cumulative poison, but larger doses or chronic inhalation exposure may be toxic, even **carcinogenic**, and constitute an **occupational hazard**.<sup>[105]</sup>

Nickel compounds are classified as human carcinogens<sup>[106][107][108][109]</sup> based on increased respiratory cancer risks observed in epidemiological studies of sulfidic ore refinery workers.<sup>[110]</sup> This is supported by the positive results of the NTP bioassays with Ni sub-sulfide and Ni oxide in rats and mice.<sup>[111][112]</sup> The human and animal data consistently indicate a lack of carcinogenicity via the oral route of exposure and limit the carcinogenicity of nickel compounds to respiratory tumours after inhalation.<sup>[113][114]</sup> Nickel metal is classified as a suspect carcinogen;<sup>[106][107][108]</sup> there is consistency between the absence of increased respiratory cancer risks in workers predominantly exposed to metallic nickel<sup>[110]</sup> and the lack of respiratory tumours in a rat lifetime inhalation carcinogenicity study with nickel metal powder.<sup>[115]</sup> In the rodent inhalation studies with various nickel compounds and nickel metal, increased lung inflammations with and without bronchial lymph node hyperplasia or fibrosis were observed.<sup>[109][111][115][116]</sup> In rat studies, oral ingestion of water-soluble nickel salts can trigger perinatal mortality effects in pregnant animals.<sup>[117]</sup> Whether these effects are relevant to humans is unclear as epidemiological studies of highly exposed female workers have not shown adverse developmental toxicity effects.<sup>[118][119][120][121]</sup>

People can be exposed to nickel in the workplace by inhalation, ingestion, and contact with skin or eye. The [Occupational Safety and Health](#)

# SELENIUM

(.2 lb per yr)

**SELENIUM** - Taken at normal doses, selenium does not usually have side effects. An overdose of selenium may cause **bad breath, fever, and nausea, as well as liver, kidney and heart problems and other symptoms**. At high enough levels, selenium could cause death.

**From:** [Randy Johnson](#)  
**To:** [Heather Scott](#)  
**Cc:** [Jeanette Bare](#); [gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com); [Meghan St. Clair](#); [Valerie Hays](#)  
**Subject:** R Johnson Public Comment Brannan US2021-002 6th Submittal  
**Date:** Thursday, June 27, 2024 1:38:36 PM

---

Hi Heather,

I reviewed Brannan's US2021-002 6<sup>th</sup> Submittal Documents. Please review and add the US2021-002 Public Comment.

=====

I copied the paragraphs below from the **Applicant Response to Staff and Referral Comments ("Applicant Response Letter 4")**. I highlighted changes Brannan doesn't look like they incorporated as stated.

-----

o Note number 6 indicates the extended hours of operation typically occur Sunday-Thursday however the table states hours of operation and Monday-Saturday. Change the 'Common Area' column to Extended Hours of Operations. Then state "Not to exceed APM calculations" for parking, truck trips, employees, noise decibels, stockpiles and stockpile height. **For days of operation state 8pm Sunday – 6 pm Thursday. Then the 'Overall' column and the 'Days of Operation' row should change to 6pm Sunday to 6pm Saturday.**

The Consolidated Management Plan Table is updated to incorporate Extended Hours of Operation as a complementary use, in accordance with the County's instructions above.

-----

As Brannan replied they only updated the Extended Hours of Operation although a little different than stated.

**US2021-002\_6th Resub\_USR\_2024-06-19\_93576451**

+++++

**Management Plan Table**

**Days of Operation Row - Extended Hours Column**

Shows "See APM8" not 8pm Sunday – 6 pm Thursday

**Days of Operation Row - Overall Column**

The 'Overall' Column' and 'Days of Operation' row still shows 6days (Mon-Sat) not 6p Sunday to 6p Saturday.

**Hours of Operation Row - Extended Hours of Operation Column**

It looks like they added 8p Sunday to 6p Thursday to 'Extended Hours of Operation' column 'Hours of Operation' row.

**Hours of Operation Row - Overall Column**

This box should show both 6a-6p and 8p Sunday to 6p Thursday Extended Hours

**Truck Trips - Extended Hours**

There is still no mention of truck trips for extended hours. "See APM8" implies they will not be doing APM truck trips from 6a-6p when they are doing extended hours as they only have 808 truck trips/day.

There should be no X'd out boxes.

**Fire Protection**

For Extended hours the fire protection would be the same as APM. I think "See APM8" should be added.

**Permits Required**

For Extended hours permits required would be the same as APM. I think "See APM8" should be added.

Also the Overall Column should match APM permits as APM lists both the Concrete Production and APM type of permits so it will reflect both.

+++++

**Sheet 9 Note 1**

- 1. Existing concrete plant use has been in operation for approximately 40 years. Layout is shown as approved by US2014-009.

The concrete plant may have been in operation for 40 years but not in the existing configuration. I have lived in Louviers for 33 years and it was a much smaller operation. When Brannan took over they increased the operation dramatically.

**Sheet 15 Note 15**

Improvements in the Airport Road corridor will be adjusted to accommodate underground utilities and side slopes as may be modified during roadway expansion. Proposed landscape improvements will accordingly be phased to occur after the completion of the road project.

The 2<sup>nd</sup> sentence mentions landscape improvements will be phased to occur after the completion of the road project. Road improvements were already completed in front of the Brannan facility of as mentioned in the TIS. Any changes would be to the south side of airport road. It will take years for the landscape to mature. It needs to be planted as soon as possible.

=====

**Noise Reports**

The following sentence was copied from Behrens June 18, 2024 Noise Modeling Report Executive Summary:

This report also includes context for the modeled noise. For residential receptor locations, the noise from Brannan’s existing and proposed operations may be perceived as “barely perceptible.”

This is untrue. It is very noticeable today and will be worse as identified in the Noise Contour Maps.

I've also realized collecting noise data for only 5 days really under represents the ambient noise level of

40 dBA or less in the area although it does show there is a lot of train horns on some days/nights. Many days/nights we don't have any train horns.

The following sentence was copied from Behrens June 18, 2024 Noise Modeling Report 4. Ambient and Operational Sound Level Survey section:

Lastly, with approximately 30 more hours of ambient data, a vast amount of additional train noise was collected, increasing the overall ambient levels.

The following sentence was copied from Behrens June 18, 2024 Noise Modeling Report 8. Conclusion:

Mitigation strategies are not being pursued because the existing and proposed facilities are predicted to meet the legal standard without mitigation.

If you look at the 15 minutes graphs you can see the slope of the line drops rapidly after 5p.

Below is a copy of an email I sent the day after the noise data was collected:

-----

Louviers - Crusher and Banging Noise 10/23/19

Randy Johnson Wed 10/23/2019 1:23 PM

To: Alex Schatz; Joshua Oliver

Alex, Josh,

Just want to let you know the crusher and banging is really bad today.

Randy

-----

**US2021-002\_6th Resub\_DLAA Noise Modeling Review 6-14-2024\_93576404**

Below is a paragraph from the DLAA Noise Modeling Review and Brannan's response:

h. The proposed strategies and related analysis for mitigation scenarios outlined in Section 6.2 of the 2024 report all appear reasonable. Our only comment is to clarify the term "acoustical blanket" used throughout the Section. Is there a Noise Reduction Class (NRC) requirement for acoustical blankets or does any massive blanket that achieves STC-25 satisfy the requirement? We suspect that the blankets in the model may include an acoustical absorption component, which would help reduce the effect of acoustical reflections off the barrier blankets and local equipment/structures. If this is true, the report should include both minimum STC and minimum NRC ratings for appropriate specifications. **Brannan will not be implementing the recommended mitigation found in the noise modeling report. Therefore, the revised noise modeling report will exclude those results and recommendations.**

Brannan continues to not consider or implement any recommended additional noise mitigation even when identified in the January 5, 2024 Behrens Report. This is unfair to the surrounding communities and

businesses. They are the only business creating excessive noise in the area. This is un-acceptable. When I read the January 5, 2024 Behrens noise modeling report I thought Brannan was recommending the noise mitigation measures.

Randy Johnson  
Louviers Resident

June 25, 2024

RE: USR 2021-002

Dear Douglas County Board of County Commissioners,

I have been working in the real estate industry as a Realtor for over 11 years in and around the Douglas County area. I would like to provide my professional opinion as to how communities around the Brannan Asphalt and Concrete Plant could be negatively impacted.

The proximity of residential properties to pollution sources can significantly impact their market values. This happens due to several factors that influence buyer preferences, health concerns, and overall livability.

Pollution, whether in the air, soil, or water, poses health risks to residents. Living near industrial sites or factories emitting pollutants like particulate matter, volatile organic compounds, or heavy metals can increase the risk of respiratory illnesses, cancer, and other health issues. Potential buyers are often wary of these health risks and prefer to invest in properties located away from such sources.

Buyers are looking for quality of life when they choose their homes. Noise pollution from traffic or industrial activities can disrupt peace and quiet, making these neighborhoods around Brannan less desirable. The aesthetic degradation that is happening due to Brannan's operations is a significant impact to the communities around it.

To put it simply....the industrial area off of Santa Fe was not negatively impacting real estate until Brannan started their operations. They are operating at too high of an impact...pushing the limits of pollution, VOCs, noise, traffic, and aesthetic degradation for the surrounding communities.

Real estate markets are highly sensitive to perceptions of environmental quality and public health. Studies consistently show that homes located near polluted areas or with visible environmental hazards tend to sell at lower prices compared to similar properties in cleaner, safer locations.

The Board of County Commissioners have a promise to protect our communities. This major industrial operation needs to be moved to an area that will not impact the charm, character, safety, and value of the surrounding communities.

Thank you very much for your time and consideration on this important issue!

Sincerely,

A handwritten signature in black ink, appearing to be 'K. Stockton', with a long horizontal stroke extending to the right.

Kim Stockton

**From:** [Randy Johnson](#)  
**To:** [Heather Scott](#)  
**Cc:** [BOCC](#)  
**Subject:** RJohnson US2021-002 Public Input - Brannan Blaring with train horn 6/19/2024  
**Date:** Thursday, June 20, 2024 2:02:04 PM  
**Attachments:** [VID\\_20240619\\_131502337.mp4](#)  
[VID\\_20240619\\_131743839.mp4](#)

Heather,

Attached are videos of blaring coming from Brannan yesterday 6/19/2024 . The 1st video around 1:15p with just the blaring. As you can hear it is very noticeable. The 2nd video around 1:17p with a train horn blowing at the same time. You can hear the blaring over the train horn.

I can also hear the blaring today although it is windier such that you hear the blaring through the leaves.

Will you add this to US2021-002 as public input.

Randy Johnson  
Louviers



VID\_20240619\_1315  
02337.mp4



VID\_20240619\_1317  
43839.mp4

**From:** [Randy Johnson](#)  
**To:** [Heather Scott](#)  
**Cc:** [BOCC](#)  
**Subject:** RJohnson US2021-002 Public Input - Brannan water mixer 4/16/2024  
**Date:** Thursday, June 20, 2024 2:06:16 PM  
**Attachments:** [VID\\_20240416\\_172548308 \(1\).mp4](#)

Heather,

Attached is a video of water pouring out of the cement plant mixer cleanout area on 4/16/2024 around 525p. I was walking my dog on LaVaun Drive going north. We turned around and came back and noticed it was still going when no trucks were there. It is very disheartening to see this waste of water when the public is told to conserve. Also you can see the cloud of dust coming off of only one cement mixer going across the bridge.

Will you add this to US2021-002 as public input.

Randy Johnson  
Louviers



VID\_20240416\_1725  
48308 (1).mp4

**From:** [Randy Johnson](#)  
**To:** [Heather Scott](#)  
**Cc:** [BOCC](#)  
**Subject:** RJohnson US2021-002 Public Input - Brannan concrete piles dust 5/29/2024  
**Date:** Thursday, June 20, 2024 2:10:23 PM  
**Attachments:** [VID\\_20240529\\_162905840.mp4](#)

Heather,

Attached is a video of concrete dust blowing off the Brannan cement piles on 5/29/2024 around 429p when we had strong wind gusts.

Will you add this to US2021-002 as public input.

Randy Johnson  
Louviers



VID\_20240529\_1629  
05840.mp4

June 24, 2024

Board of County Commissioners  
100 Third Street  
Castle Rock, CO 80104  
bocc@douglas.co.us

RE: USR Application 2021-002

Board of County Commissioners:

This is a letter in opposition of USR Application 2021-002.

While we stand in opposition to Brannan Sand & Gravel's proposed mixed industrial uses in the Louviers Rural Community, we trust in the Board of County Commissioners' commitment to growth and smart business development in Douglas County. We believe in your ability to make the right decision for our community.

In and throughout the County, we have noticed mobile asphalt units on various projects. No doubt, a mobile unit would not be used as an alternative to a static asphalt facility if it were not profitable.

Mobile asphalt units alleviate the County's issue of transporting asphalt from greater distances and alleviate the singular burden of an asphalt plant located in the Louviers Rural Community.

Louviers, as the gateway to water on the Highway 85 corridor, presents a wealth of untapped potential for modern, healthy, and smart business development in Douglas County. Rezoning the industrial land in a way that aligns with the future of commerce along the Highway 85 corridor could be a game-changer for our community.

Douglas County is one of the healthiest places in Colorado. I am proud to live in a place with noted rural areas and Commissioners committed to open space. We encourage you to look to the future and consider healthier alternatives to asphalt production in and around the Louviers Rural Community.

Thank you for your consideration,  
Meghan St. Clair  
Louviers Conservation Partnership  
7761 Valley View Street  
Louviers, CO 80131

June 24, 2024

Board of County Commissioners  
100 Third Street  
Castle Rock, CO 80104  
bocc@douglas.co.us

RE: USR Application 2021-002

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Douglas County is one of the healthiest places in Colorado. I am proud to live in a place with noted rural areas and Commissioners committed to open space. We encourage you to look to the future and consider healthier alternatives to asphalt production in and around the Louviers Rural Community.

Thank you for your consideration,  
Meghan St. Clair  
Louviers Conservation Partnership  
7761 Valley View Street  
Louviers, CO 80131

June 19, 2024

Board of County Commissioners  
100 Third Street  
Castle Rock, CO 80104  
bocc@douglas.co.us

RE: USR Application 2021-002

Board of County Commissioners:

I am a member of the Louviers Conservation Partnership. I am writing to you as a citizen of Douglas County and a resident of the Louviers Village in the Louviers Rural Community in opposition to USR Application 2021-002.

In particular, I would like to point out the visibility issues with the proposed USR Application 2021-002 in terms of the storage of asphalt aggregate, gravel, and concrete stockpiles that are/ will be in violation of DCZR 1416.04 and the 2040 CMP Section 4.

The most recent decision affirming this violation is the Colorado Court of Appeals ruling 23CA1266 Sherman v Brannan on June 06, 2024.

Please note several important points from the Court's ruling:

- 1) "We conclude Section 1416 protects the right to be free from unregulated outside storage of raw materials in Douglas County, even in a General Industrial zone."  
(p.11)
- 2) "At the BOA hearing, Brannan's attorney argued that the stockpiles do not remain fixed but are "consistently in motion" around the site, based on where the concrete is crushed and when it is sold as merchandise. This underscores our conclusion that an analysis of the stockpiles' visual impact requires a review of the entire potential storage area. (p. 14, Footnote 3)
- 3) " It would render the term "adjoining" meaningless in cases like this one, where the SIP use area is separated from an adjacent public right-of-way by the applicant's own non-SIP-related property. See Wolf Creek Ski Corp. v. Bd. of Cnty. Comm'rs, 170 P.3d 821, 826 (Colo. App. 2007) (we avoid interpretations that would render meaningless a statute's plain language). This interpretation also ignores the plain language of Section 1416.04, which protects visibility from public rights-of-way, **without confinement to particular portions of the right-of-way.**" (p. 24)
- 4) "Where it is not possible to prevent viewing outside storage from public rights-of-way like Airport Road, Section 1416.04 requires that it must be

prohibited. The SIP Revision proposes no additional fencing or landscaping to “prevent viewing” the existing and additional concrete stockpiles allowed under the SIP Revision. We therefore conclude that outside storage is prohibited under Section 1416.04.” (p. 25)

**The Colorado Court’s ruling means that the storage of raw materials may not be visible in Douglas County (even in an industrial zone), on any part of a landowner’s property, from an adjoining right of way (Airport Road), but not confined to the part of the right of way that is adjoining.**

The Colorado Court of Appeals states that Brannan’s outside storage is prohibited because it violates DCZR 1416.04. Therefore, the asphalt aggregate, gravel, and concrete stockpiles stored outdoors on Brannan’s property proposed in USR 2021-002 cannot be adequately stored, and therefore, USR 2021-002 must be denied.

Beyond the Court’s ruling, the USR cannot meet the following requirements, and therefore, USR 2021-002 should be denied:

DCZR 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.

Objective 4-2D of the 2040 CMP is to - “Preserve the visual integrity of significant ridgelines, road viewsheds, view of the mountain backdrop, and other important features.”

Further, according to Section 4 of the CMP, “If there is conflict between policies, the policies in this section take precedence.”

USR 2021-002 must be denied because it violates the DCZR and Section 4 of the CMP by destroying road viewsheds in and around the Louviers Rural Community.

Attached and [linked](#) are photos taken from different points of view in and around the Louviers Rural Community of the current stockpiles on Brannan's property.

Thank you for your consideration,  
Meghan St. Clair  
7761 Valley View Street  
Louviers, CO 80131

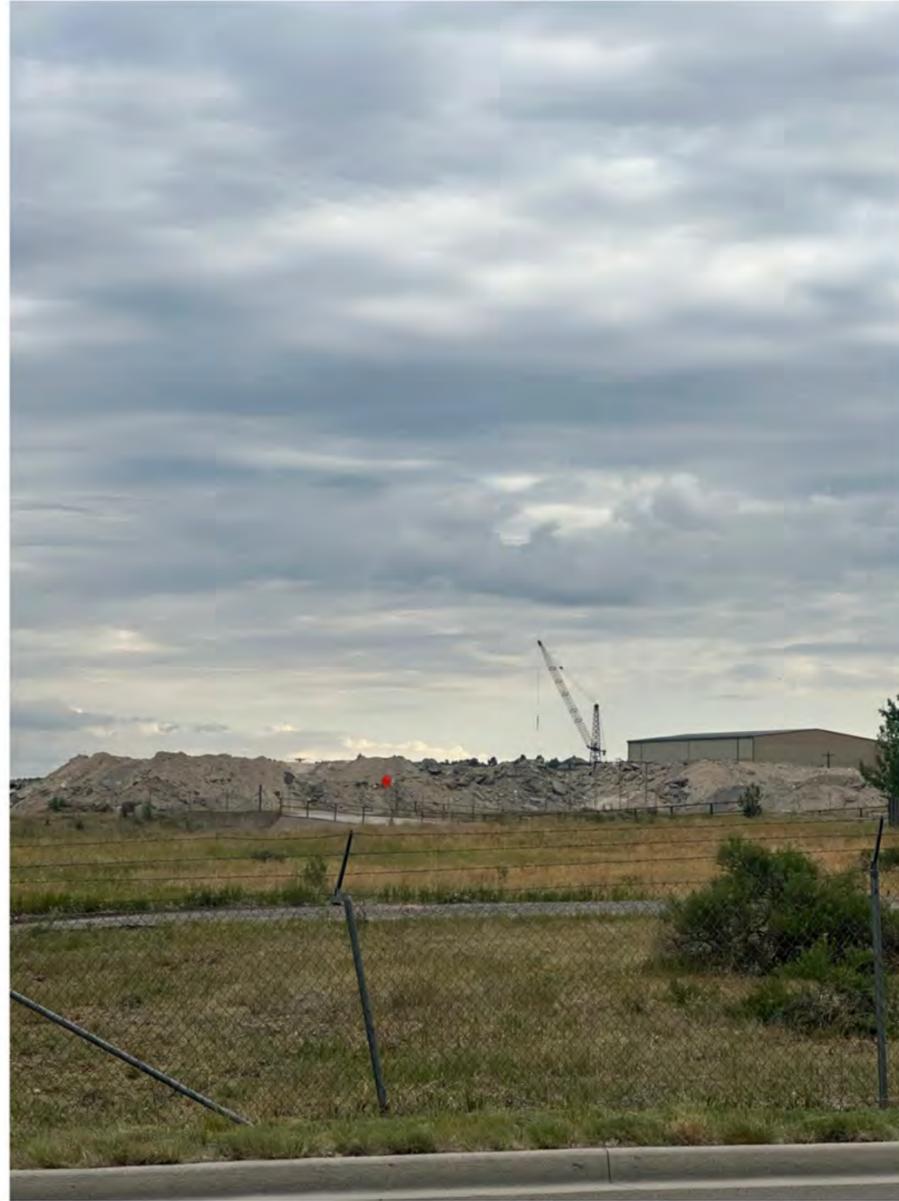


Brannan Sand & Gravel – outdoor storage of concrete stockpiles visible from residences on Valley View Street in Louviers.

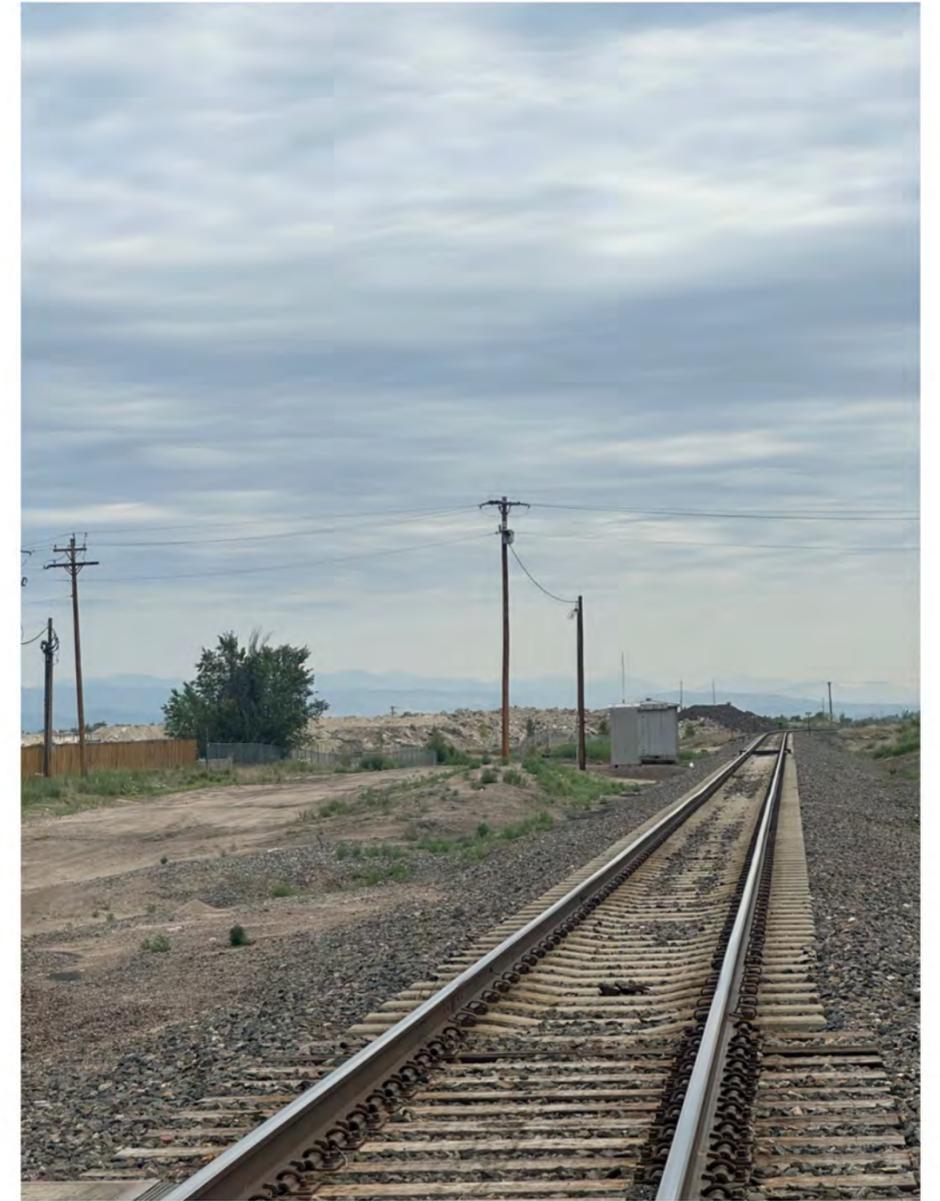




Brannan Sand & Gravel –  
outdoor storage of  
concrete stockpiles visible  
from Louviers Blvd. in  
Louviers.



Brannan Sand & Gravel – outdoor storage of concrete stockpiles visible from Airport Road in Louviers Rural Community.



Brannan Sand & Gravel – outdoor storage of concrete stockpiles visible from Airport Road in Louviers Rural Community.



Brannan Sand & Gravel –  
outdoor storage of  
concrete stockpiles visible  
from Waterton Road/  
Airport Road in Louviers.



Brannan Sand & Gravel –  
outdoor storage of  
concrete stockpiles visible  
from Lavaun Dr. in  
Louviers.





Brannan Sand & Gravel – outdoor storage of concrete stockpiles visible from Pate Ave. and Main Street in Kelly Town.

Brannan Sand & Gravel – outdoor storage of concrete stockpiles visible from Hwy 85 in the Louviers Rural Community.



Gretchen Farrell  
7835 Valley View Street  
Louviers, Colorado 80131  
June 18, 2024

Board of County Commissioners  
Douglas County  
100 Third Street  
Castle Rock, CO 80104

Re: Opposition to USR2021-002 and Concrete Crushing Operations by Brannan Sand and Gravel

Dear Board of County Commissioners,

As a citizen of Louviers and Co-founder of the Louviers Conservation Partnership, I am writing to express my staunch opposition to the proposed USR2021-002 application by Brannan Sand and Gravel and to highlight significant concerns regarding their concrete crushing operations.

As of June 2024, the county planning office has requested the sixth revision of USR2021-002 by Brannan Sand and Gravel. It is disconcerting that Brannan's proposal remains virtually unchanged despite significant community opposition and previous regulatory setbacks.

In August 2018, Brannan Sand and Gravel initially submitted a similar proposal under USR2018-01. However, following community outcry and a unanimous denial by the Planning Commission during a vote, Brannan withdrew the application on September 22, 2020. The Planning Commission's denial was based on the project's failure to meet the following four criteria:

- 2102.04: Incompatible harmony with surrounding areas
- 2102.07: Failure to provide necessary roadway capacity
- 2102.09: Will cause significant air, water, or noise pollution
- 2102.12: Detrimental to the health, safety, or welfare of residents

Additionally, Brannan has faced legal challenges regarding their concrete crushing operations. In 2020, at the request of the county concrete crushing operations were halted due to various non-compliances with the state-required air quality permit and zoning regulations, including grading and drainage issues, lighting issues, and lack of landscaping. Most recently, eight Kellytown residents appealed the department's approval of the SIP provision to the Douglas County Board of Adjustment (BOA), arguing that it violated Section 1416. The BOA held a hearing on the plaintiffs' appeal and affirmed the department's approval of the SIP by a two-to-one vote, without issuing written findings. Subsequently, the plaintiffs filed a complaint for relief from the BOA decision in district court pursuant to CRCP 10684, alleging that the BOA abused its discretion by misinterpreting and misapplying Section 1416. The district court

reversed the BOA's decision, prompting Brannan to appeal to the Colorado Court of Appeals. In June 2024, the Colorado Court of Appeals upheld the district court's ruling.

Myself and the Louviers Conservation Partnership urge the Board of County Commissioners to give significant weight to these cumulative decisions and community concerns. Brannan's repeated attempts to push forward with projects that have been previously denied or legally challenged demonstrate a disregard for county regulations and the well-being of local residents.

We respectfully request that the Board of County Commissioners deny USR2021-002 and take proactive measures to prevent further environmental and community disruptions caused by Brannan Sand and Gravel's operations.

Thank you for your attention to this critical matter. We look forward to your thoughtful consideration and swift action to protect our families and environment.

Gratefully,

Gretchen Farrell  
Co-Director, Louviers Conservation Partnership  
gretchenfarrell@gmail.com

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** Brannan  
**Date:** Thursday, May 9, 2024 9:54:55 AM

---

Hi Heather!

I just couldn't help but let you know Louviers is receiving the invite for the community meeting on the 21st.

Luckily it starts at 4 so a few can attend. Because, also that night is a long planned Village Ladies Club event for 18 AND it is also the evening for the monthly Louviers Water and Sanitation meeting. Everyone in town is also interested attending that in order to hear if we are going to get safe drinking water or not.

If they claim we weren't interested in their meeting, well this is why.

Also, they didn't invite Cherokee Ridge so we let them know.

Best regards!

Valerie

**From:** [Randy Johnson](#)  
**To:** [Heather Scott](#)  
**Cc:** [gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com); [Meghan St. Clair](#); [Valerie Hays](#)  
**Subject:** R Johnson Public Comment Brannan US2021-002 5th Submittal  
**Date:** Thursday, May 9, 2024 11:17:42 AM

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Heather,

Below are my comments related to Brannan US2021-002 5th Submittal.

### **Dust**

During the previous concrete crushing operation Brannan demonstrated that they could not control the fugitive dust coming from the facility.

Equipment Operation- Highly visible streams of dust were visible coming off the the stockpile area from the conveyor belts, loaders, and buckets. Huge dust clouds came off both there loaders and buckets while moving around and processing the concrete piles when crushing operation were occurring. Looking east from Louviers the stream of dust could be seen flowing north to Kellytown and beyond. When driving south on Hwy 85/Santa Fe streams of dust could be seen flowing west towards Louviers.

Haul Roads/Trucking- Highly visible clouds of concrete dust surrounding a single concrete truck were observed when it drove slowly from the cleanout area across the bridge back toward the concrete plant. The additional 806 APM trucks will be driving across this bridge/road which would cause continuous dust clouds such that the dust will not settle and saturate the air later settling in Louviers.

When the mechanical street sweeper is operating a large plume is seen arising from it.

When the facility roads are watered the trucks create a layer of concrete dust on Airport Road. This occurs with just the Concrete Batch Plant related trucks. It can be seen all the way to Hwy 85/Santa Fe which all vehicles traveling on Airport Road have to drive through. This will be much worse with the additional trucks.

They will not be able control the fugitive dust from 1006 truck trips daily during vehicle movement.

When Brannan was crushing concrete the cement dust was accumulating on Louviers Blvd. It could be seen as a lighter area in the center of the lanes between where vehicle tires contact the road. This had never happened before and was quite noticeable.

### **Noise**

Brannan continues to state they are allowed 80 dB from 7a-7p and 75 dB from 7p-7a.

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 Cement Batch Facility 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.

The following sound levels were observed at my back door on the SE side of Louviers using Model BAFX3370 Digital Sound Level Meter:

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The numbers observed above can be used as a comparison to the levels that Brannan will generate and how they will be heard in Louviers. The train horns are very loud but a short duration. The engine/track noise lasts around 5 minutes. If the APM operates at 75 dB and if similar duration to their Concrete Batch plant the noise would be continuous for hours while the surrounding area is at 40 dbA as identified in the first measurement above. There is nothing blocking the noise and no other continuous or other background noise as during daytime (ex. Brannan Cement Batch Plant - the largest contributor today, Other vehicle traffic, Airplanes). There is currently hardly any if any at all road noise after 10pm and there is no truck traffic which generates louder noise.

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The first shift would work from 6 a.m. to 4 p. m.; the second shift of different personnel would work from 8 p.m. to 6 a.m." The Management Plan Table Note 4 states: "Extended hours of operation typically occur Sunday-Thursday due to CDOT work schedules."

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What happens if a contract is extended near the end of the 90 NTE to extend beyond the 90 NTE, for example weather delays? Does Brannan stop at extended operations at 90 days at the Sedalia Site and use other Brannan locations?

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Louviers Resident

[Reply](#)   [Reply all](#)   [Forward](#)

R Johnson US2021-002 Brannan 5th Submittal Comments for LCP referral input

R Johnson Public Comment Brannan US2021-002 5th Submittal

**From:** [Randy Johnson](#)  
**To:** [Heather Scott](#)  
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[Reply](#)   [Reply all](#)   [Forward](#)

R Johnson US2021-002 Brannan 5th Submittal Comments for LCP referral input

R Johnson Public Comment Brannan US2021-002 5th Submittal

Dear Heather:

I'm writing to you one last time regarding the latest resubmittal by Brannan for the proposed asphalt plant. I would like to address the applicant's Narrative and the Applicant Response to Referral Comments.

The Written Narrative has now been recrafted to present the same old cover-up for their intentions to sneak in between the lines of the Zoning Code and the Comprehensive Master Plan.

The resubmittal is not complete despite their assertion. They fail to demonstrate in the submittal the specifics of each of the three operations planned for the site, they assert that crushing is now ancillary to asphalt production, which it actually is not. It is an entirely separate enterprise. You do not need to crush concrete in order to make asphalt. They say the crushed material will be used only in their own jobs.

How this premise can ever be applied to the existing, unlawful, stockpile of concrete RAP I cannot imagine. The "prime opportunity" referred to in the Narrative applies only to the profits of Brannan and their desire to tap in to the asphalt market in Douglas County. The Narrative implies there is no source of local asphalt in the County. So not true, as there is a competitor just south of Brannan on Peterson Rd. Two asphalt plants in the Plum Creek valley is one too many. There are also products created by crushing concrete already available to our community right down the road at ARS. We already have these products close by in our community.

It is stated in the Narrative that the site layout is consistent with previous submittals. It is not. 43% of the new site plan is "common area" and there is NO area designated for concrete crushing, none. The site plan is supposed to demonstrate a USR and by definition I doubt that numerous instances of noting specific area in the plans as "Excluded-not part of USR" provides an all-inclusive review of the site.

They tell us the plant will be capable of producing 400 tons/hour but that it will "rarely reach this place." An average of 250 ton/hour is predicted. So what's it going to be?

It is stated that they have provided "many other refinements in consideration of nearby residents' and these would be "specific mitigation measures address noise, air and visual concerns." No way. Air? They got a worthless APEN, Noise? They left the noise of 800+ trucks maneuvering around the site and our roadways completely out of their modeling, Visual? The quantity of landscape provided by the new submittal is significantly less than prior and absolutely not in accordance with Zoning Regulation,

They present that a GI zone district has various impacts that **may be more intensive than allowed in other zone districts in the County.** Right! What they

ignore is that their site is only 2,200 feet away from residential zoning. They have to keep measuring everything at their property line, dust and noise, as they pertain to industrial uses. Dust and noise do leave their site. A huge volume of truck traffic enters and leaves their site. This impacts the community and it is Douglas County's job to understand the nuances of the land use and protect the existing communities from the harm caused by growth.

Brannan continues to use the word "soften" when trying to hide the fact that they cannot hide the APM behind a few scrawny trees that will only screen the site in 25 years and only in the summer, and actually not really at all.

They present pages of mitigation measures in the Narrative admitting they will be necessary. Somewhere it says "to the best of their ability" or something like that. That is no guarantee they'll do anything. We already know they have no respect for County zoning laws nor the requirements set forth in their SIP's.

They state they will "reconceive and bring up to current USR standards the crushing use previously approved." Well where is it? This submittal contains absolutely no detail about the newly proposed crushing operations. None! I cannot understand how the County could consider the details on crushing complete enough for approval. What exactly would you be approving?

They had to divest the floodplain from their property or it could never have been approved for anything on the site. It wasn't a generous gesture.

I cannot understand the logic behind the statement regarding site noise that it "does not change the character or intensity"? This premise leans on a bogus noise study that doesn't include the trucking for asphalt or crushing.

They repeatedly refuse to acknowledge the Residential zoning directly north of their property in any way.

Community meetings! What a joke. The last one they had was a Zoom. You had to send your questions in prior. They picked the ones they would answer. We were muted and could not respond. They didn't address my question at all. It was just a commercial for their business and they had no interest in engaging with us meaningfully. Also, in the very first meeting, Alex Schatz told my community they could "perfume" the asphalt smell. No one respected him again.

My community is actually anxious to meet with Brannan face to face. They keep telling the County that hardly any of us are interested. So not true. We will fill your meeting and the public hearings to standing room only.

The applicants Response to Staff is really infuriating. A very brief statement somehow brings the entirety of the concrete crushing into the USR. No details provided. They need to define the "limits the scope and scale of activity to only

those associated with concrete and asphalt manufacturing at the site. Does this mean the crushed concrete products they will produce will only supply the batch plant and provide road base for their paving jobs? Will they be selling road base and other crushed concrete products for export? Nothing is defined.

The statement that the site will be buffered by topography is so absurd. The topography is the key here and it doesn't work for Brannan.

They have a whole section called "Additional Documents Not Included." Exhibits A & B can't be developed because they are in violation of the approved site plan of SIP2018-04 and have had to leave those illegal stockpiles sitting there for 2 years hoping to win their appeal in court.

It is unclear if they intend to operate on Sundays? Thursday through Sunday for government work conflicts with Monday through Saturday stated elsewhere.

They state they have presented the truck trips accurately on the Management Table. Not really. They have a total (806) for asphalt and crush. They also present 266/day for asphalt elsewhere. You have to extrapolate that crushing is then going to be 540/day. What? If crushing is ancillary than why is there twice as much as asphalt?

I've written separately on noise and dust. Their Response keeps offering the same bogus studies that they paid for and provide us nothing more than proposed mitigation measures.

No part of the APM area is within the 100-year floodplain. Well it runs right through the site and all of the truck traffic at the site will have to traverse it. I want to also note here that last spring when we had weeks of rain I observed Brannan sandbagging the toe of the stockpile slope the abuts the floodplain. I wish I had photographed this.

Using 67 truck trips of concrete mixers instead of the 200 approved demonstrates the sneaky way Brannan manipulates "studies." Darn I think County Engineering gave them this loophole when they asked them to clarify the production volumes were included in the counts?

Stating the crushing operation is going to commence with the opening of the APM is misleading at best. The APM plant cannot be built with the existing 160,000 SF of RAP. Crushing will have to occur prior. And that's not ancillary.

The taxpayers shouldn't have to pay a dime for that right turn lane to Peterson. It only benefits Brannan by alleviating the traffic they bring.

I don't know if the comingled asphalt/concrete RAP stockpiles meet the exemption requirement of 6CCR1007-2, Part 1 as they are to be managed and separated because they currently are not.

Just exactly what are the air quality measures added since the last USR review?

The tone of the applicant's responses to both Cherokee Ridge and the Louviers Conservation Partnership are arrogant and condescending. The LCP did not copy Cherokee Ridge Responses. They assume we are dumb and that the lawyer who signed their letter fed us the responses. We collaborated and continue to do so.

By the way, the only "fabrication" going on regarding the floodplain belongs to Brannan. I saw the sandbags holding back the floodplain from the piles last spring.

Why are there even standards of mitigation which you can use to bring "harmony"? We have harmony without Brannan.

Despite the assertion that "there is no evidence that this application results in an over intensive use of the land" there most certainly would be! They have been sneaking around for five years now trying to keep these 3 uses approved separately because they know it.

If you think this application is "replete with the analysis of the real and limited impacts of the USR" regarding the environmental impacts, well, all I can say is they bought consultants to reflect the desired outcome in order to support the application and they are bogus, full of holes and lies.

The applicant formally objects to a process that relies on "proving the negative." Poor Brannan. What does that mean? That they're tired of defending this project full of misleading, inaccurate, incomplete, biased and devious information?

They end the Response with some kind of bribe I guess? What in the world would Louviers do with their scrap land? That's just plain silly!

Thank you!

Valerie Hays

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** US 2021 - 002  
**Date:** Monday, April 8, 2024 9:02:21 PM

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Dear Heather:

I've just learned that Brannan has once again submitted numerous documents to progress their application to construct an asphalt less than a mile from our homes here in Louviers. I haven't even opened the files yet, but I can tell you the following already.

We are tired of Brannan ruining our lives. It's been over 5 years now. We will never stop fighting them. Summertime is always when they submit their paperwork. Right when everyone is looking forward to enjoying their lives instead of tearing holes in the reams of bogus support they've bought and presented for their proposed enterprise. If they think Louviers is too busy to notice in the summer, they should think again.

Actually I'm really surprised Brannan isn't waiting to do this until May when their court date appealing their blatant violation of county zoning regulations for concrete crushing operations is upheld in district court. Sixty foot silos are bigger than the current stockpiles. But piles are piles and visible is visible. It bugs me that this "visibility" is all we seem to have to stand on, it's paramount in the law, not my health nor that of my community.

Without opening one single file of their latest submittal I can tell you the following.

Their traffic study is going to be 198 pages of bogus fluff and 2 pages of a paid-for cover-up of the fact that the added traffic of asphalt operations can not be supported on Airport Road as it is currently configured. And, that configuration is never going to change unless Brannan is buddies with the Union Pacific railroad.

I can also tell you that their new noise study is nothing but "science" slanted to give the result the client needed from this paid consultant. Noise travels kinda straight along an elevation. Their property line is below that elevation. Louviers is not. It's already noisy here in Louviers with only the concrete production despite anything their paid consultant can tell you about this added noise.

Brannan is not a good neighbor. They pay consultants to spin and respin data to support their efforts. Asphalt production is not good for the health and prosperity of my community nor the others near by.

Please post my objection to the file and look forward to more detailed comments on their newly submitted documents as I find time to point out their innumerable flaws instead of enjoying my summer!

Best regards!

Valerie Hays

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#); [Meghan St Clair](#); [Randy Johnson](#); [Rob Howard](#); [gretchen farrell](#)  
**Subject:** Re: US2021-002  
**Date:** Thursday, April 11, 2024 5:56:03 PM

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This is corrupt

On Thu, Apr 11, 2024 at 5:52 PM Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)> wrote:  
Please put this in the public file

On Thu, Apr 11, 2024 at 5:48 PM Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)> wrote:  
Wow! You conspired with them!  
Guess I have to move quick before I loose everything we've ever worked for!

On Thu, Apr 11, 2024 at 4:50 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good afternoon Valerie,

The regulation amendments can be found in the following project file: DR2023-004 at the following link: [Planning Pro - Document and Regulation - Document and Regulation \(DR2023-004\) \(douglas.co.us\)](#). The amendments were initiated by the Board of County Commissioners and were approved on March 26<sup>th</sup>. All the details, notices, staff reports, and public and referral comments are included in the project file.

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](mailto:hscott@douglas.co.us)

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**From:** Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)>  
**Sent:** Thursday, April 11, 2024 4:44 PM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Subject:** US2021-002

Hi Heather!

I left a voicemail. You must be busy! I have a question please.

On page 2 of the narrative the applicant presents “Revisions to the Douglas County code clarify outdoor storage requirements” as a significant change that accompanies their resubmittal.

Has the County changed their outdoor storage requirements recently, or ever? If so, what participated the change? Who participated and approved the revision?

Looking forward to hearing from you!

Thank you,

Valerie Hays

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#); [Meghan St Clair](#); [Randy Johnson](#); [gretchen farrell](#)  
**Subject:** Re: US2021-002  
**Date:** Monday, April 15, 2024 6:00:04 PM

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Thank you Heather! I would like this letter and your response to go in the file. Also my letter and your response on the zoning change please.

I appreciate you.

Valerie Hays

On Mon, Apr 15, 2024 at 5:27 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Valerie,

Thank you for your email. The county has an “Agreement to Abate” the zoning violation and the applicant is required to make improvements prior to commencing crushing onsite. The existing pile has shifted to construct the ring road and bury necessary utilities and staff will continue to monitor all modifications made on this site.

The revised narrative and management plan, on page two of the USR, indicates “processing of recycled asphalt paving material and concrete rubble shall be allowed as an accessory use”. The concrete pile would need to be crushed prior to any additional use being developed on this site.

I would encourage you to continue to monitor the application as it moves forward through the combined Use by Special Review process. Provide any comments or reach out if you have any further questions. Do let me know if you want me add this or your last email to the public file.

Hope you have a good night,

**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](mailto:hscott@douglas.co.us)

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**From:** Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)>

**Sent:** Monday, April 15, 2024 2:29 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Subject:** US2021-002

Dear Heather:

Writing to first apologize for loosing my grip last week and being rude. I realize now that the County would want to update their zoning laws for a variety of reasons. Jumping to the conclusion that there was collusion with Brannan was out of line and emotional.

Like I said before, I've always hated the fact that the requirement for screening seemed to be the only thing that would stand up in court. Our health, prosperity and quiet enjoyment of our lives sometimes doesn't seem to have a leg to stand on in the law.

I heard the Commissioners on their news brief this morning. Again and again they said things like "we're here to protect the quality of life for our citizens" and "we're protecting the safety of our citizens ." Are they? All of their citizens?

I haven't read all the application yet, but, just because they've finally found someone professional enough to correct the spelling and some of the inconsistencies, that doesn't mean the application is worthy of approval.

Forgive me if it's there already and I missed it, where is their intention stated regarding the existing 160k/sf commingled stockpiles of concrete and asphalt waiting to be crushed. How is this being addressed? It doesn't seem the asphalt plant could even be constructed with the huge stockpile where it is?

Can you please let me know where they provide this information or that they didn't?

Thank you!

Valerie Hays

**From:** [aajanet18@aol.com](mailto:aajanet18@aol.com)  
**To:** [Heather Scott](#)  
**Subject:** Owens Industrial Park Filing 1 project US file #US2021-002  
**Date:** Tuesday, April 16, 2024 12:08:22 PM

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My name is Janet Brunger address 8207 N. Cora St. (Kelly town) Littleton, CO 80125  
MY husband and I moved here in 1979. When we bought our house it was "residential" it is STILL residential complete with Mom and Dads, children Grandpa and Grandma's, pets, get the picture. There was no Superior Metals or side road that connects us to Sedalia. Were still here!!! this project is literally in my back yard. I have been to asphalt and crushing and concrete plants. Within 10 min. my chest and throat hurt my eyes are watering and I am having a hard time breathing. This is the conditions that we are being asked to LIVE IN. Yes I appose this request for zoning and the building of this plant. The "courtesy notification " that I received states that my comments are valuable to you. I pray that they are listened to with compassion an empathy. Yes I am a NIBY it is literally in my back yard would you want it in yours?  
Janet Brunger

Rodney Jacobsen  
8149 N. Cora St  
Littleton, CO 80125  
Apr 16, 2024

Heather Scott  
hscott@douglas.co.us

Dear Ms. Scott,

I am writing to you as a concerned resident of Kellytown regarding the proposed project at Owens Industrial Park, specifically the 1st Amendment, Lot 1A, and Metes and Bounds Parcel 3rd Amendment involving Brannan Sand and Gravel (Project File #: US2021-002). I urge you to consider the significant impacts this project will have on our community, both environmentally and in terms of public safety.

One of the most pressing concerns is the staggering increase in traffic that the asphalt plant will bring. According to the revised site plan dated 4/8/24, the addition of the plant will result in approximately 806 additional trucks during each 12-hour shift, totaling around 1006 trucks per shift, or 1.4 trucks per minute. Our neighborhood streets, such as Cora St and Main St, are ill-equipped to handle such a high volume of heavy vehicles. These roads are narrow, with barely enough space for two cars to pass safely, let alone large trucks. There are already frequent closures of Airport Rd due to passing trains, coupled with everyday traffic, RVs, and vehicles accessing other local businesses, and the addition of these trucks will only exacerbate the situation.

Moreover, the route to northbound US 85 via Lavaun Drive poses significant safety risks, particularly at the intersection with Airport Rd. The increased traffic flow will make it virtually impossible to turn left onto Airport Rd, pushing drivers to seek alternative, potentially dangerous routes such as W. Louviers Drive, where a tragic fatality occurred just last year.

Additionally, the emission of asphalt and silica dust into the air poses serious health risks to residents, particularly considering the lack of air conditioning in our older neighborhood. Many residents keep their windows open during the summer, especially at night, and with the overnight work projected for the summer months, they'll be exposed to harmful pollutants and noise. While Brannan Sand and Gravel have argued that asphalt poses no risk to residents, research shows that pollution from asphalt plants can travel up to two miles away, and the CDC, NIH, and Harvard School of Public

Health have all published studies indicating that asphalt exposure can cause skin and eye irritation, chronic bronchitis, and increased risk of cancer.

Furthermore, the project will disrupt the natural wildlife and adversely affect the quality of life for residents in the area. The suggested solution of planting trees and bushes to mitigate the dust will take many years to come to fruition, leaving residents vulnerable to the adverse effects in the meantime.

In light of these concerns, I urge you to carefully consider the environmental and public safety implications of the proposed project. Our neighborhood is not just a location; it is our home, and we deserve to live in a safe and healthy environment. I implore you to take decisive action to protect the well-being of our community and oppose this development.

Thank you for your attention to this matter.

Sincerely,

Rodney Jacobsen

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** US2021-02  
**Date:** Tuesday, April 16, 2024 9:32:01 PM

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Dear Heather:

I reviewed the Traffic Impact Study dated 2/9/2024 today and have the following comments:

Traffic Impact Studies are created by businesses that have modeling software to analyze data and make projections. The projections are only as good as the data input. The data can be manipulated, misconstrued and contain a variety of errors and omissions. That's what we have here.

In 1.0 Introduction it states that there is "a currently-approved crushing operation (for the recycling of concrete and **asphalt** paving products)" etc. I do not believe Brannan has permission to crush asphalt at this time?

In 2.0 Study Area I notice the study area has been greatly diminished from previous studies and now only addresses 3 intersections. Louviers Blvd., Lavaun Drive and Reynolds Avenue were no longer analyzed because their trucks aren't going that way. Seriously? The trucks go which ever way is most expedient and they always will. And Brannan can't tell every truck on the road where to drive, only their own. When they create volume congestion all the other trucks go wherever they can keep moving.

In 2.2 Study Assumptions it states the short-term horizon is 2024 and that the APM Facility is operational! For that to happen Brannan would have to crush 160,000 sf of concrete according to the Abatement Agreement and build an APM all in 8 months? Absurd! The APEN would be on fire!

For a new right turn lane at Peterson Road Brannan promises participation in the cost to construct the first "leg" in 2023. First, how much is their share? I say it should be 100%. They are the only reason this lane might be needed. The TIS states clearly traffic is running just fine now. Peterson Road traffic is almost 100% local traffic. Why should the taxpayers of Douglas County have to pay any percent as the social cost to support this business that will then keep 100% of the profits?

The TIS presents that Airport cannot handle the added traffic until 2040. The fact is that Airport Road is too narrow to accommodate at least 800 more trucks per day. Period. The second "leg" anticipated in 2040 will only be accomplished by a very expensive agreement with the Burlington Northern Railroad involving IGA's and the Public Utility Commission. That's not going to happen for a long, long time. The TIS confirms the right turn lane between US 85 and Peterson Road is not assumed in any scenario when this is the only thing that would alleviate congestion on Airport Road.

Also note that no traffic from the Range is included until 2040 in their projections

when the development is scheduled to be completed in 2028. That's 12 years of no traffic that really is traffic?

Regarding the validity of the growth projection percentages provided to them by the county? They are assumptions.

In 3.0 Year 2023 Traffic Volumes it provides that they used the average daily count of 67 for June 2023 for concrete batch plant trucks and so used that number for every day in the traffic "study". We already know the number of concrete batch plant trucks has been previously presented as 200/day. This is how the data gets manipulated.

In 4.0 Site Generated Traffic Volumes - Sustainable Traffic Solutions was prudent to note that they had to rely on Brannan for the necessary input for trip generation.

For APM trip generation I do not understand why it is stated "trip generation across the site must be adjusted upward to account for off-site shipment of excess **concrete**". Why is concrete going off-site being hinted at here in the APM section? Typo or what? I'd like to have this explained.

When you add APM 618 and crushing 204 you're at 822 trucks per day. Don't forget concrete batching at just say 67 even though it's really 200. The total trucks per day accessing Airport Road are then predicted to be 889. In a 12 hour workday that calculates out to be **1.23 trucks per minute**. Airport Road can't take that ever!

In 6.0 Year 2040 Traffic Conditions the results of the analysis are summarized.

- US 85/Airport Road ramp intersections operate at A and B. That's if they are actually constructed for 2040.
- Airport Road/Peterson Road operate at LOS E
- Airport Road/East Access operate at LOS D and C
- Airport Road/West Access operate at LOS D

These LOS are not acceptable to the communities surrounding Brannan. The fact is that Airport Road can never be widened in order to accommodate 822 additional trucks. Improvements on US 85 do not help Brannan in any way.

## 8.0 Conclusions

It is stated that Airport/Peterson is currently operating at LOS B and they **expect** it to be the **same** in 2040. How can 822 trucks not change the LOS? I guess they can't read what they just wrote.

The new improved TIS doesn't support their application. Analyses like these are only going to provide accurate results when they are independently produced with accurate data.

Thank you for time!  
Valerie Hays

April 15, 2024

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

Re: Use by Special Review US2021-002

Dear Heather:

I am writing you today regarding the proposed asphalt plant within closed proximity of my home. My property abuts the site.

I am a Vietnam Veteran; my health has been damaged by Agent Orange causing severe heart problems for me as it only operates at about 40%. Being able to breath clean healthy air is essential for my heart to function properly.

Trucks use my road to access the plant creating dust and congestion. On occasion I cannot even leave my driveway.

I appreciate your careful consideration of this and urge you to reject this application.

Sincerely,

Leo Hrdlicka

A handwritten signature in black ink that reads "Leo Hrdlicka". The signature is written in a cursive style with a large, sweeping initial "L".

April 15, 2024

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

Re: Use by Special Review US2021-002

Dear Heather:

I am writing to you today to share my concerns about the proposed asphalt plant. We are an abutting landowner just hundreds of feet north of the proposed plant.

I have health problems including both COPD and emphysema and have extreme difficulty breathing. I previously have shared a letter from my doctor regarding my health with the County. Dust in my environment makes it very difficult to breath and function.

With Hwy 85 being so busy the trucks accessing the plant use my road all the time creating even more dust.

The screening they propose makes no sense. By the time the trees have grown enough to provide screening I will be gone and it will be too late for me.

I appreciate you taking my concerns into consideration as you decide on this important matter.

Sincerely,

Bette Hrdlicka

A handwritten signature in black ink that reads "Bette Hrdlicka". The signature is written in a cursive style with a large, prominent initial "B".

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** US2021-02  
**Date:** Friday, April 19, 2024 7:41:04 PM

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Hi Heather!

Noise Modeling Report for APM dated 1/5/2024

This is actually not a “new” study except for the narrative. It’s based on the same results from the only model ever created from data collected 10/22/19, just molded once again into a fresh report. I have previously written about the many flaws in the data input of the model and they are in the public file.

Once again I point out the validity of any report, narrative, etc. created by someone hired by the applicant. Missing, manipulated and hidden data abound. This data collection was most certainly taken in a period of time and on a day selected by the client. A day when they could prudently control operations. Rigged from the start. The consulting firms and lawyers who work for Brannan will say anything for a buck.

I still want to point out that the model doesn’t include any of the trucks related to asphalt and crushing. Only concrete delivery trucks appear in the matrix. It is assumed the trucks (traffic) are ambient noise. Over 800 of them a day? They simply do not have a way to model over 800 trucks entering, exiting, and maneuvering in a huge variety of ways on a very small site so they ignore it. This noise alone will destroy the peace and quiet of Louviers.

I also want to point out the conflict I see around the unusually close proximity of the town’s residential zoning to the site, despite the applicant being able to rely on the industrial zoning regulations standard of measuring the noise at the property line. It doesn’t work for Louviers. I experience this every day when I take my dog to the creek. I strongly hear the batch plant mixing drum as I leave town. As I walk down to the creek the noise fades and disappears. As my elevation increases as I return to town, so does the noise.

The new submittal also mentions they won’t be doing any “campaign” crushing. Really? How are they going to get rid of the 160,000 SF of existing comingled concrete and asphalt RAP. That pile is going to have to be gone for the APM to even be constructed. What is the crushing schedule they envision?

As for using the data collected at the Brannan Commerce City site, I agree with the DL Adams Associates review of the noise modeling report ,requested by the County, that data from Commerce City plant cannot be used to model predictions. Oops, really stuck there! I do see that some of the Adams recommendations were included because they

were easy. I'll wait to see if the County is satisfied that their consultant's recommendations were heeded.

In conclusion, Behrens added a response to the question posed - why are ambient noise levels larger than operational levels? They explained nothing. I believe it is because there was tremendously more data collected during ambient hours because they just weren't that operational during business hours on those days on purpose.

Thank you for adding my letter to the project public file.  
I appreciate you!

Valerie Hays

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** US2021-02  
**Date:** Saturday, April 20, 2024 1:28:45 PM

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Dear Heather:

I'd like to share my thoughts on the newly submitted Dust Control Plan for 5775-5779 Airport Road, Sedalia CO. My first thought is, I'm glad to see both address numbers in the title! Way back in the beginning of all this, I personally brought to the attention of the CDPHE that there are actually 2 address numbers for the site. We all found this out when I contacted Kenneth Holden there to urge his agency to consider all uses on the site as a whole (like a real USR) instead of in little pieces (like SIP's). At that time Brannan was using 2 addresses at the CDPHE, very tricky, and I was happy to bring this to their attention. I have just now sent you again, separately, the correspondences with Mr. Holden. If these letters are not already in the public file will you please add them?

According to the Environmental Protection Agency (EPA), Colorado's Front Range, the area around Denver, **has been in violation of federal air quality standards for sulfur dioxide, nitrogen dioxide, and particulates since 2012**. In 2022, the EPA reclassified the Front Range as a "severe" violator of air quality standards. That's 12 years now and we keep issuing APENS.

Those APENS just don't seem to be catching the polluters! In my opinion an APEN isn't worth the paper it's written on. An APEN is self-monitored and they supposedly self-report violations. Right! The community is left to police and report violations. By the time CDPHE arrives the problem has been solved.

The federal government has identified over 188 hazardous air pollutants that are emitted in significant quantities in many Colorado communities near industries. The harm falls mostly on those living close to industrial pollution, who disproportionately tend to be people living on lower incomes, people of color, and the workers at these facilities. People without a voice. Brannan has outright expressed that we need to be sacrificed for the greater good and our very own commissioner has said that we're just a small industrial town. Guess that kind of small, voiceless town isn't worth as much as everybody else's town?

I would like to see the PM10 monitoring results from the 2nd and 3rd quarter of 2019 done by Foothills Environmental. I bet the monitoring occurred on days when there was little or no crushing. Even though FEI would surely perform the tests in good faith, Brannan controls the schedule. Monitoring needs to be random and a secret if you want to know the real truth.

So the dust control plan is definitely the fox watching the hen house. Dust above opacity observed by the applicant will never shut down production. It will only be the complainers trying to breathe in Louviers that might cost them a windy day here and there. Their APEN will not stop the pollution they ARE going to make. The report

ends with a Corrective Action Matrix. They already know there are going to be problems and they believe writing the supposed solutions down and forgetting about it later will work, because it always has!

Thank you for adding this to the file!

Valerie Hays

**From:** [Deanna Roberts](#)  
**To:** [Heather Scott](#)  
**Subject:** Brannon application for Asphalt Plant  
**Date:** Monday, April 22, 2024 4:56:59 AM

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Good morning,

My name is Deanna and I live in Louviers. I am really concerned about the asphalt application that Brannon has submitted. It will completely change the nuance of this small community and communities surrounding us, not to mention the noise and pollution as it will be allowed to operate 24 hours a day. Brannon already is noisy and has polluted this community as you probably already know. The increased traffic will make it difficult to drive out of this community, plus the additional traffic adds even more pollution. It is already hard to drive out when Brannon has their concrete trucks out, plus they pull out right in front of you when they should be waiting for you on the main road. As the only designated historical district in Douglas County, allowing Brannon to operate an asphalt plant will destroy the charm of this community. They have said that they communicate with this community, which is not true. We had to hear the latest news of their application from a few people that have received it. I sincerely hope you will consider denying their application.

Thank you

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Cc:** [Michael Cairy](#)  
**Subject:** USR2021-02  
**Date:** Monday, April 29, 2024 3:49:25 PM

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Dear Heather:

I'm writing to you today regarding the Abatement Agreement the County has with Brannan as it pertains to the resubmitted USR2021-002. As you know this Agreement, made in April of 2022, required Brannan to cease crushing operations because Brannan did NOT comply with the requirement to develop the site in accordance with the Approved Plans of the SIP 2018-04, as amended by SIPSIP2018-120 and SIP2021-026. Since Brannan has now (kind of) included crushing as ancillary to the APM, it has bearing on the approval of the USR.

The Agreement stipulated that Brannan correct the following:

- 12' gravel access road not constructed
- Required landscaping not installed
- Concrete stockpiles in areas not approved
- Storage of materials in 25' landscape setback

First of all, this proves Brannan does exactly as they please regardless of the rules set forth by the County. How in the world can we ever trust them to adhere to their APM Management Plan?

The Agreement tells us that Brannan admits it was served Notice of Violation 7 months prior yet they did nothing to remedy the violations until the Abatement Agreement was executed in April of 2022 with the threat of legal action.

My community was very aware of the abatement operations once they commenced. The rearrangement of the site, moving and taking ten feet off the top of the piles and creating the gravel access road created a dust cloud above their site. The dust was tremendous and it didn't fall straight back down within their property line. Although required by the Abatement Agreement, I doubt CDPHE had a specific permit for this abatement operation, not to mention they don't monitor anyway. They only respond to complaints.

While this was happening, Brannan could check the box that the water truck was driving around. However, I sent aerial video to the County at the time that demonstrated the water truck driving back and forth at the access to the piles and it did nothing to hold down the dust created by the many large backhoes scraping away at the piles. In the future, when they have to move those piles to another site, I hope the County will require that they use a fire hose to spray the piles as they tear away at them.

The Abatement Agreement stipulated that the violations be corrected by July 1, 2022. They remain in violation and I'm told by a zoning official that this is because of the outstanding violation that the concrete stockpiles still remain in an area not approved. This tells me that they had accepted so much crushing material on to the site that they cannot fit it on the approved footprint of SIP2018-04 and they sit there in violation today.

The Abatement Agreement has never had its date of required completion extended beyond July of 2022 yet they just can't comply. I'm told this date was set on the back burner because of the court cases. I take comfort in paragraph 5 of the Agreement that the County has simply deferred any legal action, although this was tied to the July 1, 2022 deadline to remedy the violations. You can make them remove this material from the site.

It seems as though Brannan needs the approval of the USR in order to have the room to comply with the site requirements of SIP2018-04 [et.al](#). Forgiveness not permission is the way they operate and I see that business model as doom for my community.

I want to say it again; the communities surrounding the Brannan site are not interested in policing their operations. The failure to comply in a timely manner with the Abatement Agreement is evidence of how things will go when noise, dust, and traffic will NEED to be mitigated in the future. In their own good time if at all. They are not good neighbors, never have been, and never will be!

Please add this letter to the public comment file and also pass it along to Brannan.

Thanks for all you do!

Valerie Hays

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** USR2021-02  
**Date:** Monday, April 29, 2024 7:57:21 PM

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Dear Heather:

I am submitting these comments regarding the Brannan APM resubmittal plan set dated 4/5/24.

The Management Plan Table is a shell game. Simply stating (rather than demonstrating) concrete crushing is ancillary, there is no longer any square feet on the site presented for this use. Instead, the difference between the total site areas stated (1,208,542 sf), less the asphalt production area stated (345,660 sf), is now designated as "Common Use." This is 521,686 sf and 43% of the entire site. But no area designated for crushing?

I believe this is because of the existing concrete and asphalt rap pile sitting there exceeds the area approved for concrete crushing stipulated in 2018-04. They have actually painted themselves into a corner and hope approval of the APM will give them the room they need to crush this material.

The way that they fabricate this submittal, as compared to the previous submittal, actually provides significantly less open space (7.67 acres) and landscaping (4.77 acres) than before. I can see that the total SF of this submittal is 314,873 SF (7.23 acres) less than the previous submittal. Shell game.

I'm curious why Brannan added the Vested Right clause? Is this their way of trying to claim they can crush per SIP2018-04?

Will the County be asking for a foundation plan for those tanks? Is the Cesar letter all you need? The plans lack a lot of detail I think would be standard in getting a project approved through the review by your engineers.

I'd like to point out again the fact that Brannan parks their mixer trucks in a lot further south on Peterson Rd. at night. The drivers of these mixers then park their personal vehicles there during the day. When Brannan puts 37 parking spaces for the batch plant on their table, what's really going on? They don't have enough room on the site already to park the mixers and the driver vehicles I would presume.

Again, 1,006 trucks a day is a truck every 1.4 minutes and a 177/day reduction in truck trips is insignificant and doesn't help.

Brannan clearly states concrete batch is approved for 200 trucks/day. They need to use that in the TIA instead of the 67 counted one particular day in their bogus TIS.

How in the world can they say this USR is all-inclusive and then note again and again on the plans “Excepted – not part of USR”? I’ll guess – the existing piles! Previously the APM was 18.01 acres and the crushing was 16.96 acres, nearly 35 acres total. Now it’s only 27.74 acres total. What happened to 7.23 acres?

Their notes fail to acknowledge residential land use adjacent to the property.

Why is the scale and scale house “optional?”

Who is this future contractor responsible for everything in the Landscape Notes sheet 15? This should be Brannan.

Power to operate crusher is not addressed. Must be electric not diesel.

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Thanks for all you do!

Valerie Hays

Dear Heather:

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The Written Narrative has now been recrafted to present the same old cover-up for their intentions to sneak in between the lines of the Zoning Code and the Comprehensive Master Plan.

The resubmittal is not complete despite their assertion. They fail to demonstrate in the submittal the specifics of each of the three operations planned for the site, they assert that crushing is now ancillary to asphalt production, which it actually is not. It is an entirely separate enterprise. You do not need to crush concrete in order to make asphalt. They say the crushed material will be used only in their own jobs.

How this premise can ever be applied to the existing, unlawful, stockpile of concrete RAP I cannot imagine. The "prime opportunity" referred to in the Narrative applies only to the profits of Brannan and their desire to tap in to the asphalt market in Douglas County. The Narrative implies there is no source of local asphalt in the County. So not true, as there is a competitor just south of Brannan on Peterson Rd. Two asphalt plants in the Plum Creek valley is one too many. There are also products created by crushing concrete already available to our community right down the road at ARS. We already have these products close by in our community.

It is stated in the Narrative that the site layout is consistent with previous submittals. It is not. 43% of the new site plan is "common area" and there is NO area designated for concrete crushing, none. The site plan is supposed to demonstrate a USR and by definition I doubt that numerous instances of noting specific area in the plans as "Excluded-not part of USR" provides an all-inclusive review of the site.

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They present that a GI zone district has various impacts that **may be more intensive than allowed in other zone districts in the County.** Right! What they

ignore is that their site is only 2,200 feet away from residential zoning. They have to keep measuring everything at their property line, dust and noise, as they pertain to industrial uses. Dust and noise do leave their site. A huge volume of truck traffic enters and leaves their site. This impacts the community and it is Douglas County's job to understand the nuances of the land use and protect the existing communities from the harm caused by growth.

Brannan continues to use the word "soften" when trying to hide the fact that they cannot hide the APM behind a few scrawny trees that will only screen the site in 25 years and only in the summer, and actually not really at all.

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It is unclear if they intend to operate on Sundays? Thursday through Sunday for government work conflicts with Monday through Saturday stated elsewhere.

They state they have presented the truck trips accurately on the Management Table. Not really. They have a total (806) for asphalt and crush. They also present 266/day for asphalt elsewhere. You have to extrapolate that crushing is then going to be 540/day. What? If crushing is ancillary than why is there twice as much as asphalt?

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No part of the APM area is within the 100-year floodplain. Well it runs right through the site and all of the truck traffic at the site will have to traverse it. I want to also note here that last spring when we had weeks of rain I observed Brannan sandbagging the toe of the stockpile slope the abuts the floodplain. I wish I had photographed this.

Using 67 truck trips of concrete mixers instead of the 200 approved demonstrates the sneaky way Brannan manipulates "studies." Darn I think County Engineering gave them this loophole when they asked them to clarify the production volumes were included in the counts?

Stating the crushing operation is going to commence with the opening of the APM is misleading at best. The APM plant cannot be built with the existing 160,000 SF of RAP. Crushing will have to occur prior. And that's not ancillary.

The taxpayers shouldn't have to pay a dime for that right turn lane to Peterson. It only benefits Brannan by alleviating the traffic they bring.

I don't know if the comingled asphalt/concrete RAP stockpiles meet the exemption requirement of 6CCR1007-2, Part 1 as they are to be managed and separated because they currently are not.

Just exactly what are the air quality measures added since the last USR review?

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Thank you!

Valerie Hays

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** USR2021-02  
**Date:** Monday, April 29, 2024 7:57:21 PM

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Dear Heather:

I am submitting these comments regarding the Brannan APM resubmittal plan set dated 4/5/24.

The Management Plan Table is a shell game. Simply stating (rather than demonstrating) concrete crushing is ancillary, there is no longer any square feet on the site presented for this use. Instead, the difference between the total site areas stated (1,208,542 sf), less the asphalt production area stated (345,660 sf), is now designated as "Common Use." This is 521,686 sf and 43% of the entire site. But no area designated for crushing?

I believe this is because of the existing concrete and asphalt rap pile sitting there exceeds the area approved for concrete crushing stipulated in 2018-04. They have actually painted themselves into a corner and hope approval of the APM will give them the room they need to crush this material.

The way that they fabricate this submittal, as compared to the previous submittal, actually provides significantly less open space (7.67 acres) and landscaping (4.77 acres) than before. I can see that the total SF of this submittal is 314,873 SF (7.23 acres) less than the previous submittal. Shell game.

I'm curious why Brannan added the Vested Right clause? Is this their way of trying to claim they can crush per SIP2018-04?

Will the County be asking for a foundation plan for those tanks? Is the Cesar letter all you need? The plans lack a lot of detail I think would be standard in getting a project approved through the review by your engineers.

I'd like to point out again the fact that Brannan parks their mixer trucks in a lot further south on Peterson Rd. at night. The drivers of these mixers then park their personal vehicles there during the day. When Brannan puts 37 parking spaces for the batch plant on their table, what's really going on? They don't have enough room on the site already to park the mixers and the driver vehicles I would presume.

Again, 1,006 trucks a day is a truck every 1.4 minutes and a 177/day reduction in truck trips is insignificant and doesn't help.

Brannan clearly states concrete batch is approved for 200 trucks/day. They need to use that in the TIA instead of the 67 counted one particular day in their bogus TIS.

How in the world can they say this USR is all-inclusive and then note again and again on the plans “Excepted – not part of USR”? I’ll guess – the existing piles! Previously the APM was 18.01 acres and the crushing was 16.96 acres, nearly 35 acres total. Now it’s only 27.74 acres total. What happened to 7.23 acres?

Their notes fail to acknowledge residential land use adjacent to the property.

Why is the scale and scale house “optional?”

Who is this future contractor responsible for everything in the Landscape Notes sheet 15? This should be Brannan.

Power to operate crusher is not addressed. Must be electric not diesel.

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Thanks for all you do!

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**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Cc:** [Michael Cairy](#)  
**Subject:** USR2021-02  
**Date:** Monday, April 29, 2024 3:49:25 PM

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Dear Heather:

I'm writing to you today regarding the Abatement Agreement the County has with Brannan as it pertains to the resubmitted USR2021-002. As you know this Agreement, made in April of 2022, required Brannan to cease crushing operations because Brannan did NOT comply with the requirement to develop the site in accordance with the Approved Plans of the SIP 2018-04, as amended by SIPSIP2018-120 and SIP2021-026. Since Brannan has now (kind of) included crushing as ancillary to the APM, it has bearing on the approval of the USR.

The Agreement stipulated that Brannan correct the following:

- 12' gravel access road not constructed
- Required landscaping not installed
- Concrete stockpiles in areas not approved
- Storage of materials in 25' landscape setback

First of all, this proves Brannan does exactly as they please regardless of the rules set forth by the County. How in the world can we ever trust them to adhere to their APM Management Plan?

The Agreement tells us that Brannan admits it was served Notice of Violation 7 months prior yet they did nothing to remedy the violations until the Abatement Agreement was executed in April of 2022 with the threat of legal action.

My community was very aware of the abatement operations once they commenced. The rearrangement of the site, moving and taking ten feet off the top of the piles and creating the gravel access road created a dust cloud above their site. The dust was tremendous and it didn't fall straight back down within their property line. Although required by the Abatement Agreement, I doubt CDPHE had a specific permit for this abatement operation, not to mention they don't monitor anyway. They only respond to complaints.

While this was happening, Brannan could check the box that the water truck was driving around. However, I sent aerial video to the County at the time that demonstrated the water truck driving back and forth at the access to the piles and it did nothing to hold down the dust created by the many large backhoes scraping away at the piles. In the future, when they have to move those piles to another site, I hope the County will require that they use a fire hose to spray the piles as they tear away at them.

The Abatement Agreement stipulated that the violations be corrected by July 1, 2022. They remain in violation and I'm told by a zoning official that this is because of the outstanding violation that the concrete stockpiles still remain in an area not approved. This tells me that they had accepted so much crushing material on to the site that they cannot fit it on the approved footprint of SIP2018-04 and they sit there in violation today.

The Abatement Agreement has never had its date of required completion extended beyond July of 2022 yet they just can't comply. I'm told this date was set on the back burner because of the court cases. I take comfort in paragraph 5 of the Agreement that the County has simply deferred any legal action, although this was tied to the July 1, 2022 deadline to remedy the violations. You can make them remove this material from the site.

It seems as though Brannan needs the approval of the USR in order to have the room to comply with the site requirements of SIP2018-04 [et.al](#). Forgiveness not permission is the way they operate and I see that business model as doom for my community.

I want to say it again; the communities surrounding the Brannan site are not interested in policing their operations. The failure to comply in a timely manner with the Abatement Agreement is evidence of how things will go when noise, dust, and traffic will NEED to be mitigated in the future. In their own good time if at all. They are not good neighbors, never have been, and never will be!

Please add this letter to the public comment file and also pass it along to Brannan.

Thanks for all you do!

Valerie Hays

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** US2021-02  
**Date:** Saturday, April 20, 2024 1:28:45 PM

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Dear Heather:

I'd like to share my thoughts on the newly submitted Dust Control Plan for 5775-5779 Airport Road, Sedalia CO. My first thought is, I'm glad to see both address numbers in the title! Way back in the beginning of all this, I personally brought to the attention of the CDPHE that there are actually 2 address numbers for the site. We all found this out when I contacted Kenneth Holden there to urge his agency to consider all uses on the site as a whole (like a real USR) instead of in little pieces (like SIP's). At that time Brannan was using 2 addresses at the CDPHE, very tricky, and I was happy to bring this to their attention. I have just now sent you again, separately, the correspondences with Mr. Holden. If these letters are not already in the public file will you please add them?

According to the Environmental Protection Agency (EPA), Colorado's Front Range, the area around Denver, **has been in violation of federal air quality standards for sulfur dioxide, nitrogen dioxide, and particulates since 2012**. In 2022, the EPA reclassified the Front Range as a "severe" violator of air quality standards. That's 12 years now and we keep issuing APENS.

Those APENS just don't seem to be catching the polluters! In my opinion an APEN isn't worth the paper it's written on. An APEN is self-monitored and they supposedly self-report violations. Right! The community is left to police and report violations. By the time CDPHE arrives the problem has been solved.

The federal government has identified over 188 hazardous air pollutants that are emitted in significant quantities in many Colorado communities near industries. The harm falls mostly on those living close to industrial pollution, who disproportionately tend to be people living on lower incomes, people of color, and the workers at these facilities. People without a voice. Brannan has outright expressed that we need to be sacrificed for the greater good and our very own commissioner has said that we're just a small industrial town. Guess that kind of small, voiceless town isn't worth as much as everybody else's town?

I would like to see the PM10 monitoring results from the 2nd and 3rd quarter of 2019 done by Foothills Environmental. I bet the monitoring occurred on days when there was little or no crushing. Even though FEI would surely perform the tests in good faith, Brannan controls the schedule. Monitoring needs to be random and a secret if you want to know the real truth.

So the dust control plan is definitely the fox watching the hen house. Dust above opacity observed by the applicant will never shut down production. It will only be the complainers trying to breathe in Louviers that might cost them a windy day here and there. Their APEN will not stop the pollution they ARE going to make. The report

ends with a Corrective Action Matrix. They already know there are going to be problems and they believe writing the supposed solutions down and forgetting about it later will work, because it always has!

Thank you for adding this to the file!

Valerie Hays

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** US2021-02  
**Date:** Friday, April 19, 2024 7:41:04 PM

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Hi Heather!

Noise Modeling Report for APM dated 1/5/2024

This is actually not a “new” study except for the narrative. It’s based on the same results from the only model ever created from data collected 10/22/19, just molded once again into a fresh report. I have previously written about the many flaws in the data input of the model and they are in the public file.

Once again I point out the validity of any report, narrative, etc. created by someone hired by the applicant. Missing, manipulated and hidden data abound. This data collection was most certainly taken in a period of time and on a day selected by the client. A day when they could prudently control operations. Rigged from the start. The consulting firms and lawyers who work for Brannan will say anything for a buck.

I still want to point out that the model doesn’t include any of the trucks related to asphalt and crushing. Only concrete delivery trucks appear in the matrix. It is assumed the trucks (traffic) are ambient noise. Over 800 of them a day? They simply do not have a way to model over 800 trucks entering, exiting, and maneuvering in a huge variety of ways on a very small site so they ignore it. This noise alone will destroy the peace and quiet of Louviers.

I also want to point out the conflict I see around the unusually close proximity of the town’s residential zoning to the site, despite the applicant being able to rely on the industrial zoning regulations standard of measuring the noise at the property line. It doesn’t work for Louviers. I experience this every day when I take my dog to the creek. I strongly hear the batch plant mixing drum as I leave town. As I walk down to the creek the noise fades and disappears. As my elevation increases as I return to town, so does the noise.

The new submittal also mentions they won’t be doing any “campaign” crushing. Really? How are they going to get rid of the 160,000 SF of existing comingled concrete and asphalt RAP. That pile is going to have to be gone for the APM to even be constructed. What is the crushing schedule they envision?

As for using the data collected at the Brannan Commerce City site, I agree with the DL Adams Associates review of the noise modeling report, requested by the County, that data from Commerce City plant cannot be used to model predictions. Oops, really stuck there! I do see that some of the Adams recommendations were included because they

were easy. I'll wait to see if the County is satisfied that their consultant's recommendations were heeded.

In conclusion, Behrens added a response to the question posed - why are ambient noise levels larger than operational levels? They explained nothing. I believe it is because there was tremendously more data collected during ambient hours because they just weren't that operational during business hours on those days on purpose.

Thank you for adding my letter to the project public file.  
I appreciate you!

Valerie Hays

**From:** [Deanna Roberts](#)  
**To:** [Heather Scott](#)  
**Subject:** Brannon application for Asphalt Plant  
**Date:** Monday, April 22, 2024 4:56:59 AM

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Good morning,

My name is Deanna and I live in Louviers. I am really concerned about the asphalt application that Brannon has submitted. It will completely change the nuance of this small community and communities surrounding us, not to mention the noise and pollution as it will be allowed to operate 24 hours a day. Brannon already is noisy and has polluted this community as you probably already know. The increased traffic will make it difficult to drive out of this community, plus the additional traffic adds even more pollution. It is already hard to drive out when Brannon has their concrete trucks out, plus they pull out right in front of you when they should be waiting for you on the main road. As the only designated historical district in Douglas County, allowing Brannon to operate an asphalt plant will destroy the charm of this community. They have said that they communicate with this community, which is not true. We had to hear the latest news of their application from a few people that have received it. I sincerely hope you will consider denying their application.

Thank you

April 15, 2024

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

Re: Use by Special Review US2021-002

Dear Heather:

I am writing you today regarding the proposed asphalt plant within closed proximity of my home. My property abuts the site.

I am a Vietnam Veteran; my health has been damaged by Agent Orange causing severe heart problems for me as it only operates at about 40%. Being able to breath clean healthy air is essential for my heart to function properly.

Trucks use my road to access the plant creating dust and congestion. On occasion I cannot even leave my driveway.

I appreciate your careful consideration of this and urge you to reject this application.

Sincerely,

Leo Hrdlicka

A handwritten signature in black ink that reads "Leo Hrdlicka". The signature is written in a cursive style with a large, sweeping initial "L".

April 15, 2024

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

Re: Use by Special Review US2021-002

Dear Heather:

I am writing to you today to share my concerns about the proposed asphalt plant. We are an abutting landowner just hundreds of feet north of the proposed plant.

I have health problems including both COPD and emphysema and have extreme difficulty breathing. I previously have shared a letter from my doctor regarding my health with the County. Dust in my environment makes it very difficult to breath and function.

With Hwy 85 being so busy the trucks accessing the plant use my road all the time creating even more dust.

The screening they propose makes no sense. By the time the trees have grown enough to provide screening I will be gone and it will be too late for me.

I appreciate you taking my concerns into consideration as you decide on this important matter.

Sincerely,

Bette Hrdlicka

A handwritten signature in cursive script that reads "Bette Hrdlicka".

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** US2021-02  
**Date:** Tuesday, April 16, 2024 9:32:01 PM

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Dear Heather:

I reviewed the Traffic Impact Study dated 2/9/2024 today and have the following comments:

Traffic Impact Studies are created by businesses that have modeling software to analyze data and make projections. The projections are only as good as the data input. The data can be manipulated, misconstrued and contain a variety of errors and omissions. That's what we have here.

In 1.0 Introduction it states that there is "a currently-approved crushing operation (for the recycling of concrete and **asphalt** paving products)" etc. I do not believe Brannan has permission to crush asphalt at this time?

In 2.0 Study Area I notice the study area has been greatly diminished from previous studies and now only addresses 3 intersections. Louviers Blvd., Lavaun Drive and Reynolds Avenue were no longer analyzed because their trucks aren't going that way. Seriously? The trucks go which ever way is most expedient and they always will. And Brannan can't tell every truck on the road where to drive, only their own. When they create volume congestion all the other trucks go wherever they can keep moving.

In 2.2 Study Assumptions it states the short-term horizon is 2024 and that the APM Facility is operational! For that to happen Brannan would have to crush 160,000 sf of concrete according to the Abatement Agreement and build an APM all in 8 months? Absurd! The APEN would be on fire!

For a new right turn lane at Peterson Road Brannan promises participation in the cost to construct the first "leg" in 2023. First, how much is their share? I say it should be 100%. They are the only reason this lane might be needed. The TIS states clearly traffic is running just fine now. Peterson Road traffic is almost 100% local traffic. Why should the taxpayers of Douglas County have to pay any percent as the social cost to support this business that will then keep 100% of the profits?

The TIS presents that Airport cannot handle the added traffic until 2040. The fact is that Airport Road is too narrow to accommodate at least 800 more trucks per day. Period. The second "leg" anticipated in 2040 will only be accomplished by a very expensive agreement with the Burlington Northern Railroad involving IGA's and the Public Utility Commission. That's not going to happen for a long, long time. The TIS confirms the right turn lane between US 85 and Peterson Road is not assumed in any scenario when this is the only thing that would alleviate congestion on Airport Road.

Also note that no traffic from the Range is included until 2040 in their projections

when the development is scheduled to be completed in 2028. That's 12 years of no traffic that really is traffic?

Regarding the validity of the growth projection percentages provided to them by the county? They are assumptions.

In 3.0 Year 2023 Traffic Volumes it provides that they used the average daily count of 67 for June 2023 for concrete batch plant trucks and so used that number for every day in the traffic "study". We already know the number of concrete batch plant trucks has been previously presented as 200/day. This is how the data gets manipulated.

In 4.0 Site Generated Traffic Volumes - Sustainable Traffic Solutions was prudent to note that they had to rely on Brannan for the necessary input for trip generation.

For APM trip generation I do not understand why it is stated "trip generation across the site must be adjusted upward to account for off-site shipment of excess **concrete**". Why is concrete going off-site being hinted at here in the APM section? Typo or what? I'd like to have this explained.

When you add APM 618 and crushing 204 you're at 822 trucks per day. Don't forget concrete batching at just say 67 even though it's really 200. The total trucks per day accessing Airport Road are then predicted to be 889. In a 12 hour workday that calculates out to be **1.23 trucks per minute**. Airport Road can't take that ever!

In 6.0 Year 2040 Traffic Conditions the results of the analysis are summarized.

- US 85/Airport Road ramp intersections operate at A and B. That's if they are actually constructed for 2040.
- Airport Road/Peterson Road operate at LOS E
- Airport Road/East Access operate at LOS D and C
- Airport Road/West Access operate at LOS D

These LOS are not acceptable to the communities surrounding Brannan. The fact is that Airport Road can never be widened in order to accommodate 822 additional trucks. Improvements on US 85 do not help Brannan in any way.

## 8.0 Conclusions

It is stated that Airport/Peterson is currently operating at LOS B and they **expect** it to be the **same** in 2040. How can 822 trucks not change the LOS? I guess they can't read what they just wrote.

The new improved TIS doesn't support their application. Analyses like these are only going to provide accurate results when they are independently produced with accurate data.

Thank you for time!

Valerie Hays

Rodney Jacobsen  
8149 N. Cora St  
Littleton, CO 80125  
Apr 16, 2024

Heather Scott  
hscott@douglas.co.us

Dear Ms. Scott,

I am writing to you as a concerned resident of Kellytown regarding the proposed project at Owens Industrial Park, specifically the 1st Amendment, Lot 1A, and Metes and Bounds Parcel 3rd Amendment involving Brannan Sand and Gravel (Project File #: US2021-002). I urge you to consider the significant impacts this project will have on our community, both environmentally and in terms of public safety.

One of the most pressing concerns is the staggering increase in traffic that the asphalt plant will bring. According to the revised site plan dated 4/8/24, the addition of the plant will result in approximately 806 additional trucks during each 12-hour shift, totaling around 1006 trucks per shift, or 1.4 trucks per minute. Our neighborhood streets, such as Cora St and Main St, are ill-equipped to handle such a high volume of heavy vehicles. These roads are narrow, with barely enough space for two cars to pass safely, let alone large trucks. There are already frequent closures of Airport Rd due to passing trains, coupled with everyday traffic, RVs, and vehicles accessing other local businesses, and the addition of these trucks will only exacerbate the situation.

Moreover, the route to northbound US 85 via Lavaun Drive poses significant safety risks, particularly at the intersection with Airport Rd. The increased traffic flow will make it virtually impossible to turn left onto Airport Rd, pushing drivers to seek alternative, potentially dangerous routes such as W. Louviers Drive, where a tragic fatality occurred just last year.

Additionally, the emission of asphalt and silica dust into the air poses serious health risks to residents, particularly considering the lack of air conditioning in our older neighborhood. Many residents keep their windows open during the summer, especially at night, and with the overnight work projected for the summer months, they'll be exposed to harmful pollutants and noise. While Brannan Sand and Gravel have argued that asphalt poses no risk to residents, research shows that pollution from asphalt plants can travel up to two miles away, and the CDC, NIH, and Harvard School of Public

Health have all published studies indicating that asphalt exposure can cause skin and eye irritation, chronic bronchitis, and increased risk of cancer.

Furthermore, the project will disrupt the natural wildlife and adversely affect the quality of life for residents in the area. The suggested solution of planting trees and bushes to mitigate the dust will take many years to come to fruition, leaving residents vulnerable to the adverse effects in the meantime.

In light of these concerns, I urge you to carefully consider the environmental and public safety implications of the proposed project. Our neighborhood is not just a location; it is our home, and we deserve to live in a safe and healthy environment. I implore you to take decisive action to protect the well-being of our community and oppose this development.

Thank you for your attention to this matter.

Sincerely,

Rodney Jacobsen

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#); [Meghan St Clair](#); [Randy Johnson](#); [Rob Howard](#); [gretchen farrell](#)  
**Subject:** Re: US2021-002  
**Date:** Thursday, April 11, 2024 5:56:03 PM

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This is corrupt

On Thu, Apr 11, 2024 at 5:52 PM Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)> wrote:  
Please put this in the public file

On Thu, Apr 11, 2024 at 5:48 PM Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)> wrote:  
Wow! You conspired with them!  
Guess I have to move quick before I loose everything we've ever worked for!

On Thu, Apr 11, 2024 at 4:50 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good afternoon Valerie,

The regulation amendments can be found in the following project file: DR2023-004 at the following link: [Planning Pro - Document and Regulation - Document and Regulation \(DR2023-004\) \(douglas.co.us\)](#). The amendments were initiated by the Board of County Commissioners and were approved on March 26<sup>th</sup>. All the details, notices, staff reports, and public and referral comments are included in the project file.

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](mailto:hscott@douglas.co.us)

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**From:** Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)>  
**Sent:** Thursday, April 11, 2024 4:44 PM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Subject:** US2021-002

Hi Heather!

I left a voicemail. You must be busy! I have a question please.

On page 2 of the narrative the applicant presents “Revisions to the Douglas County code clarify outdoor storage requirements” as a significant change that accompanies their resubmittal.

Has the County changed their outdoor storage requirements recently, or ever? If so, what participated the change? Who participated and approved the revision?

Looking forward to hearing from you!

Thank you,

Valerie Hays

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#); [Meghan St Clair](#); [Randy Johnson](#); [gretchen farrell](#)  
**Subject:** Re: US2021-002  
**Date:** Monday, April 15, 2024 6:00:04 PM

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Thank you Heather! I would like this letter and your response to go in the file. Also my letter and your response on the zoning change please.

I appreciate you.

Valerie Hays

On Mon, Apr 15, 2024 at 5:27 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Valerie,

Thank you for your email. The county has an “Agreement to Abate” the zoning violation and the applicant is required to make improvements prior to commencing crushing onsite. The existing pile has shifted to construct the ring road and bury necessary utilities and staff will continue to monitor all modifications made on this site.

The revised narrative and management plan, on page two of the USR, indicates “processing of recycled asphalt paving material and concrete rubble shall be allowed as an accessory use”. The concrete pile would need to be crushed prior to any additional use being developed on this site.

I would encourage you to continue to monitor the application as it moves forward through the combined Use by Special Review process. Provide any comments or reach out if you have any further questions. Do let me know if you want me add this or your last email to the public file.

Hope you have a good night,

**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](mailto:hscott@douglas.co.us)

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**From:** Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)>

**Sent:** Monday, April 15, 2024 2:29 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Subject:** US2021-002

Dear Heather:

Writing to first apologize for loosing my grip last week and being rude. I realize now that the County would want to update their zoning laws for a variety of reasons. Jumping to the conclusion that there was collusion with Brannan was out of line and emotional.

Like I said before, I've always hated the fact that the requirement for screening seemed to be the only thing that would stand up in court. Our health, prosperity and quiet enjoyment of our lives sometimes doesn't seem to have a leg to stand on in the law.

I heard the Commissioners on their news brief this morning. Again and again they said things like "we're here to protect the quality of life for our citizens" and "we're protecting the safety of our citizens ." Are they? All of their citizens?

I haven't read all the application yet, but, just because they've finally found someone professional enough to correct the spelling and some of the inconsistencies, that doesn't mean the application is worthy of approval.

Forgive me if it's there already and I missed it, where is their intention stated regarding the existing 160k/sf commingled stockpiles of concrete and asphalt waiting to be crushed. How is this being addressed? It doesn't seem the asphalt plant could even be constructed with the huge stockpile where it is?

Can you please let me know where they provide this information or that they didn't?

Thank you!

Valerie Hays

**From:** [aajanet18@aol.com](mailto:aajanet18@aol.com)  
**To:** [Heather Scott](#)  
**Subject:** Owens Industrial Park Filing 1 project US file #US2021-002  
**Date:** Tuesday, April 16, 2024 12:08:22 PM

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My name is Janet Brunger address 8207 N. Cora St. (Kelly town) Littleton, CO 80125  
MY husband and I moved here in 1979. When we bought our house it was "residential" it is STILL residential complete with Mom and Dads, children Grandpa and Grandma's, pets, get the picture. There was no Superior Metals or side road that connects us to Sedalia. Were still here!!! this project is literally in my back yard. I have been to asphalt and crushing and concrete plants. Within 10 min. my chest and throat hurt my eyes are watering and I am having a hard time breathing. This is the conditions that we are being asked to LIVE IN. Yes I appose this request for zoning and the building of this plant. The "courtesy notification " that I received states that my comments are valuable to you. I pray that they are listened to with compassion an empathy. Yes I am a NIBY it is literally in my back yard would you want it in yours?  
Janet Brunger

**From:** [Amy Turell](#)  
**To:** [Heather Scott](#)  
**Subject:** Project File US2021-002  
**Date:** Tuesday, May 30, 2023 5:09:52 PM

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Hello Ms. Scott,

Please reference the May 2nd letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As residents living nearby the proposed location of the asphalt plant, we are very concerned over the issues raised in the referenced letter and are strongly opposed to the proposal contained in Project File US2021-002. We respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road.

We believe with emissions being in the forefront of the news, Douglas County should consider keeping the asphalt and concrete plants limited on size. Not only would increased trucks increase emissions but the air pollutants and extra noise from the plants themselves are not healthy or necessary.

Thank you,  
Amy and Rob Turell

**From:** [James Wilmsen](#)  
**To:** [Heather Scott](#)  
**Subject:** Project File US2021-002  
**Date:** Thursday, June 1, 2023 4:58:39 PM  
**Attachments:** [CRE HOA & MD Letter to Douglas County re Brannan Asphalt Batch Plant 5-2-2023.pdf](#)

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Please reference the May 2nd letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As a resident living nearby the proposed location of the asphalt plant, we are very concerned over the issues raised in the referenced letter and are strongly opposed to the proposal contained in Project File US2021-002. We respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road.

Respectfully,

James Wilmsen  
8871 Aspen Leaf Ct  
Littleton, CO 80125

**From:** Carol  
**To:** [Heather Scott](#)  
**Subject:** Opposition to USR Application 2021-002  
**Date:** Wednesday, May 24, 2023 7:34:13 AM

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Greetings,

My family accidentally stumbled upon the most magical place named Louviers and have been lucky to call it our home for several years. It is quiet, peaceful, beautiful and safe. There is zero light pollution or crime concerns. The asphalt plant would change

EVERYTHING for everyone surrounding it. Based on the priorities set forth by Douglas county I do not think this will make our area a better place and promote harmony! Here are some examples -

1. **Violation of Zoning Resolutions and Comprehensive Master Plan:** The application clearly violates the Douglas County Zoning Resolutions and 2040 Comprehensive Master Plan. It fails to include the entire site as required and disregards the directive of County staff to consider all existing and proposed uses on the property. This incomplete application cannot be properly assessed and should be denied.
2. **Outdoor Storage Violations:** The proposed visible 25-foot stockpiles of raw materials for asphalt production violate Section 1416 of the DCZR, which explicitly prohibits outdoor stockpiles that are visible from adjacent public rights-of-way. The application's visual assessment confirms that these stockpiles would be visible from multiple vantage points, indicating a clear violation of the DCZR. This alone warrants denial of the application.
3. **Floodway and Comprehensive Master Plan Violations:** The proposed asphalt plant is situated within a FEMA-protected floodway, which is critical for the health and safety of Douglas County. This violates the Comprehensive Master Plan's designation and protection of the floodway as a non-industrial area. The potential risks associated with this industrial operation on the floodway, including fire hazards and pollution, pose a significant threat to our environment and the wellbeing of nearby residents.
4. **Wildlife Conservation Concerns:** Douglas County values its wildlife resources, as emphasized in the Comprehensive Master Plan. The proposed site is part of the 2,000-foot wide DuPont corridor, a Tier 1 wildlife habitat area. Any high-intensity industrial operation within this corridor would jeopardize wildlife and disrupt the delicate ecological balance. Denying this application is crucial to safeguarding our wildlife resources.
5. **Violations of USR Approval Standards:** The application fails to meet several USR approval standards including:
  - a. **Violation of Approval Criterion 2102.01 and 2102.02:** The proposed application fails to comply with the minimum zoning requirements of the zone district, as stated in Section 21 of the DCZR. This non-compliance should be grounds for denial, as it directly violates the necessary standards for approval.
  - b. **Violation of Approval Criterion 2102.04:** The application does not align with the character and harmony of the surrounding areas and neighborhood. The establishment of an asphalt plant would introduce excessive noise, hazardous air pollutants, and increased traffic, significantly disrupting the tranquil and peaceful lifestyle of the Louviers Rural county. Louviers is Douglas County's only historic district and the CMP has explicit rules in its protection. In addition, an asphalt plant would negatively impact our property values and further burden these communities.
  - c. **Violation of Approval Criterion 2102.05:** The application is inconsistent with the Douglas County Comprehensive Master Plan (CMP), which outlines the vision for the county's development. The proposed heavy industrial operation contradicts the CMP's goal of preserving the "quiet, 'sleepy-town' lifestyles" in the Louviers Rural Community. Additionally, the plan violates the CMP's designation of the area, especially the FEMA-protected floodway, which plays a critical role in maintaining the county's health and safety.

d. Violation of Approval Criterion 2102.06: The proposed project results in an over-intensive use of land. When considering all the uses on the site, including the ring road, floodway, detention pond, wildlife corridor, stockpiles, and aggregate truck traffic, it becomes clear that the application exceeds the intended intensity for this mere five acre parcel. The negative impacts of such intensity would be detrimental to the county and should warrant denial.

e. Violation of Approval Criterion 2102.07: The traffic study provided by the applicant is outdated and does not accurately reflect the potential impact of the proposed industrial operations. The study's reliance on data collected during the COVID-19 pandemic, when traffic was significantly reduced, undermines its relevance and fails to consider the full impact of aggregate truck traffic from the concrete batch plant, asphalt batch plant, and concrete crushing operation (a total of 1,583 trips a day) and the new Range Development under consideration which will add traffic from another 300-550 homes to the Airport Road/Sante Fe intersection from the East. A comprehensive and up-to-date traffic study is essential for proper evaluation and decision-making.

f. Violation of Approval Criterion 2102.09: The proposed application would result in significant air, water, and noise pollution. The emissions from the asphalt plant would release hazardous VOCs including: benzene, formaldehyde, chromium hexavalent, cadmium and more, posing a serious threat to the health and well-being of nearby residents. The proximity of the floodway further increases the risk of pollution and the potential for accidents that could harm the environment and local water sources.

g. Violation of Approval Criterion 2102.10: The application lacks adequate landscaping, buffering, and screening measures. The visual assessment provided by the applicant demonstrates that the proposed 25-foot stockpiles would be visible from multiple public rights-of-way, directly contradicting the outdoor storage regulations outlined in Section 1416 of the DCZR. The absence of effective screening measures raises concerns about visual pollution and undermines the county's aesthetic values.

h. Violation of Approval Criterion 2102.12: The proposed application poses a significant detriment to the health, safety, and welfare of current and future inhabitants.

In conclusion, I strongly urge the Board of County Commissioners to deny USR Application 2021-002. The potential negative impacts on our county far outweigh any perceived benefits and simply does not make Douglas County a better place. We must prioritize the health, safety, and wellbeing of our residents, protect our environment, and uphold the regulations and guidelines outlined in the Douglas County Zoning Resolutions and Comprehensive Master Plan. Brannan Sand and Gravel, a Denver-based company, has shown success in operating mobile/onsite asphalt work. Their mobile approach allows for greater flexibility and equitable distribution of asphalt work across different communities. By continuing to utilize this mobile/onsite model, the burden and impact of asphalt operations are shared more fairly among multiple communities, avoiding the inequitable concentration of such activities in just a few areas.

Carol Crooks | Credentialing Advisor

Ideal Practices LLC

[calendly.com/carol-ideal](https://calendly.com/carol-ideal)

[Carol@IdealPractices.com](mailto:Carol@IdealPractices.com)

M: 303-875-5872

If you can dream it, you can DO it!

-Walt Disney

The information contained in this email and subsequent attachments is privileged, confidential and protected from disclosure. This transmission is intended for the sole use of the individual and entity to whom it is addressed. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you have received this message in error, please email the sender at the above email address.

**From:** Carol  
**To:** [Heather Scott](#)  
**Subject:** Opposition to USR Application 2021-002  
**Date:** Wednesday, May 24, 2023 7:34:13 AM

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Greetings,

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Carol Crooks | Credentialing Advisor

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[Carol@IdealPractices.com](mailto:Carol@IdealPractices.com)

M: 303-875-5872

If you can dream it, you can DO it!

-Walt Disney

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**From:** [Amy Turell](#)  
**To:** [Heather Scott](#)  
**Subject:** Project File US2021-002  
**Date:** Tuesday, May 30, 2023 5:09:52 PM

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Hello Ms. Scott,

Please reference the May 2nd letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As residents living nearby the proposed location of the asphalt plant, we are very concerned over the issues raised in the referenced letter and are strongly opposed to the proposal contained in Project File US2021-002. We respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road.

We believe with emissions being in the forefront of the news, Douglas County should consider keeping the asphalt and concrete plants limited on size. Not only would increased trucks increase emissions but the air pollutants and extra noise from the plants themselves are not healthy or necessary.

Thank you,  
Amy and Rob Turell

**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002  
**Date:** Monday, May 22, 2023 8:46:57 AM

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

From: Melissa Calkin <[melissa.calkin@gmail.com](mailto:melissa.calkin@gmail.com)>  
Sent: Sunday, May 21, 2023 6:46 PM  
To: BOCC <[BOCC@douglas.co.us](mailto:BOCC@douglas.co.us)>  
Subject: USR 2021-002

To: Douglas County Commissioners:

Please reconsider your support of the Brannan's asphalt plant in Louviers. I am very concerned with numerous aspects of this project.

1. Added pollution - when our air quality is already vulnerable from wild fires
2. Added noise and light pollution.
3. Threat to water and wildlife.
4. Increased traffic and congestion.

This plant would also be in conflict with the historic nature of Louviers Rural community designation. Let's keep DougCo healthy and beautiful!

Melissa Calkin  
12909 Horizon Trail  
Castle Pines. 80108

Sent from my iPhone

**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: proposed Louviers asphalt plant  
**Date:** Monday, May 22, 2023 8:45:31 AM

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**From:** GAYLYNN ABRAM <gabram99@aol.com>  
**Sent:** Monday, May 22, 2023 7:39 AM  
**To:** BOCC <BOCC@douglas.co.us>  
**Subject:** proposed Louviers asphalt plant

## Honorable Douglas County Commissioners,

I am asking that my elected Commissioners highly consider the NEGATIVE impact the Brannan's sand and gravel asphalt plant sighted in Louviers, has on the community and surrounding areas; I am VERY concerned with numerous unfavorable aspects of this type of development:

- Decreased air quality is among my greatest concerns. AQ is already fragile in CO/DougCO and combined impact from any added wild fires can be highly threatening to 'quality of life' and existence. Any unfortunate fires that may develop at the plant itself makes vulnerability even that much greater.
- Adverse noise and light pollution. I believe there is also proposed 24/7 operating schedule which greatly impacts any community.
- Toxic threat to water and wildlife; something our county prides itself on is our open space and environmental protection standards.
- Burden of increased traffic and congestion.
- Expected unfavorable smell and pollution. With unpredictable wind patterns, it would be unknown at this point how further outreaching areas could be affected.
- Direct conflict with the historic, pastoral, style and nature of Louviers, and, of a rural community designation.

I wish to state how strongly I feel in opposing a development such as this for Louviers.

As future proposed developments arise, I truly hope you will share my support and concerns in keeping DougCO healthy and harmonious.

Sincerely,

Gaylynn Abram  
12425 Tapadero Way  
Castle Pines. 80108  
[gabram99@aol.com](mailto:gabram99@aol.com)

**From:** [Monte Moore](#)  
**To:** [Heather Scott](#)  
**Subject:** Concrete plant  
**Date:** Friday, May 19, 2023 8:53:00 AM

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Please reference the May 2nd letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As a resident living nearby the proposed location of the asphalt plant, I am very concerned over the issues raised in the referenced letter, and therefore, I am strongly opposed to the proposal contained in Project File US2021-002. I respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road which would impact surrounding residents quality of life, air quality and home values.

Monte M. Moore  
Artist/Designer/Writer  
Phone: 303-901-1870  
Web: [www.MavArts.com](http://www.MavArts.com)  
[montemmoore@gmail.com](mailto:montemmoore@gmail.com)

**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002  
**Date:** Thursday, May 18, 2023 12:16:48 PM

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

From: Paula Buffetti <[pbuffetti@aol.com](mailto:pbuffetti@aol.com)>  
Sent: Thursday, May 18, 2023 12:10 PM  
To: BOCC <[BOCC@douglas.co.us](mailto:BOCC@douglas.co.us)>  
Subject: USR 2021-002

I wish to add my name to the number of Douglas County residents who feel that the 24/7 Asphalt Plant is a terrible fit for the currently planned location. It is too close to the towns of Louviers. It is too close to many public areas and will affect the air quality and precious wildlife in the area. Highway 85 is already a very busy road. I feel there are other locations in the county that will be a better safer and less obtrusive location.

Castle Pines North resident.

Sent from my iPhone

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** Brannan - please add to file  
**Date:** Thursday, May 18, 2023 11:33:42 AM

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Dear County Officials:

I just wanted to share a quick note today about the weather.

I've been thinking about the new weather patterns the whole world is experiencing due to global warming. Everyone I know in my community is commenting on the wind blowing all the time and they can't get outside. Your own website demonstrates that Douglas County now has stronger winds than the state average by far. I don't see how Brannan is ever going to be able to plan their crushing operations to avoid the wind. I can't recall if there is a minimum wind speed set forth in the crushing approval but I know there is not one for asphalt crushing. I promise I'll block their driveway personally if they ever try to crush in the wind.

Now rain. Although I wasn't able to witness at the time what was happening to the 100-year floodplain that runs right through their operation during our recent storms, you can tell now a tremendous amount of water was flowing through there and heading straight for Plum Creek, a drinking water source.

I also notice that they have just now installed a silt fence around the spoiled concrete mountains. It must be that rain revealed that mitigation is now required. Mitigation is all they offer for anything.

I think it's the County's job to understand what is happening with the changing climate and look ahead at these changing conditions and protect its citizens against the problems it's going to cause when approving these toxic operations.

Valerie Hays



UNIVERSITY *of*  
DENVER

STURM COLLEGE OF LAW

**Environmental Law Clinic**  
*Student Law Offices*  
2255 East Evans Avenue  
Suite 335  
Denver, Colorado 80208  
303-871-6140

May 17, 2023

Via electronic mail

Douglas County Board of Commissioners  
100 Third Street, Castle Rock, CO 80104  
bocc@douglas.co.us

Re: Revised comments on the Use by Special Review USR 2021-002, based on Response to Staff and Referral Comments by Fairfield and Woods, P.C. letter dated April 4, 2023

Dear Commissioners:

The Environmental Law Clinic at the University of Denver Sturm College of Law submits the following comments on behalf of the Louviers Conservation Partnership regarding the Special Use Permit Application that was submitted on the behalf of Brannan Sand & Gravel Company on March 3<sup>rd</sup>, 2021. These comments have been updated based on prior comments submitted in May 2021 in connection with this proposed facility, although they mostly reiterate issues that still remain in the application.

#### I. Introduction

This memorandum identifies the twelve approval standards for a Special Use Permit in Douglas County and discusses why approving a Special Use Permit would be inconsistent with the Douglas County 2040 Comprehensive Plan. It also explains why many of the approval standards will not be met by the new Brannan Asphalt plant, and therefore, why the Special Use Permit should be denied.

## II. The Standards

A “special” use is a use that is generally compatible with the permitted uses in a particular zone, but which can be denied if it does not fit within its specific surroundings or meet certain conditions. *Penrose Hosp. of Colorado Springs v. City of Colorado Springs*, 802 P.2d 1167 (Colo. App. 1990). When a conditional or special use permit is applied for, the activity often involves potentially deleterious or noxious aspects associated with the use, such as additional traffic, obnoxious smells, increased noise, or the presence of hazardous materials. Before allowing a conditional or special use, a municipality or county requires additional review of the proposed use and may impose specific conditions to mitigate the potential problems associated with the use. *Id.*

### a. 2102.01: Complies with minimum zoning requirements

The new Brannan Asphalt plant will be located in a “General Industrial” zone. This zone is governed by Section 14 of the Douglas County Zoning Requirements (“DCZR”).

### b. 2102.02 Complies with the requirements of section 21 of the Douglas County Zoning Requirements

Section 21 of the DCZR governs special use permits for all batch plans, including asphalt. If any one of the requirements of this section is not met, the permit may be denied. As discussed in more detail below, the Brannan asphalt plant does not comply with all the requirements of section 21 of the DCZR, therefore, the permit must be denied.

### c. 2102.05: Will be consistent with the Douglas County Comprehensive Master Plan

A master plan becomes a legally binding document when the plan or any part thereof is included in a county’s adopted subdivision or zoning regulations. C.R.S. § 30-28-106(3)(a). Inclusion of the Master Plan within the Special Use Permit requirements, as well as in various other areas of the Douglas County Zoning Requirements would imply that the Master Plan has been adopted as a legally binding document.

There are many aspects of the asphalt plant which are inconsistent with the goals, objectives, and policies, of the Master Plan, and therefore, should be denied. As highlighted below, Brannan Asphalt plant will be in violation of the Master Plan in six distinct areas.

We have highlighted a number of the goals, policies, and objectives from the Master Plan we believe the Brannan Asphalt plant will violate. They are organized by section.

i. Urban Land Use

Objective 2-1B is to “Encourage development that supports healthy communities;” an asphalt plant which emits toxic, cancer-causing chemicals does not and cannot support a healthy community.

Objective 2-5A is to “Minimize the impact of development on natural and historic resources.” Louviers is one of three historic towns located in Douglas County. Building an asphalt plant would compromise the historic charm of the town.

Additionally, the plant will be located just a few hundred yards from Plum Creek which is home to many riparian species and delicate ecosystems. Not only is Plum Creek home to these ecosystems, but Plum Creek also supplies water to Highlands Ranch, a neighboring community. Although Brannan claims it will not have an impact on this area or the water supplies, this cannot be guaranteed. It only takes one accident or careless maneuver for debris or asphalt – which is filled with unhealthy chemicals – to infiltrate the creek and harm these delicate species and ecosystems.

Objective 2-7C is to “Promote economic development and employment opportunities.” The Brannan plant is expected to hire an additional 20 employees. However, there is no indication that these employees will be residents of Douglas County. The existing concrete plant owned by Brannan – to which the asphalt plant will be added to the 5 acre parcel – to the best of our knowledge, has very few, if any, employees from Douglas County. Therefore, it is evident that Brannan does not make it a priority to hire locals at their facilities, and as such, there is no guarantee the 20 new employees of the asphalt plant will even be from Douglas County. Unless Brannan makes a guarantee to hire locally, the plant will not support this Master Plan objective.

ii. Nonurban Land Use

In the introduction of this section, the Master Plan states “Douglas County citizens have placed a high value on the conservation of the natural and rural character of the nonurban areas of the County;” therefore, the goals and objectives of this section are focused on preservation of the natural environment. Construction of an asphalt plant will disturb the natural environment as previously discussed, and as will be discussed in more detail in the “Wildlife” section. Additionally, an asphalt plant hinders, rather than promotes, preservation of the natural environment.

Objective 3-1C is to “Preserve rural historic structures and sites” and policy 3-1C.2 supports this goal by indicating development should “locate away from, and be compatible with, historic structures and sites.” The construction of the Brannan asphalt plant would blatantly disregard this policy. There is nothing compatible about large metal structures and 25-foot-high piles of sand and gravel with a quaint and historic town such as Louviers.

Objective 3-2A is to “Ensure the character and intensity of development is appropriate for the nonurban area” which is complemented by policy 3-2 A.2 which states “design should be of a scale and character that complements the nonurban area.” A large metal structure, soaring to over 70 feet tall is neither appropriate for a rural area, nor is it of a scale and character complementing the area. There are few, if any, buildings in Louviers or the surrounding area – outside of the existing concrete plant – that are over 3 stories high, never mind one being 7 stories high. The asphalt plant and its tall metal structures, even if they are painted beige, will not abide by this policy or objective.

Objective 3-2C is to “Preserve the visual integrity of significant ridgelines, road viewsheds, horizon lines, views of the mountain backdrop, and other important natural features.” Similarly to above, it is difficult to preserve sightlines when large metal structures, standing over 70 feet high, are blocking the views.

Finally, objective 3-2D is to “Encourage rural development that supports healthy communities.” This has already been discussed within a previous objective; however it is worth repeating. Asphalt plants are known to emit toxic chemicals such as arsenic, benzene, hexavalent chromium and formaldehyde; all of which have been proven to cause cancer and may contribute to birth defects. Forcing the residents to breathe in the toxic chemicals emitted by the asphalt plant in no way promotes the health or well-being of the rural Louviers community. However, the arguments may be restated during public comment to add affect and highlight the issue.

### iii. Rural Communities

Louviers is one of many rural communities in Douglas County but it is the *only* historic town in Douglas County. As such, it is of the utmost importance that it is preserved and well taken care of; therefore, the “Rural Communities” section of the Master Plan is of exceptional importance and must be adhered to when deciding whether to grant Brannan’s Special Use Permit.

As outlined below, allowing the asphalt plant to be built would violate many of the goals established in the “Rural Communities” section of the Master Plan, and as such, it should be denied.

Goal 4-2 is to “Preserve and protect the historic and unique character of the Louviers rural community and balance development, infrastructure, open space, and recreational needs, while reorganizing constraints and opportunities.” This goal will be achieved through objective 4-2B: “Ensure the nature and intensity of development is appropriate for the Louviers Rural community and village area.” Additionally, 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” speaks to a similar goal. A loud, noxious, and busy asphalt plant does not fit into the serene and historic area of Louviers. Louviers is a small, quiet town and the loud processing of asphalt, coupled with the horrendous odor will disturb the peace of the town. Therefore, the plant will not be consistent with Goal 4-2 of the master plan.

Policy 4-2D.2 is to “minimize the impacts of light pollution... through lighting standards based on dark-sky practices.” The International Dark Sky Association recommends the following criteria for lighting: lights only be on when needed, only light the area that needs it, be no brighter than necessary, minimize blue light emissions, and be fully shielded (pointing downwards). See attachment at the end of this document for acceptable/unacceptable lighting and the types of lights Brannan intends to use. The International Dark Sky Association also indicates the amount of blue light emitted should be minimized as much as possible because “exposure to blue light at night has been shown to harm human health and endanger wildlife,” as well as contributing more to light pollution. Therefore, they recommend using lighting with a color temperature of no more than 3000 Kelvins.

The proposed lighting for the Brannan plant is not consistent with these standards. Most notably, the style of floodlights to be used at the site have no kind of shielding or protection to prevent them from contributing to light pollution. Additionally, the plant intends to use all LED lighting which contains large amounts of blue light in their color spectrum. Blue light is the worst form of lighting to protect dark skies. A better form of lighting to comply with dark-sky standards would be LPS lights (low-pressure sodium) or narrow spectrum LEDs.

The next 2 objectives, 4-2E “Develop and redevelop the US Highway 85 corridor focusing on infrastructure improvements and infill redevelopment” and 4-2H “Improve access and traffic safety along US Highway 85” are discussed in more detail in section “f” of this document, in brief, Brannan will be unable to comply with these goals because of the increased traffic that will be a result of the asphalt operations.

Finally, the Master Plan states “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.” Therefore, it is clear that preserving the historic charm and character of Louviers are a top priority for Douglas County since these policies were given precedence over any other policy within the Master Plan.

### Preserve Cultural Resources

The Master Plan also highlights that an important component of Douglas County’s sense of place is its historic legacy. The legacy is evident in the heritage of agriculture, mining, industry, and transportation; these resources include the historic roads, buildings, structures, sites, districts, landscapes, archaeological sites, and cultural practices seen throughout both the County and Louviers itself. Goal 5-8 and 5-9 of the Master Plan aim to preserve Douglas County’s Cultural resources for future generations and provide opportunities for cultural experiences.

Objective 5-8A is to “support the preservation and protection of cultural resources,” which is bolstered by policy 5-8A.1 and 5-8A.3, which respectively aim to “encourage partnerships and community-based efforts to plan for the preservation of cultural resources” and “[E]ncourage the incorporation of historical and cultural resources into development plans.” Brannan’s proposed asphalt plant does not incorporate any historical or cultural resources into its design; nor has it encouraged any community-based input.

Objective 5-9 is to “establish cultural facility locations in new and existing communities. Policy 5-9A encourages “land dedication for cultural facilities within urban development” and “developers to include small-scale cultural facilities such as outdoor theaters or gazebos through appropriate land use application processes”. Brannan’s concrete plant is not a cultural facility, nor will they be building any cultural facilities that would add to the historic community of Louviers. The asphalt plant is a facility that would only take away from the culture and history that is such an important aspect to both Douglas County and Louviers. Preservation of culture and history is an essential goal for Douglas County and is a policy the County wishes to continue into future generations, which is why preservation for future generations is listed as a main goal of the Master Plan. The Brannan asphalt plant will be in conflict with this goal, as such, its Special Use Permit should be denied.

#### iv. Environmental Quality

The Master Plan states “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.” This statement is bolstered by policies 8-4A.2 and 8-4A.4 which respectively aim to “encourage clean, non-polluting industries to locate in Douglas County,” and “require businesses and developers to control dust and other pollutants resulting from construction, mining, travel on unpaved roads, and similar activities.”

Brannan does not comply with or advance these policies or Douglas County’s goals. Asphalt production produces toxic, carcinogenic materials. It is inherently dirty in the way it is produced and releases pollutants, causes dust, and is overall not compliant with any definition of “clean.” If Douglas County genuinely wants to encourage clean development, then the permit for the Brannan asphalt plant should be denied and the land used for clean industries such as solar, or to build a complex for businesses, and then advocate for businesses that invest in clean practices or sell environmentally sustainable products. It should not encourage the land for an asphalt plant which is in direct opposition to the goals of the Master Plan.

#### v. Wildlife

The Master Plan lists Louviers as a designated overland connection, movement corridor, and crossing area for wildlife. Plum Creek – which runs adjacent to Louviers – is classified as a Tier 1 habitat for wildlife. This means it is at the highest level of importance, and these areas must be prioritized for wildlife habitat and movement. Other areas within Louviers are largely classified as Tier 2 habitats which still receive moderate prioritization. Areas that are in or adjacent to important wildlife resources – including Tier 1 and Tier 2 areas – require stricter review, as mandated by the Master Plan. The Brannan plant would be within an overland connection zone and near a Tier 1 habitat and within a Tier 2 habitat. As such, the permit is subject to stricter review.

Policy 9-1A.3 is to “protect important wildlife habitat, habitat conservation areas, movement corridors, and overland connections.” As established, Louviers, and the area surrounding the community are designated overland connections, movement corridors and crossing areas. Therefore, they must be protected, which is difficult to do with construction of an asphalt plant within the zone.

Objective 9-1B is to “minimize impacts to wildlife by ensuring that development and land use are compatible with wildlife, wildlife habitat, and movement corridors.” The

Asphalt plant will impact wildlife by reducing the available land and creating a loud and toxic environment that is inhospitable to sensitive species, and animals in general. Additionally, Policy 9-1B.1 requires evaluation of the potential impact of proposed changes in land use on wildlife and habitat. This evaluation must include design solutions which are appropriate to the scale and intensity of the proposed land use. To our knowledge, Brannan has submitted no such document.

Finally, policy 9-1B.4 is to “locate development outside of important wildlife habitat and movement corridors.” Permitting an asphalt plant to build within the designated Tier 2 overland connection and yards away from the movement corridor is in direct opposition to this policy and provides strong support for the denial of Brannan’s special use permit.

d. 2102.06: Will Not Result in an Over-Intensive Use of Land

Objective 2-5A of the Master Plan is to “[m]inimize the Impact of Development on Natural and Historic Resources.” To do this development should be located away from environmentally and visually sensitive lands. Policy 2-5A.1. And “minimize visual impacts associated with intensive uses in order to preserve views of Louviers from US Highway 85. Policy 4-2D.3. These sections of the Master Plan coincide with section 2102.06 of the Special Use Permit and the asphalt plant will be in conflict with both. As such, it should be denied.

Placement of an asphalt plant, in addition to the existing concrete and concrete recycling plants may substantially impact the view of Louviers from the highway. Additionally, the plant will be placed adjacent to the habitat for the threatened Preble’s jumping mouse. The plant may impact the mouse’s environment and thereby adversely impact the mouse itself. This also goes to Policy 9-1A.3 “Protect important wildlife habitat, habitat conservation areas, movement corridors and overland connections.” Louviers has been classified as a designated overland connection, movement corridor and crossing area for wildlife, therefore, it is imperative that the land remain as unchanged and undisturbed as possible in order to protect this essential wildlife habitat area. Additionally, objective 4-2J is to “support and preserve existing wildlife movement corridors that connect existing open space and wildlife habitat areas.”

Policy 9-1B.4 states development should be located outside of important wildlife habitat and movement corridors. Therefore, building the plant within a designated movement corridor for wildlife is in direct opposition to the Master Plan, and as such, the permit should be denied.

e. 2102.07: Will Provide Roadway Capacity Necessary to Maintain the Adopted Roadway Level-of-Service for the Proposed Development

Objective 4-2H of the Master Plan is to “Improve Access and Traffic Safety Along US Highway 85.” The building of the asphalt plant will not improve access and traffic safety, but rather, it will impair them. Therefore, approval of the Special Use Permit will violate the Master Plan and would violate requirement 2012.07 because Brannan will not provide roadway capacity necessary to maintain the current Level-of-Service; rather, the Level-of-Service is expected to decrease, and roadways will become more crowded.

The original traffic impact analysis submitted by Brannan as part of their permit application cannot be relied upon to show an accurate analysis of how the asphalt plant will impact traffic on Highway 85 nor can the reanalysed report by Sustainable Traffic Solutions Inc on March 24, 2023 using the same data taken during Covid in November of 2020. Both reports are incomplete as they are not inclusive of all the operations at Brannan’s site.

When the three operations—583 for asphalt production, 400 for concrete crushing, and 600 for concrete production—are combined, the total number of truck trips at the site reaches 1,183 per day. This translates to an average of 1.64 trucks per minute, which significantly exceeds the roadway capacity required to maintain the adopted roadway level-of-service for the proposed development. This overwhelming volume of truck traffic poses a severe threat to the efficiency and safety of our roadways.

Despite the underestimation of production, and therefore number of trucks leaving and entering the highway, the traffic report generated originally by Sanderson Stewart shows the intersection of US 85 and Airport road is anticipated to “have significant decreases in LOS [Level of Service] between short-term (2025) scenarios and the long-term (2040) scenarios.” The study assessed that during peak AM and PM hours the level of service at this intersection from all approaches will have an overall level of service F.

A level of service (“LOS”) is a measurement used to gauge the adequacy of transportation facilities and is graded on a letter scale. Letters A-C represent uncongested, free-flowing traffic. A ‘D’ represents congestion during peak travel hours. This might look like having to wait at a signal for multiple light cycles or difficulty changing lanes. Letters E-F represent congestion. In this case, traffic volumes may have reached or exceeded

capacity and a driver will likely have to wait at least 2 light cycles to get through an intersection.<sup>1</sup>

The report blames the poor level of service on new development in the area and stated the Brannan asphalt plant would have “no impacts to the transportation system” despite the earlier conclusions that the level of service at the Airport road and US 85 intersection would be an F. Although traffic from new developments such as those in Cherokee Ridge, Sterling Ranch and the newly approved Range may impact the traffic, it is illogical to conclude that adding over 583 large trucks to the highway traffic would have “no impact” on that traffic.

Considering common sense as drivers, it is common knowledge that large trucks, such as those used to transport asphalt, tend to drive more slowly than the average vehicle and they are difficult to see around. This makes people more inclined to pass the trucks in the left lane, thus causing that lane to become more congested. This problem can be exacerbated when highways are already congested, as would be the case if the level of service is an F. Not only that, but the trucks may need to make left turns from highway 85 onto airport road. It takes a large truck longer to make a left turn, they need to wait, either for the left turn, green arrow, or wait for a large gap in traffic. When the trucks are able to turn, it takes longer than a standard vehicle, thus allowing less cars through at the light, and therefore creating longer wait times at the light.

Adding the asphalt plant is going to significantly impact levels of service at the airport road and US 85 intersection. The increased truck traffic will contribute to and exacerbate any additional traffic created from new residential development. Not only does this violate objective 4-2H of the Master Plan to “Improve Access and Traffic Safety Along US Highway 85,” but it also is ground for denial of the special use permit under criteria 2102.07 “Will Provide Roadway Capacity Necessary to Maintain the Adopted Roadway Level-of-Service for the Proposed Development.” The report conducted on behalf of Brannan admits the intersection of US 85 and Airport road is anticipated to “have significant decreases in LOS.” As such, the special use permit request should be denied.

The Traffic Impact Study conducted on March 24, 2023, raises serious concerns regarding the accuracy and validity of the findings. It is a revised version of the original study, now with the inclusion of the new exit-only access. However, it is important to note that asphalt trips are still presented as a weekly budget, potentially allowing for a staggering 3,500 trucks in a single day. This discrepancy raises doubts about the reliability of the study and its adherence to accurate traffic projections.

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<sup>1</sup> <https://www.douglas.co.us/documents/2030-transportation-plan.pdf/>

Moreover, the analysis conducted by Sustainable Traffic Solutions, the new traffic consultant, contradicts the findings of the previous analysis conducted by Sanderson Stewart. While Sanderson Stewart identified levels of service (LOS) D, E, and F based on the traffic counts from November 2020, the new consultant concludes that all traffic scenarios result in LOS C or better. This inconsistency calls into question the assumptions and methodologies employed in the new study.

Several notable issues arise when examining the assumptions made in the study:

- The growth rates utilized in projecting future traffic volumes are solely based on information provided by a county employee, failing to account for the actual increase in traffic already experienced on Airport Road west of US 85.
- The original traffic counts conducted in November 2020 invalidate the findings due to the exceptional circumstances surrounding that time, including the impact of COVID-19 and the absence of typical construction season traffic.
- It is crucial to note that the traffic operations now projected for the year 2023 are based on estimations, utilizing the questionable November 2020 counts then adjusted with factors for COVID-19 and growth.

The notable discrepancies between the analysis conducted by Sustainable Traffic Solutions in March 2023 and the previous analysis by Sanderson Stewart in February 2019, raise concerns about the reliability and consistency of the traffic studies conducted for this project. These discrepancies warrant a comprehensive review of the traffic data and methodologies used to ensure accurate and unbiased conclusions regarding the roadway capacity and impact of the proposed development.

f. 2102.12: Will Not Otherwise be Detrimental to the Health, Safety, or Welfare of the Present or Future Inhabitants of the County

The unsightly nature of the asphalt plant along with the amplified traffic that will follow once the plant is operating is just the tip of the iceberg. According to the EPA, asphalt plants are known to produce toxic air pollutants, including arsenic, benzene, formaldehyde, and cadmium, which –according to the CDC – are all known to cause cancer, central nervous system problems, liver damage, respiratory problems, and skin irritation.<sup>2</sup>

<sup>3</sup>

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<sup>2</sup> <https://www3.epa.gov/ttn/chief/ap42/ch11/related/ea-report.pdf> see page 19

<sup>3</sup> <https://emergency.cdc.gov/agent/benzene/basics/facts.asp>

Even if an asphalt plant meets the state and federal air standards, people living nearby are still exposed to cancer-causing substances that can cause long-term damage. Due to their proximity, the exposure to these chemicals is inevitable.

The asphalt plant is a smokestack industry. With any smokestack industry, the noise and smoke coming from the plant are bound to disrupt day to day life, along with negatively impacting the property value of the surrounding homes and allowing for an unsightly tower releasing smoke to block the undisrupted mountain views.

In the risk assessment conducted by Trinity Consultants on behalf of Brannan Sand and Gravel for the proposed asphalt plant, they identified the chemical hazards that will be released from the asphalt plant which may pose a risk to human health. Based on this same risk assessment compiled by Trinity Consultants, none of the hazards created by the asphalt plant are expected to exceed the allowed amount as determined by the EPA. Meaning, none of the hazards are 'expected' to be emitted at a rate high enough to cause adverse health effects in the human population.

However, this should be taken with a grain of salt, as it has recently come to light that the CDPHE has been falsifying data and using improper modeling methods that has increased the concentration of harmful air pollutants and pushed the state of Colorado into deeper non-attainment for years. Additionally, it does not appear Trinity identified all the procedures, assumptions, and uncertainties in their data, as provided in the EPA's guidelines for a proper risk assessment. For example, there is no discussion of potential uncertainties in the data, and there is no discussion of how the emissions will impact people characterized as "high exposure" versus "central exposure." As such, it is unclear from the data provided if the risk assessment is truly a comprehensive evaluation of all possible risk factors and impacts.

Regional air quality is already poor. Indeed, while this Use by Special Review process has continued, the Denver Metro North Front Range region has been downgraded by the U.S. Environmental Protection Agency, and is now classified as a "severe" nonattainment area for ozone pollution, or smog. The metro area has not been successful in attacking the "brown cloud", and continuing to permit more sources of harmful pollution in the region will only exacerbate the issue. More locally in Louviers, the low-lying valley along Plum Creek is an area where airborne contaminants can become concentrated, especially in the mornings and during times when wind velocities are low, or a temperature inversion is present. The plant is proposed to be located in this low area of poor air circulation, potentially reducing the dispersal rate for contaminants and odors released from the plant. Colorado Department Public Health and Environment uses site inspections (of the mechanical control systems) on a one- or two-year cycle to ensure

permit compliance. They do not monitor air quality or track the quantity or type of emission released from the plant throughout the year.

It is not clear if there will be a local agency to contact if air quality issues arise. The Colorado Department of Public Health and Environment does investigate complaints, but the response time may preclude being able to witness or prove any violation or damage. This has proven to be the case with the concrete plant near Louviers. Citizens of the area are continuously filing complaints, only to have these dismissed because by the time anyone arrives to investigate, the violation is no longer occurring. Which leaves the community responsible for the asphalt plant's accountability, which is unacceptable. CDPHE has actually requested the community members of Louviers "prove" that Brannan was committing violations, instead of trying to catch the violations themselves. This is an unfair ask of the community as it is not their job or responsibility to police Brannan's activities, nor should it be.

The operation of an asphalt plant in this community would clearly pose a detriment to not only the community's health, but their general wellbeing, as they are expected to be the ones to file a complaint when the plant is in violation, only to have their complaints dismissed repeatedly. The cumulative effects of the asphalt plant, concrete plant, crushing operations, HW 85 traffic and the traffic of surrounding communities leaves Douglas County with seriously degraded air quality. Allowing an asphalt plant to be built in this community would be detrimental to the health, safety, and well-being of present and future inhabitants of Louviers and for the aforementioned reasons, should be denied.

Sincerely,

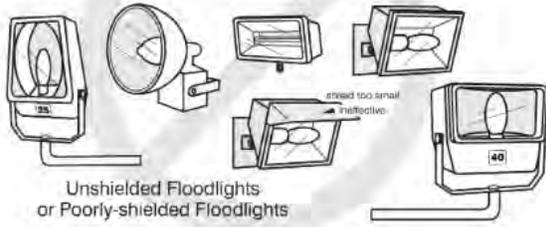
Kevin Lynch  
Environmental Law Clinic  
University of Denver  
Sturm College of Law  
2255 E. Evans Ave.  
Denver, CO 80208  
Telephone: (303) 871-6140  
[klynch@law.du.edu](mailto:klynch@law.du.edu)  
*Counsel for Louviers Conservation Partnership*

*\*Much of the work on this comment letter was done by former student-attorneys Cailee Mangan and Siera Schroeder, who have since graduated.*

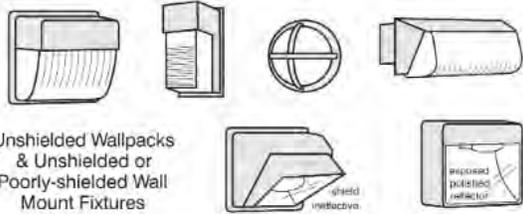
# ATTACHMENT 1

## Unacceptable / Discouraged

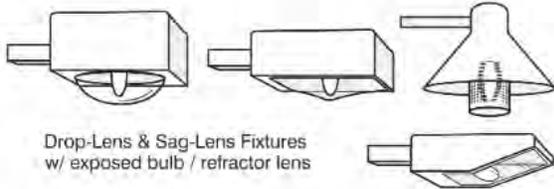
Fixtures that produce glare and light trespass



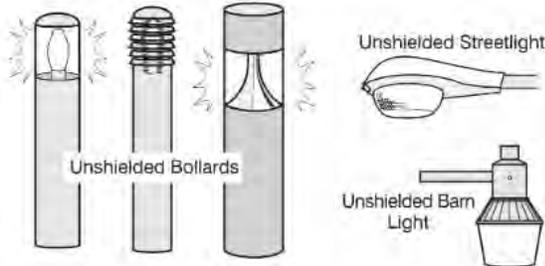
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



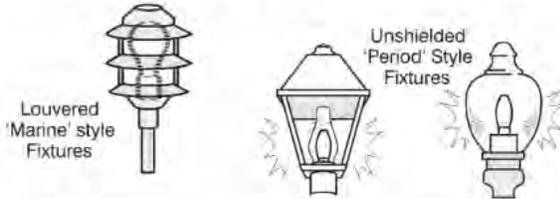
Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens



Unshielded Bollards

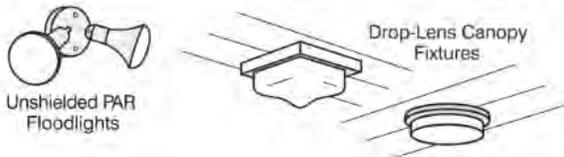
Unshielded Streetlight

Unshielded Barn Light



Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures

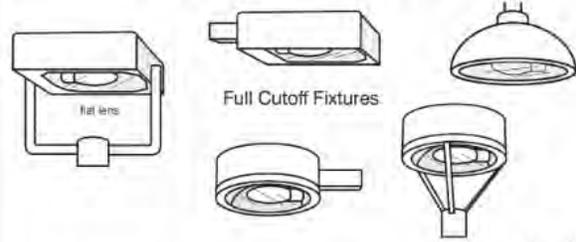


Unshielded PAR Floodlights

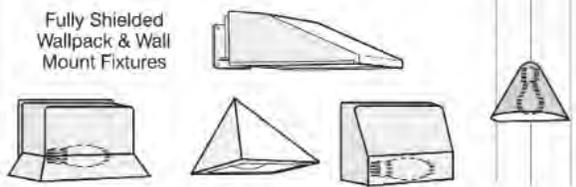
Drop-Lens Canopy Fixtures

## Acceptable

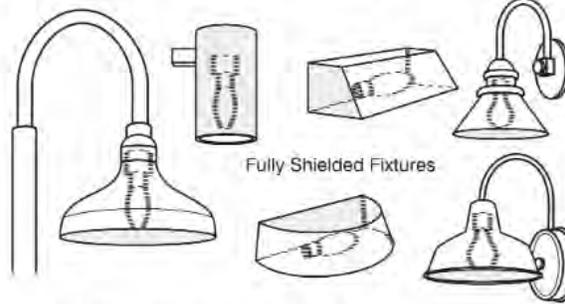
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



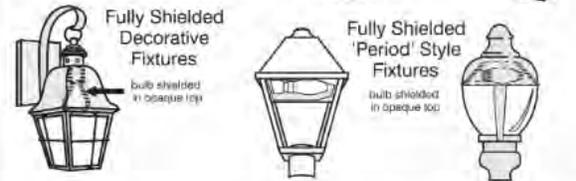
Fully Shielded Fixtures



Full Cutoff Streetlight

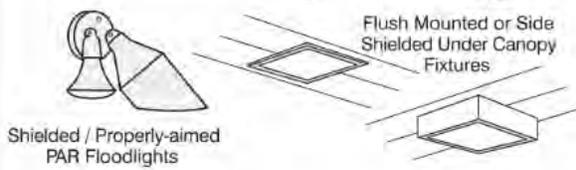
Fully Shielded Barn Light

Fully Shielded Walkway Bollards



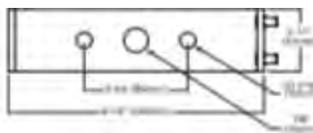
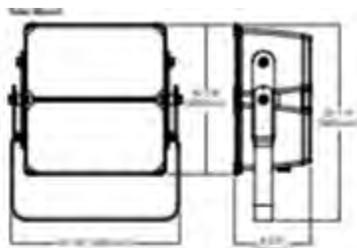
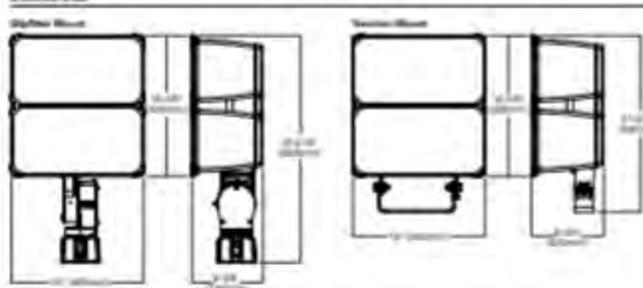
Fully Shielded Decorative Fixtures

Fully Shielded 'Period' Style Fixtures

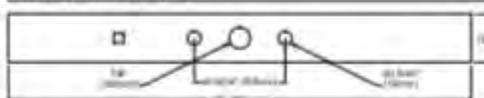


Shielded / Properly-aimed PAR Floodlights

Flush Mounted or Side Shielded Under Canopy Fixtures

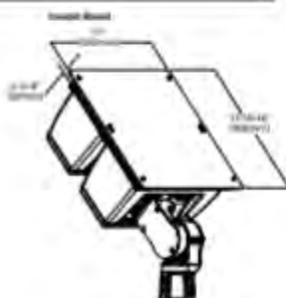
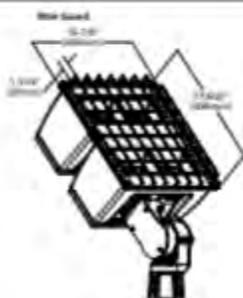
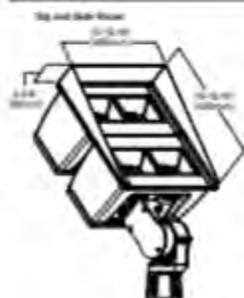


**YOKE MOUNT DRILL PATTERNS**



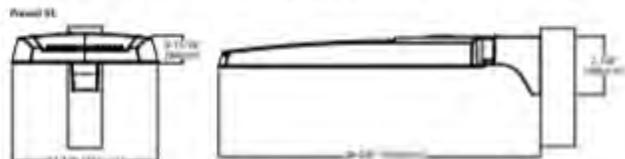
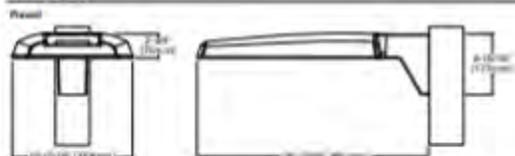
**Subn**

**ACCESSORIES**



11

**DIMENSIONS**



**From:** [Laura D](#)  
**To:** [Heather Scott](#)  
**Subject:** Project File US2021-002  
**Date:** Monday, May 15, 2023 4:01:52 PM

---

Please reference the May 2nd letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As a resident living nearby the proposed location of the asphalt plant, I am very concerned over the issues raised in the referenced letter, and therefore, I am strongly opposed to the proposal contained in Project File US2021-002. I respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road.

Thank you,  
Laura DalPiaz

**From:** [clint curry](#)  
**To:** [Heather Scott](#); [jcowan320@gmail.com](mailto:jcowan320@gmail.com); [Anthony Colarusso](#)  
**Subject:** Project No. US2021-002  
**Date:** Monday, May 15, 2023 11:54:52 AM  
**Attachments:** [CRE HOA & MD Letter to Douglas County re Brannan Asphalt Batch Plant 5-2-2023 \(1\).pdf](#)

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Dear Ms. Scott

Please reference the May 2nd letter (copy attached) sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As residents living nearby the proposed location of the asphalt plant, we are very concerned over the issues raised in the reference letter and are strongly opposed to the proposal contained in the Project File US2021-002. We respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road.

Over the past several years we have received numerous AIR QUALITY ALERTS on our home Alexa for Louviers, the area where the concrete plant is located due to the reasons outlined in the May 2nd, 2023 letter.

We respectfully request the County to deny approval of Project No. US2021-002.

Clinton F. and Mary Ann Curry  
8606 Coachlight Way  
Cherokee Ridge Estates

**From:** [ROBERT ETO](#)  
**To:** [Heather Scott](#)  
**Subject:** Proposed Asphalt Plant near our home  
**Date:** Friday, May 12, 2023 2:26:21 PM

---

Dear Mr. Douglas,

Project File US2021-002

Please reference the May 2nd letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As a resident living nearby the proposed location of the asphalt plant, we are very concerned over the issues raised in the referenced letter and are strongly opposed to the proposal contained in Project File US2021-002. We respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road.

With hope that you will listen and respond to our appeal.

Robert and Dianne Eto

**From:** [Sand](#)  
**To:** [Heather Scott](#)  
**Cc:** [Sand](#)  
**Subject:** Project File US2021-002  
**Date:** Friday, May 12, 2023 3:24:12 PM  
**Attachments:** [CRE HOA & MD Letter to Douglas County re Brannan Asphalt Batch Plant 5-2-2023.pdf](#)

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Heather Scott,

Project File US2021-002

Please reference the May 2nd letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As a resident living nearby the proposed location of the asphalt plant, we are very concerned over the issues raised in the referenced letter and are strongly opposed to the proposal contained in Project File US2021-002. We respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road.

Respectfully,

Sandra Grasso  
5273 Aspen Leaf Drive  
Littleton Colorado 80125  
sandr.grasso@gmail

**From:** [Randy Schmudlach](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: Asphalt Plant information  
**Date:** Friday, May 12, 2023 7:58:09 AM  
**Attachments:** [CRE HOA & MD Letter to Douglas County re Brannan Asphalt Batch Plant 5-2-2023.pdf](#)

---

Heather Scott,

Project File US2021-002

Please reference the May 2nd letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As a resident living nearby the proposed location of the asphalt plant, we are very concerned over the issues raised in the referenced letter and are strongly opposed to the proposal contained in Project File US2021-002. We respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road.

Randy Schmudlach  
President



4251 S. Natches Ct. Unit E  
Englewood, CO. 80110  
O: 303-862-4648  
C: 720-341-0561

**From:** [Sally Perisho](#)  
**To:** [Heather Scott](#)  
**Subject:** Request to stop asphalt plant  
**Date:** Thursday, May 11, 2023 7:47:33 PM

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Project File US2021-002

Please reference the May 2nd letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As a resident living nearby the proposed location of the asphalt plant, we are very concerned over the issues raised in the referenced letter and are strongly opposed to the proposal contained in Project File US2021-002. We respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road

Sent from my iPhone

**From:** [Sandy mandair](#)  
**To:** [Heather Scott](#)  
**Subject:** Opposing the new asphalt plant  
**Date:** Thursday, May 11, 2023 6:08:56 PM

---

Ms. Scott

Project File US2021-002

Please reference the May 2nd letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As a resident living nearby the proposed location of the asphalt plant, we are very concerned over the issues raised in the referenced letter and are strongly opposed to the proposal contained in Project File US2021-002. We respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road. The growth happening in this area is bringing more people and businesses, allowing this now will negatively impact the growing community for decades.

Respectfully,  
Sandy mandair

**From:** [Shellie Pacheco Jones](#)  
**To:** [Heather Scott](#)  
**Subject:** Project File US2021-002  
**Date:** Thursday, May 11, 2023 4:51:02 PM

---

**Reference: Project File US2021-002**

Hello Ms. Scott,

Please reference the May 2nd letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As a resident living nearby the proposed location of the asphalt plant, we are very concerned over the issues raised in the referenced letter and are strongly opposed to the proposal contained in Project File US2021-002.

We respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road.

Regards,  
***Shellie Jones***

Randy Johnson Louviers US2021-002 4<sup>th</sup> Resub USR Packet Owens Industrial Park Public Comments 5 11 2023

- 1) Below are comments after review of Lot 1A, Owens Industrial Center Filing 1, 1<sup>st</sup> Amendment, Lot 1A and Metes & Bounds Parcel, 3<sup>RD</sup> Amendment Douglas County APM Sheet 2 of 20 Management Plan and review of documentation previously provided by Brannan.
- 2) Pictures with descriptions showing impacts from existing operations at the facility.
- 3) Email sent the day after noise study was completed about the amount of noise occurring immediately following the study.

#### Management Plan and Table

**Brannan Sedalia Site – This is very misleading. This facility is in the Louviers area and 3 miles from Sedalia. Also it may be part of the Sedalia Water and Sanitation District (SWSD) but there is no water or sewer services provided by SWSD.**

**Truck Trips (Round Trip) – Round trip would consist of a vehicle coming and going which would double the amount of truck traffic identified.**

Overall 1,183 trips per day/12 hours per day (6a to 6p) = 99 truck trips/hr = 60 minutes = **1.6 truck trips/minute = 2 trucks trips/minute.**

Management Plan Table Note 4 mentions “Traffic generation is measured and controlled for truck trips. This does not, across all uses, include worker vehicles, light-duty vehicles, **vendors**, or non-truck trips generally.” In a supply chain, a **vendor, supplier, provider** or a **seller**, is an enterprise that contributes goods or services. Generally, a supply chain vendor manufactures inventory/stock items and sells them to the next link in the chain. Today, these terms refer to a supplier of any goods or service. It would seem JFW Transport would be considered a vendor to the cement facility which has many trucks servicing the facility.

The Management Plan previously mentioned during the morning peak (7a to 8a) to limit to no more than 30 outbound trips. I did not see this in the updated management plan. If still applicable this does not account for inbound trips. 30 truck trips/hr = 60 minutes = **0.5 trucks/minute or 1 truck every 2 minutes leaving the facility.**

**When asked it was mentioned the existing concrete facility truck trips were 150/day. The new number of 1,183 truck trips/day will be a huge increase/impact to the Highway 85 Corridor even with road improvements.**

The following pictures show what happened when a train blocked the tracks for around 15 minutes. Trucks became backed up on the site and on Airport Road in both directions from the facility all the way to highway 85. I could not see highway 85 but with the number of trucks coming in they must have been lined up on highway 85 also. The truck waiting to turn right into the facility in the 2<sup>nd</sup> and 3<sup>rd</sup> pictures was the first truck stopped at the railroad tracks and had to wait until all the trucks lined up in the facility left as it could not turn in as the trucks kept coming out.



### Hours of Operation

Normal hours from 6a to 6p = **12 hours/day**. This is basically all daylight hours in the summer and in winter starting before day break and ending after Sunset.

**Extended operations May 1 to October 15 is 6 months or half a year.** The Table says 6a to 6pm June through October and Not to exceed 90 days/calendar year. Many CDOT operations occur overnight and would be large public projects requiring constant activity at the facility overnight. This implies there will be many days of 24 hr./day operations during the warmer months when people will be outdoors.

### Noise Control

This is a very noise intensive operation. The study shows much of the equipment operating in the 100db+ range.

There is a constant mechanical whine from the cement plant. The whine noise is basically all day every day the cement plant is operating. The noise is very bad in the morning.

When the Crushing operations were ongoing the conveyer belt could be heard rumbling, the jack hammers breaking up the cement to load into the crusher, crusher loading, and white noise alarms when pointed toward Louviers were all very noticeable.

The Management plan says they will not exceed the acceptable level for industrial use of **80 dB(A) in the daytime** 7 am to 7 pm and **75 dB(A) in the nighttime** 7p to 7a the maximum allowable. **I measured approximately 40 dB(A) in Louviers when the cement plant is not operating which is 1/8 as loud as 70 dB(A). 80 dB(A) is 2x as loud as 70 dB(A).** It is very quiet at night and in the evening. It is very noticeable when Brannan starts and stops operating. **The amplitude is one issue but continuous noise for hours is also an issue.**

Any noise comes right up the hill west of the facility and is very noticeable in Louviers.

### Air Quality

The following pictures show concrete dust coming from the recycling operation. These were not windy days. The amount of concrete dust went up greatly when the recycling operation started. You cannot visibly see the concrete dust in Louviers but it settles on everything as is also shown in pictures below. I can tell when Brannan is operating as I start coughing.





The following pictures show concrete dust on Airport Road coming out of the facility going all the way to CR-16. This occurred when they sprayed water on the facility roads to keep concrete dust down. The trucks track it onto Airport Road. Spraying the facility roads does not work.





The following picture shows the concrete dust being kicked up by vehicles on Airport Road every day.



The following picture shows concrete dust on my car that accumulates when parked in an enclosed parking area. This can happen overnight or just a couple of days.



The following picture is concrete dust that accumulated on my van roof parked under a carport.



The following picture shows concrete dust on an end table inside my house.



The following picture shows concrete dust coming off my driveway while sweeping. I sweep my driveway off regularly, sometimes daily.

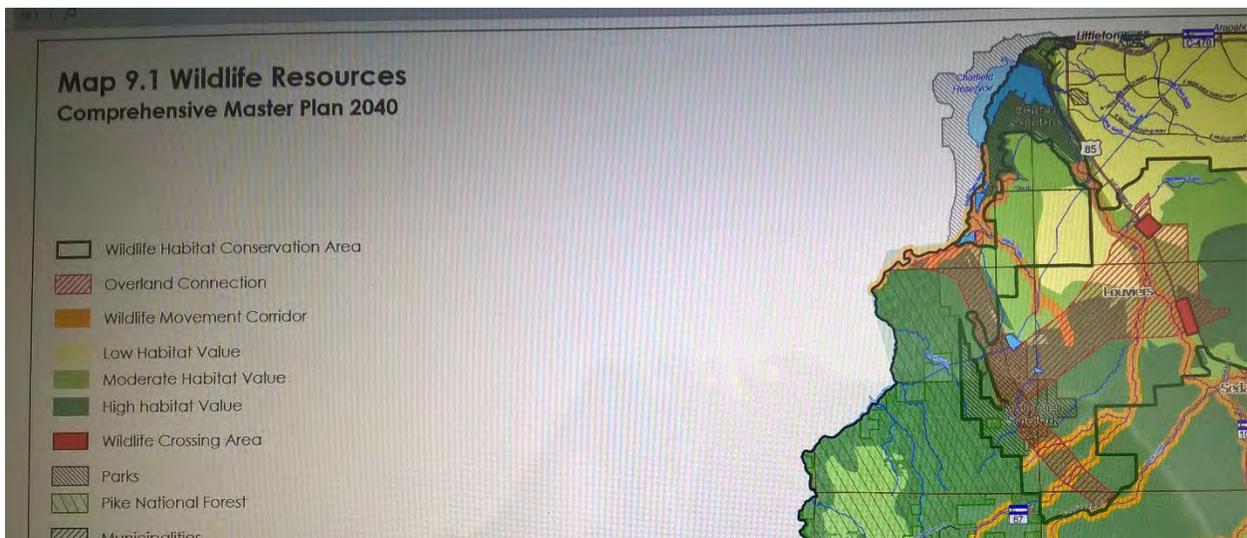


### Lighting

The area is currently a dark area at night. During 24 hour operation there will be lights on all night.

### Wildlife

The following picture is of the Comprehensive Master Plan 2040 showing the Overland Connection and Wildlife Movement corridor encompasses Louviers and the surrounding area.



The following pictures show deer in and around my yard that appeared on an almost daily basis. It is a very active wildlife corridor. I no longer see this many deer in my yard.



Noise Study Comment

The following is an email I sent the day after the noise study was completed. I did not know there was a noise study the previous days. This shows the noise got much louder the day after the study was done.

From: Randy Johnson

Sent: Wednesday, October 23, 2019 1:23 PM

To: Alex Schatz; Joshua Oliver

Subject: Louviers - Crusher and Banging Noise 10/23/19

Alex, Josh,

Just want to let you know the crusher and banging is really bad today.

Randy

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#); [Alex Schatz](#)  
**Subject:** USR 2021-002  
**Date:** Monday, May 8, 2023 10:58:12 AM

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Dear Brannan:

How dare you tell my community that we need to be sacrificed for the greater good! You keep maintaining a narrative that asphalt is needed for everyone while sacrificing my town and the others nearby. Simply because roads are needed, and money is to be made, our community will pay the price? How dare you privatize the benefit and socialize the costs. You should have done a bit better due diligence when you bought this property. It would seem you didn't even know there was a historic community less than a mile away? That crushing was such a sneaky slam-dunk. Asphalt will not be.

How dare you admit that carcinogens will be emitted and then say it's okay to dump them into the air breathed by my family and my neighbors and tell us it's for the greater good.

How dare you provide 5 years of bogus studies and reports purporting the safety of the process with consultants bought and paid for only to reflect and promote your plans with incredibly faulty modeling methodology

How dare you think we are stupid enough to believe that one semi truck accessing or leaving the plant every 1.64 minutes is not going to affect traffic on Airport Road. A traffic study based on a count done in November of 2020, come on!

Your noise study has been validly challenged and yet you just resubmit it? It is hidden, but nevertheless demonstrates, all the trucks from asphalt and crushing are assumed to make no noise, come on?

Dust! There is a new wind normal here in Douglas County and nobody is talking about that! I don't know when you are actually ever going to be able to crush again.

How dare you tell all of my neighbors that all the years we have worked hard to buy, maintain and improve the value of our property must now be sacrificed to the greater good as our property values plummet in a poisoned atmosphere created for you to make money. Which you made plenty of using the temporary plant set up for the GAP project. Temporary plants are equitable to ALL communities being served. You need to consider this instead.

How dare you maintain that you are heavily regulated on every level of government and this will somehow protect our communities? Sure there are some rules, but there is no way to prevent you from violating them. Regulation simply does not PREVENT

accidents. They happen and we don't want one here.

Federal regulation? First of all, federal standards have eroded considerably and are at a bar actually set by industry, constantly lobbying for deregulation to support their profits and the regulations no longer protect any community adequately.

State regulation? Suncor has violated state air quality regulation every third day since the start of 2023. What can the state do? Impose a paltry fine? It would seem you could simply build the expected fines into the operating budget and do as you please.

How dare you simply check off the box for community input? You will not find one soul in my community and the others nearby that approves of your plans. After the first meeting with Alex Schatz we knew all you had to offer was perfuming the toxic smells. Subsequently you held zoom meetings. Meetings that many people in our town could not access even if you had given a proper address to join. Basically you had Zoom meetings because you were cowards to face us personally!

Operating in an equitable way that prevents an unlucky community from having to sacrifice their health, happiness and prosperity to the greater good is the way you're going to need to head! We will never stop fighting this plant.

Valerie Hays

**From:** [Mrgarretts](#)  
**To:** [Heather Scott](#)  
**Subject:** Project File US2021-002  
**Date:** Sunday, May 7, 2023 12:01:56 PM

---

Ms. Scott,

**Project File US2021-002**

Please reference the May 2<sup>nd</sup> letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As a resident living in Cherokee Ridge Estates which is nearby the proposed location of the asphalt plant, we are very concerned over the issues raised in the referenced letter and are strongly opposed to the proposal contained in Project File US2021-002. We respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road.

**Respectfully,**

**Garrett Silva**  
**Resident Cherokee Ridge Estates**  
**5731 Aspen Leaf Drive**  
**Littleton, CO 80125**

**mrgarretts@yahoo.com**  
**(720) 616-8865**

**From:** [Marianne Coates](#)  
**To:** [Heather Scott](#)  
**Subject:** Fwd: Project File US2021-002  
**Date:** Sunday, May 7, 2023 3:48:26 PM

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<[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

Dear Ms. Scott,

**Project File US2021-002**

Please reference the May 2<sup>nd</sup> letter sent to you by the Cherokee Ridge Estates HOA and Metro District concerning Project File US2021-002. As a resident living in Cherokee Ridge Estates which is nearby the proposed location of the asphalt plant, we are very concerned over the issues raised in the referenced letter and are strongly opposed to the proposal contained in Project File US2021-002. We respectfully request you carefully review these concerns and deny Brannan's proposal to co-locate an asphalt plant with their concrete operations on Airport Road.

The proposed asphalt plant would significantly increase daily traffic (*adding 583 asphalt trucks to the current 400 concrete truck operations*), endanger our wildlife, increase dust and noise, and most seriously would emit hazardous air pollutants. It would destroy the quality of life in NW Douglas County for many of us. Please consider the neighbors and residents before making such a consequential decision. Thank you for your time and attention.

Sincerely,

**Marianne Coates**  
**Resident, Cherokee Ridge Estates- Douglas County**

**From:** [Planning](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002  
**Date:** Monday, May 8, 2023 8:27:07 AM

---

Shanna Austin | Public Outreach & Assistance Manager  
Douglas County Department of Community Development  
Planning Resources Division  
Address | 100 Third St., Castle Rock, CO 80104  
Direct | 303-814-4349 Main | 303-660-7460  
Email | saustin@douglas.co.us

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

From: BOCC <BOCC@douglas.co.us>  
Sent: Friday, May 5, 2023 5:24 PM  
To: Planning <Planning@douglas.co.us>  
Subject: FW: USR 2021-002

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

From: Persis <persis.schlosser@gmail.com>  
Sent: Wednesday, May 3, 2023 8:15 PM  
To: BOCC <BOCC@douglas.co.us>  
Subject: USR 2021-002

Please do not allow the Brannon Sand & Gravel to add an Asphalt plant at the Louviers location. They have been obtaining asphalt easily with a pop up style facility at their needed locations. A big, dirty plant is too much for this fragile location.

Persis Schlosser  
925 Anaconda Drive  
The Village of Castle Pines

Sent from my iPhone

**From:** [Randy Johnson](#)  
**To:** [Heather Scott](#)  
**Subject:** RJohnson US2021-002 Cement Dust on Enclosure & Cover video and pictures  
**Date:** Friday, April 21, 2023 1:17:30 PM  
**Attachments:** [VID\\_20230127\\_124516700.mp4](#)

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Heather,

Will you include this with US2021-002.

Attached is a picture and video showing cement dust on an Enclosure in my backyard taken January 27 2023 and a picture of a cover taken November 4 2022 when both the crushing and asphalt plant aren't operating and thus the amount of cement dust appearing with only the trucks related to the cement plant operations. This did not happen before Brannan started operating the cement plant.

Randy Johnson  
Louviers





VID\_20230127\_1245  
16700.mp4

## BRANNAN ASPHALT PLANT NOISE ANALYSIS

### **Per the current application, Management Plan**

Maintain compliance CRS 25-12-103 MAX levels and applicable local

Measured at external boundary (property line)

Shall not exceed **levels for industrial use** = 80 DB(A) 7 am to 7 pm and 75 DB(A) 7pm to 7am

In order to 'minimize residential impact' operator agrees to monitor quarterly and provide record when asked by county

If exceeded they will identify equipment or process and modify "**where reasonable**"

Control measures might include "process modification, technique modification, use of white noise back up alarms and/or installing noise shielding on/or around certain equipment."

### **Per Behrens and Associates, Inc. Noise Modeling Report for current application**

- Report is premised on analysis based on Industrial Zoned noise levels despite the very close proximity to residential zoning
- Noise monitoring to set forth existing noise levels for the concrete batch and crushing operations was performed Friday 10/18/2019 to Tuesday 10/22/2019. It included a Sunday when plant was closed to use that data for existing ambient noise in the area of the plant. Noise was monitored at 4 points on the property line.
- The existing levels were then superimposed on a MODEL constructed from data derived from noise monitoring at the Commerce City asphalt plant machinery to achieve a PREDICTED noise level.
- **Note that in section 3, Ambient and Operational Sound Level Survey** the hours of operation set forth on the study days in themselves demonstrate Brannan does not play by the rules. Survey was conducted from 4:41 AM to 5:35 PM on Friday 10/18/19, 5:06 AM to 1:05 PM on Saturday 10/19/19, not open Sunday 10/20/19 (ambient day), 5:20 AM to 4:55PM on Monday 10/21/19, and from 4:51 AM to 6:34 PM on Tuesday 10/22/19.
- The report states that ambient data is HIGHER than operational data for many of the recorded periods for several reasons that make no sense. It may be the train is louder than the plant? Wind? Manipulated data.

- Table 3-1 sets forth the ambient and operational levels in a table that claims Ambient is greater! This data has been manipulated through the applicants' lense.
- CRS 25-12-103 Noise Standards:
  - Residential = 55dBA 7am to 7pm, 50dBA 7pm to 7am
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  - Industrial = 80 dBA 7am to 7pm, 75 dBA 7pm to 7am
- Douglas County refers back to CRS 25-12-103, these are MAXIMUMS
- Noise levels are PREDICTED and they state in the report that the "noise levels represent ONLY the contribution of the existing and proposed Sedalia Ready Mix Plant operations **"and do not include ambient noise or noise from other facilities. Actual field level sound level measurements may vary from the modeled noise due to other noise sources such as traffic"** etc. Project Operations were totaled without demonstrating the truck traffic for imported and exported materials for both the crushing and asphalt operations.
- Set forth in Table 5.1 the noise levels for the concrete batch plant DO include the trucks to supply and deliver the concrete. Set forth in Table 5.2 the noise levels for the crushing operations DO NOT include any trucking at all. Set forth in Table 5.3 the noise levels for the asphalt plant DO NOT include any trucking at all. They are neglecting all trucking noise both importing and exporting for both the crushing and asphalt operations.
- This report states that they used the Commerce City site noise levels for monitoring because "the equipment and facility rate **(400 tn/hr)** is intended to be duplicated for the proposed Sedalia facility expansion." *What is the production rate? At 3,500 trip/week presented it is HALF of 400 tn/hr.*
- **Need to check site plan for crushing against site plan for asphalt, overlap?**
- The Noise Sensitive Receptor Locations (5.2) are 12 points on the property perimeter where the modeling predicts the sound level at these points. They provide 4 scenarios of operations, 3 of them as the existing standing alone operations and only one as COMBINED operations of the 3 existing and proposed asphalt – the only scenario pertinent. If you overlay these 12 points on to the 4 Location points recorded or the existing sound levels shown on Figure 4.1, Ambient and Operational Sound Level Survey, you find that:
  - Receptor B is in close proximity to Location 3
  - Receptor G is in close proximity to Location 4
  - Receptor I is in close proximity to Location 1
  - Receptor K is in close proximity to Location 2

Referring to Table 6-1 you find that at modeling Receptor B the combined operations predicts 50.6 dBA while recorded noise levels at Location 3 is 50.1 dBA, a .5 dBA increase. For Receptor G the predicted level is 57.1 dBA while Location 4 recorded showed us 71.9 dBA day and 63.2dBA night.

Wow! **The predicted is significantly less than existing!** For Receptor I the predicted is 54.3 dBA while the recorded Location 1 was 71.2 dBA day/71.7 dBA night.. **Again predicted levels are far lower than measured existing levels without an asphalt plant!** For Receptor K the predicted level is 51.4 dBA while the recorded levels are 73.2 dBA day with no recorded night. **And again, predicted levels substantially less than existing!**

- The report uses the term “unmitigated” a lot leading to the conclusion that **mitigation** will be required.



7951 Fenton Street  
Arvada, CO 80003  
Ph 303-653-9200

## MEMORANDUM

TO:	Chris Martin, Douglas County Traffic Engineering		
FROM:	Craig A. MacPhee, P.E.		
DATE:	December 13, 2019		
PROJECT NO:	20180013	NAME:	Brannan Sedalia
REGARDING:	FINAL Traffic Information and Analysis		

Per our last conversation and meeting on November 1, 2019, I have prepared a technical memorandum to clarify some of the information contained in the traffic impact study for the Brannan Asphalt Production Facility near Sedalia, Colorado. This memorandum will include clarification on the total number of trips the site is anticipated to generate (existing plus future), level of service analysis for the intersection of US 85 & Airport Road for the short-term build condition without the US 85 improvements completed, and level of service reporting for the eastbound approach of US 85 & Airport Road for all conditions analyzed.

A traffic impact study, dated February 8, 2019, was completed for the proposed expansion of the Brannan Sedalia site. This study included trip generation estimates for added uses to the site, asphalt production and recycle processing. However, it did not explicitly show the trip generation estimate for the existing concrete production (aside from being shown in the appendix). The existing concrete production generates approximately 600 vehicle trips per day. The asphalt production is estimated will generate approximately 440 vehicle trips per day. And the recycle processing area is estimated to generate 200 trips per day. Therefore, the total trips accessing the Brannan site is estimated at 1,240 trips per day (600+440+200). The following table depicts the daily trips for the site.

Table 1 – Estimated Site Trip Generation

Use	Enter	Exit	Total
Existing Concrete Production	300	300	600
Proposed Asphalt Production	220	220	440
Recycle processing	100	100	200
TOTAL	620	620	1,240

The traffic impact study also included intersection capacity analysis (level of service) for the study area intersections, including US 85 & Airport Road. Several different scenarios were evaluated as listed below.

- Existing (2019)
- Short-term (2020) Build (with project)
- Long-range (2040) without project
- Long-range (2040) Build
- Long-range (2040) without project, with Airport Road extended
- Long-range (2040) Build, with Airport Road extended

All of the future scenarios (short-term and long-range) assumed that the US 85 improvement project has been completed. The US 85 improvement project will expand US 85 from a two-lane highway to a four-lane highway with a raised median and turn lanes at intersections. The widening would result in a reconstruction of the US 85 & Airport Road intersection. Since this project has not yet begun, analysis of a short-term build scenario with the existing intersection geometry and signal control was completed.

The intersection of US 85 & Airport Road was analyzed for capacity (delay and level of service) using the latest version of the Highway Capacity Manual methodologies as implemented within Synchro software, version 10. A summary of the results is shown in the following table.

Table 2 - Year 2020 Levels of Service with Project (no US 85 improvements)

INTERSECTION	(S)ignalized (U)nsignalized	AM Peak		PM Peak	
		Delay (sec)	LOS	Delay (sec)	LOS
US 85 & Airport Road	S	31.5	C	31.0	C

The level of service reported at a signalized intersection is for the overall intersection and is used to determine if a signalized intersection is operating at acceptable levels, LOS D or better. Generally, level of service is not reported for each movement or approach at signalized intersections, such as US 85 & Airport Road, since individual movements and approaches can be highly impacted by signal timing and phasing. However, drivers from this site as well as neighboring uses are impacted by the operation and delay experienced on the eastbound approach of this intersection. Through collaboration with Douglas County and to show the project's impact on this approach, it was determined this information should be reported. The following table shows the level of service for the eastbound approach at the intersection of US 85 & Airport Road for all scenarios analyzed.

**Table 3 – US 85 & Airport Road: Eastbound Approach Delay and LOS**

Analysis Scenario	AM Peak		PM Peak	
	Delay (sec)	LOS	Delay (sec)	LOS
Existing	72.8	E	63.6	E
Short-term Build (without US 85 improved)	74.0	E	65.5	E
Short-term Build (with US 85 improved)	49.3	D	46.7	D
Long-range No Project	48.3	D	51.7	D
Long-range Build	55.2	E	53.0	D
Long-range No Project (with Airport Rd ext)	10.9	B	22.0	C
Long-range Build (with Airport Rd ext)	12.9	B	22.4	C

As shown above, the traffic associated with the project is not anticipated to degrade the eastbound approach during the AM peak hour if the US 85 improvement are not completed by the time the development is in operation. Delay is only expected to increase by about 1 second on the eastbound approach. The project does not show a significant impact on the eastbound approach for the long-range conditions with or without the Airport Road extension.

The existing cause of delay on the eastbound approach is “Control Delay” – the time spent waiting at the red light due to the long signal cycle length. Review of the analysis and observations shows that all vehicles do clear in one cycle and that “Queue Delay” is zero. This also explains why addition of site traffic does not significantly increase delay on that approach.

Concerns were expressed regarding the potential for trucks to bypass the Airport Road/US 85 intersection and drive through Louviers instead to access US 85. This is not anticipated to occur. First, the signal cycle delays would also be experienced at the Louviers Avenue intersection with US 85, so there is no advantage to go that way. Second, Brannan is educating their truck drivers about not traveling that way.

Another concern is the queuing of trucks when a train blocks that Airport Road crossing. Brannan will endeavor to queue their trucks on-site when trains go by and not on Airport Road.

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From: Valerie Hays  
 To: Heather Scott  
 Subject: Brannan  
 Date: Saturday, April 15, 2023 2:00:08 PM

**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 T19, R6W AND SW 1/4 OF SEC. 34 T19, R6W OF THE 6TH P.M.  
 PERMIT AREA 191913 ACRES, TOTAL AREA 48.86 ACRES  
 UG2021-001 (AMENDMENT TO UG2014-001)

*Handwritten notes:*  
 - 21 CUBIC YARDS  
 - "LOWER"  
 - "WHO KIDS?"  
 - "MITIGATION TRUCKS? SUELL!"  
 - "THEY WILL NOT CONCENTRATE WHEN UNABLE TO MITIGATE W/ MITIGATION"  
 - "WHAT IS CURRENT?"  
 - "BACKWARDS"  
 - "NEED FIREHOSE"  
 - "WHY DO YOU NEED COMMUNITY RELATIONS IN THE FIRST PLACE?"  
 - "AFTER YOU APPROVE YOU CAN KNOW THE NEW PLAN?"  
 - "IS CART BEFORE HORSE YOU HAVE TO MOVE CONCRETE FIRST?"  
 - "HOW DOES DOING IT THIS WAY BENEFIT BRANNAN? THEY MUST NOT BE ABLE TO MEET CRITERIA'S OF USR. WHY?"  
 - "1193/DAY 99.6 / HOUR 1.04 / MINUTE TRUCK EVERY 1.65 MINUTE"  
 - "THIS IS WHY THAT'S UNABLE?"  
 - "S = SINGLE USR" (twice)  
 - "SUBCONTRACTED TRUCKING"  
 - "JUST HOW ARE YOU GOING TO CRUSH ALL THAT MATERIAL ALREADY STOCKPILED PRIOR TO CONSTRUCTING PLANT?"  
 - "DOES IT SKY ALL PAVED SOMEWHERE ELSE?"

**Table: Material Requirements**

Material	Quantity	Unit	Notes
Gravel	100,000	cu yd	
Crushed Stone	100,000	cu yd	
Asphalt	100,000	cu yd	
Concrete	100,000	cu yd	
Rebar	100,000	lb	
Formwork	100,000	sq ft	
Excavation	100,000	cu yd	
Backfill	100,000	cu yd	
Compaction	100,000	sq ft	
Grading	100,000	sq ft	
Drainage	100,000	sq ft	
Lighting	100,000	sq ft	
Security	100,000	sq ft	
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Drainage	100,000	sq ft	
Lighting	100,000	sq ft	
Security	100,000	sq ft	
Site Office	100,000	sq ft	
Site Yard	100,000	sq ft	
Site Office	100,000	sq ft	
Site Yard	100,000	sq ft	
Site Office	100,000	sq ft	
Site Yard	100,000	sq ft	

**Table: Material Requirements (continued)**

Material	Quantity	Unit	Notes
Gravel	100,000	cu yd	
Crushed Stone	100,000	cu yd	
Asphalt	100,000	cu yd	
Concrete	100,000	cu yd	
Rebar	100,000	lb	
Formwork	100,000	sq ft	
Excavation	100,000	cu yd	
Backfill	100,000	cu yd	
Compaction	100,000	sq ft	
Grading	100,000	sq ft	
Drainage	100,000	sq ft	
Lighting	100,000	sq ft	
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Site Office	100,000	sq ft	
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**Table: Material Requirements (continued)**

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Grading	100,000	sq ft	
Drainage	100,000	sq ft	
Lighting	100,000	sq ft	</

**From:** [Carter St. Clair](#)  
**To:** [Heather Scott](#)  
**Cc:** [meghanstclair@gmail.com](mailto:meghanstclair@gmail.com)  
**Subject:** Fwd: USR 2021-002  
**Date:** Monday, April 3, 2023 4:37:40 PM

---

Ms. Scott,  
Would you please add this email to the public record for USR 2021-002.  
Thank you very much,  
Carter

----- Forwarded message -----

**From:** **Carter St. Clair** <[carterbst.clair@gmail.com](mailto:carterbst.clair@gmail.com)>  
**Date:** Sun, Jan 22, 2023 at 1:29 PM  
**Subject:** USR 2021-002  
**To:** <[bocc@douglas.co.us](mailto:bocc@douglas.co.us)>, <[planningcommissioners@douglas.co.us](mailto:planningcommissioners@douglas.co.us)>

Dear Commissioners of Douglas County,

We, writing this letter, are both students at Castle View High School and residents of Louviers, Colorado. We have both spent our entire childhoods up to this point living in the town and the open space surrounding it. In summer, and winter, we use the open space between Louviers and the current Brannan facilities to ride our bikes, sled with our neighbors, hike in the trees, and play in the creek. With the looming expansion of the Brannan operation, we are scared of the repercussions that this could have on us and our futures here. In section 2102.04 of the approval criteria for their expansion it outlines that they must “be in harmony...with the character of the surrounding areas and neighborhoods,” which we believe will be violated.

In order to understand the undermining of our culture that this would encourage, it is really important to understand the people who live here. In particular, the children and young adults who will shape the future of Louviers. The people who live here pride themselves on living outside and with the people in their community. That would all change if we felt as if we would not be safe in our own neighborhood. The chemicals that Brannan has said would be included in their asphalt generation plans would include chloroform, arsenic, lead, mercury, among many other harmful emissions. They have even conceded that these chemical emissions would increase the risk of cancer for people within proximity of them. That should be enough to deter them from this expansion but it is clear after many years of these same points being brought forth that they have no regard for the community that surrounds their business.

Along with the increased risks for cancer, the air pollution that this would cause could also cause further water pollution to the people nearby. With acid runoff by the contaminants of the plant, it would seem as if we could not enjoy our time in the creek nearby all of our houses. We could not take our dogs on walks near the creek for fear that they would pick up these chemicals. While these types of things could be somewhat prevented with proper management, time and time again, they have shown that they will take every way around doing the right thing and making sure that they are supporting the wellbeing of the surrounding communities.

Overall, Brannan shows a blatant disregard for the people who live in Louviers, and living harmoniously with us, which is in direct disobedience of their proposal approval. Furthermore, their contribution to the air and water pollution of the area is something that should be looked at very extensively in making distinction about the harmonicity of their operation with the town of Louviers.

Thank you for taking the time to read this letter.

Sincerely,

Richard Collitt, and Carter St. Clair

**From:** [Randy Johnson](#)  
**To:** [BOCC](#); [Heather Scott](#)  
**Subject:** US2021-002 Good Neighbor request for existing Brannan Cement Plant Tumbler Noise  
**Date:** Friday, March 17, 2023 12:29:43 PM

---

To: Board of County Commissioners, Heather Scott

The Brannan Cement Plant Tumbler is not enclosed and the noise from it running/rotating is very noticeable. It is the only continuous business generated noise in the area and can be heard all around Louviers and the surrounding area. As good neighbor if Brannan enclosed the tumbler it would contain the noise while it is running.

I would like request including a request to enclose the tumbler be included with US2021-002.

Randy Johnson  
Louviers

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Cc:** [gretchen farrell](#); [Meghan St Clair](#); [Randy Johnson](#); [karl.barton@gmail.com](#)  
**Subject:** Brannan To Do List  
**Date:** Tuesday, January 3, 2023 6:07:14 PM  
**Attachments:** [THINGS BRANNAN HAS TO DO.docx](#)

---

Happy New Year Heather! I haven't written in some time but I wanted to share the attached "To Do" list I put together for my community. We meet every month to strategize our opposition to the Brannan Asphalt Plant and everyone here is curious as to what is going on. We keep a close eye on the public file.

The list just begins with the latest Referral period and doesn't need much comment except I would like to **commend** you, Chuck Smith and the other Referral Agencies for a thorough review this time!

Hopefully the proposed asphalt plant will not be approved after cocktails at the chamber of commerce by Mr. Teal and the Manager of Kraemer North America.

Thank you!

Valerie Hays

## THINGS BRANNAN HAS TO DO

7/20/2022 – Colorado Dept. of Transportation RE: Referral Review

- Modify APEN for dust
- Preble Mouse impact potential, ROW lines m/b marked with habitats marked + Site Visit by Biologist
- Archeology/history/paleo file search required
- Previous spills on Airport Rd. not addressed by applicant = Management Plan?

8/25/2022 – Douglas County Historic RE: Referral Review

- Louviers Impacts need to be considered per the CMP

8/26/2022 – Open Space RE: Referral Response

- Light and night work will disrupt wildlife
- Noise abated by berming on the west side, more landscaping, more conifers
- Footprint of future open space trail

7/20/2022 – Chuck Smith, Public Works – RE: Plan Review Summary

- Pay Review Fee
- Sheets 6 & 9 GESC Plans must be submitted, grading permit required
- Clarify revision to detention pond
- Sheet 9 include limits of the 100 year floodplain
- Proposed driveways need to be evaluated
- Clarify widening improvement notes sheet 9
- SIPIA Agreement is req'd for USR approval
- Traffic Study is out of date.
- Explain and clarify trip generation and daily volumes
- Include operating hours and define their use, approval
- Extended hours must be included in the updated traffic study
- Various other corrections to original study
- Address future grade separation at 85 and Airport? = “This project should be required to provide fair share participation for the improvements planned by the County for the eastbound approach to Airport Rd/US 85 intersection” \$\$\$

7/21/2022 – Tri-County Health dist. RE: Referral Response

- Identify OTWS location, obtain permit
- Mostly paved site will damage OWTS
- Porta Potty not acceptable for permanent use
- Determine if above ground storage complies with regs
- Truck storage as well
- Air Pollution causes health problems, update permit
- Fugitive Dust, contact APCD

7/19/2022– Excel Energy RE: Referral Response

- Would not appear that Brannan has asked for new service for crushing?

7/20/22 – Colorado Geological Survey RE: Referral Review

- Overexcavation will not address oil tank load regardless of dewatering
- Moisture protection is undefined
- CGS previously requested (8/19/19) county seek written verification of settlement calculations.
- CGS recommends piers or piles

9/9/22 – Heather Scott RE: letter ending 21-day referral period

- “The proposed asphalt facility cannot be assessed without inclusion of existing approved uses on site.”
- Management Plan must also include the combined operational details for all uses
- Identify if it is planned to cease or modify concrete crushing upon approval of asphalt
- Management Plan contradicts several of the associated reports or recently approved plans
- Hours limited to 6 days/week not 7
- Suggested public outreach on the proposal for extended hours is conducted to discuss an acceptable frequency of such exceptions. Include advance notice to community and county in Management Plan.
- All stockpiles limited to 25' high
- Applicant has not demonstrated that 35' can meet USR standards
- Update Dust Mitigation Plan approved SP2021-027 if it is intended to crush asphalt as well as concrete
- Concrete crushing equipment is within the USR boundary so all exhibits must fully reflect SP2021-027
- Lighting Plan must include all fixtures associated with 24-hour operation
- The Management Plan will be further scrutinized with the resubmittal and continuing review process. All operations must be in a single (USR) plan
- “The operational elements which are applicable to all three uses on the site (the concrete batch plant, concrete crushing facility, and the proposed asphalt batch plant) must be included on this USR plan exhibit. Truck trips, access points, traffic routing, dust mitigation, hours of operation, fire suppression, stockpile heights, and other common elements should be listed for each use”.
- Identify a single management entity for the entire site
- Correct Boundary Survey discrepancies
- Identify western access road on the Boundary Survey etc.
- Correct errors on Existing Conditions sheet
- Site Plan – remove structures from easements
- Site Plan – include SP2021-027

- Site Plan – parking in detention pond needs approval
- County Engineer to approve corrected drainage and storm detention design
- Review CGS comments re plant layout notes **IDENTIFY**
- Add SMFR comments to emergency access notes
- Building Elevations – beige or black?
- Clarify and correct Visual Analysis for multiple problems
- THCD **who is this now** needs to permit, inspect OWTS restroom
- Site Access Plan contradicts the Traffic Impact Analysis
- “The USR approval standard for landscaping is that the use will be adequately landscaped, buffered and screened. This often necessitates additional landscape materials, berms, and walls beyond what may be required of an SIP.”
- Show existing site landscaping and the additional landscape and screening elements proposed to address the visual aspects of the USR where staff has id'd gaps
- Add solid fence some areas wrap landscape and berming around SW
- Add landscape west of well house to buffer Louviers
- Lighting plans, revise to address numerous flaws
- Explain how site lighting will comply with the Dark-Sky lighting practices required for the area by the CMP for Louviers
- Ensure that Traffic Impact Analysis includes Southern Connector
- Correct traffic pattern on USR or explain
- Management Plan must reflect truck trips of all 3 operations
- Revisions to Phase II Drainage Report, Noise Modeling Report and GESC Report and they all must consider traffic and noise for all 3 uses
- Revise Visual Analysis to demonstrate compliance with USR standards for all 3 uses

12/6/22 – D.L. Adams Associates RE: Requested Review of Noise Modeling Report by Behrens and Assoc.

- Only reviewed 10/7/22 “Report” when the original “Report” is referred to in the latter. **Both reports sb reviewed together given the reference?**
- Noise study is missing information and data that would allow the verification of the model predictions.
- Noise study should include distances between specific equipment and property lines.
- Provided data at Commerce City site cannot be used to verify modeling predictions
- Hours of operation are missing and should be included in a report like this
- Report does not indicate how much ambient noise was excluded due to wind speeds exceeding 5 mph? **I would add trucking noise is totally disregarded**

12/7/22 – Chuck Smith RE: Resubmittal ...

- Engineering Review Fee has not been paid

- SIPIA will need to be resubmitted (IDENTIFY)
- Traffic Engineering still reviewing
- Sheet C3.0 use soil rip rap, include Mile High Flood Dist. Criteria and include those specs in the const. plans
- C3.0 extend maintenance road to outlet structure
- C3.0 clarify if proposed stockpile area will be permanent
- C5.0 include slope on trickle channel
- C5.0 proposed outfall to Plum Creek needs to be reviewed and approved by Mile High Flood Dist. Comments coming via county
- Comment 7 on sheet C6.0 is considerable free engineering design instruction courtesy I guess?
- C6.0 revise overflow weir design conflict
- C6.0 correct design flawed dimensions
- C6.1 again courtesy engineering design, reduce drain time = <40 hours
- C6.2 and C6.3 remove and replace with county standard GESC details
- Traffic comments from 7/20/22 have not been addressed

12/8/22 – via Chuck Smith RE: *SEDALIA BATCH PLANT ACCESS* (NO ASPHALT PLANT?)

- Chris Martin previous comments related to intended movements have not been addressed (IDENTIFY)
- See county redlines on CS1.0 and C2.0

Dear B.O.C.C.,

I'm writing this letter in regards to Reference US2021-002. As someone who has recently got her license, I have been waiting a long time to enjoy the freedom of control. Unfortunately, due to Brannan's plan to build an Asphalt plant near the exit of my town, Louviers, the once highly anticipated freedom I've been looking forward to for years is now compromised. Brannan's plan is in violation of Approval Standard 2102.04, since excess trucking/traffic disrupts the flow of drivers, like myself, plans to get where we're going on time. The character of Louviers lies within its secrecy. Louviers is a historical factor of Douglas County, which provides great value to the surrounding area.

IF Brannan's plan to construct an Asphalt Plant goes through, it will not only result in major inconvenience for the commuters of our historical town, the historical value held by few areas in the Douglas County community will dwindle.

Do not allow Brannan to harm this community.

Gratefully,

Charlie Farrell

Student, Lover of Louviers, & Active community member

Dear County Commissioners,

I am writing to you in regards to the asphalt planning Pro reference: US2021-002, the construction of an asphalt Plant by Brauman Douglas APM. This plant would be less than 2,640 feet from my front door. I tell you this because air pollution and noise are a big concern of mine and as you know, air pollution affects everyone. I am not happy about this plan. I feel like this plant will be an excor to my lovely village of Louviers and it will make us sick.

As per the master plan approval standard 2102.09 will not cause significant air water or noise pollution, I ask you if any pollution is acceptable? Also, we as a community feel like we are being ignored as our concerns are valid. Would you feel comfortable with this plant coming to where you live and sleep?

I feel scared that this plant will destroy our community and our elected officials will let this happen to us. We feel alone and tired of fighting for what we believe should be a easy choice not to have a plant.

I invite you to visit my community and my house to see for yourself the effects this plant could have on our well being. I know we are a small community and worth fighting for.

In closing I respectfully ask that you turn down this plan for the love of Louviers.

Best regards,  
Eric Farrell

7835 Valley View St. Louviers, CO 80131

RECEIVED

RECEIVED

Copy  
C.D.

JAN 30 2023

JAN 27 2023

1-22-23

Douglas County Planning

DOUGLAS COUNTY  
COMMISSIONERS

To Whom this may concern,

We appreciate all the hard work and time you as commissioners have to accomplish, but can you please take a little extra time and think about this asphalt plant near Louviers and what it will do to our town.

I know you have received pictures of the dust, steam cloud, noise pollution, truck and traffic congestion especially when the trains come through. That stretch of airport road is crazy during the Spring, Summer and Fall. (Where isn't it in our fast growing county).

The concrete trucking company for the batch plant, tries to be safe and clean but their trucks drop material on airport road making it very rough. Also the railroad crossings have become very rough because of the heavy truck traffic.

By approving this asphalt plant you are encouraging the plant to get bigger with more trucks, pollution, and hazardous conditions.

As a 43 year resident of beautiful Louviers we have seen the county grow around us. We know it's called progress but does it have to encroach Louviers. It's like we are walking into a corral full of running horses.

Please think about our residential situation.

would you like a concrete, asphalt plant near your neighborhood?

Thank you for your time in reading our comments.

25 year past members  
of Douglas County H. H.

Concerned Citizens,  
BOB and Fran Snyder  
6438 First ST. P.O. Box 31  
Louviers, Co. 80131

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#); [karl.barton@gmail.com](mailto:karl.barton@gmail.com)  
**Cc:** [Meghan St Clair](#); [Randy Johnson](#); [gretchen farrell](#)  
**Subject:** Asphalt  
**Date:** Thursday, November 17, 2022 6:56:50 PM

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Hey Karl, you corrupted my question and gave a bogus answer that you'll continue with separate approvals for each use. My question was, are you going to continue to ignore the County's requirement to address all 3 uses in a single USR?  
Further, this was not community outreach. Many of my neighbors knew anything about this. Many do not have the technical tools or skills to attend or trust you with their address. This was nothing but PR. Don't check this box.  
Valerie Hays

November 11, 2022

Dear Commissioners et al.,

We are writing in reference to Brannan Sand & Gravel's ("BSG") upcoming informative online forum on Thursday, November 17, 2022 from 6-6:30pm. In the past Brannan has been asked to provide community outreach in relation to their USR Application 2021-002.

Attached for your reference is the postcard BSG mailed to select members of the Louviers community. Not all residents were included.

Of concern:

1. If you look at the postcard, not only is the website incorrect, also the "bitly" address is indecipherable. If you input a lower case "l" instead of an upper case "I" the address doesn't work.
2. The postcard is misleading in that it does not mention asphalt, specifically.
3. Brannan's website is inaccurate per [Heather Scott's letter to Karl Barton dated September 9, 2022](#) (US2021-002 - Owens Industrial Park - Referral Response letter).
4. Not all members in our community have access to computers nor can they navigate online meetings without assistance.
5. Brannan has requested questions be submitted in advance, but there is no indication that all of our questions will be answered.
6. This is not a dialogue between Brannan and the community; we are not invited to respond.
7. The time constraint of 30 minutes is not sufficient given the scope and gravity of this proposal for our community.

We wanted to bring to your attention our concerns with Brannan's lack of effort in terms of community outreach and also offer the opportunity for you to attend their meeting if you wish to see firsthand. Further, we will request that BSG record this meeting as part of the public record for their USR application.



**Project Update  
DougCO APM Application  
for  
Property at 5779 Airport Road in  
Sedalia, CO**



**Thursday, November 17, 2022  
6:00pm-6:30pm**



**Register to Participate  
<https://bit.ly/3NrNuGI>**

**Submit your questions in advance to [info@dougcoapm.com](mailto:info@dougcoapm.com)**

**Find out more information: [www.dougcoapm.com](http://www.dougcoapm.com)**

**Link to register for the meeting: <https://bit.ly/3NrNuGI>**

Brannan Project Website: [www.dougcoapm.com](http://www.dougcoapm.com)

Sincerely,  
Gretchen Farrell  
Meghan St. Clair  
Louviere Conservation Partnership

CC: Commissioner Laydon  
Commissioner Teal  
Commissioner Thomas  
Commissioner Mitchell  
Commissioner Miller  
Commissioner Fields  
Commissioner Hughes

Commissioner Cushing  
Commissioner Browning  
Commissioner Rahn  
Commissioner Rhodes  
Commissioner Holland  
Commissioner McKesson  
Commissioner Griffith  
Commissioner Garbo  
Ms. Scott  
Ms. Bare  
Mr. Hough  
Mr. McEldowney  
Ms. Cassell  
Mr. Dertz  
Mr. Chamberlain

**From:** [Randy Johnson](#)  
**To:** [BOCC](#)  
**Cc:** [Heather Scott](#)  
**Subject:** US 2021-002 Brannan Asphalt Plant R Johnson Public Comment  
**Date:** Wednesday, September 21, 2022 12:28:18 PM

---

Abe, George, Lora,

Commissioners,

Adding a 24 hr asphalt facility in addition to the existing cement plant and just approved crushing operation will have a very detrimental impact to Douglas County.

When Brannan took over operations the noise, dust, and truck traffic increased dramatically. There are always dump trucks and or cement mixers coming and going from the facility today when they are operating. Airport Road will be not capable of handling all the additional trucks with the 2 railroad tracks and short distance to Hwy 85. Even adding a lane will not be enough capability to support all the trucks.

There is currently no noise at night. It is quiet until the existing cement plant starts operating at 6am and after they shut down operations in the evening. It is very noticeable when they start and stop.

Brannan also wants to add multiple street lights and multiple high intensity lights pointing at the towers. It is a currently a very dark corridor.

How would you feel if this was behind your house and on the road out of your neighborhood having to drive by this every time you want to leave your house?

Randy Johnson  
Louviere Resident



August 16, 2022

George Teal  
100 Third Street  
Castle Rock, CO 80104

Re: Letter of support for Brannan Sand & Gravel permit

Dear Mr. Teal,

I've had the opportunity to follow some of the information in this permit application and feel it necessary to address some of the misinformation being spread about the impact of the BOCC approval of the siting for the Brannan asphalt plant.

- First and foremost, Douglas County has designated a relatively small area as general-industrial zoning. Brannan owns land in this zoning designation, making this one of the only areas in the county to locate this much needed facility.
- Second, the statements that this will pollute the neighboring areas can be refuted by the following facts.
  - The EPA conducted its own independent study of asphalt facilities over six years during the 1990s. NAPA and member companies cooperated closely with EPA throughout the process. As a result of this research, in 2002, the EPA acknowledged that hot mix asphalt facilities are not a major source of emissions and actually removed asphalt plants from its list of major sources of hazardous air pollutants. Experts in the field say that few, if any, industries have been evaluated as thoroughly as the asphalt industry. [www.safeasphalt.org](http://www.safeasphalt.org)
- Third, when it comes to sustainability, the asphalt pavement industry is America's biggest recycler. More than 75 million tons of asphalt pavement is reclaimed each year during widening and resurfacing projects, and more that 95% of that reclaimed material is reused in new pavement mixes; nearly all of the remainder is used in other road-building activities or stockpiled for future use. [www.asphaltpavement.org](http://www.asphaltpavement.org)
- It is estimated that recycling of asphalt pavements saves the American taxpayer \$1.8 billion per year. [www.asphaltroads.org](http://www.asphaltroads.org)

These are just a few facts that lay out the benefits of the industry and speak to the economic and societal benefits. Douglas County could capture taxes on both the sale and purchase of asphalt as the county and greater metro area works to improve our aging roads.

Brannan is presenting a winning opportunity by putting this plant in Douglas County. Please vote "Yes" on this permit application.

Regards  
Kraemer North America, LLC

Timothy J. Maloney  
Senior Vice President

Dear Layne, Heather,

I am writing (again) out of deep concern that Brannan Sand & Gravel continues to show blatant disregard to following the law. This issue has been going on for multiple years now, and nothing seems to change: they continue to operate illegally outside the prescribed hours of operation.

This consistent pattern of Brannon operating outside of the limits (6am to 6pm) occurs regularly; please see attached videos below taken on from Monday, July 11th and then another from Tuesday July 12th of this week. (one is attached; the other is a cloud link as it is too large to upload as attachment - please let me know if you are unable to view) This is NOT an isolated incident, and it represents a bigger pattern by Brannon of flagrant disregard to their neighbors and towards the guidelines put in place by Douglas County.

Brannon assured both the Planning Commission and the Board of Commissioners on multiple occasions that they would be a good neighbor: they would self-regulate and operate within the confines of the prescribed hours set by Douglas County. Yet they continue to breach the law with impunity. I resent having to monitor their illegal behavior, and I am curious: what are the ramifications of these repeated zoning violations? How is Brannon being held accountable?

Please include these infractions along with videos into the public record, in their USR application USR2021-002, and into the site improvement plan SIP2021-027 (i might have this number incorrect?). I also request yet another Notice of Violation to be issued to Brannon by Douglas County.

Please let me know how you intend to rectify this situation. I appreciate knowing the outcome of this complaint.

Thank you,  
Autumn Burke  
720.344.0710



Video.MOV



Video\_1.MOV

**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002 - In Opposition of Brannan Asphalt Plant  
**Date:** Tuesday, September 7, 2021 2:48:09 PM

---

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

**From:** Beth Ozment <bethozment@icloud.com>  
**Sent:** Sunday, September 5, 2021 11:40 AM  
**To:** BOCC <BOCC@douglas.co.us>  
**Subject:** USR 2021-002 - In Opposition of Brannan Asphalt Plant

Please stop

Beth Ozment  
303.945.9590

**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002 - In Opposition of Brannan Asphalt Plant  
**Date:** Wednesday, July 14, 2021 9:33:29 AM

---

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

From: Heidi Lee Martinson Reasoner <tantahaidilee@yahoo.com>  
Sent: Tuesday, July 13, 2021 8:38 PM  
To: BOCC <BOCC@douglas.co.us>  
Subject: USR 2021-002 - In Opposition of Brannan Asphalt Plant

To Whom it may concern,

We are vehemently opposed to the asphalt plant.

Heidi Reasoner  
Resident of Louviers, CO  
Sent from my iPad

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** Fwd: Brannan Sand and Gravel Noise Modeling Report  
**Date:** Sunday, June 13, 2021 10:25:28 AM

---

Hi Heather!

I don't think I saw this letter in the uploaded comments. Maybe I missed it?

Thank you so much,  
Valerie Hays

----- Forwarded message -----

**From:** Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)>  
**Date:** Thu, Apr 22, 2021, 4:14 PM  
**Subject:** Brannan Sand and Gravel Noise Modeling Report  
**To:** Heather Scott <[Hscott@douglas.co.us](mailto:Hscott@douglas.co.us)>  
**Cc:** <[bocc@douglas.co.us](mailto:bocc@douglas.co.us)>

Greetings once again Heather!

I have read the report by Behrens and Associates regarding predicted noise dated 12/29/19, recently submitted to the county, and would like to comment to the record please.

My very first issue is that the report is premised on analysis based on Industrial Zoned noise levels despite the very close proximity to Residential zoning. Is there no way to consider this?

Noise monitoring to set establish existing noise levels for the concrete batch and crushing operations was performed October 2019 at 4 points on the property line. The existing levels were then superimposed on a **MODEL** constructed from data derived from noise monitoring at the Commerce City asphalt plant machinery to achieve a **PREDICTED** noise level. This has so many holes. I think the truck logs from these monitoring days should be checked to see if they were actually doing any business that day. October is not like August in the construction business.

Demonstrating that they do not adhere to Management Plans, please note that in section 3, Ambient and Operational Sound Level Survey the hours of operation set forth on the study days in themselves demonstrate Brannan does not play by the rules. Surveys were conducted from **4:41 AM** to 5:35 PM on Friday 10/18/19, **5:06 AM** to 1:05 PM on Saturday 10/19/19, not open Sunday 10/20/19 (ambient day), **5:20 AM** to 4:55PM on Monday 10/21/19, and from **4:51 AM to 6:34 PM** on Tuesday 10/22/19. Those aren't the hours they are approved to operate.

The report states that ambient data is **HIGHER** than operational data for many of the recorded periods for several reasons that make no sense. It would be different if the sound of all the trucks were considered. It may be the train is louder than the plant? Wind? Table 3-1 sets forth the ambient and operational levels in a table that claims Ambient is greater! This data has been manipulated through the applicants' lens.

The CRS 25-12-103 Noise Standards (and Douglas Co.) for Residential = 55dBA 7am to 7pm, 50dBA 7pm to 7am while the Industrial = 80 dBA 7am to 7pm, 75 dBA 7pm to 7am. That's a

25dBA difference for a town less than a mile to the GI zoning. Again the noise levels are **PREDICTED** and they state in the report that the “noise levels represent **ONLY** the contribution of the existing and proposed Sedalia Ready Mix Plant operations “**and do not include ambient noise or noise from other facilities. Actual field level sound level measurements may vary from the modeled noise due to other noise sources such as traffic**” etc. Project Operations were totaled without demonstrating **ANY** truck traffic for imported and exported materials for both the crushing and asphalt operations. Set forth in Table 5.1 the noise levels for the concrete batch plant **DO** include the trucks to supply and deliver the concrete. Set forth in Table 5.2 the noise levels for the crushing operations **DO NOT** include any trucking at all. Set forth in Table 5.3 the noise levels for the asphalt plant **DO NOT** include any trucking at all. They are neglecting all trucking noise both importing and exporting for both the crushing and asphalt operations. That’s a lot of trucks making **NO** noise!

This report states that they used the Commerce City site noise levels for monitoring because “the equipment and facility rate (**400 tn/hr**) is **intended to be duplicated** for the proposed Sedalia facility expansion.” 400 ton/hour is not the production rate Brannan proposes for the Sedalia Plant. They are hiding the rate in **3,500 trip/week**. 400 ton/hr works out to be about 8,000 trip/week, not 3,500.

- The Noise Sensitive Receptor Locations (5.2) are 12 points on the property perimeter where the modeling predicts the sound level at these points. They provide 4 scenarios of operations, 3 of them as the existing standing alone operations and only one as **COMBINED** operations of the 3 existing and proposed asphalt – the only scenario pertinent. If you overlay these 12 points on to the 4 Location points recorded for the existing sound levels shown on Figure 4.1, Ambient and Operational Sound Level Survey, you find that:

- Receptor B is in close proximity to Location 3
- Receptor G is in close proximity to Location 4
- Receptor I is in close proximity to Location 1
- Receptor K is in close proximity to Location 2

Checking existing noise against the predicted noise and referring to Table 6-1 you find that at modeling Receptor B the combined operations predicts 50.6 dBA while recorded noise levels at Location 3 is 50.1 dBA, a .5 dBA increase, plausible. But for Receptor G the predicted level is 57.1 dBA while Location 4 recorded showed us 71.9 dBA day and 63.2dBA night. **Wow! The predicted is significantly less than existing!** For Receptor I the predicted is 54.3 dBA while the recorded Location 1 was 71.2 dBA day/71.7 dBA night.. **Again predicted levels are far lower than measured existing levels without an asphalt plant!** For Receptor K the predicted level is 51.4 dBA while the recorded levels are 73.2 dBA day with no recorded night. **And again, predicted levels substantially less than existing!** Just manipulated predictions that demonstrate their plant is going to make the community quieter than it is now. That’s not true.

This report was bought by Brannan to reflect their interests. The data and methodology can be manipulated to reflect any outcome the client needs. The report uses the term “unmitigated” a lot leading to the conclusion that **mitigation** will be required. And that’s probably why they note in the Management Plan the mitigations they might use when the noise is not as

predicted. The Management Plan mitigates future noise problems by telling us they will check it at their perimeter 4 times a year and, if exceeded, they will identify the equipment or process making too much noise and “**modify where reasonable**”. That has no teeth at all.

Please consider this application as if you lived in Louviers.

I appreciate your time and attention and thank you for it!

Sincerely,

Valerie Hays

**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002 - In Opposition of Brannan Asphalt Plant  
**Date:** Thursday, June 10, 2021 10:53:45 AM

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**From:** Dyanne <dyanne@isaakbond.com>  
**Sent:** Wednesday, June 9, 2021 8:09 PM  
**To:** BOCC <BOCC@douglas.co.us>  
**Subject:** USR 2021-002 - In Opposition of Brannan Asphalt Plant

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**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002 - In Opposition of Brannan Asphalt Plant  
**Date:** Friday, May 21, 2021 8:30:45 AM

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**From:** bstrle <bstrle@gmail.com>  
**Sent:** Thursday, May 20, 2021 6:56 PM  
**To:** BOCC <BOCC@douglas.co.us>  
**Subject:** USR 2021-002 - In Opposition of Brannan Asphalt Plant

Do not build this plant.

Sent from my Verizon, Samsung Galaxy smartphone

**From:** [Heather Scott](#)  
**To:** [John Miller](#)  
**Subject:** RE: Brannan Hot Asphalt Plant (US2021-002) Public Comment Period  
**Date:** Monday, May 17, 2021 8:24:00 AM

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Good morning John,

We will take public comment through the 21 day referral period. Those 21 days will not start until the applicant makes revisions to their documents based on staff comments dated March 24, 2021. Additional information and documents can be found on the [www.douglas.co.us/pro](http://www.douglas.co.us/pro) home page and performing a Project Search for the Project Number provided above. You may view the documents and details within the project file.

Please let me know if you have any other questions.

Thank you,

**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](mailto:hscott@douglas.co.us)

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**From:** John Miller <jnm3@me.com>  
**Sent:** Monday, May 17, 2021 8:13 AM  
**To:** Heather Scott <hscott@douglas.co.us>  
**Subject:** Brannan Hot Asphalt Plant (US2021-002) Public Comment Period

Hello Heather,

If the *public comment period* is not closed, when will it?

Thank you.

**John**

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John Miller ~ 303-478-8963 mob  
me/icloud

**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002 - In Opposition of Brannan Asphalt Plant  
**Date:** Monday, May 17, 2021 2:01:18 PM

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**From:** Greg Smith <smitty055@gmail.com>  
**Sent:** Sunday, May 16, 2021 1:41 PM  
**To:** BOCC <BOCC@douglas.co.us>  
**Subject:** USR 2021-002 - In Opposition of Brannan Asphalt Plant

don't do it

**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002  
**Date:** Wednesday, May 12, 2021 12:52:08 PM

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**From:** Joanne Beckham <joanne.beckham@hotmail.com>  
**Sent:** Wednesday, May 12, 2021 12:43 PM  
**To:** BOCC <BOCC@douglas.co.us>  
**Subject:** USR 2021-002

Abe, George and Lora,

I am opposed to the Brannan application USR 2021-002 for a 24/7 hot asphalt plant in Douglas County. It would emit cancer causing chemicals, add traffic congestion and promote discord in the community. Brannan Sand and Gravel is not a good citizen company. It is a repeat offender with 21 zoning regulation complaints in the last 6 months. Please stand against this. A hot asphalt plant is not good for the people of Douglas County.

Thank you,  
Joanne Beckham  
Castle Pines, CO

Sent from my Verizon, Samsung Galaxy smartphone



UNIVERSITY of  
DENVER

STURM COLLEGE OF LAW

**Environmental Law Clinic**  
*Student Law Offices*  
2255 East Evans Avenue  
Suite 335  
Denver, Colorado 80208  
303-871-6140

May 12<sup>th</sup>, 2021

Via electronic mail

Douglas County Board of Commissioners  
100 Third Street, Castle Rock, CO 80104  
bocc@douglas.co.us

Re: Comments on the Special Use Permit Application for the Brannan Asphalt Plant

Dear Commissioners:

The Environmental Law Clinic at the University of Denver Sturm College of Law submits the following comments on behalf of the Louviers Conservation Partnership regarding the Special Use Permit Application that was submitted on the behalf of Brannan Sand & Gravel Company on March 3<sup>rd</sup>, 2021.

## I. Introduction

This memorandum identifies the twelve approval standards for a Special Use Permit in Douglas County and discusses why approving a Special Use Permit would be inconsistent with the Douglas County 2040 Comprehensive Plan. It also explains why many of the approval standards will not be met by the new Brannan Asphalt plant, and therefore, why the Special Use Permit should be denied.

## II. The Standards

A “special” use is a use that is generally compatible with the permitted uses in a particular zone, but which can be denied if it does not fit within its specific surroundings or meet certain conditions. *Penrose Hosp. of Colorado Springs v. City of Colorado Springs*, 802 P.2d 1167 (Colo. App. 1990). When a conditional or special use permit is applied for, the

activity often involves potentially deleterious or noxious aspects associated with the use, such as additional traffic, obnoxious smells, increased noise, or the presence of hazardous materials. Before allowing a conditional or special use, a municipality or county requires additional review of the proposed use and may impose specific conditions to mitigate the potential problems associated with the use. *Id.*

a. 2102.01: Complies with minimum zoning requirements

The new Brannan Asphalt plant will be located in a “General Industrial” zone. This zone is governed by Section 14 of the Douglas County Zoning Requirements (“DCZR”).

b. 2102.02 Complies with the requirements of section 21 of the Douglas County Zoning Requirements

Section 21 of the DCZR governs special use permits for all batch plans, including asphalt. If any one of the requirements of this section is not met, the permit may be denied. As discussed in more detail below, the Brannan asphalt plant does not comply with all the requirements of section 21 of the DCZR, therefore, the permit must be denied.

c. 2103.04 Will be in Harmony and Compatible with the Character of the Surrounding Areas and Neighborhoods

In *Western Paving Constr. Co. v. Board of County Comm’rs*, the Colorado Supreme Court held that denial of a special use permit based on a sand and gravel operation not being consistent with the harmony or character of the surrounding neighborhood was “inherently arbitrary and capricious.” 181 Colo. 77, 82, 506 P.2d 1230, 1232 (1973). The court further elaborated that “[i]f the use is permitted within the zone, then it is impossible to not be in harmony.” *Id.* A surrounding community is defined as a municipality in proximity to a host community that is determined to experience or is likely to experience impacts from the development or operation of the proposed special use, such as the proposed asphalt plant.

Essentially, this ruling establishes that if the company who is applying for a special use permit will be conducting an activity for which the area is zoned, then the activity is inherently in harmony, and compatible with, the character of the surrounding area.

However, the *Western Paving* case has since been clarified by the Colorado Supreme Court. In *City of Colo. Springs v. Securcare Self Storage, Inc.*, the Supreme Court held that where zoning code provisions “clearly grant the Planning Commission the authority to

deny a permitted use on the grounds that the use is incompatible with the surrounding area” an incompatible use, even if it is proposed to be built in the properly zoned area, may be denied. 10 P. 3d 1244, 1253 (Colo. 2000).

The Douglas County zoning regulations explicitly state the Planning Commission can deny a permit if it “will [not] be in harmony and compatible with the character of the surrounding areas and neighborhoods.” DCZR 2103.04. Therefore, under *City of Colorado Springs v. Securcare*, the Douglas County Planning commission has the authority to deny Brannan’s permit for the asphalt plant because the plant will not be compatible, or in harmony, with the surrounding area.

The Brannan asphalt plant will be situated on the border of the general industrial zone and is less than a mile from the Historic area of Louviers. Louviers is home to historic homes built in the late 18 and early 1900’s. A large, industrial, metal, asphalt plant would be at odds with the historic and charming character of Louviers.

Additionally, Brannan indicated in its Visual Impact Assessment and in its cover letter that the asphalt plant’s structures will be painted beige to ensure that it will blend in better with the background. However, in the initial Site Improvement Plan submitted by Brannan it indicated the asphalt tanks will be painted black because it is “a natural heating option.” They further indicated that steel lattice elements and transfer points will be painted black, with railings being painted orange.

These colors do not blend into the natural backdrop of the area. Unlike the beige color which would be more likely to blend with the arid landscape in Douglas County, blacks and oranges are not naturally occurring colors in the area and will stand out against the landscape. Therefore, if the plant is painted in these colors it will not be in harmony with the surrounding area, and as such, the permit should be denied.

- d. 2102.05: Will be consistent with the Douglas County Comprehensive Master Plan

A master plan becomes a legally binding document when the plan or any part thereof is included in a county’s adopted subdivision or zoning regulations. C.R.S. § 30-28-106(3)(a). Inclusion of the Master Plan within the Special Use Permit requirements, as well as in various other areas of the Douglas County Zoning Requirements would imply that the Master Plan has been adopted as a legally binding document.

There are many aspects of the asphalt plant which are inconsistent with the goals, objectives, and policies, of the Master Plan, and therefore, should be denied. As highlighted below, Brannan Asphalt plant will be in violation of the Master Plan in six distinct areas.

We have highlighted a number of the goals, policies, and objectives from the Master Plan we believe the Brannan Asphalt plant will violate. They are organized by section.

i. Urban Land Use

Objective 2-1B is to “Encourage development that supports healthy communities;” an asphalt plant which emits toxic, cancer-causing chemicals does not and cannot support a healthy community.

Objective 2-5A is to “Minimize the impact of development on natural and historic resources.” Louviers is one of three historic towns located in Douglas County. Building an asphalt plant would compromise the historic charm of the town.

Additionally, the plant will be located just a few hundred yards from Plum Creek which is home to many riparian species and delicate ecosystems. Not only is Plum Creek home to these ecosystems, but Plum Creek also supplies water to Highlands Ranch, a neighboring community. Although Brannan claims it will not have an impact on this area or the water supplies, this cannot be guaranteed. It only takes one accident or careless maneuver for debris or asphalt – which is filled with unhealthy chemicals – to infiltrate the creek and harm these delicate species and ecosystems.

Objective 2-7C is to “Promote economic development and employment opportunities.” The Brannan plant is expected to hire an additional 20 employees. However, there is no indication that these employees will be residents of Douglas County. The existing concrete plant owned by Brannan – to which the asphalt plant will be adjacent – to the best of our knowledge, does not have any employees from Douglas County. Therefore, it is evident that Brannan does not make it a priority to hire locals at their facilities, and as such, there is no guarantee the 20 new employees of the asphalt plant will even be from Douglas County. Unless Brannan makes a guarantee to hire locally, the plant will not support this Master Plan objective.

ii. Nonurban Land Use

In the introduction of this section, the Master Plan states “Douglas County citizens have placed a high value on the conservation of the natural and rural character of the nonurban areas of the County;” therefore, the goals and objectives of this section are

focused on preservation of the natural environment. Construction of an asphalt plant will disturb the natural environment as previously discussed, and as will be discussed in more detail in the “Wildlife” section. Additionally, an asphalt plant hinders, rather than promotes, preservation of the natural environment.

Objective 3-1C is to “Preserve rural historic structures and sites” and policy 3-1C.2 supports this goal by indicating development should “locate away from, and be compatible with, historic structures and sites.” The construction of the Brannan asphalt plant would blatantly disregard this policy. There is nothing compatible about large metal structures and 30-foot-high piles of sand and gravel with a quaint and historic town such as Louviers.

Objective 3-2A is to “Ensure the character and intensity of development is appropriate for the nonurban area” which is complemented by policy 3-2 A.2 which states “design should be of a scale and character that complements the nonurban area.” A large metal structure, soaring to over 70 feet tall is neither appropriate for a rural area, nor is it of a scale and character complementing the area. There are few, if any, buildings in Louviers or the surrounding area – outside of the existing concrete plant – that are over 3 stories high, never mind one being 7 stories high. The asphalt plant and its tall metal structures, even if they are painted beige, will not abide by this policy or objective.

Objective 3-2C is to “Preserve the visual integrity of significant ridgelines, road viewsheds, horizon lines, views of the mountain backdrop, and other important natural features.” Similarly to above, it is difficult to preserve sightlines when at least 4 large metal structures, standing over 70 feet high, are blocking the views.

Finally, objective 3-2D is to “Encourage rural development that supports healthy communities.” This has already been discussed within a previous objective; however it is worth repeating. Asphalt plants are known to emit toxic chemicals such as arsenic, benzene and formaldehyde; all of which have been proven to cause cancer and may contribute to birth defects. Forcing the residents to breathe in the toxic chemicals emitted by the asphalt plant in no way promotes the health or well-being of the rural Louviers community. however, the arguments may be restated during public comment to add affect and highlight the issue.

### iii. Rural Communities

Louviers is one of many rural communities in Douglas County but it is the *only* historic town Douglas County. As such, it is of the utmost importance that it is preserved and well taken care of; therefore, the “Rural Communities” section of the Master Plan is of

exceptional importance and must be adhered to when deciding whether to grant Brannan's Special Use Permit.

As outlined below, allowing the asphalt plant to be built would violate many of the goals established in the "Rural Communities" section of the Master Plan, and as such, it should be denied.

Goal 4-2 is to "Preserve and protect the historic and unique character of the Louviers rural community and balance development, infrastructure, open space, and recreational needs, while reorganizing constraints and opportunities." This goal will be achieved through objective 4-2B: "Ensure the nature and intensity of development is appropriate for the Louviers Rural community and village area." Additionally, 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" speaks to a similar goal. A loud, noxious, and busy asphalt plant does not fit into the serene and historic area of Louviers. Louviers is a small, quiet town and the loud processing of asphalt, coupled with the horrendous order will disturb the peace of the town. Therefore, the plant will not be consistent with Goal 4-2 of the master plan.

Policy 4-2C.1 is to "encourage structures ... to be designed with materials and colors that complement the natural landscape and historic character," and policy 4-2K.4 is to "encourage architecturally sensitive additions to complement historic structures in Louviers, consistent with National Trust for Historic Preservation guidelines." In Brannan's Site Improvement Plan, it indicated the large, 70 feet metal structures will be painted black and orange, with striping as well. This color scheme does not blend with, nor complement the natural landscape of Louviers. Large metal structures also do not complement the historic character of Louviers.

Policy 4-2D.2 is to "minimize the impacts of light pollution... through lighting standards based on dark-sky practices." The International Dark Sky Association recommends the following criteria for lighting: lights only be on when needed, only light the area that needs it, be no brighter than necessary, minimize blue light emissions, and be fully shielded (pointing downwards). See attachment at the end of this document for acceptable/unacceptable lighting and the types of lights Brannan intends to use. The International Dark Sky Association also indicates the amount of blue light emitted should be minimized as much as possible because "exposure to blue light at night has been shown to harm human health and endanger wildlife," as well as contributing more to light pollution. Therefore, they recommend using lighting with a color temperature of no more than 3000 Kelvins.

The proposed lighting for the Brannan plant is not consistent with these standards. Most notably, the style of floodlights to be used at the site have no kind of shielding or

protection to prevent them from contributing to light pollution. Additionally, the plant intends to use all LED lighting which contains large amounts of blue light in their color spectrum. Blue light is the worst form of lighting to protect dark skies. A better form of lighting to comply with dark-sky standards would be LPS lights (low-pressure sodium) or narrow spectrum LEDs.

The next 2 objectives, 4-2E “Develop and redevelop the US Highway 85 corridor focusing on infrastructure improvements and infill redevelopment” and 4-2H “Improve access and traffic safety along US Highway 85” are discussed in more detail in section “F” of this document, in brief, Brannan will be unable to comply with these goals because of the increased traffic that will be a result of the asphalt operations.

Finally, the Master Plan states “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.” Therefore, it is clear that preserving the historic charm and character of Louviers are a top priority for Douglas County since these policies were given precedence over any other policy within the Master Plan.

### Preserve Cultural Resources

The Master Plan also highlights that an important component of Douglas County’s sense of place is its historic legacy. The legacy is evident in the heritage of agriculture, mining, industry, and transportation; these resources include the historic roads, buildings, structures, sites, districts, landscapes, archaeological sites, and cultural practices seen throughout both the County and Louviers itself. Goal 5-8 and 5-9 of the Master Plan aim to preserve Douglas County’s Cultural resources for future generations and provide opportunities for cultural experiences.

Objective 5-8A is to “support the preservation and protection of cultural resources,” which is bolstered by policy 5-8A.1 and 5-8A.3, which respectively aim to “encourage partnerships and community-based efforts to plan for the preservation of cultural resources” and “[E]ncourage the incorporation of historical and cultural resources into development plans.” Brannan’s proposed asphalt plant does not incorporate any historical or cultural resources into its design; nor has it encouraged any community-based input.

Objective 5-9 is to “establish cultural facility locations in new and existing communities. Policy 5-9A encourages “land dedication for cultural facilities within urban development” and “developers to include small-scale cultural facilities such as outdoor theatres or gazebos through appropriate land use application processes”. Brannan’s

concrete plant is not a cultural facility, nor will they be building any cultural facilities that would add to the historic community of Louviers. The asphalt plant is a facility that would only take away from the culture and history that is such an important aspect to both Douglas County and Louviers. Preservation of culture and history is an essential goal for Douglas County and is a policy the County wishes to continue into future generations, which is why preservation for future generations is listed as a main goal of the Master Plan. The Brannan asphalt plant will be in conflict with this goal, as such, its Special Use Permit should be denied.

#### iv. Environmental Quality

The Master Plan states “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.” This statement is bolstered by policies 8-4A.2 and 8-4A.4 which respectively aim to “encourage clean, non-polluting industries to locate in Douglas County,” and “require businesses and developers to control dust and other pollutants resulting from construction, mining, travel on unpaved roads, and similar activities.”

Brannan does not comply with or advance these policies or Douglas County’s goals. Asphalt production produces toxic, carcinogenic materials. It is inherently dirty in the way it is produced and releases pollutants, causes dust, and is overall not compliant with any definition of “clean.” If Douglas County genuinely wants to encourage clean development, then the permit for the Brannan asphalt plant should be denied and the land used for clean industries such as solar, or to build a complex for businesses, and then advocate for businesses that invest in clean practices or sell environmentally sustainable products. It should not encourage the land for an asphalt plant which is in direct opposition to the goals of the Master Plan.

#### v. Wildlife

The Master Plan lists Louviers as a designated overland connection, movement corridor, and crossing area for wildlife. Plum Creek – which runs adjacent to Louviers – is classified as a Tier 1 habitat for wildlife. This means it is at the highest level of importance, and these areas must be prioritized for wildlife habitat and movement. Other areas within Louviers are largely classified as Tier 2 habitats which still receive moderate prioritization. Areas that are in or adjacent to important wildlife resources – including Tier 1 and Tier 2 areas – require stricter review, as mandated by the Master Plan. The Brannan plant would

be within an overland connection zone and near a Tier 1 habitat and within a Tier 2 habitat. As such, the permit is subject to stricter review.

Policy 9-1A.3 is to “protect important wildlife habitat, habitat conservation areas, movement corridors, and overland connections.” As established, Louviers, and the area surrounding the community are designated overland connections, movement corridors and crossing areas. Therefore, they must be protected, which is difficult to do with construction of an asphalt plant within the zone.

Objective 9-1B is to “minimize impacts to wildlife by ensuring that development and land use are compatible with wildlife, wildlife habitat, and movement corridors.” The Asphalt plant will impact wildlife by reducing the available land and creating a loud and toxic environment that is inhospitable to sensitive species, and animals in general. Additionally, Policy 9-1B.1 requires evaluation of the potential impact of proposed changes in land use on wildlife and habitat. This evaluation must include design solutions which are appropriate to the scale and intensity of the proposed land use. To our knowledge, Brannan has submitted no such document.

Finally, policy 9-1B.4 is to “locate development outside of important wildlife habitat and movement corridors.” Permitting an asphalt plant to build within the designated Tier 2 overland connection and yards away from the movement corridor is in direct opposition to this policy and provides strong support for the denial of Brannan’s special use permit.

e. 2102.06: Will Not Result in an Over-Intensive Use of Land

Objective 2-5A of the Master Plan is to “[m]inimize the Impact of Development on Natural and Historic Resources.” To do this development should be located away from environmentally and visually sensitive lands. Policy 2-5A.1. And “minimize visual impacts associated with intensive uses in order to preserve views of Louviers from US Highway 85. Policy 4-2D.3. These sections of the Master Plan coincide with section 2102.06 of the Special Use Permit and the asphalt plant will be in conflict with both. As such, it should be denied.

Placement of an asphalt plant, in addition to the existing concrete and concrete recycling plants may substantially impact the view of Louviers from the highway. Additionally, the plant will be placed adjacent to the habitat for the threatened Preble’s jumping mouse. The plant may impact the mouse’s environment and thereby adversely impact the mouse itself. This also goes to Policy 9-1A.3 “Protect important wildlife habitat, habitat conservation areas, movement corridors and overland connections.” Louviers has been classified as a designated overland connection, movement corridor and crossing area

for wildlife, therefore, it is imperative that the land remain as unchanged and undisturbed as possible in order to protect this essential wildlife habitat area. Additionally, objective 4-2J is to “support and preserve existing wildlife movement corridors that connect existing open space and wildlife habitat areas.”

Policy 9-1B.4 states development should be located outside of important wildlife habitat and movement corridors. Therefore, building the plant within a designated movement corridor for wildlife is in direct opposition to the Master Plan, and as such, the permit should be denied.

f. 2102.07: Will Provide Roadway Capacity Necessary to Maintain the Adopted Roadway Level-of-Service for the Proposed Development

Objective 4-2H of the Master Plan is to “Improve Access and Traffic Safety Along US Highway 85.” The building of the asphalt plant will not improve access and traffic safety, but rather, it will impair them. Therefore, approval of the Special Use Permit will violate the Master Plan and would violate requirement 2012.07 because Brannan will not provide roadway capacity necessary to maintain the current Level-of-Service; rather, the Level-of-Service is expected to decrease, and roadways will become more crowded.

The traffic impact analysis submitted by Brannan as part of their permit application cannot be relied upon to show an accurate analysis of how the asphalt plant will impact traffic on Highway 85. The company Brannan hired to conduct the report, Sanderson Stewart, used a “proposed asphalt daily production” number of 2,000 tons per day. This report is incomplete as it is not inclusive of all the operations at Brannan’s site. It only includes the asphalt plant operations and not the concrete plant operations that are already occurring.

Additionally, material trucks are able to accommodate 23 tons per load and asphalt delivery trucks can accommodate 15 tons per load. Therefore, the analysis estimated that 87 trucks would be needed to import material and 133 would be needed to export material. This would result in 440 trips total for the day, accounting for each truck entering, and exiting the facility. The rest of the study was based on these initial measurements. However, this is a severe underestimation of the actual amount of daily production, and therefore, an underestimation of total daily gross new trips.

The narrative document submitted by Brannan as part of their permit application states, “the proposed asphalt plant is capable of producing approximately 400 tons per hour.” Therefore, the study conducted by Sanderson Stewart assumes the plant will only be running for 5 hours a day ( $2,000/400 = 5$ ). In the Site Improvement Plan, Brannan

indicated the plant will operate from 6 am to 7 pm, or 13 hours/day; however, it also indicated they may operate for up to 24 hours a day. Even assuming the plant ran for just 8 hours a day, the plant would be producing 3,200 tons of asphalt a day, a 60% increase from the amount Sanderson Stewart used in their calculations. Thus, assuming an 8-hour day while operating at full capacity, there would be 139 material trucks and 213 delivery trucks, which equates to 352 trucks. Double this to account for trips in and trips out and the total trucks would be 704 trucks per day.

If the plant were to run for 24 hours a day it would be capable of producing 9,600 tons of asphalt a day. This is more than a 400% increase from what was calculated by Sanderson Stewart. The more asphalt that is being produced, the more trucks that will be entering and exiting the facility, the more traffic there will be on highway 85. However, Sanderson Stewart severely underestimated the asphalt production at the Brannan plant, and as such, underestimated the number of trucks leaving and entering the plant, and therefore, the impact on local traffic, including on highway 85. As such, the numbers of the traffic impact analysis are all skewed down by a considerable margin to make Brannan appear more favorable.

Despite the underestimation of production, and therefore number of trucks leaving and entering the highway, the traffic report generated by Sanderson Stewart shows the intersection of US 85 and Airport road is anticipated to “have significant decreases in LOS [Level of Service] between short-term (2025) scenarios and the long-term (2040) scenarios.” The study assessed that during peak AM and PM hours the level of service at this intersection from all approaches will have an overall level of service F.

A level of service (“LOS”) is a measurement used to gauge the adequacy of transportation facilities and is graded on a letter scale. Letters A-C represent uncongested, free-flowing traffic. A ‘D’ represents congestion during peak travel hours. This might look like having to wait at a signal for multiple light cycles or difficulty changing lanes. Letters E-F represent congestion. In this case, traffic volumes may have reached or exceeded capacity and a driver will likely have to wait at least 2 light cycles to get through an intersection.<sup>1</sup>

The report blames the poor level of service on new development in the area and stated the Brannan asphalt plant would have “no impacts to the transportation system” despite the earlier conclusions that the level of service at the Airport road and US 85 intersection would be an F. Although traffic from new developments such as those in Cherokee Ridge and Castle Pines may impact the traffic, it is illogical to conclude that adding over 450 large trucks to the highway traffic would have “no impact” on that traffic.

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<sup>1</sup> <https://www.douglas.co.us/documents/2030-transportation-plan.pdf/>

Additionally, the Site Improvement Plan submitted by Brannan indicates that truck trips will be limited to 3,500 trips per week. They did not indicate how many days a week the plant will run, but assuming the plant runs for a typical 5-day week, this would be 700 trips per day, a 55% increase from the amount indicated by the Traffic Assessment report. Even assuming the plant runs for 7-days a week, that would still be 500 trips a day, still more than the amount indicated by the traffic report. Therefore, the traffic report cannot be adequately relied upon as an accurate measure or representation of the traffic impacts the asphalt plant will have, particularly at the Airport road, US 85 intersection.

Considering common sense as drivers, it is common knowledge that large trucks, such as those used to transport asphalt, tend to drive more slowly than the average vehicle and they are difficult to see around. This makes people more inclined to pass the trucks in the left lane, thus causing that lane to become more congested. This problem can be exacerbated when highways are already congested, as would be the case if the level of service is an F. Not only that, but the trucks may need to make left turns from highway 85 onto airport road. It takes a large truck longer to make a left turn, they need to wait, either for the left turn, green arrow, or wait for a large gap in traffic. When the trucks are able to turn, it takes longer than a standard vehicle, thus allowing less cars through at the light, and therefore creating longer wait times at the light.

Adding the asphalt plant is going to significantly impact levels of service at the airport road and US 85 intersection. The increased truck traffic will contribute to and exacerbate any additional traffic created from new residential development. Not only does this violate objective 4-2H of the Master Plan to “Improve Access and Traffic Safety Along US Highway 85,” but it also is ground for denial of the special use permit under criteria 2102.07 “Will Provide Roadway Capacity Necessary to Maintain the Adopted Roadway Level-of-Service for the Proposed Development.” The report conducted on behalf of Brannan admits the intersection of US 85 and Airport road is anticipated to “have significant decreases in LOS.” As such, the special use permit request should be denied.

- g. 2102.12: Will Not Otherwise be Detrimental to the Health, Safety, or Welfare of the Present or Future Inhabitants of the County

The unsightly nature of the asphalt plant along with the amplified traffic that will follow once the plant is operating is just the tip of the iceberg. According to the EPA, asphalt plants are known to produce toxic air pollutants, including arsenic, benzene, formaldehyde, and cadmium, which –according to the CDC – are all known to cause cancer,

central nervous system problems, liver damage, respiratory problems, and skin irritation.<sup>2</sup>

3

Even if an asphalt plant meets the state and federal air standards, people living nearby are still exposed to cancer-causing substances that can cause long-term damage. Due to their proximity, the exposure to these chemicals is inevitable.

The asphalt plant is a smokestack industry. With any smokestack industry, the noise and smoke coming from the plant are bound to disrupt day to day life, along with negatively impacting the property value of the surrounding homes and allowing for an unsightly tower releasing smoke to block the undisrupted mountain views.

In the risk assessment conducted by Trinity Consultants on behalf of Brannan Sand and Gravel for the proposed asphalt plant, they identified the chemical hazards that will be released from the asphalt plant which may pose a risk to human health. Based on this same risk assessment compiled by Trinity Consultants, none of the hazards created by the asphalt plant are expected to exceed the allowed amount as determined by the EPA. Meaning, none of the hazards are 'expected' to be emitted at a rate high enough to cause adverse health effects in the human population.

However, this should be taken with a grain of salt, as it has recently come to light that the CDPHE has been falsifying data and using improper modeling methods that has increased the concentration of harmful air pollutants and pushed the state of Colorado into deeper non-attainment for years. Additionally, it does not appear Trinity identified all the procedures, assumptions, and uncertainties in their data, as provided in the EPA's guidelines for a proper risk assessment. For example, there is no discussion of potential uncertainties in the data, and there is no discussion of how the emissions will impact people characterized as "high exposure" versus "central exposure." As such, it is unclear from the data provided if the risk assessment is truly a comprehensive evaluation of all possible risk factors and impacts.

Regional air quality is already poor. The metro area has not been successful in attacking the "brown cloud". In Louviers, the low-lying valley along Plum Creek is an area where airborne contaminants can become concentrated, especially in the mornings and during times when wind velocities are low, or a temperature inversion is present. The plant is proposed to be located in this low area of poor air circulation, potentially reducing the dispersal rate for contaminants and odors released from the plant. Colorado Department Public Health and Environment uses site inspections (of the mechanical control systems) on a one- or two-year cycle to ensure permit compliance. They do not

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<sup>2</sup> <https://www3.epa.gov/ttn/chief/ap42/ch11/related/ea-report.pdf> see page 19

<sup>3</sup> <https://emergency.cdc.gov/agent/benzene/basics/facts.asp>

monitor air quality or track the quantity or type of emission released from the plant throughout the year.

There will not be a local agency to contact if air quality issues arise. The Colorado Department of Public Health and Environment does investigate complaints, but the response time may preclude being able to witness or prove any violation or damage. This has proven to be the case with the concrete plant near Louviers. Citizens of the area are continuously filing complaints, only to have these dismissed because by the time anyone arrives to investigate, the violation is no longer occurring. Which leaves the community responsible for the asphalt plant's accountability, which is unacceptable. CDPHE has actually requested the community members of Louviers to "prove" that Brannan was committing violations, instead of trying to catch the violations themselves. This is an unfair ask of the community as it is not their job or responsibility to police Brannan's activities, nor should it be.

The operation of an asphalt plant in this community would clearly pose a detriment to not only the community's health, but their general wellbeing, as they are expected to be the ones to file a complaint when the plant is in violation, only to have their complaints dismissed repeatedly. The cumulative effects of the asphalt plant, concrete plant, crushing operations, HW 85 traffic and Sterling Ranch traffic leaves Douglas County with seriously degraded air quality. Allowing an asphalt plant to be built in this community would be detrimental to the health, safety, and well-being of present and future inhabitants of Louviers and for the aforementioned reasons, should be denied.

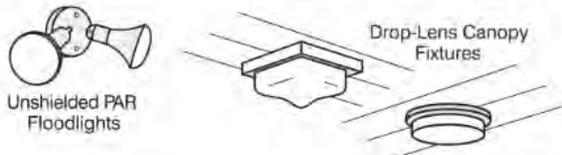
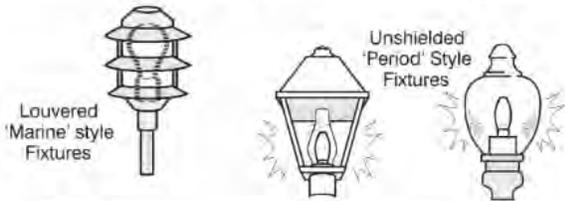
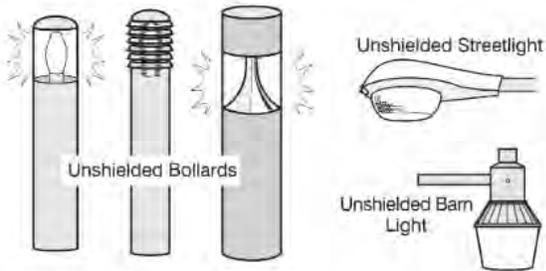
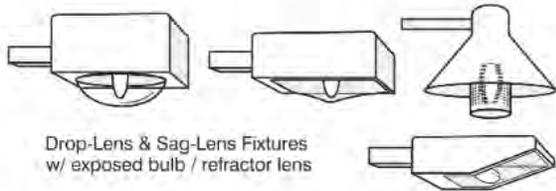
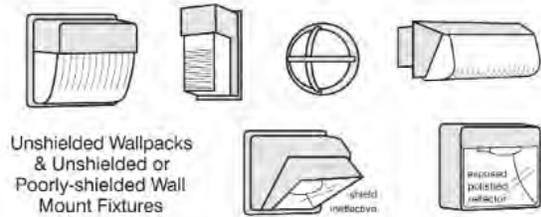
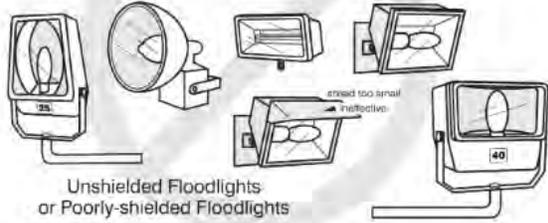
Sincerely,

Cailee Mangan  
Siera Schroeder  
Kevin Lynch  
Environmental Law Clinic  
University of Denver  
Sturm College of Law  
2255 E. Evans Ave.  
Denver, CO 80208  
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[cmangan22@law.du.edu](mailto:cmangan22@law.du.edu)  
[sschoeder22@law.du.edu](mailto:sschoeder22@law.du.edu)  
*Counsel for Louviers Conservation Partnership*

# ATTACHMENT 1

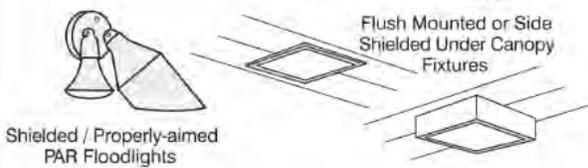
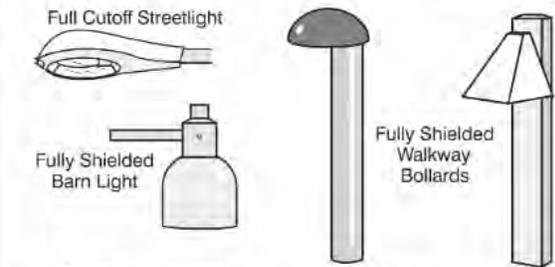
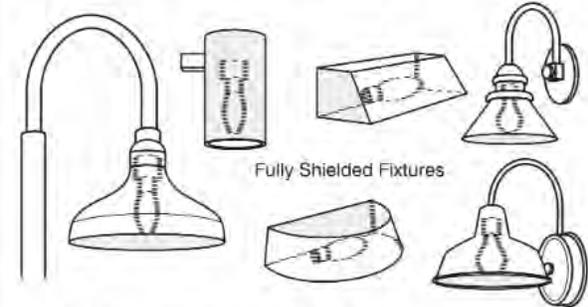
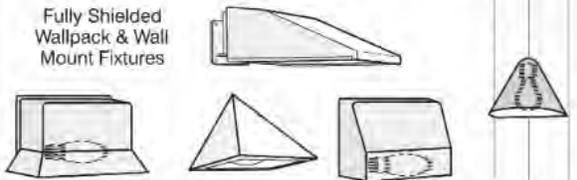
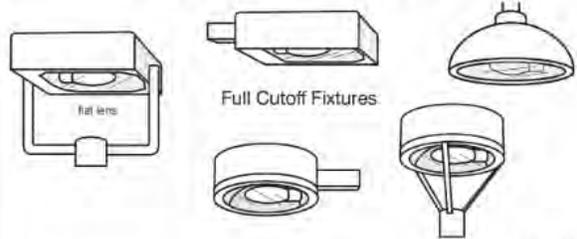
## Unacceptable / Discouraged

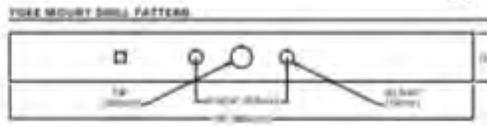
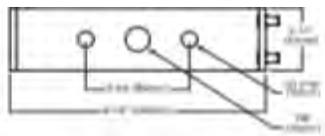
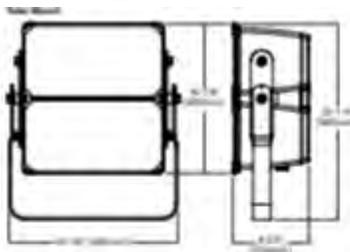
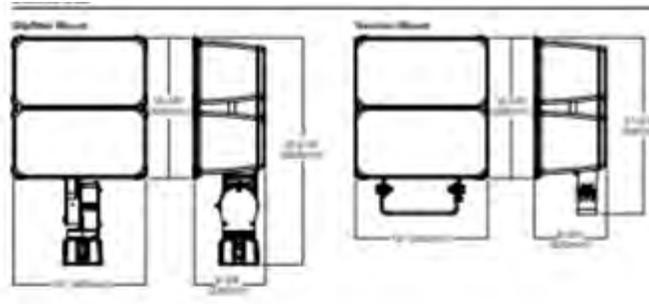
Fixtures that produce glare and light trespass



## Acceptable

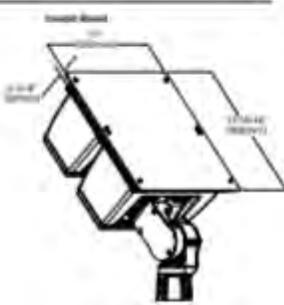
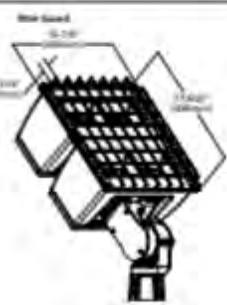
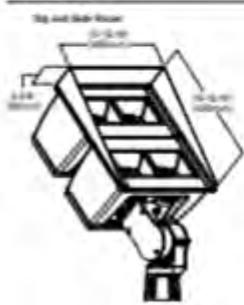
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night





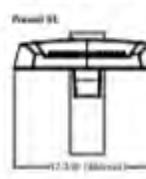
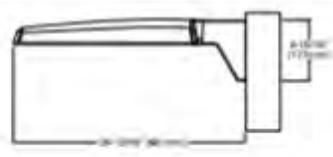
Subn

ACCESSORIES



1.

DIMENSIONS



**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002  
**Date:** Friday, May 7, 2021 9:41:01 AM

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**From:** William Payton <wdpayton@gmail.com>  
**Sent:** Friday, May 7, 2021 7:32 AM  
**To:** BOCC <BOCC@douglas.co.us>  
**Subject:** USR 2021-002

Please do not allow for the building of an asphalt plant near the town of Louviers. The asphalt plant will be an unsightly aberration for the US 85 corridor in northern Douglas County.

Thank you for your consideration.

--

Will Payton

Sent from my iPhone  
Please excuse any typos and brevity

**From:** [Heather Scott](#)  
**To:** [Louviers Conservation Partnership](#)  
**Cc:** [gretchen farrell](#); [Kim Stockton](#); [Curt Weitkunat](#)  
**Subject:** RE: Related Brannan Filings  
**Date:** Thursday, April 29, 2021 4:28:00 PM  
**Attachments:** [DCZR Section 27 - Site Improvement Plan.pdf](#)

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Hello Ladies,

There are two new applications, in addition to the Use by Special Review, for property addressed as 5779 Airport Road.

Application SP2021-026 is a request for a "Modification" of the Site Improvement Plan SP2018-004. The modification will address small changes to the detention and drainage plans as a new Grading and Erosion Control "GES" plan was approved August 6<sup>th</sup>, 2020. This is an administrative process with no referrals.

Application SP2021-027 is a "Revision" to the Site Improvement Plan SP2018-004. This request is to revise the existing concrete crushing facility to remove the eastern landscape berm, relocate the perimeter access road, relocate the scale house and reconfigure the crushing and stockpile areas. This process will go out on a 21 day referral and this application is an administrative process.

I have included Section 27 of the Douglas County Zoning Resolution that provides the requirements and the process for both the Revision and the Modification of a Site Improvement Plan. Please let me know if you have any other questions.

Thank you,

**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](mailto:hscott@douglas.co.us)

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**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>  
**Sent:** Thursday, April 29, 2021 8:55 AM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Cc:** gretchen farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>; Kim Stockton <[thankful23@yahoo.com](mailto:thankful23@yahoo.com)>  
**Subject:** Related Brannan Filings

Heather,

I have noticed that Brannan has other filings related to their USR Application 2021-002. I don't understand what that means - big picture. Could you please explain how they relate and how they would affect the asphalt batch plant application? I'm happy to jump on a call if it's easier that way. I might just need a bit of clarification on the process.

Thank you so much for your time,

Meghan St. Clair

Louviers Conservation Partnership

**From:** [Rob Howard](#)  
**To:** [Heather Scott](#)  
**Subject:** Re: Asphalt Plant Follow-up  
**Date:** Tuesday, April 27, 2021 2:48:18 PM

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Hi Heather,

I've gotta run for the day around 3pm, so please feel free to email or leave me a voicemail later. I am curious about a few questions regarding the new SIPs:

- What is the context of these submissions? Is the applicant responding to the staff's review of US2021-002 or to zoning compliance concerns?
- Is there a public comment opportunity for these?
- How will it be handled if it is determined that the stockpile visibility is a violation of the DCZR? Is that something that zoning compliance is actively working on? If so, does the presence of visible stockpiles in violation of the DCZR make the SIP un-approvable?
- Who has standing to appeal an SIP decision?
- Do you have a sense of timing on when the applicant plans to submit an update to US2021-002?

Thanks,

Rob Howard  
Executive Director, [Front Range Conservation](#)  
(720) 900-1030 • [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)

On Tue, Apr 27, 2021 at 1:11 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Rob,

I had a nice weekend, thanks for asking! I hope you had a good weekend as well!

Yes there are 2 new application on this site. SP2021-026 is a Site Improvement Plan Modification Request to modify concrete crushing facility SIP to depict drainage pond in its as-built location. SP2021-027 is a Site Improvement Plan Revision request to revise existing concrete crushing facility to remove eastern landscape berm, relocate perimeter access road, relocate scale house, and reconfigure crushing and stockpile areas. I have included the SIP exhibits for both applications as well as Section 27 of the Douglas County Zoning Resolution which explains the process for each application.

**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](mailto:hscott@douglas.co.us)

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**From:** Rob Howard <[rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)>  
**Sent:** Tuesday, April 27, 2021 6:43 AM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Subject:** Asphalt Plant Follow-up

Hi Heather, got your voicemail last week, thank you! Hope you had a great weekend.

I see SP2021-026 and 027 online now. Are there two newer applications in the works? If so, can you send me any preliminary PDFs that exist so I can take a look?

Thanks,

Rob

--

Rob Howard

Executive Director, [Front Range Conservation](#)

(720) 900-1030 • [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)

**From:** [Valerie Hays](#)  
**To:** [Houlden - CDPHE, Kenneth](#)  
**Cc:** [Heather Scott](#); [gretchen farrell](#); [Halverstadt, Julie](#); [Meghan St Clair](#)  
**Subject:** Re: Permit 18DG0904  
**Date:** Friday, April 16, 2021 8:51:50 PM

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Thank you!

On Fri, Apr 16, 2021, 2:07 PM Houlden - CDPHE, Kenneth <[kenneth.houlden@state.co.us](mailto:kenneth.houlden@state.co.us)> wrote:

Good afternoon

After further investigation we do have a permit for the concrete batch plant, Ready Mixed Concrete Company permit number 99DG0771. Originally I had only been looking for Brannan permits. We look for different things at a site including total permitted emissions as well as potential to emit. The total permitted emissions at the facility are well below any major status levels. It is common for us to have more than one company at one facility, but we do consider everything at the site together when permitting.

The level at which an APEN needs to be submitted to the Division for a crusher is around 675,000 tons per year of material processed. At that point an APEN would be required, and at this facility it would require a permit as well due to the total amount of particulate from all APEN required sources.

On Mon, Apr 12, 2021 at 5:20 PM Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)> wrote:

Mr. Houlden:

After taking time to review your response I realize I do have just a couple questions. Can you check if the CDPHE has a permit for the concrete batch plant under the name of Ready Mixed Concrete on Airport Rd.?

This leads me back to my original question. How does your permit approval process provide assessment of a site where multiple uses are being layered upon the same site? If the batch plant is under another name that is a loophole benefiting the applicant and I would think proper review by your agency. If they just simply don't have a permit for the batch plant I guess I'll contact Beth Pilson, correct?

Are all crusher operations exempt from a permit by your agency? If not, what is the criteria that applies?

Thank you so much!

Valerie Hays

On Apr 12, 2021, at 12:44 PM, Houlden - CDPHE, Kenneth <[kenneth.houlden@state.co.us](mailto:kenneth.houlden@state.co.us)> wrote:

Thanks for your email Valerie. I have responded to your questions in red below, please let me know if you need clarification or have follow up questions.

- How does your permit approval process provide assessment of a site where there are existing permitted activities being expanded with new operations? There are already permits issued by your agency for the site for a concrete batch plant and the crushing operation. It seems to me that emission levels should be analyzed in the aggregate of all site activities and not just individually for each operations' permit request. Is this how your agency analyzes the permit application?

We generally want to include everything at the facility when analyzing emissions at a site. Looking at our system I do not see any other permits related to Branan in Douglas County nor did I see any portable concrete batch plants or crushers that are located there. It is possible that there could be a crusher that is exempt there that would not show up in our system, but usually concrete batch plants require at least an APEN. If they do have other equipment there that you believe should be reported please let Beth Pilson know.

- 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. Branan'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. We don't really know if they want 5 or 7. It is hard for me to understand why Branan would 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? My question here is it seems there is no agreed upon production rate between CDPHE and Douglas County, correct? Also, would you suppose that regulations, monitoring procedures etc. can be easily manipulated with false documentation? Seriously, unless someone is counting at the gate the county and CDPHE have to rely on Branan to be truthful. The town of Louviers knows they are not.

The Division issues permits based on State and Federal regulation, and does not consider other limits that the county may impose, and the source producing 730,000 tons of asphalt a year would be a compliance violation of the permit. Sources that submit falsified records can be subject to financial penalties and criminal charges.

- Has Branan submitted the O&M required by your agency yet? I understand from the permit they have up to 180 days after operation commences to submit this to you. That's half a year when you don't even know what you have, yikes!

I am not sure if the source has submitted the O&M plan yet, that would be a question for Doug Ryder in the CEP group. The permit condition does allow 180 days to submit the O&M plan, but requires compliance with it at startup. For sources such as these, the O&M plan is the plan from the manufacturer of the HMA plant and not created by the operator.

- 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?

The EPA has standards for different criteria pollutants called National Ambient Air Quality Standards (NAAQS), and the Denver metro is out of compliance with the ozone standard, meaning it is not in attainment of that standard. The entirety of Douglas County is located in this non-attainment area.

- In Item 20 the permit references "Allowable Number Operating Hours" but I don't understand who determines what the allowable number is and where it is established?

We have actually updated the language in this condition for new permits to say operating hours or production limits. When Brannan sets up the stack testing with our compliance group, they make sure that the results of the stack test are extrapolated up to the full permit limit production, so if they emitted that level of CO during the test, would the annual amount of CO when producing the full production limit be in compliance with the annual emission limit of CO.

- Why is the table on Hexane presented alone?

State Air Regulation number 3 requires uncontrolled Hazardous Air Pollutants (HAPs) over 250 lbs per year be reported to the division so we use the table in the permit to list HAPs that are over that threshold for informational purposes.

- 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?

The off property transport of visible emissions listed in the particulate control plan are limited to particulates only. Vapor and steam are not considered particulate when referencing the opacity requirements.

On Fri, Apr 9, 2021 at 11:30 AM Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)> wrote:

Dear Mr. Houlden:

I am writing to you regarding the above referenced permit the CDPHE issued to Brannan Sand and Gravel for the proposed asphalt plant near my home in Louviers. First of all, I appreciate that in the previous referral process undertaken by Douglas County for this project your agency provided in your last paragraph that CDPHE cautions the applicant and Douglas County that:

### "Health Equity and Environmental Justice

CDPHE notes that certain projects have potential to impact vulnerable minority and low- income communities. 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 if so, take action to mitigate and minimize those impacts. This includes interfacing directly with the communities in the project area to better understand community perspectives on the project and receive feedback on how it may impact them during development and construction as well as after completion. We have included some general resources for your reference."

My town is so grateful the CDPHE acknowledges the injustice our community is facing. I have read the permit CDPHE already issued (and extended) for the project and have a few questions I was hoping you (or staff) could help me with?

- How does your permit approval process provide assessment of a site where there are existing permitted activities being expanded with new operations? There are already permits issued by your agency for the site for a concrete batch plant and the

crushing operation. It seems to me that emission levels should be analyzed in the aggregate of all site activities and not just individually for each operations' permit request. Is this how your agency analyzes 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. We don't really know if they want 5 or 7. It is hard for me to understand why Brannan would 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? My question here is it seems there is no agreed upon production rate between CDPHE and Douglas County, correct? Also, would you suppose that regulations, monitoring procedures etc. can be easily manipulated with false documentation? Seriously, unless someone is counting at the gate the county and CDPHE have to rely on Brannan to be truthful. The town of Louviers knows they are not.
- Has Brannan submitted the O&M required by your agency yet? I understand from the permit they have up to 180 days after operation commences to submit this to you. That's half a year when you don't even know what you have, yikes!
- 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" but I don't understand 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 my little town 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 because we already know what a bad neighbor Brannan is. They constantly violate county regulations and we expect them to violate yours as well. They probably already are with the crushing operations.

Brannan withdrew the application your agency previously referred upon and there is a new application for USR before the county now. The referral period has not started yet. When the CDPHE is asked for a referral by Douglas County in the upcoming months, I plead with

you, please protect our town to the best of your ability!

I hope you can help with my questions above at your earliest convenience!

Very best regards,

Valerie Hays  
PO Box 13  
Louviers, CO 80131  
970-393-0585

--

Thank you,

K.C. Houlden  
Construction Permit Unit Supervisor  
Stationary Sources Program  
Air Pollution Control Division



P 303.691.4092 | F 303.782.0278  
4300 Cherry Creek Drive South, Denver, CO 80246-1530  
[kenneth.houlden@state.co.us](mailto:kenneth.houlden@state.co.us) | [www.colorado.gov/cdphe/apcd](http://www.colorado.gov/cdphe/apcd)

Are you curious about ground-level ozone in Colorado? Visit our [ozone webpage](#) to learn more.

--

Thank you,

K.C. Houlden  
Construction Permit Unit Supervisor  
Stationary Sources Program  
Air Pollution Control Division



**From:** [Heather Scott](#)  
**To:** [Louviers Conservation Partnership](#)  
**Cc:** [gretchen farrell](#); [Kim Stockton](#); [Curt Weitkunat](#)  
**Subject:** RE: Related Brannan Filings  
**Date:** Thursday, April 29, 2021 4:28:00 PM  
**Attachments:** [DCZR Section 27 - Site Improvement Plan.pdf](#)

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Hello Ladies,

There are two new applications, in addition to the Use by Special Review, for property addressed as 5779 Airport Road.

Application SP2021-026 is a request for a “Modification” of the Site Improvement Plan SP2018-004. The modification will address small changes to the detention and drainage plans as a new Grading and Erosion Control “GESC” plan was approved August 6<sup>th</sup>, 2020. This is an administrative process with no referrals.

Application SP2021-027 is a “Revision” to the Site Improvement Plan SP2018-004. This request is to revise the existing concrete crushing facility to remove the eastern landscape berm, relocate the perimeter access road, relocate the scale house and reconfigure the crushing and stockpile areas. This process will go out on a 21 day referral and this application is an administrative process.

I have included Section 27 of the Douglas County Zoning Resolution that provides the requirements and the process for both the Revision and the Modification of a Site Improvement Plan. Please let me know if you have any other questions.

Thank you,

**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](mailto:hscott@douglas.co.us)

---

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>  
**Sent:** Thursday, April 29, 2021 8:55 AM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Cc:** gretchen farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>; Kim Stockton <[thankful23@yahoo.com](mailto:thankful23@yahoo.com)>  
**Subject:** Related Brannan Filings

Heather,

I have noticed that Brannan has other filings related to their USR Application 2021-002. I don't understand what that means - big picture. Could you please explain how they relate and how they would affect the asphalt batch plant application? I'm happy to jump on a call if it's easier that way. I might just need a bit of clarification on the process.

Thank you so much for your time,

Meghan St. Clair

Louviers Conservation Partnership

**From:** [Rob Howard](#)  
**To:** [Heather Scott](#)  
**Subject:** Re: Asphalt Plant Follow-up  
**Date:** Tuesday, April 27, 2021 2:48:18 PM

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Hi Heather,

I've gotta run for the day around 3pm, so please feel free to email or leave me a voicemail later. I am curious about a few questions regarding the new SIPs:

- What is the context of these submissions? Is the applicant responding to the staff's review of US2021-002 or to zoning compliance concerns?
- Is there a public comment opportunity for these?
- How will it be handled if it is determined that the stockpile visibility is a violation of the DCZR? Is that something that zoning compliance is actively working on? If so, does the presence of visible stockpiles in violation of the DCZR make the SIP un-approvable?
- Who has standing to appeal an SIP decision?
- Do you have a sense of timing on when the applicant plans to submit an update to US2021-002?

Thanks,

Rob Howard  
Executive Director, [Front Range Conservation](#)  
(720) 900-1030 • [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)

On Tue, Apr 27, 2021 at 1:11 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Rob,

I had a nice weekend, thanks for asking! I hope you had a good weekend as well!

Yes there are 2 new application on this site. SP2021-026 is a Site Improvement Plan Modification Request to modify concrete crushing facility SIP to depict drainage pond in its as-built location. SP2021-027 is a Site Improvement Plan Revision request to revise existing concrete crushing facility to remove eastern landscape berm, relocate perimeter access road, relocate scale house, and reconfigure crushing and stockpile areas. I have included the SIP exhibits for both applications as well as Section 27 of the Douglas County Zoning Resolution which explains the process for each application.

**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](mailto:hscott@douglas.co.us)

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**From:** Rob Howard <[rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)>  
**Sent:** Tuesday, April 27, 2021 6:43 AM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Subject:** Asphalt Plant Follow-up

Hi Heather, got your voicemail last week, thank you! Hope you had a great weekend.

I see SP2021-026 and 027 online now. Are there two newer applications in the works? If so, can you send me any preliminary PDFs that exist so I can take a look?

Thanks,

Rob

--

Rob Howard

Executive Director, [Front Range Conservation](#)

(720) 900-1030 • [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** Fwd: Brannan Sand and Gravel Noise Modeling Report  
**Date:** Sunday, June 13, 2021 10:25:28 AM

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Hi Heather!

I don't think I saw this letter in the uploaded comments. Maybe I missed it?

Thank you so much,  
Valerie Hays

----- Forwarded message -----

**From:** Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)>  
**Date:** Thu, Apr 22, 2021, 4:14 PM  
**Subject:** Brannan Sand and Gravel Noise Modeling Report  
**To:** Heather Scott <[Hscott@douglas.co.us](mailto:Hscott@douglas.co.us)>  
**Cc:** <[bocc@douglas.co.us](mailto:bocc@douglas.co.us)>

Greetings once again Heather!

I have read the report by Behrens and Associates regarding predicted noise dated 12/29/19, recently submitted to the county, and would like to comment to the record please.

My very first issue is that the report is premised on analysis based on Industrial Zoned noise levels despite the very close proximity to Residential zoning. Is there no way to consider this?

Noise monitoring to set establish existing noise levels for the concrete batch and crushing operations was performed October 2019 at 4 points on the property line. The existing levels were then superimposed on a **MODEL** constructed from data derived from noise monitoring at the Commerce City asphalt plant machinery to achieve a **PREDICTED** noise level. This has so many holes. I think the truck logs from these monitoring days should be checked to see if they were actually doing any business that day. October is not like August in the construction business.

Demonstrating that they do not adhere to Management Plans, please note that in section 3, Ambient and Operational Sound Level Survey the hours of operation set forth on the study days in themselves demonstrate Brannan does not play by the rules. Surveys were conducted from **4:41 AM** to 5:35 PM on Friday 10/18/19, **5:06 AM** to 1:05 PM on Saturday 10/19/19, not open Sunday 10/20/19 (ambient day), **5:20 AM** to 4:55PM on Monday 10/21/19, and from **4:51 AM to 6:34 PM** on Tuesday 10/22/19. Those aren't the hours they are approved to operate.

The report states that ambient data is **HIGHER** than operational data for many of the recorded periods for several reasons that make no sense. It would be different if the sound of all the trucks were considered. It may be the train is louder than the plant? Wind? Table 3-1 sets forth the ambient and operational levels in a table that claims Ambient is greater! This data has been manipulated through the applicants' lens.

The CRS 25-12-103 Noise Standards (and Douglas Co.) for Residential = 55dBA 7am to 7pm, 50dBA 7pm to 7am while the Industrial = 80 dBA 7am to 7pm, 75 dBA 7pm to 7am. That's a

25dBA difference for a town less than a mile to the GI zoning. Again the noise levels are **PREDICTED** and they state in the report that the “noise levels represent **ONLY** the contribution of the existing and proposed Sedalia Ready Mix Plant operations “**and do not include ambient noise or noise from other facilities. Actual field level sound level measurements may vary from the modeled noise due to other noise sources such as traffic**” etc. Project Operations were totaled without demonstrating **ANY** truck traffic for imported and exported materials for both the crushing and asphalt operations. Set forth in Table 5.1 the noise levels for the concrete batch plant **DO** include the trucks to supply and deliver the concrete. Set forth in Table 5.2 the noise levels for the crushing operations **DO NOT** include any trucking at all. Set forth in Table 5.3 the noise levels for the asphalt plant **DO NOT** include any trucking at all. They are neglecting all trucking noise both importing and exporting for both the crushing and asphalt operations. That’s a lot of trucks making **NO** noise!

This report states that they used the Commerce City site noise levels for monitoring because “the equipment and facility rate (**400 tn/hr**) is **intended to be duplicated** for the proposed Sedalia facility expansion.” 400 ton/hour is not the production rate Brannan proposes for the Sedalia Plant. They are hiding the rate in **3,500 trip/week**. 400 ton/hr works out to be about 8,000 trip/week, not 3,500.

- The Noise Sensitive Receptor Locations (5.2) are 12 points on the property perimeter where the modeling predicts the sound level at these points. They provide 4 scenarios of operations, 3 of them as the existing standing alone operations and only one as **COMBINED** operations of the 3 existing and proposed asphalt – the only scenario pertinent. If you overlay these 12 points on to the 4 Location points recorded for the existing sound levels shown on Figure 4.1, Ambient and Operational Sound Level Survey, you find that:

- Receptor B is in close proximity to Location 3
- Receptor G is in close proximity to Location 4
- Receptor I is in close proximity to Location 1
- Receptor K is in close proximity to Location 2

Checking existing noise against the predicted noise and referring to Table 6-1 you find that at modeling Receptor B the combined operations predicts 50.6 dBA while recorded noise levels at Location 3 is 50.1 dBA, a .5 dBA increase, plausible. But for Receptor G the predicted level is 57.1 dBA while Location 4 recorded showed us 71.9 dBA day and 63.2dBA night. **Wow! The predicted is significantly less than existing!** For Receptor I the predicted is 54.3 dBA while the recorded Location 1 was 71.2 dBA day/71.7 dBA night.. **Again predicted levels are far lower than measured existing levels without an asphalt plant!** For Receptor K the predicted level is 51.4 dBA while the recorded levels are 73.2 dBA day with no recorded night. **And again, predicted levels substantially less than existing!** Just manipulated predictions that demonstrate their plant is going to make the community quieter than it is now. That’s not true.

This report was bought by Brannan to reflect their interests. The data and methodology can be manipulated to reflect any outcome the client needs. The report uses the term “unmitigated” a lot leading to the conclusion that **mitigation** will be required. And that’s probably why they note in the Management Plan the mitigations they might use when the noise is not as

predicted. The Management Plan mitigates future noise problems by telling us they will check it at their perimeter 4 times a year and, if exceeded, they will identify the equipment or process making too much noise and “**modify where reasonable**”. That has no teeth at all.

Please consider this application as if you lived in Louviers.

I appreciate your time and attention and thank you for it!

Sincerely,

Valerie Hays

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** Re: Owens Industrial  
**Date:** Tuesday, April 13, 2021 4:56:43 PM

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Heather,  
Thank you I will review the documents.  
Valerie

On Tue, Apr 13, 2021, 4:47 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Valerie,

The applicant submitted a Phase III Drainage Report, originally written in 2018 and updated Feb 26, 2021. Stormwater management is spelled out on pages 6-7 of the report. This report will be reviewed by Douglas County Public Works and available for other referral agencies including the Colorado Division of Water Resources to comment on.

Please let me know if you have any other questions.

**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](mailto:hscott@douglas.co.us)

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**From:** Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)>  
**Sent:** Monday, April 12, 2021 5:53 PM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Cc:** gretchen farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>; Meghan St Clair <[meghanstclair@gmail.com](mailto:meghanstclair@gmail.com)>  
**Subject:** Owens Industrial

Heather, I have a question please regarding the asphalt plant application.

Does the county require a new site Stormwater Management Plan for the asphalt plant application? I notice the most recent plan for the site on file is for the concrete crushing operations and it would be rendered moot by the construction of the asphalt plant as the

crushing operations seem to be commingled with asphalt ops footprint.

Thank you,

Valerie Hays

**From:** [gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)  
**To:** [Heather Scott](#)  
**Cc:** [Jeanette Bare](#); [Brittany Cassell](#); [Kati Rider](#)  
**Subject:** Re: Louviers Resident Letter for USR-US2021-002  
**Date:** Friday, April 9, 2021 3:36:25 PM

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Heather,  
Thank you for help on this important matter.  
Please let me know if I may provide any information.  
Very gratefully,  
Gretchen

Sent from my iPhone

On Apr 9, 2021, at 3:08 PM, Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Gretchen,

Douglas County now has a professional historic preservation staff person who is also the curator of the Douglas County Historic Repository. This is the person who is sent referral response requests and provides comments on land use applications.

We will refer the batch plant USR request to Douglas County Historic Preservation (Brittan Cassell) for review and comment given that the property in question is within one mile of the Louviers Historic District.

The Louviers Historic Preservation Society may submit comments on the application at any point in the process, and we will add those to the file. The Planning Commission and Board of County Commissioners will see and consider all comments provided on the application. If the Louviers Historic Preservation Society members wish to discuss the project with our Historic Preservation staff, they can contact Brittany Cassell directly. Brittany is attached to this email.

Please let me know if you have any questions. Hope you have a nice weekend.

**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](mailto:hscott@douglas.co.us)

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**From:** Gretchen Farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>  
**Sent:** Wednesday, April 7, 2021 5:01 PM  
**To:** BOCC <[BOCC@douglas.co.us](mailto:BOCC@douglas.co.us)>; Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Subject:** Louviers Resident Letter for USR-US2021-002

April 7, 2021

Dear Commissioners,

I am writing today to offer information about [Use for Special Review Application US2021-002](#) for a proposed 24/7 Hot Asphalt Plant just 3,000 feet from the Historic Village of Louviers.

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 advocates 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, curbsless streets, planted grass lawns with shared landscape features, and landscaped common green areas, marked by planted coniferous trees" (National Places Registration Form 1998). We request that the proposed asphalt plant not be located 3,000 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 Louviers Village.

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. 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 reference the following items from Section 4 of the 2040 Douglas County Master Plan as it speaks 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 70' tower and proposed 35' materials stockpiles are not appropriate here. In addition, the proposed plant extends Brannan's current site to both the north and south entrances to the Village. The historic approach will be greatly compromised.

"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 recycling facility on the same location. Along with the asphalt production, we feel the intensity of the proposed land use is not appropriate for this site.

"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."

"Objective 4-2C Design development to conserve and showcase important natural and rural features."

"Objective 4-2D Preserve the visual integrity of significant ridgelines, road viewsheds, view of the mountain backdrop, and other important features."

"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 110 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 70’ tower and proposed 35’ 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.” We encourage the county to rezone this property to a more appropriate zoning for this space and find a more appropriate place for Brannan’s Asphalt facility.

“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 4-2H Improve access and traffic safety along US Highway 85.” Airport Road to US Highway 85 will be one of only two egresses to the east for 11,000 new homes in Sterling Ranch. We strongly caution that the new asphalt plant not be located at Airport Road as it is already a heavily burdened intersection with the existing concrete plant. For this reason we also request that the new asphalt plant be diverted from Louviers Village as to not further destroy the traffic pattern to and from the historic district.

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

“POLICY 4-2K.1 Encourage the restoration and renovation of the historic “company town” architecture and the established landscaped street and open space pattern in Louviers.”

“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 integrity of the historic district.

**Not only is Brannan adjacent to the historic community, but it is PART of the rural community that is historic. (Please see attached map)**

I thank you in advance for your important work and for your attention to the preservation and protection of Douglas County’s cultural resources for future generations.

Please see attached pages from the 2040 Comprehensive Master Plan and Louviers Rural Community map for your easy reference. Please contact me with any further questions.

Respectfully,

Gretchen Farrell  
[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)  
7835 Valley View Street  
Louviers, CO 80131  
(303) 551-3228

[Louviers Community Map](#)

[Section 4 2040 CMP](#)

[Section 5 2040 CMP](#)

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** Brannan Asphalt Plant  
**Date:** Wednesday, April 7, 2021 8:46:50 PM

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Dear Heather:

I am writing to share how happy I am to read your letter to Karl Barton dated 3/24/21. I especially want to applaud that you are requiring Brannan to include data for the concrete batch and crushing operations as well in the asphalt plant USR application. These three operations **must** be considered in the aggregate for a proper analysis of traffic, air, water, noise etc.

I have a question regarding the CDPHE permits obtained already. It seems that CDPHE should also be assessing the site to include all 3 operations in the aggregate as well? Approving each of the operations independently would seem to give a misleading conclusion as to what the total environmental impact of this site will be. Would you know how this works with them for multiple operations on a single site? Is that considered? Also, are the other agency permits Brannan has already secured (CDPHE etc.) on the public record yet or will they be?

Thank you and best regards,  
Valerie Hays

**From:** [Gretchen Farrell](#)  
**To:** [BOCC](#); [Heather Scott](#)  
**Subject:** Louviers Resident Letter for USR-US2021-002  
**Date:** Wednesday, April 7, 2021 5:01:02 PM

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April 7, 2021

Dear Commissioners,

I am writing today to offer information about [Use for Special Review Application US2021-002](#) for a proposed 24/7 Hot Asphalt Plant just 3,000 feet from the Historic Village of Louviers.

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 advocates 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, curbsless streets, planted grass lawns with shared landscape features, and landscaped common green areas, marked by planted coniferous trees" (National Places Registration Form 1998). We request that the proposed asphalt plant not be located 3,000 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 Louviers Village.

Section 4 Rural Communities of the 2040 Douglas County Master Plan gives strong direction to preserve it's 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. 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 reference the following items from Section 4 of the 2040 Douglas County Master Plan as it speaks 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 70' tower and proposed 35' materials stockpiles are not appropriate here. In addition, the proposed plant extends Brannan's current site to both the north and south entrances to the Village. The historic approach will be greatly compromised.

"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 recycling facility on the same location. Along with the asphalt production, we feel the intensity of the proposed land use is not appropriate for this site.

"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."

"Objective 4-2C Design development to conserve and showcase important natural and rural features."

"Objective 4-2D Preserve the visual integrity of significant ridgelines, road viewsheds, view of the mountain backdrop, and other important features."

"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 110 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 70' tower and proposed 35' 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.” We encourage the county to rezone this property to a more appropriate zoning for this space and find a more appropriate place for Brannan’s Asphalt facility.

“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 4-2H Improve access and traffic safety along US Highway 85.” Airport Road to US Highway 85 will be one of only two egresses to the east for 11,000 new homes in Sterling Ranch. We strongly caution that the new asphalt plant not be located at Airport Road as it is already a heavily burdened intersection with the existing concrete plant. For this reason we also request that the new asphalt plant be diverted from Louviers Village as to not further destroy the traffic pattern to and from the historic district.

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

“POLICY 4-2K.1 Encourage the restoration and renovation of the historic “company town” architecture and the established landscaped street and open space pattern in Louviers.”

“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 integrity of the historic district.

**Not only is Brannan adjacent to the historic community, but it is PART of the rural community that is historic. (Please see attached map)**

I thank you in advance for your important work and for your attention to the preservation and protection of Douglas County’s cultural resources for future generations.

Please see attached pages from the 2040 Comprehensive Master Plan and Louviers Rural Community map for your easy reference. Please contact me with any further questions.

Respectfully,

Gretchen Farrell  
[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)  
7835 Valley View Street  
Louviers, CO 80131  
(303) 551-3228

[Louviers Community Map](#)

[Section 4 2040 CMP](#)

[Section 5 2040 CMP](#)

**From:** [Gretchen Farrell](#)  
**To:** [Louviers Conservation Partnership](#)  
**Cc:** [Heather Scott](#); [Jeanette Bare](#); [Kim Stockton](#)  
**Subject:** Re: USR 2021-002 - Additional Referral Agencies  
**Date:** Tuesday, April 6, 2021 9:56:07 AM  
**Attachments:** [image.png](#)

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Dear Heather,

I wanted to echo Meghan's correspondence and agree that it is imperative that the Douglas County Historic Board be included in the referral process. Brannan IS located within the bounds of the Louviers Rural Community as she stated.

We know how important Section 4 of the CMP is:

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.

I am meeting with the Historic Preservation Board and Brittany Castel tomorrow evening. I understand Brittany will write the referral at your request. I would like to request an update response from you before then so I may discuss your position at the meeting.

Grateful for your careful consideration in this important matter.

Gretchen Farrell  
Co-Director Louviers Conservation Partnership

On Mon, Apr 5, 2021 at 11:40 AM Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)> wrote:

Heather,

In reference to the Historic Preservation Board as a referral agency, we ask respectfully that they be included in the referral process because of the following, but not limited to the following, reasons. Please see attached pages from the 2040 Comprehensive Master Plan and Louviers Rural Community map.

Section 4 of the CMP, speaks to the historic nature of the Louviers Rural Community starting on p. 75.

From CMP p. 76: "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 (see attached map).

Brannan's property is also located within the boundaries of the Louviers Rural Community map (see attached).

On page 75, 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 77:

"Objective 4-2B Ensure the nature and intensity of development is appropriate for the Louviers Rural Community and Village area. 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."

On page 79:

"Objective 4-2K Preserve historic resources in the US Highway 85 corridor. POLICY 4-2K.1 Encourage the restoration and renovation of the historic "company town" architecture and the established landscaped street and open space pattern in Louviers. POLICY 4-2K.2 Discourage the demolition and replacement of existing historic residences and buildings in Louviers. 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. POLICY 4-2K.4 Encourage architecturally-sensitive additions to complement historic structures in Louviers, consistent with National Trust for Historic Preservation guidelines."

Not only is Brannan adjacent to the historic community, but it is PART of the rural community that is historic.

We respectfully ask that you include the Historic Preservation Board as a referral agency.

Thank you,  
Meghan St. Clair

On Fri, Apr 2, 2021 at 4:00 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Meghan,

The Douglas County regulations state HOA's within 2 mile radius of a project in a rural area shall be notified as a referral agency. Unfortunately Roxborough Park and Roxborough Village First HOA exceed the 2 miles. Chatfield East is within the 2 mile radius. Please see the HOA - 2 mile radius map below. The DC Open Space Department will be notified as they are an adjacent owner. I don't believe the Historical Society will be a referral as there is no historical significance on the Brannan site.



I hope you have a great weekend!

**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](mailto:hscott@douglas.co.us)

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**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>

**Sent:** Thursday, April 1, 2021 9:39 AM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Subject:** USR 2021-002 - Additional Referral Agencies

Heather,

I met with One Roxborough this morning and several HOAs would like to be included in the referral process once Brannan's application is eligible.

Roxborough Park Foundation - Stan Sunderwith

Roxborough First HOA

Chatfield East - Janice Wiskamp

Dan Avery gave them your direct email to coordinate, but I thought I would follow up

with you as well.

Also, may I confirm that the Historical Preservation Board and Douglas County Open Space are on the list of referral agencies?

Thanks,

Meghan St. Clair

Louviers Conservation Partnership

(303) 619-8128

**From:** [Louviers Conservation Partnership](#)  
**To:** [Heather Scott](#)  
**Subject:** USR 2021-002 - Additional Referral Agencies  
**Date:** Thursday, April 1, 2021 9:39:25 AM

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Heather,

I met with One Roxborough this morning and several HOAs would like to be included in the referral process once Brannan's application is eligible.

Roxborough Park Foundation - Stan Sunderwith  
Roxborough First HOA  
Chatfield East - Janice Wiskamp

Dan Avery gave them your direct email to coordinate, but I thought I would follow up with you as well.

Also, may I confirm that the Historical Preservation Board and Douglas County Open Space are on the list of referral agencies?

Thanks,  
Meghan St. Clair  
Louviers Conservation Partnership  
(303) 619-8128

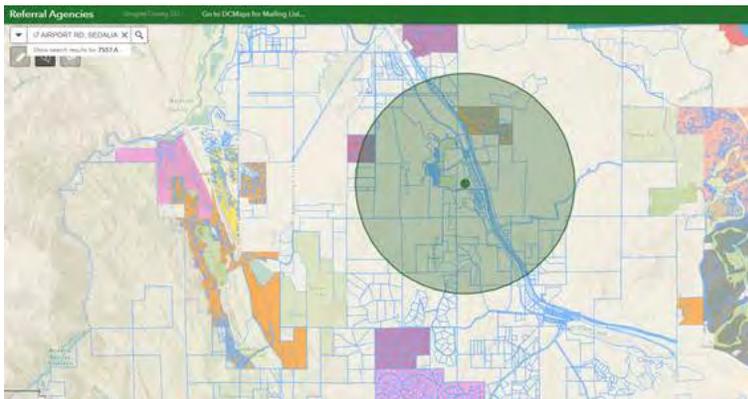
**From:** [Heather Scott](#)  
**To:** [Joanna Waldenmyer](#)  
**Cc:** [Angela.Christensen@kchoa.com](mailto:Angela.Christensen@kchoa.com); [Jeanette Bare](#)  
**Subject:** RE: Louviers Asphalt Plant  
**Date:** Friday, April 2, 2021 2:02:00 PM

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Good morning Joanna,

The Douglas County regulations require HOA's within 2 mile radius of a project in a rural area shall be notified as a referral agency. Unfortunately Roxborough Village First HOA is not within 2 miles. Please see the HOA 2 mile radius map below.

With that being said, all citizens may submit letters of support or concern for any application. The applicant for the asphalt plant is currently making revisions to their application. The application will go out on referral once the revised documents are accepted. Additional information and documents can be found on the [www.douglas.co.us/pro](http://www.douglas.co.us/pro) home page and performing a Project Search for the Project Number US2021-002.



I hope you have a great weekend!

**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](mailto:hscott@douglas.co.us)

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**From:** Joanna Waldenmyer <[joanpaine@comcast.net](mailto:joanpaine@comcast.net)>  
**Sent:** Thursday, April 1, 2021 9:31 AM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Subject:** Louviers Asphalt Plant

Hi Heather,

I sit on the Roxborough Village First HOA Board and we would like to be included on the referral list for the upcoming asphalt project in Louviers. Our HOA manger's contact info is Angela Christensen, [Angela.Christensen@kchoa.com](mailto:Angela.Christensen@kchoa.com). Can we possibly be added so we are able to provide formal comment?

Thank you so much!  
Joanna Waldenmyer  
RVFHOA Board Member

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** Re: Owens Industrial  
**Date:** Tuesday, April 13, 2021 4:56:43 PM

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Heather,  
Thank you I will review the documents.  
Valerie

On Tue, Apr 13, 2021, 4:47 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Valerie,

The applicant submitted a Phase III Drainage Report, originally written in 2018 and updated Feb 26, 2021. Stormwater management is spelled out on pages 6-7 of the report. This report will be reviewed by Douglas County Public Works and available for other referral agencies including the Colorado Division of Water Resources to comment on.

Please let me know if you have any other questions.

**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](mailto:hscott@douglas.co.us)

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**From:** Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)>  
**Sent:** Monday, April 12, 2021 5:53 PM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Cc:** gretchen farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>; Meghan St Clair <[meghanstclair@gmail.com](mailto:meghanstclair@gmail.com)>  
**Subject:** Owens Industrial

Heather, I have a question please regarding the asphalt plant application.

Does the county require a new site Stormwater Management Plan for the asphalt plant application? I notice the most recent plan for the site on file is for the concrete crushing operations and it would be rendered moot by the construction of the asphalt plant as the

crushing operations seem to be commingled with asphalt ops footprint.

Thank you,

Valerie Hays

**From:** [gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)  
**To:** [Heather Scott](#)  
**Cc:** [Jeanette Bare](#); [Brittany Cassell](#); [Kati Rider](#)  
**Subject:** Re: Louviers Resident Letter for USR-US2021-002  
**Date:** Friday, April 9, 2021 3:36:25 PM

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Heather,  
Thank you for help on this important matter.  
Please let me know if I may provide any information.  
Very gratefully,  
Gretchen

Sent from my iPhone

On Apr 9, 2021, at 3:08 PM, Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Gretchen,

Douglas County now has a professional historic preservation staff person who is also the curator of the Douglas County Historic Repository. This is the person who is sent referral response requests and provides comments on land use applications.

We will refer the batch plant USR request to Douglas County Historic Preservation (Brittan Cassell) for review and comment given that the property in question is within one mile of the Louviers Historic District.

The Louviers Historic Preservation Society may submit comments on the application at any point in the process, and we will add those to the file. The Planning Commission and Board of County Commissioners will see and consider all comments provided on the application. If the Louviers Historic Preservation Society members wish to discuss the project with our Historic Preservation staff, they can contact Brittany Cassell directly. Brittany is attached to this email.

Please let me know if you have any questions. Hope you have a nice weekend.

**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](mailto:hscott@douglas.co.us)

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**From:** Gretchen Farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>  
**Sent:** Wednesday, April 7, 2021 5:01 PM  
**To:** BOCC <[BOCC@douglas.co.us](mailto:BOCC@douglas.co.us)>; Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Subject:** Louviers Resident Letter for USR-US2021-002

April 7, 2021

Dear Commissioners,

I am writing today to offer information about [Use for Special Review Application US2021-002](#) for a proposed 24/7 Hot Asphalt Plant just 3,000 feet from the Historic Village of Louviers.

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 advocates 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, curbsless streets, planted grass lawns with shared landscape features, and landscaped common green areas, marked by planted coniferous trees" (National Places Registration Form 1998). We request that the proposed asphalt plant not be located 3,000 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 Louviers Village.

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. 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 reference the following items from Section 4 of the 2040 Douglas County Master Plan as it speaks 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.

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"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."

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practices.” This proposed industrial development has a substantial lighting plan which takes away from the dark skies the Louviers residents have enjoyed for over 110 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 70’ tower and proposed 35’ 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.

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“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.

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

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unique company town character and historic heritage.” This proposal does not preserve integrity of the historic district.

**Not only is Brannan adjacent to the historic community, but it is PART of the rural community that is historic. (Please see attached map)**

I thank you in advance for your important work and for your attention to the preservation and protection of Douglas County’s cultural resources for future generations.

Please see attached pages from the 2040 Comprehensive Master Plan and Louviers Rural Community map for your easy reference. Please contact me with any further questions.

Respectfully,

Gretchen Farrell  
[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)  
7835 Valley View Street  
Louviers, CO 80131  
(303) 551-3228

[Louviers Community Map](#)

[Section 4 2040 CMP](#)

[Section 5 2040 CMP](#)

**From:** [Valerie Hays](#)  
**To:** [Houlden - CDPHE, Kenneth](#)  
**Cc:** [Heather Scott](#); [gretchen farrell](#); [Halverstadt, Julie](#); [Meghan St Clair](#)  
**Subject:** Re: Permit 18DG0904  
**Date:** Monday, April 12, 2021 5:20:56 PM

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Mr. Houlden:

After taking time to review your response I realize I do have just a couple questions. Can you check if the CDPHE has a permit for the concrete batch plant under the name of Ready Mixed Concrete on Airport Rd.?

This leads me back to my original question. How does your permit approval process provide assessment of a site where multiple uses are being layered upon the same site? If the batch plant is under another name that is a loophole benefiting the applicant and I would think proper review by your agency. If they just simply don't have a permit for the batch plant I guess I'll contact Beth Pilson, correct?

Are all crusher operations exempt from a permit by your agency? If not, what is the criteria that applies?

Thank you so much!

Valerie Hays

On Apr 12, 2021, at 12:44 PM, Houlden - CDPHE, Kenneth <[kenneth.houlden@state.co.us](mailto:kenneth.houlden@state.co.us)> wrote:

Thanks for your email Valerie. I have responded to your questions in red below, please let me know if you need clarification or have follow up questions.

- How does your permit approval process provide assessment of a site where there are existing permitted activities being expanded with new operations? There are already permits issued by your agency for the site for a concrete batch plant and the crushing operation. It seems to me that emission levels should be analyzed in the aggregate of all site activities and not just individually for each operations' permit request. Is this how your agency analyzes the permit application?

We generally want to include everything at the facility when analyzing emissions at a site. Looking at our system I do not see any other permits related to Branan in Douglas County nor did I see any portable concrete batch plants or crushers that are located there. It is possible that there could be a crusher that is exempt there that would not show up in our system, but usually concrete batch plants require at least an APEN. If they do have other equipment there that you believe should be reported please let Beth Pilson know.

- 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. We don't really know if they want 5 or 7. It is hard for me to understand why Brannan would 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? My

question here is it seems there is no agreed upon production rate between CDPHE and Douglas County, correct? Also, would you suppose that regulations, monitoring procedures etc. can be easily manipulated with false documentation? Seriously, unless someone is counting at the gate the county and CDPHE have to rely on Brannan to be truthful. The town of Louviers knows they are not.

The Division issues permits based on State and Federal regulation, and does not consider other limits that the county may impose, and the source producing 730,000 tons of asphalt a year would be a compliance violation of the permit. Sources that submit falsified records can be subject to financial penalties and criminal charges.

- Has Brannan submitted the O&M required by your agency yet? I understand from the permit they have up to 180 days after operation commences to submit this to you. That's half a year when you don't even know what you have, yikes!

I am not sure if the source has submitted the O&M plan yet, that would be a question for Doug Ryder in the CEP group. The permit condition does allow 180 days to submit the O&M plan, but requires compliance with it at startup. For sources such as these, the O&M plan is the plan from the manufacturer of the HMA plant and not created by the operator.

- 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?

The EPA has standards for different criteria pollutants called National Ambient Air Quality Standards (NAAQS), and the Denver metro is out of compliance with the ozone standard, meaning it is not in attainment of that standard. The entirety of Douglas County is located in this non-attainment area.

- In Item 20 the permit references "Allowable Number Operating Hours" but I don't understand who determines what the allowable number is and where it is established?

We have actually updated the language in this condition for new permits to say operating hours or production limits. When Brannan sets up the stack testing with our compliance group, they make sure that the results of the stack test are extrapolated up to the full permit limit production, so if they emitted that level of CO during the test, would the annual amount of CO when producing the full production limit be in compliance with the annual emission limit of CO.

- Why is the table on Hexane presented alone?

State Air Regulation number 3 requires uncontrolled Hazardous Air Pollutants (HAPs) over 250 lbs per year be reported to the division so we use the table in the permit to list HAPs that are over that threshold for informational purposes.

- 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?

The off property transport of visible emissions listed in the particulate control plan are limited to particulates only. Vapor and steam are not considered particulate when referencing the opacity requirements.

On Fri, Apr 9, 2021 at 11:30 AM Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)> wrote:  
Dear Mr. Houlden:

I am writing to you regarding the above referenced permit the CDPHE issued to Brannan Sand and Gravel for the proposed asphalt plant near my home in Louviers. First of all, I appreciate that in the previous referral process undertaken by Douglas County for this project your agency provided in your last paragraph that CDPHE cautions the applicant and Douglas County that:

### "Health Equity and Environmental Justice

CDPHE notes that certain projects have potential to impact vulnerable minority and low- income communities. 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 if so, take action to mitigate and minimize those impacts. This includes interfacing directly with the communities in the project area to better understand community perspectives on the project and receive feedback on how it may impact them during development and construction as well as after completion. We have included some general resources for your reference."

My town is so grateful the CDPHE acknowledges the injustice our community is facing. I have read the permit CDPHE already issued (and extended) for the project and have a few questions I was hoping you (or staff) could help me with?

- How does your permit approval process provide assessment of a site where there are existing permitted activities being expanded with new operations? There are already permits issued by your agency for the site for a concrete batch plant and the crushing operation. It seems to me that emission levels should be analyzed in the aggregate of all site activities and not just individually for each operations' permit request. Is this how your agency analyzes 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. We don't really know if they want 5 or 7. It is hard for me to understand why Brannan would 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? My question here is it seems there is no agreed upon production rate between CDPHE and Douglas County, correct? Also, would you suppose that regulations, monitoring procedures etc. can be easily manipulated with false documentation? Seriously, unless someone is counting at the gate the county and CDPHE have to rely on Brannan to be truthful. The town of Louviers knows they are not.
- Has Brannan submitted the O&M required by your agency yet? I understand from the permit they have up to 180 days after operation commences to submit this to you. That's half a year when you don't even know what you have, yikes!

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" but I don't understand 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 my little town 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 because we already know what a bad neighbor Brannan is. They constantly violate county regulations and we expect them to violate yours as well. They probably already are with the crushing operations. Brannan withdrew the application your agency previously referred upon and there is a new application for USR before the county now. The referral period has not started yet. When the CDPHE is asked for a referral by Douglas County in the upcoming months, I plead with you, please protect our town to the best of your ability!

I hope you can help with my questions above at your earliest convenience!

Very best regards,

Valerie Hays  
PO Box 13  
Louviers, CO 80131  
970-393-0585

--

Thank you,

K.C. Houlden  
Construction Permit Unit Supervisor  
Stationary Sources Program  
Air Pollution Control Division



4300 Cherry Creek Drive South, Denver, CO 80246-1530

[kenneth.houlden@state.co.us](mailto:kenneth.houlden@state.co.us) | [www.colorado.gov/cdphe/apcd](http://www.colorado.gov/cdphe/apcd)

Are you curious about ground-level ozone in Colorado? Visit our [ozone webpage](#) to learn more.

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** Brannan Asphalt Plant  
**Date:** Wednesday, April 7, 2021 8:46:50 PM

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Dear Heather:

I am writing to share how happy I am to read your letter to Karl Barton dated 3/24/21. I especially want to applaud that you are requiring Brannan to include data for the concrete batch and crushing operations as well in the asphalt plant USR application. These three operations **must** be considered in the aggregate for a proper analysis of traffic, air, water, noise etc.

I have a question regarding the CDPHE permits obtained already. It seems that CDPHE should also be assessing the site to include all 3 operations in the aggregate as well? Approving each of the operations independently would seem to give a misleading conclusion as to what the total environmental impact of this site will be. Would you know how this works with them for multiple operations on a single site? Is that considered? Also, are the other agency permits Brannan has already secured (CDPHE etc.) on the public record yet or will they be?

Thank you and best regards,  
Valerie Hays

**From:** [Gretchen Farrell](#)  
**To:** [Louviers Conservation Partnership](#)  
**Cc:** [Heather Scott](#); [Jeanette Bare](#); [Kim Stockton](#)  
**Subject:** Re: USR 2021-002 - Additional Referral Agencies  
**Date:** Tuesday, April 6, 2021 9:56:07 AM  
**Attachments:** [image.png](#)

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Dear Heather,

I wanted to echo Meghan's correspondence and agree that it is imperative that the Douglas County Historic Board be included in the referral process. Brannan IS located within the bounds of the Louviers Rural Community as she stated.

We know how important Section 4 of the CMP is:

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.

I am meeting with the Historic Preservation Board and Brittany Castel tomorrow evening. I understand Brittany will write the referral at your request. I would like to request an update response from you before then so I may discuss your position at the meeting.

Grateful for your careful consideration in this important matter.

Gretchen Farrell  
Co-Director Louviers Conservation Partnership

On Mon, Apr 5, 2021 at 11:40 AM Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)> wrote:

Heather,

In reference to the Historic Preservation Board as a referral agency, we ask respectfully that they be included in the referral process because of the following, but not limited to the following, reasons. Please see attached pages from the 2040 Comprehensive Master Plan and Louviers Rural Community map.

Section 4 of the CMP, speaks to the historic nature of the Louviers Rural Community starting on p. 75.

From CMP p. 76: "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 (see attached map).

Brannan's property is also located within the boundaries of the Louviers Rural Community map (see attached).

On page 75, 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 77:

"Objective 4-2B Ensure the nature and intensity of development is appropriate for the Louviers Rural Community and Village area. 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."

On page 79:

"Objective 4-2K Preserve historic resources in the US Highway 85 corridor. POLICY 4-2K.1 Encourage the restoration and renovation of the historic "company town" architecture and the established landscaped street and open space pattern in Louviers. POLICY 4-2K.2 Discourage the demolition and replacement of existing historic residences and buildings in Louviers. 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. POLICY 4-2K.4 Encourage architecturally-sensitive additions to complement historic structures in Louviers, consistent with National Trust for Historic Preservation guidelines."

Not only is Brannan adjacent to the historic community, but it is PART of the rural community that is historic.

We respectfully ask that you include the Historic Preservation Board as a referral agency.

Thank you,  
Meghan St. Clair

On Fri, Apr 2, 2021 at 4:00 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Meghan,

The Douglas County regulations state HOA's within 2 mile radius of a project in a rural area shall be notified as a referral agency. Unfortunately Roxborough Park and Roxborough Village First HOA exceed the 2 miles. Chatfield East is within the 2 mile radius. Please see the HOA - 2 mile radius map below. The DC Open Space Department will be notified as they are an adjacent owner. I don't believe the Historical Society will be a referral as there is no historical significance on the Brannan site.



I hope you have a great weekend!

**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](mailto:hscott@douglas.co.us)

---

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>

**Sent:** Thursday, April 1, 2021 9:39 AM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Subject:** USR 2021-002 - Additional Referral Agencies

Heather,

I met with One Roxborough this morning and several HOAs would like to be included in the referral process once Brannan's application is eligible.

Roxborough Park Foundation - Stan Sunderwith

Roxborough First HOA

Chatfield East - Janice Wiskamp

Dan Avery gave them your direct email to coordinate, but I thought I would follow up

with you as well.

Also, may I confirm that the Historical Preservation Board and Douglas County Open Space are on the list of referral agencies?

Thanks,

Meghan St. Clair

Louviers Conservation Partnership

(303) 619-8128

**From:** [Louviers Conservation Partnership](#)  
**To:** [Heather Scott](#)  
**Subject:** USR 2021-002 - Additional Referral Agencies  
**Date:** Thursday, April 1, 2021 9:39:25 AM

---

Heather,

I met with One Roxborough this morning and several HOAs would like to be included in the referral process once Brannan's application is eligible.

Roxborough Park Foundation - Stan Sunderwith  
Roxborough First HOA  
Chatfield East - Janice Wiskamp

Dan Avery gave them your direct email to coordinate, but I thought I would follow up with you as well.

Also, may I confirm that the Historical Preservation Board and Douglas County Open Space are on the list of referral agencies?

Thanks,  
Meghan St. Clair  
Louviers Conservation Partnership  
(303) 619-8128

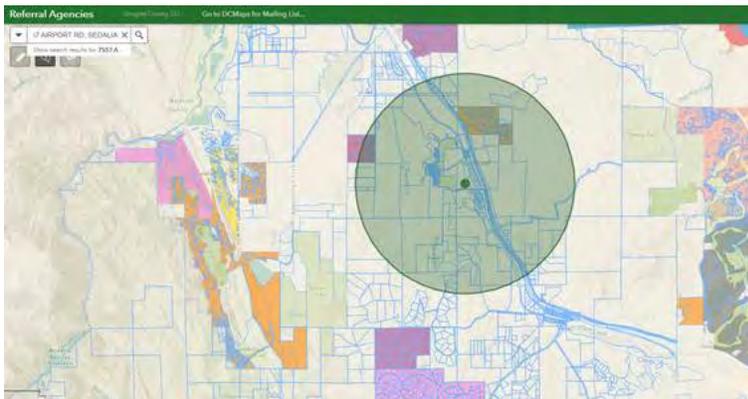
**From:** [Heather Scott](#)  
**To:** [Joanna Waldenmyer](#)  
**Cc:** [Angela.Christensen@kchoa.com](mailto:Angela.Christensen@kchoa.com); [Jeanette Bare](#)  
**Subject:** RE: Louviers Asphalt Plant  
**Date:** Friday, April 2, 2021 2:02:00 PM

---

Good morning Joanna,

The Douglas County regulations require HOA's within 2 mile radius of a project in a rural area shall be notified as a referral agency. Unfortunately Roxborough Village First HOA is not within 2 miles. Please see the HOA 2 mile radius map below.

With that being said, all citizens may submit letters of support or concern for any application. The applicant for the asphalt plant is currently making revisions to their application. The application will go out on referral once the revised documents are accepted. Additional information and documents can be found on the [www.douglas.co.us/pro](http://www.douglas.co.us/pro) home page and performing a Project Search for the Project Number US2021-002.



I hope you have a great weekend!

**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](mailto:hscott@douglas.co.us)

---

**From:** Joanna Waldenmyer <[joanpaine@comcast.net](mailto:joanpaine@comcast.net)>  
**Sent:** Thursday, April 1, 2021 9:31 AM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Subject:** Louviers Asphalt Plant

Hi Heather,

I sit on the Roxborough Village First HOA Board and we would like to be included on the referral list for the upcoming asphalt project in Louviers. Our HOA manger's contact info is Angela Christensen, [Angela.Christensen@kchoa.com](mailto:Angela.Christensen@kchoa.com). Can we possibly be added so we are able to provide formal comment?

Thank you so much!  
Joanna Waldenmyer  
RVFHOA Board Member

**From:** [gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)  
**To:** [Heather Scott](#)  
**Cc:** [Louviers Conservation Partnership](#); [meghanstclair@gmail.com](mailto:meghanstclair@gmail.com); [Kim Stockton](#); [Jeanette Bare](#)  
**Subject:** Re: Weekly Update  
**Date:** Thursday, March 25, 2021 3:55:43 PM

---

Wonderful! Thank you Heather!  
Gratefully,  
Gretchen

Sent from my iPhone

On Mar 25, 2021, at 3:50 PM, Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello ladies,

Staff completed our initial review and sent comments to the applicant yesterday. All documents have been up loaded to the website. The applicant was asked to make corrections and resubmit prior to sending this application out on referral. Continue to monitor the website for Brannan's resubmittal.

Have a great day,

**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](mailto:hscott@douglas.co.us)

---

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>  
**Sent:** Thursday, March 25, 2021 1:28 PM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Cc:** [meghanstclair@gmail.com](mailto:meghanstclair@gmail.com); gretchen farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>; Kim Stockton <[thankful23@yahoo.com](mailto:thankful23@yahoo.com)>  
**Subject:** Weekly Update

Hello Heather!

Gretchen, Meghan and Kim from the Louviers Conservation Partnership here. We hope you are well. We wanted to touch base to see if there were any new developments on USR-2021-002 this week. Are you waiting for more documentation from Brannan? Do you have any idea when it will go out to referral requests? Could you send us a list of the referral agencies that you are going to send referrals to? We really want to make sure the Douglas County Historic Preservation Board and the Douglas County Land Conservancy are included. Please advise. Thank you so much.

Gretchen Farrell

Louviers Conservation Partnership



**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** Re: Brannan GESC  
**Date:** Wednesday, March 24, 2021 11:30:50 AM

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Darn it you are correct. I sent the original. Pardon my error. Here is the commented version...

 [GESC comment.pdf](#)

Again, best regards,

Valerie

On Wed, Mar 24, 2021, 11:12 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Valerie,

I am in receipt of the document you sent however I do not see any hand written comments in the report. Please verify. I will be sure to forward your comments to the engineer assigned to the application.

Thank you,

**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](mailto:hscott@douglas.co.us)

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**From:** Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)>

**Sent:** Wednesday, March 24, 2021 10:34 AM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>; [bcc@douglas.co.us](mailto:bcc@douglas.co.us); Alex Schatz <[aschatz@brannan1.com](mailto:aschatz@brannan1.com)>

**Subject:** Brannan GESC

Hello again Heather! Thank you for receiving my letter from yesterday into the record. I have since reviewed the GESC Report provided to support the application and have many comments and questions. Rather than write you a long letter detailing those, I scanned the document with my handwritten comments and am providing that to you here.

Please provide it to the record for the project and, hopefully, review with the

appropriate member of your staff responsible for approving this document.

Again, I appreciate your time and attention to this matter.

Valerie Hays

# SEDALIA ASPHALT BATCH PLANT PROJECT

## GRADING EROSION AND SEDIMENT CONTROL (GESC) REPORT DOUGLAS COUNTY, COLORADO

---

Martin/Martin, Inc. Project No.: 18.1013

October 22, 2018

Revised: January 29, 2020

Revised: February 26, 2021 NOT VERY WELL !

Prepared For: BRANNAN COMPANIES  
2500 EAST BRANNAN WAY  
DENVER, COLORADO 80229

Prepared By: Martin/Martin, Inc.  
12499 West Colfax Avenue  
Lakewood, Colorado 80215  
303.431.6100

Principal-in-Charge: SCOTT PALING, P.E.  
Project Manager: DAN PONDER, P.E.  
Project Engineer: JUSTIN BROUSE, E.I.T.

*add pages  
of this  
file not  
printed yet.*



**CERTIFICATION**

The Grading, Erosion and Sediment Control (GESC) report included herein has been prepared under my direct supervision in accordance with the requirements of the Douglas County Grading, Erosion and Sediment Control Criteria Manual, as amended.

\_\_\_\_\_  
Designer's Seal and Signature

Brannan Companies hereby certifies that the grading, erosion and sediment control facilities for the Sedalia Asphalt Batch Plant project shall be constructed according to the design presented in this report. I understand that Douglas County does not and will not assume liability for the grading, erosion and sediment control facilities designed and/or certified by my engineer and that Douglas County reviews GESC plans; but cannot, on behalf of the Sedalia Asphalt Batch Plant project, guarantee that final review will absolve Brannan Companies and/or their successors and/or assigns of future liability for improper design.

\_\_\_\_\_  
Authorized Signature

**NOTE**

This Grading, Erosion and Sediment Control Plan has been placed in the Douglas County file for this project and appears to fulfill applicable Douglas County Grading, Erosion and Sediment Control criteria, as amended. I understand that additional grading, erosion and sediment control measures may be required of the permittee(s) due to unforeseen erosion problems or if the submitted GESC Plan does not function as intended. The requirements of this GESC Plan shall run with the land and be the obligation of the permittee(s) until such time as the \_\_\_\_\_ ? \_\_\_\_\_ GESC Plan is properly completed, modified, or voided.

LAWYERS  
LOOK  
AT  
THIS

what  
has been  
deleted?

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## PROJECT DESCRIPTION

This report represents a Grading, Erosion, and Sediment Control Plan for the Sedalia Asphalt Batch Plant project, located in the southeast quarter of the northwest quarter of Section 3, Township 7 South, Range 68 West of the Sixth Principal Meridian, County of Douglas, State of Colorado. This plan has been prepared to meet the regulatory requirements of Douglas County GESC Standards and Colorado Department of Health, Water Quality Control Division, as well as appropriate provisions of the Colorado Water Control Act and the Federal Water Pollution Act.

The site is approximately 30 acres located at 5775 Airport Road in Sedalia, Colorado (referred to herein as the "Project"). An estimated 14 acres will be disturbed with the project. The proposed project will include the construction of a new asphalt batch plant in the northern portion of the property including necessary grading, utilities, driveways, and structures.

SWMP ADMINISTRATOR  
T.B.D.

there is No plan for the storm water management plan administration?

## EXISTING SITE CONDITIONS

The site is currently occupied by a concrete batch plant in the southern portion of the site. A crushing operation is currently being permitted by others in the central portion of the site and will operate in the interim condition. The existing site consists of natural ground with limited vegetation, an existing concrete stockpile, concrete washout, and gravel access road.

does this mean crushing stops when asphalt starts?

The current site drains from east to west. The site is located in FEMA FIRM Map Number FM08035C0151F, effective date September 30, 2005. There are no known wetlands or wetland channels within the project area.

thats because they already dedicated the designated flood plain to the county previous

## ADJACENT AREAS

The site is bounded by undeveloped industrial land to the north, a natural drainage way and the existing concrete batch plant to the south, Denver and Rio Grande Western Railroads to the east, and undeveloped industrial land to the west. See the Appendix for a Vicinity Map. Development of this site will have no negative impacts on the adjacent areas.

& Kelly town

OPINION NOT FACT

Plum Creek!

## SOILS

Existing soils for the area of disturbance consist of Loamy alluvial land (Lo), Newlin gravelly sandy loam (NeE), and Sampson loam (Sa). These soils are classified as NRCS Hydrologic Soil Groups C, B, and B, respectively. Information about soils within this project site can be found in the attached Appendix.

look this up - are these soils absorb?



## AREAS AND VOLUMES

*const data #*

Cut and fill values for this project were determined using a factor of 1.0. A total cut value of 23,621 cubic yards was calculated, total fill value of 43,918 cubic yards, to obtain a net value of 20,297 cubic yards of fill.

## EROSION AND SEDIMENT CONTROL MEASURES

### VEHICLE TRACKING CONTROL (VTC)

The entrance to the site shall be graveled for a minimum distance of 50 linear feet to retain mud and other potential pollutants on-site. A minimum thickness of 12 inches of 3-6" inch angular rock underlain by a woven geotextile fabric is required. If mud or soils are tracked onto the paved public roads, the roads shall be swept clean as soon as possible. No construction debris or soil deposits shall be allowed to impede the smooth flow of traffic on public roads.

*says 2/week in mgmt plan*

### REINFORCED ROCK BERM (RRB)

Reinforced rock berms are to be utilized within curb and gutter adjacent to the site as perimeter control for disturbed areas. When placed in the gutter, curb socks shall not extend more than two feet from the curb to allow traffic to pass safely. The curb socks are to be installed at a 30 degree angle toward the uphill side of the gutter. The maximum tributary drainage area per 100 linear feet of logs is approximately 0.25 acres of land. Disturbed slope lengths are not to exceed 150 feet of the curb socks.

*what about the creek side*

### SILT FENCE (SF)

Prior to beginning any land-disturbing activities, silt fences will be installed around the construction site as designated on the plan. The silt fence will protect downstream property from receiving excessive sediment loads from the upgradient disturbed ground surfaces. The silt fence along the boundaries shall remain in place until the upstream disturbed area is stabilized and grass cover is approved by the City.

### CONCRETE WASHOUT

The Concrete Washout Area (CWA) is to be installed prior to construction activities. The concrete washout area location on the Erosion Control Plans is for information only. Concrete washout areas may be lined or unlined excavated pits in the ground, commercially manufactured prefabricated washout containers, or above ground holding areas constructed of berms, sandbags or straw bales with a plastic liner.

*what - check with reality!*

### SEEDING & MULCHING (SM)

Graded areas shall be vegetated or paved within 30 days following the completion of grading. Stockpiled soils that shall remain undisturbed for 30 or more days shall be temporarily vegetated with unirrigated native grass seed mix. Soil roughening in large, sloping areas is preferable to smooth grading for preventing sediment from being eroded and carried offsite. Soil roughening is understood to be included in the general

Here is first due the mother document here is a RFP

earthwork and grading pay items to prevent excessive erosion, and no additional payments will be made for this work. Limited areas of native grass seeding are expected to be necessary.

Sloppy editing!

EROSION CONTROL BLANKET

Erosion control blankets are a biodegradable material which provides erosion control and facilitates vegetation establishment, particularly on steep slopes. Erosion control blankets are required for all disturbed slopes greater than 4:1 (H:V). Erosion control blankets are to be left in place unless requested to be removed by the City.

WATER USED TO CONTROL DUST

what methods?

Dust control shall be implemented as needed once site grading has begun and during windy conditions (forecasted or actual wind conditions of 20 mph or greater) and/or at any time wind or construction activities creates significant visible dust carryover at/from the limits of the site.

MATERIALS HANDLING AND SPILL PREVENTION

how did he get in change this is a permanent issue NOT a

Vehicle maintenance and fueling area will be located within the construction staging area, which will be determined by the contractor. All major equipment/vehicle fueling, and maintenance will be performed off-site. This best management practice (BMP) applies to all construction projects. Spill control procedures are implemented anytime chemicals and/or hazardous substances are stored. Substances may include:

- Soil stabilizer/binders
- Dusts
- Herbicides
- Growth Inhibitors
- Fertilizers
- De-icing/anti-icing chemicals
- Fuels
- Lubricants
- Other petroleum distillates

what plan I see NO BMP?

const. require

does this list actually include all materials needed to make asphalt?

To the extent that work can be accomplished safely, spills of oil, petroleum products, and sanitary and septic wastes shall be contained and cleaned up immediately.

NOTIFIED TO COUNTY AT LEAST?

SPILL PREVENTION AND CONTROL PLAN

Spill Response

Clean-up, Storage Procedures, and Spill Response

Document and record all spills, discharges, leaks, upsets, events, or overflows in the SWMP and Map. Include all pertinent information.

we already know there isn't one.

M

REALLY? SO SLOPPY!

MINOR SPILLS

Notify the Contractor's Superintendent and the City and County of Denver Wastewater Management Division Inspector immediately of an event that involves approximately 5 gallons or more and/or involves the following: 1) less than the reportable quantity, 2) stays within the permitted area, 3) does not threaten any stormwater conveyance.

IS THIS REALLY ACCEPTABLE TO DOUG CO?

Minor spills typically involve small quantities of oil, gasoline, paint, etc., which can be controlled by the first responder at the discovery of the spill.

Use absorbent material on small spills rather than hosing down or burying the spill.

Remove the absorbent materials promptly and dispose of properly.

The practice commonly followed for a small spill is:

- a. Contain the spread of the spill.
- b. Recover spilled materials.
- c. Clean the contaminated area and/or properly dispose of contaminated materials.

THIS TOO?

SEMI-SIGNIFICANT SPILLS

Notify CDPHE and the City and County of Denver Wastewater Management Division Inspector within 24 hours and provide written documentation within 5 days of a spill that involves 1) reportable quantity, 2) any amount leaving the permitted area, 3) and/or threatens any stormwater conveyances. For larger spills, see the Spill Response reporting requirements at the back of this document.

OR FLOODPLAIN

Semi-significant spills still can be controlled by the first responder along with the aid of other personnel such as laborers and the foreman, etc. This response may require the cessation of all other activities.

Clean up spills immediately:

- a. Notify the Contractor's onsite foreman or superintendent immediately. The foreman or superintendent shall ensure the spill clean-up methods and procedures are followed.
  - b. Contain the spread of the spill.
  - c. If the spill occurs on paved or impermeable surfaces, clean up using "dry" methods (absorbent materials, cat litter and/or rags). Contain the spill by encircling with absorbent materials and do not let the spill spread widely.
  - d. If the spill occurs in dirt areas, immediately contain the spills by constructing an earthen dike. Dig up and dispose of contaminated soil.
  - e. If the spill occurs during rain, cover the spill with tarps or other material to prevent contaminating runoff

Significant/ Hazardous Spills

For significant or hazardous spills that cannot be controlled by personnel in the immediate vicinity, the following steps shall be taken:

- Notify CDPHE and the Denver Wastewater Management Division Inspector within 24 hours and provide written documentation within 5 days of discovering a spill and/or event that involves any substances requiring a MSDS response. Procedure should include, but not

WHAT A JOKE!  
YOU LOOK STUPID!

how does contractor know level?

- limited to 1) secure the area, 2) provide first aid, 3) and notify emergency response personnel.
- Notify Contractor's superintendent immediately and a follow up report shall be completed as soon as feasible.
- Notify the local emergency response by dialing 911. In addition to 911, the contractor will notify the proper County officials. It is the contractor's responsibility to have all emergency phone numbers at the construction site. *what is that?*
- For spills of federal reportable quantities, the contractor shall notify National Response Center at 1-800-424-8802.
- The services of a spills contractor or a Haz-Mat team shall be obtained immediately. Construction personnel shall not attempt to clean up the spill until the appropriate and qualified staff has arrived at the jobsite. *WHO DEFINES?*

Other agencies which may need to be consulted include, but are not limited to, the Fire Department, the Public Works Department, the Coast Guard, the Highway Patrol, the City/County Police Department, the Department of Toxic Substances, Federal OSHA, the State of Colorado CWQC Department.

THIS LIST IS SO FLAWED THEY LOOK STUPID!

Spill Notification

- \*Report spills immediately to superintendent
- \*Check MSDS for proper spill response procedures
- \*Contain spill, start cleanup, report if over reportable quantity
- \* In case of reportable quantity release call: EPA National response Center (800) 424-8802

WASTE MANAGEMENT AND DISPOSAL

Construction waste storage – Construction staging/storage area

All waste materials will be collected and disposed of into metal trash dumpsters in the materials storage area. Dumpsters will have a secure watertight lid, be placed away from stormwater conveyances and drains, and meet all federal, state, and municipal regulations. Only trash and construction debris from the site will be deposited in the dumpster. No construction materials will be buried on-site. All personnel will be instructed, during tailgate training sessions regarding the correct disposal of trash and construction debris. Notices that state these practices will be posted in the office trailer and the individual who manages day-to-day site operations will be responsible for seeing that these practices are followed. *REALLY - THAT'S IT?*

The cleaning of concrete delivery truck chutes is restricted to approved concrete wash out locations on the job site. The discharge of water containing waste concrete to the storm sewer system is prohibited. All concrete waste shall be properly cleaned up and disposed at an appropriate location. *OR WATERSHED!*

Hazardous waste materials- Construction staging/storage area

THERE IS ONE?

All hazardous waste materials such as oil filters, petroleum products, paint, and equipment maintenance fluids will be stored in structurally sound and sealed shipping containers, within the hazardous materials storage area. Hazardous waste materials will be stored in appropriate and clearly marked containers and segregated from other non-waste materials. Secondary containment will be provided for all waste materials in the hazardous materials storage area and will consist of commercially available spill pallets. Additionally, all hazardous waste materials will be disposed of in accordance with federal, state, and municipal regulations. Hazardous waste materials will not be disposed of into the on-site dumpsters. All personnel will be instructed, during tailgate training sessions, regarding proper procedures for hazardous waste disposal. Notices that state these procedures will be posted in the office trailer and the individual who manages day-to-day site operations will be responsible for seeing that these procedures are followed.

#### TIMING/PHASING SCHEDULE

SO SLOPPY!!!

Construction is expected to commence in March of 2019 and end approximately in June 2019. Construction tasks to be completed shall include the following sequential activities: Earthwork (March), Paving (April), and plant construction (May).

#### PERMANENT STABILIZATION

Permanent stabilization shall be achieved by installation of erosion control methods. Permanent erosion control for this project shall include one or more of the following methods:

- Landscaping
- Establishing dry land vegetation
- Paving

See the tables below for Douglas County seed mix. Refer to the GESC plans and landscaping plans for installation location.

wow this is really modest considering the project slopes to a designated flood plain!



DOUGLAS COUNTY SEED MIX INFORMATION

Now important is this page Really!

Douglas County Permanent Drill Seed Mix					
Common Name	Botanical Name	Variety	Notes	% in Mix	Pounds of PLS Per Acre
BIG BLUESTEM	<i>Andropogon gerardi</i>	KAW	PNWS	10	1.1
YELLOW INDIANGRASS	<i>Sorghastrum nutans</i>	CHEYENNE	PNWS	10	1
SWITCHGRASS	<i>Panicum virgatum</i>	BLACKWELL	PNWS	10	0.4
SIDEOATS GRAMA	<i>Bouteloua curtipendula</i>	VAUGHN	PNWB	10	0.9
WESTERN WHEATGRASS	<i>Pascopyrum smithii</i>	ARRIBA	PNCB	10	1.6
BLUE GRAMA	<i>Bouteloua gracilis</i>	HACHITA	PNWB	10	0.3
THICKSPIKE WHEATGRASS	<i>Elymus lanceolatus ssp. dasystachyum</i>	CRITANA	PNCB	10	1
PRAIRIE SANDREED	<i>Calamovilfa longifolia</i>	GOSHEN	PNWS	10	0.7
GREEN NEEDLEGRASS	<i>Stipa viridula</i>	LODORM	PNCB	10	1
SLENDER WHEATGRASS	<i>Elymus trachycaulus ssp. trachycaulus</i>	PRYOR	PNCB	5	0.6
STREAMBANK WHEATGRASS	<i>Elymus lanceolatus ssp. riparium</i>	SODAR	PNCB	5	0.6

Douglas County Temporary Drill Seeding Mix					
Common Name	Botanical Name	Variety	Notes	% in Mix	Pounds of PLS Per Acre
SMOOTH BROMEGRASS	<i>Bromus inermis</i>	LINCOLN	PICS	30	3.9
INTERMEDIATE WHEATGRASS	<i>Elytrigia intermedia ssp. intermedia</i>	OAHE	PICS	30	4.5
PUBESCENT WHEATGRASS	<i>Elytrigia intermedia ssp. trichophorum</i>	LUNA	PICS	30	4.2
ANNUAL RYEGRASS	<i>Lolium multiflorum</i>	N/A	AICB	10	0.8

Douglas County Low Growth Drill Seed Mix					
Common Name	Botanical Name	Variety	Notes	% in Mix	Pounds of PLS Per Acre
BUFFALOGRASS	<i>Buchloea dactyloides</i>	TEXOKA	PNWS	20	3.2
BLUE GRAMA	<i>Bouteloua gracilis</i>	HACHITA	PNWB	20	0.6
WESTERN WHEATGRASS	<i>Pascopyrum smithii</i>	ARRIBA	PNCB	20	3.2
SIDEOATS GRAMA	<i>Bouteloua curtipendula</i>	VAUGHN	PNWB	20	1.8
THICKSPIKE WHEATGRASS	<i>Elymus lanceolatus ssp. dasystachyum</i>	CRITANA	PNCB	10	1
STREAMBANK WHEATGRASS	<i>Elymus lanceolatus ssp. riparium</i>	SODAR	PNCB	10	1.2

Notes: P = Perennial, A = Annual, N = Native, I = Introduced, W = Warm Season, C = Cool Season, S = Sod Former, B = Bunchgrass

STORMWATER MANAGEMENT CONSIDERATIONS

Control of sediment throughout construction shall be accomplished in the following manner.

1. Before clearing and grubbing, sediment barriers shall be installed at strategic locations to intercept sheet flows that might deposit sediment onto off site properties.
2. During overlot grading, wind erosion control measures, such as silt fence, soil roughening and watering will be added.
3. After utilities are installed, erosion control shall be carried out by landscaping or planting with a designed temporary or perennial grass seed mixture. When necessary, additional erosion control shall be achieved by applying and anchoring straw/hay mulch.

*that's the trigger?*

*how determined?*



4. Throughout all stages of construction, sediment and erosion control measures shall be inspected and maintained.
5. Sediment control measures shall be removed upon final stabilization of lands that contribute runoff waters to the structures. *and not the creek?*

No springs, streams, wetlands, or other surface water are anticipated to be located on or near the site.

*THIS STATEMENT IS INSULTING!*

Additional information on sediment and erosion control tasks can be found in Appendix B

Anticipated allowable sources of non-stormwater discharge at the site may include runoff discharged during the use of the concrete washout area and construction dewatering. The location of the concrete washout area is shown on the GESC plans.

*IS A PERMANENT FEATURE*

All dewatering on site shall be coordinated with a Douglas County GESC Inspector and be free of sediment in accordance with the GESC Criteria Manual

*where is this?*

#### MAINTENANCE

Inspections of sediment control measures shall occur after any significant wind, precipitation or snowmelt event that may cause erosion. As a minimum, inspection of all sediment and erosion control facilities shall be conducted at least every 7 days. Mitigation measures shall be inspected for at least the following:

- Accumulation of excess sediment and determination if the effectiveness of each structure is significantly reduced. Removal of accumulated sediment shall occur at the following limits: depth of 6" for silt fence, within 2.5" of the rock crest for inlet protection, and within 1/2 of the height of the crest of the log for sediment control logs.
- Damage to structures that need repairing to ensure their effectiveness.
- Addition or elimination of sediment and/or erosion control measures that are designed to control the movement of soil particles in a practical and effective manner.
- Immediate repair and/or replacement of necessary mitigation measures when total failures are found.

Results of each inspection shall be recorded on the reporting form (see Appendix) that will be kept with the contractor or their representative. Additional information on inspection and maintenance can be found in the Appendix.



## REFERENCES

1. "Douglas County Grading, Erosion, and Sediment Control Manual", March 2004/amended January 2013.
2. "Flood Insurance Rate Map No. 08035C0151F" National Flood Insurance Program, Map Revised September 30, 2005.

thats it?  
how about FEDERAL  
REG'S for flood plains  
and whatever else  
protects PLUM CREEK?

APPENDIX

Vicinity Map

Web Soil Survey

FIRM Map

Phase & Task Outline for Sediment and Erosion Control

Inspection Form

Cost Estimate

*shows flood plain  
right through property? -  
east to west!*

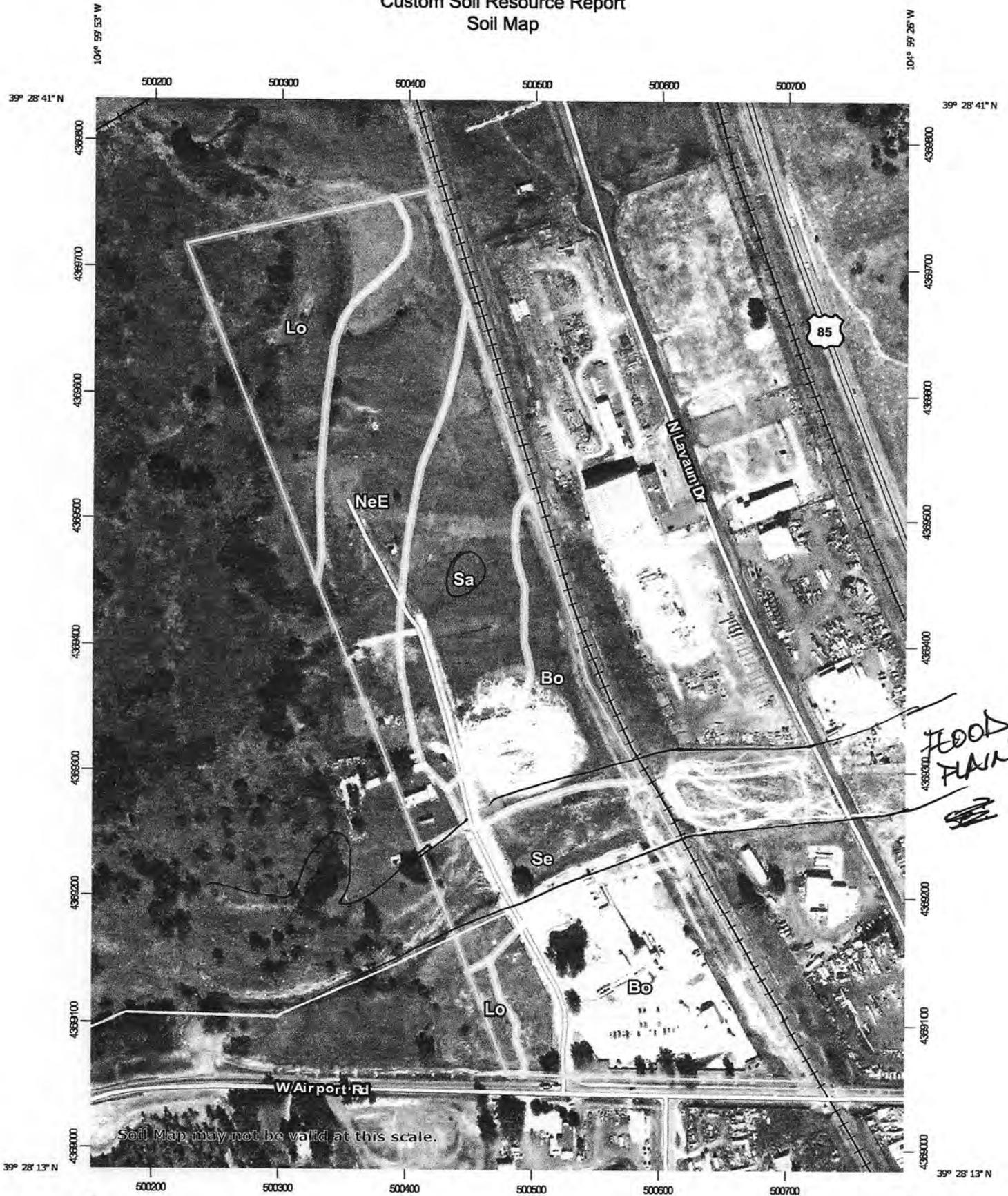
*Request  
for  
Bid  
RFB!*

*subcontractors  
is what we have here*

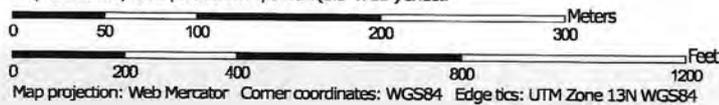


N.T.S.

# Custom Soil Resource Report Soil Map



Map Scale: 1:4,130 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 13N WGS84

*Compare to plant footprint*

# National Flood Hazard Layer FIRMette



39°28'29.49"N  
104°59'51.77"W



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

### SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)  
*Zone A, V, A59*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

### OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

### OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard *Zone A*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone I*

### GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

### OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

### MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

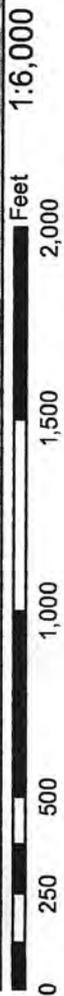


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: Basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



08035-001531F  
eff. 3/16/2005

The National Map: ©TheImagery. Data refreshed October 2017.



**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** Brannan USR Application  
**Date:** Tuesday, March 23, 2021 5:15:55 PM

---

Hi Heather! I live in Louviers and am working with many in my town to fight the approval of the proposed asphalt plant. I have read the entire file for the withdrawn application and am now working my way through the new documents being posted to the record for the resubmission. I am probably going to write to you a lot! I apologize in advance if I annoy you in my fight to protect my lovely town and my family's healthy future.

I am reading the cover letter sent to you on February 26, 2021 by Karl Barton to present the application to the county and have some comments and objections I would like to present.

The Management Plan is a real problem for us. It really just gives us a bag of promises that leaves the fox watching the hen house. I do not understand why they are asking for permission to have the asphalt operations Management Plan be separate from their other operations. And it exists in the blueprints? Shouldn't it be a manual or something? There's not much to it and definitely no teeth.

You are told there was a public meeting held 10/15/2020 and that 35 people attended and only 2 of us showed up to visit the Lipan Plant. This sounds like there is not much interest in the community - NOT TRUE!

He told you they have addressed our concerns. For air quality and pollution you are told the EPA does not consider asphalt plants a major pollution source. That hardly addresses our concerns about the poison that is proven to be emitted from these plants causing cancer and more.

The condensers and the Blue Smoke Capture Systems only **reduce odor and emissions** in their own words. The dust they are going to manage by regular street sweeping is only what is left after it filled the air, blew all over our town, settled on our homes, cars, yards, lungs and lives!

I have especially studied traffic impact and am also in contact with Chris Martin regarding many questions I have. Bottom line is their own consultants have run the reports and made the predictions all to the same conclusion - there is not an acceptable level of service on Airport Rd. now or in the future. So they now take the tack that the roads are already so bad and going to get worse that the small amount of traffic generated by them won't be significant or noticeable I suppose! This is so absurd.

Louviers citizens strongly resent the premise that we have to have Brannan asphalt to grow the county. There is another asphalt plant just down the road already so it doesn't have to come from the Lipan plant where they simply can't be cost competitive to get work in the south metro.

Mitigation they suggest - truck trip budget? Who is going to monitor and maintain this budget? What happens when they violate? A letter? This also seems like they could be banking truck trips in the slow winter to really be cranking out truck trips in construction season!

The town already knows Brannan does not know when the train has stopped and all their fleet is moving through Louviers! Plus that crushing operation is by a tenant and they don't actually work for Brannan or care about the rules. They have proven over and over to be bad neighbors.

They talk about Noise. Although regulated it is not enforced! Again, we get a Management Plan with no teeth at all.

Visual - come on it's UGLY. Sinking it out of sight in the Plum Creek drainage basin seems to be their answer. Well from this perspective that is a dangerous maneuver that is going to sock the valley in a chemical blanket when there is a temperature inversion.

Safety - I see the South Metro Fire is now requiring a 120,000 Gal. dedicated fire suppression tank. Will the water used to fill that tank come from their well allotment?

Finally for now, in the Project Narrative it is stated they are capable of producing 400 tons per hour. That is 4,800 ton/day. All other production totals presented previously provided a 2,000 ton/day. That's double. What is the production rate they seek?

Heather, I know county staff is required to process the applications put before them, like it or not. The Louviers community, Cherokee Ridge and other surrounding communities need the county officials to guide us, assist us and protect us in this matter, I am quite sure no one wants a plant like this less than a mile from their home, not just my little town.

I very much appreciate and thank you for your time!

Valerie Hays  
7794 Louviers Blvd.  
Louviers, CO 80131  
970-393-0585

**From:** [Rob Howard](#)  
**To:** [Michael Cairy](#)  
**Cc:** [Attorney](#); [BOCC](#); [Dan Avery](#); [Heather Scott](#); [Jeanette Bare](#); [Kelly Dunnaway](#); [Layne Chamberlain](#); [Steve Koster](#); [Terence T. Quinn](#)  
**Subject:** Re: Zoning Complaint and Due Process Violation: 5775-79 Airport Road  
**Date:** Monday, March 22, 2021 5:24:22 PM

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Much appreciated, thank you.

On Mon, Mar 22, 2021 at 4:43 PM Michael Cairy <[MCairy@douglas.co.us](mailto:MCairy@douglas.co.us)> wrote:

Mr. Howard,

It is my understanding that Mr. Kelly Dunnaway with the County Attorney's Office is preparing a response to your letter. You should see that soon.

Sincerely,

**Michael Cairy** | Zoning Compliance Manager

**Douglas County Department of Community Development**

**Planning Services**

**Address** | 100 Third St., Castle Rock, CO 80104

**Direct** | 303-814-4353 **Main** | 303-660-7460

**Email** | [mcairy@douglas.co.us](mailto:mcairy@douglas.co.us)

---

**From:** Rob Howard <[rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)>  
**Sent:** Monday, March 22, 2021 2:21 PM  
**To:** Layne Chamberlain <[lchamberlain@douglas.co.us](mailto:lchamberlain@douglas.co.us)>  
**Cc:** BOCC <[BOCC@douglas.co.us](mailto:BOCC@douglas.co.us)>; Attorney <[Attorney@douglas.co.us](mailto:Attorney@douglas.co.us)>; Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>; Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>; Michael Cairy <[MCairy@douglas.co.us](mailto:MCairy@douglas.co.us)>  
**Subject:** Re: Zoning Complaint and Due Process Violation: 5775-79 Airport Road

Hi Layne, hope you had a great weekend. Can you update me on the status of the issues I brought up in my letter on March 9?

Thanks,

Rob Howard

Executive Director, [Front Range Conservation](#)

(720) 900-1030 • [rob@fronrangeconservation.org](mailto:rob@fronrangeconservation.org)

On Tue, Mar 9, 2021 at 11:02 AM Rob Howard <[rob@fronrangeconservation.org](mailto:rob@fronrangeconservation.org)> wrote:

Thank you,

Rob Howard

Executive Director, [Front Range Conservation](#)

(720) 900-1030 • [rob@fronrangeconservation.org](mailto:rob@fronrangeconservation.org)

On Tue, Mar 9, 2021 at 11:01 AM Layne Chamberlain <[lchamberlain@douglas.co.us](mailto:lchamberlain@douglas.co.us)> wrote:

Mr. Howard,

Received and adding the Zoning Compliance Manager, Michael Cairy.

We do have a zoning case already active for this property. Give me a day or two to review and discuss your letter with staff, and I will get back to you.

Thank you,

**Layne Chamberlain** | Zoning Compliance Official

**Douglas County Department of Community Development**

**Planning Services Division**

**Address** | 100 Third St., Castle Rock, CO 80104

**Direct** | 303.814.4352    **Main** | 303.660.7460

**Email** | [lchamberlain@douglas.co.us](mailto:lchamberlain@douglas.co.us)

---

**From:** Rob Howard <[rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)>

**Sent:** Tuesday, March 9, 2021 10:35 AM

**To:** Layne Chamberlain <[lchamberlain@douglas.co.us](mailto:lchamberlain@douglas.co.us)>

**Cc:** BOCC <[BOCC@douglas.co.us](mailto:BOCC@douglas.co.us)>; Attorney <[Attorney@douglas.co.us](mailto:Attorney@douglas.co.us)>; Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>; Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>

**Subject:** Zoning Complaint and Due Process Violation: 5775-79 Airport Road

Hi Layne, et al.,

I've attached as a PDF a letter regarding what I believe is a current zoning violation at 5775-79 Airport Road. Additionally, I have a legal concern about due process related to projects US2014-009 and US2018-001 at the same site.

I respectfully request that the County initiate an enforcement action to bring the Site into compliance with County law. I also respectfully request a written response via e-mail to [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org) from the County Attorney and Planning Services as to both of the issues raised in the letter.

Please feel free to reply to this e-mail or call me at (720) 900-1030 with any questions.

Please respond to confirm receipt of this e-mail.

Thank you,

Rob Howard

Executive Director, [Front Range Conservation](http://Front Range Conservation)

| | | (720) 900-1030 • [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)

--

Rob Howard

Executive Director, [Front Range Conservation](#)

(720) 900-1030 • [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)

**From:** [Gretchen Farrell](#)  
**To:** [Heather Scott](#)  
**Subject:** Re: Brannan Sand & Gravel Submittal  
**Date:** Friday, March 12, 2021 12:40:09 PM

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Dear Heather,  
Meg and I wanted to confirm The Douglas County Historic Preservation Board, Louviers Water and Sanitation and The Douglas County Land Conservancy are also included.  
Gratefully,  
Gretchen

On Thu, Mar 11, 2021 at 3:22 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Meghan,

The referral agencies include internal groups such as engineering, sheriff, assessor, and building departments. And external agencies including Tri County Health, South Metro Fire, Sedalia Water and Sanitation, Xcel Energy, AT&T, Comcast, IREA, and State of Colorado Water Quality Control division and Hazardous Materials and Waste division. There will be 3 HOA's notified including Chatfield East, Cherokee Estates and Plum Valley Heights.

You may submit public comments at any time.

Have a great day,

**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](mailto:hscott@douglas.co.us)

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**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>  
**Sent:** Thursday, March 11, 2021 9:59 AM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Cc:** gretchen farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>; Kim Stockton <[thankful23@yahoo.com](mailto:thankful23@yahoo.com)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>  
**Subject:** Re: Brannan Sand & Gravel Submittal

Heather,

Could you please send me a list of the Referral Agencies?

And when you say we may submit comments at any time is that part of the referral process or as a public comment?

Thank you,

Meghan

On Thu, Mar 11, 2021 at 8:58 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Meghan,

Brannon made a formal application and is case number US2021-002. Staff is reviewing the submittal documents and will provide an initial response letter next week. The applicant will make any necessary changes to the documents and submit revised documents. The next step after the applicant submits revised drawings, is to send the application out on referral. Abutting neighbors will be notified by mail. Referral Agencies will have 21 days to review and make comments on the application. You may submit your comments at any time.

Please let me know if you have any other questions.

**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](mailto:hscott@douglas.co.us)

---

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>

**Sent:** Thursday, March 11, 2021 8:28 AM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** gretchen farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>; Kim Stockton

<[thankful23@yahoo.com](mailto:thankful23@yahoo.com)>

**Subject:** Re: Brannan Sand & Gravel Submittal

Heather,

I was wondering if you've heard anything from Brannan, yet. Any word on their submittal?

Thanks so much,

Meghan

Director, Louviers Conservation Partnership

POB 93, Louviers, CO 80131

(303) 619-8128

On Thu, Feb 25, 2021 at 10:37 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Meghan,

Thank you for reaching out to me as I am in receipt of both your emails. I will be the Douglas County planner assigned to the Brannan application. I have been in contact with their representative who is trying to finalize the required documentation. They want to submit in the next two weeks. I also have had several email conversations with Tom; all which he initiated. I am happy to keep you informed on this application as well and would ask that you follow up with me in two weeks for an update.

Once the application is deemed complete and formally submitted, a case number will be assigned. That number can be used online to follow the application through the process. You will be able to review all the documents submitted to the county as well as all correspondence from other agencies as well as community correspondence. You and any other group may submit comments and they will be uploaded to the electronic file.

I reviewed the previous application submittal list (there were 30 referral agencies) however I did not find the historical district on the list. I will look into adding them to

the referral list. Feel free to call me along the way with any questions or concerns. My cell number is listed below as we are working remotely currently

**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](mailto:hscott@douglas.co.us)

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>

**Sent:** Wednesday, February 24, 2021 1:39 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Subject:** Brannan Sand & Gravel Submittal

Dear Ms. Scott,

I am writing to you on behalf of the Louviers Conservation Partnership (“LCP”). LCP is an organization working for the benefit of the residents of Louviers and surrounding communities to support the health, safety, and welfare of the humans, animals, and environment in our area.

We received correspondence from Rob Howard this morning on behalf of Front Range Conservation Partnership, indicating that Douglas County staff had notified him that Brannan Sand & Gravel will be filing an application for a proposed asphalt plant in the next two weeks.

As LCP is a separate organization from Front Range Conservation Partnership, we would ask that you please extend the same courtesy as you have to Mr. Howard and notify us immediately of any filings or upcoming dates we should be aware of related to the proposed asphalt plant.

Thank you for your attention to this matter.

Sincerely,  
Meghan St. Clair  
Director  
Louviers Conservation Partnership  
[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)  
PO Box 93  
Louviers, CO 80131  
(303) 619-8128

**From:** [Heather Scott](#)  
**To:** [Louviers Conservation Partnership](#)  
**Cc:** [gretchen farrell](#); [Kim Stockton](#); [Jeanette Bare](#)  
**Subject:** RE: Brannan Sand & Gravel Submittal  
**Date:** Thursday, March 11, 2021 8:58:00 AM

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Good morning Meghan,

Brannon made a formal application and is case number US2021-002. Staff is reviewing the submittal documents and will provide an initial response letter next week. The applicant will make any necessary changes to the documents and submit revised documents. The next step after the applicant submits revised drawings, is to send the application out on referral. Abutting neighbors will be notified by mail. Referral Agencies will have 21 days to review and make comments on the application. You may submit your comments at any time.

Please let me know if you have any other questions.

**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](mailto:hscott@douglas.co.us)

---

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>  
**Sent:** Thursday, March 11, 2021 8:28 AM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Cc:** gretchen farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>; Kim Stockton <[thankful23@yahoo.com](mailto:thankful23@yahoo.com)>  
**Subject:** Re: Brannan Sand & Gravel Submittal

Heather,  
I was wondering if you've heard anything from Brannon, yet. Any word on their submittal?  
Thanks so much,

Meghan  
Director, Louviers Conservation Partnership  
POB 93, Louviers, CO 80131  
(303) 619-8128

On Thu, Feb 25, 2021 at 10:37 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Meghan,

Thank you for reaching out to me as I am in receipt of both your emails. I will be the Douglas County planner assigned to the Brannan application. I have been in contact with their representative who is trying to finalize the required documentation. They want to submit in the next two weeks. I also have had several email conversations with Tom; all which he initiated. I am

happy to keep you informed on this application as well and would ask that you follow up with me in two weeks for an update.

Once the application is deemed complete and formally submitted, a case number will be assigned. That number can be used online to follow the application through the process. You will be able to review all the documents submitted to the county as well as all correspondence from other agencies as well as community correspondence. You and any other group may submit comments and they will be uploaded to the electronic file.

I reviewed the previous application submittal list (there were 30 referral agencies) however I did not find the historical district on the list. I will look into adding them to the referral list. Feel free to call me along the way with any questions or concerns. My cell number is listed below as we are working remotely currently

**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](mailto:hscott@douglas.co.us)

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>

**Sent:** Wednesday, February 24, 2021 1:39 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Subject:** Brannan Sand & Gravel Submittal

Dear Ms. Scott,

I am writing to you on behalf of the Louviers Conservation Partnership (“LCP”). LCP is an organization working for the benefit of the residents of Louviers and surrounding communities to support the health, safety, and welfare of the humans, animals, and environment in our area.

We received correspondence from Rob Howard this morning on behalf of Front Range Conservation Partnership, indicating that Douglas County staff had notified him that Brannan Sand & Gravel will be filing an application for a proposed asphalt plant in the next two weeks.

As LCP is a separate organization from Front Range Conservation Partnership, we would ask that you please extend the same courtesy as you have to Mr. Howard and notify us immediately of any filings or upcoming dates we should be aware of related to the proposed asphalt plant.

Thank you for your attention to this matter.

Sincerely,  
Meghan St. Clair  
Director

Louviers Conservation Partnership

[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)

PO Box 93

Louviers, CO 80131

(303) 619-8128

**From:** [Rob Howard](#)  
**To:** [Layne Chamberlain](#)  
**Cc:** [BOCC](#); [Attorney](#); [Dan Avery](#); [Heather Scott](#); [Jeanette Bare](#); [Michael Cairy](#)  
**Subject:** Re: Zoning Complaint and Due Process Violation: 5775-79 Airport Road  
**Date:** Tuesday, March 9, 2021 11:02:38 AM

---

Thank you,

Rob Howard  
Executive Director, [Front Range Conservation](#)  
(720) 900-1030 • [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)

On Tue, Mar 9, 2021 at 11:01 AM Layne Chamberlain <[lchamberlain@douglas.co.us](mailto:lchamberlain@douglas.co.us)> wrote:

Mr. Howard,

Received and adding the Zoning Compliance Manager, Michael Cairy.

We do have a zoning case already active for this property. Give me a day or two to review and discuss your letter with staff, and I will get back to you.

Thank you,

**Layne Chamberlain** | Zoning Compliance Official

**Douglas County Department of Community Development**

**Planning Services Division**

**Address** | 100 Third St., Castle Rock, CO 80104

**Direct** | 303.814.4352 **Main** | 303.660.7460

**Email** | [lchamberlain@douglas.co.us](mailto:lchamberlain@douglas.co.us)

---

**From:** Rob Howard <[rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)>  
**Sent:** Tuesday, March 9, 2021 10:35 AM  
**To:** Layne Chamberlain <[lchamberlain@douglas.co.us](mailto:lchamberlain@douglas.co.us)>  
**Cc:** BOCC <[BOCC@douglas.co.us](mailto:BOCC@douglas.co.us)>; Attorney <[Attorney@douglas.co.us](mailto:Attorney@douglas.co.us)>; Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>; Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>  
**Subject:** Zoning Complaint and Due Process Violation: 5775-79 Airport Road

Hi Layne, et al.,

I've attached as a PDF a letter regarding what I believe is a current zoning violation at 5775-79 Airport Road. Additionally, I have a legal concern about due process related to projects US2014-009 and US2018-001 at the same site.

I respectfully request that the County initiate an enforcement action to bring the Site into compliance with County law. I also respectfully request a written response via e-mail to [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org) from the County Attorney and Planning Services as to both of the issues raised in the letter.

Please feel free to reply to this e-mail or call me at (720) 900-1030 with any questions.

Please respond to confirm receipt of this e-mail.

Thank you,

Rob Howard

Executive Director, [Front Range Conservation](http://Front Range Conservation)

(720) 900-1030 • [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)

**From:** [Rob Howard](#)  
**To:** [Heather Scott](#)  
**Cc:** [Dan Avery](#); [Jeanette Bare](#)  
**Subject:** Re: New Brannan Application  
**Date:** Tuesday, March 2, 2021 2:44:19 PM

---

Thank you. My understanding is that Referral Agencies typically carry more weight than public comment. Is there a way for Douglas Land Conservancy to request that they become a referral agency?

Rob

On Tue, Mar 2, 2021 at 11:39 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Rob,

I would ask that the representative from the Douglas Land Conservancy reach out to me in a week or two and I will (hopefully) be able to give him a case number so they may track the application online. Anyone may submit letters and I will be sure to add them to the file (once a file is set up).

**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](mailto:hscott@douglas.co.us)

---

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Monday, March 1, 2021 5:47 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>

**Subject:** Re: New Brannan Application

Thank you. Do you need their Executive Director to make the request or is this email sufficient?

Rob

On Mon, Mar 1, 2021 at 5:19 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Rob,

I reviewed the mailing list from 2018 and do not find the Douglas Land Conservancy as an adjacent property owner. I will confirm once the revised application is submitted. They may reach out to me if they have any questions or concerns.

**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](mailto:hscott@douglas.co.us)

---

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Monday, March 1, 2021 3:39 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>

**Subject:** Re: New Brannan Application

Hi Heather, hope you're doing well. Can you please confirm that Douglas Land Conservancy is on the referral agency list for this project? They hold an easement on an adjacent parcel.

Thanks,

Rob

On Wed, Feb 24, 2021 at 9:09 AM Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Great, thanks!

Rob

On Wed, Feb 24, 2021 at 9:07 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

A case number will be assigned once Brannan formally applies. I believe that will be in the next 2 weeks. Then you can track online as well!

**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](mailto:hscott@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Wednesday, February 24, 2021 9:05 AM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>

**Subject:** Re: New Brannan Application

Sounds good, thank you! At what point will the project appear on the [Recent Projects](#) list?

Rob

On Wed, Feb 24, 2021 at 9:03 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Rob,

We have had conversations with the Brannan representative. They are finalizing the submittal documents and should submit in the next week or two. My first step in the process will be to review all the documents and send back comments for revision. Once Brannon makes the revisions, the application will be sent out on

referral. Feel free to follow up with me and I will continue to let you know where are in the process.

**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](mailto:hscott@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Tuesday, February 23, 2021 8:14 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>

**Subject:** Re: New Brannan Application

Hi Heather, hope you're doing well!

Any new activity or communication on the Brannan application?

Thanks,

Rob

On Tue, Jan 12, 2021 at 10:09 AM Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Sounds good, thank you!

Rob

On Tue, Jan 12, 2021 at 9:22 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Rob,

I've received one email from the representative last month regarding a document question. Please keep checking in with me and I'm happy to update once I have more information.

Have a good day.

**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](mailto:hscott@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Tuesday, January 12, 2021 9:14 AM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>

**Subject:** Re: New Brannan Application

Hi Heather, hope all is well!

Has there been any new activity or communication on the Brannan asphalt plant proposal since we last spoke in December? Thank you,

Rob

On Wed, Dec 16, 2020 at 12:59 PM Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Thank you, much appreciated!

Rob

On Wed, Dec 16, 2020 at 8:42 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Rob,

We have spoken to the applicant regarding processing questions however they have not made any submissions at this time. Feel free to check back.

Have a good day!

**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](mailto:hscott@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Tuesday, December 15, 2020 8:58 PM

**To:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>

**Cc:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Subject:** Re: New Brannan Application

Hi Heather and Dan, hope you're doing well! Just a quick check to see if there has been any activity on the Sedalia asphalt plant application (PS2020-204) since we last spoke. Have a great day,

Rob

On Tue, Nov 10, 2020 at 11:18 AM Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Thank you, much appreciated!

Rob

On Tue, Nov 10, 2020 at 10:18 AM Dan Avery  
<[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)> wrote:

Rob,

I've copied Heather on this email. Here is her contact information.

**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](mailto:hscott@douglas.co.us)

Thanks,

**Dan Avery, AICP** | Chief Planner

**Douglas County Department of Community Development**

**Address** | [100 Third St., Castle Rock, CO 80104](#)

**Direct** | 303-814-4332 **Main** | 303-660-7460

**Email** | [davery@douglas.co.us](mailto:davery@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Monday, November 9, 2020 8:28 AM

**To:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>

**Subject:** Re: New Brannan Application

Hi Dan, hope you had a great weekend! Do we have the name/email for the new planner in charge of the new Brannan application? Some of the neighbors are asking.

Rob

On Thu, Oct 22, 2020 at 4:25 PM Rob Howard  
<[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Thank you. Have a great day,

Rob

On Thu, Oct 22, 2020 at 3:04 PM Dan Avery  
<[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)> wrote:

Rob,

I likely won't be the main staff person assigned to the application, but I can certainly let you know when it has been submitted. I recommend that if there are components of the past application that you wish to become part of the new record, that you submit them as a part of any public comments you provide.

Thanks,

**Dan Avery, AICP** | Chief Planner

**Douglas County Department of Community Development**

**Address** | [100 Third St., Castle Rock, CO 80104](#)

**Direct** | 303-814-4332 **Main** | 303-660-7460

**Email** | [davery@douglas.co.us](mailto:davery@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>  
**Sent:** Monday, October 19, 2020 12:42 PM  
**To:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>  
**Subject:** New Brannan Application

Hi Dan,

Is it possible for you to notify me (or even better, everyone who submitted public correspondence) when the new application is submitted by Brannan?

Additionally, I am curious what the county's policy is on attaching the previous public correspondence to the new application. I know you will have to see what they actually submit first, but my understanding from Brannan is that it will be very similar to the previous application and could reasonably be considered "one and the same" from a public correspondence standpoint. Would the county then simply attach the previous correspondence to the new application?

Thank you,

Rob

--

Rob

--

Rob

--

Rob

**From:** [gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)  
**To:** [Heather Scott](#)  
**Cc:** [Louviers Conservation Partnership](#); [meghanstclair@gmail.com](mailto:meghanstclair@gmail.com); [Kim Stockton](#); [Jeanette Bare](#)  
**Subject:** Re: Weekly Update  
**Date:** Thursday, March 25, 2021 3:55:43 PM

---

Wonderful! Thank you Heather!  
Gratefully,  
Gretchen

Sent from my iPhone

On Mar 25, 2021, at 3:50 PM, Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello ladies,

Staff completed our initial review and sent comments to the applicant yesterday. All documents have been up loaded to the website. The applicant was asked to make corrections and resubmit prior to sending this application out on referral. Continue to monitor the website for Brannan's resubmittal.

Have a great day,

**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](mailto:hscott@douglas.co.us)

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**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>  
**Sent:** Thursday, March 25, 2021 1:28 PM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Cc:** [meghanstclair@gmail.com](mailto:meghanstclair@gmail.com); gretchen farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>; Kim Stockton <[thankful23@yahoo.com](mailto:thankful23@yahoo.com)>  
**Subject:** Weekly Update

Hello Heather!

Gretchen, Meghan and Kim from the Louviers Conservation Partnership here. We hope you are well. We wanted to touch base to see if there were any new developments on USR-2021-002 this week. Are you waiting for more documentation from Brannan? Do you have any idea when it will go out to referral requests? Could you send us a list of the referral agencies that you are going to send referrals to? We really want to make sure the Douglas County Historic Preservation Board and the Douglas County Land Conservancy are included. Please advise. Thank you so much.

Gretchen Farrell

Louviers Conservation Partnership



**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** Re: Brannan GESC  
**Date:** Wednesday, March 24, 2021 11:30:50 AM

---

Darn it you are correct. I sent the original. Pardon my error. Here is the commented version...

 [GESC comment.pdf](#)

Again, best regards,

Valerie

On Wed, Mar 24, 2021, 11:12 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Valerie,

I am in receipt of the document you sent however I do not see any hand written comments in the report. Please verify. I will be sure to forward your comments to the engineer assigned to the application.

Thank you,

**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](mailto:hscott@douglas.co.us)

---

**From:** Valerie Hays <[1fauxchix@gmail.com](mailto:1fauxchix@gmail.com)>

**Sent:** Wednesday, March 24, 2021 10:34 AM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>; [bcc@douglas.co.us](mailto:bcc@douglas.co.us); Alex Schatz <[aschatz@brannan1.com](mailto:aschatz@brannan1.com)>

**Subject:** Brannan GESC

Hello again Heather! Thank you for receiving my letter from yesterday into the record. I have since reviewed the GESC Report provided to support the application and have many comments and questions. Rather than write you a long letter detailing those, I scanned the document with my handwritten comments and am providing that to you here.

Please provide it to the record for the project and, hopefully, review with the

appropriate member of your staff responsible for approving this document.

Again, I appreciate your time and attention to this matter.

Valerie Hays

**From:** [Rob Howard](#)  
**To:** [Michael Cairy](#)  
**Cc:** [Attorney; BOCC; Dan Avery; Heather Scott; Jeanette Bare; Kelly Dunnaway; Layne Chamberlain; Steve Koster; Terence T. Quinn](#)  
**Subject:** Re: Zoning Complaint and Due Process Violation: 5775-79 Airport Road  
**Date:** Monday, March 22, 2021 5:24:22 PM

---

Much appreciated, thank you.

On Mon, Mar 22, 2021 at 4:43 PM Michael Cairy <[MCairy@douglas.co.us](mailto:MCairy@douglas.co.us)> wrote:

Mr. Howard,

It is my understanding that Mr. Kelly Dunnaway with the County Attorney's Office is preparing a response to your letter. You should see that soon.

Sincerely,

**Michael Cairy** | Zoning Compliance Manager

**Douglas County Department of Community Development**

**Planning Services**

**Address** | 100 Third St., Castle Rock, CO 80104

**Direct** | 303-814-4353 **Main** | 303-660-7460

**Email** | [mcairy@douglas.co.us](mailto:mcairy@douglas.co.us)

---

**From:** Rob Howard <[rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)>  
**Sent:** Monday, March 22, 2021 2:21 PM  
**To:** Layne Chamberlain <[lchamberlain@douglas.co.us](mailto:lchamberlain@douglas.co.us)>  
**Cc:** BOCC <[BOCC@douglas.co.us](mailto:BOCC@douglas.co.us)>; Attorney <[Attorney@douglas.co.us](mailto:Attorney@douglas.co.us)>; Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>; Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>; Michael Cairy <[MCairy@douglas.co.us](mailto:MCairy@douglas.co.us)>  
**Subject:** Re: Zoning Complaint and Due Process Violation: 5775-79 Airport Road

Hi Layne, hope you had a great weekend. Can you update me on the status of the issues I brought up in my letter on March 9?

Thanks,

Rob Howard

Executive Director, [Front Range Conservation](#)

(720) 900-1030 • [rob@fronrangeconservation.org](mailto:rob@fronrangeconservation.org)

On Tue, Mar 9, 2021 at 11:02 AM Rob Howard <[rob@fronrangeconservation.org](mailto:rob@fronrangeconservation.org)> wrote:

Thank you,

Rob Howard

Executive Director, [Front Range Conservation](#)

(720) 900-1030 • [rob@fronrangeconservation.org](mailto:rob@fronrangeconservation.org)

On Tue, Mar 9, 2021 at 11:01 AM Layne Chamberlain <[lchamberlain@douglas.co.us](mailto:lchamberlain@douglas.co.us)> wrote:

Mr. Howard,

Received and adding the Zoning Compliance Manager, Michael Cairy.

We do have a zoning case already active for this property. Give me a day or two to review and discuss your letter with staff, and I will get back to you.

Thank you,

**Layne Chamberlain** | Zoning Compliance Official

**Douglas County Department of Community Development**

**Planning Services Division**

**Address** | 100 Third St., Castle Rock, CO 80104

**Direct** | 303.814.4352    **Main** | 303.660.7460

**Email** | [lchamberlain@douglas.co.us](mailto:lchamberlain@douglas.co.us)

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**From:** Rob Howard <[rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)>

**Sent:** Tuesday, March 9, 2021 10:35 AM

**To:** Layne Chamberlain <[lchamberlain@douglas.co.us](mailto:lchamberlain@douglas.co.us)>

**Cc:** BOCC <[BOCC@douglas.co.us](mailto:BOCC@douglas.co.us)>; Attorney <[Attorney@douglas.co.us](mailto:Attorney@douglas.co.us)>; Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>; Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>

**Subject:** Zoning Complaint and Due Process Violation: 5775-79 Airport Road

Hi Layne, et al.,

I've attached as a PDF a letter regarding what I believe is a current zoning violation at 5775-79 Airport Road. Additionally, I have a legal concern about due process related to projects US2014-009 and US2018-001 at the same site.

I respectfully request that the County initiate an enforcement action to bring the Site into compliance with County law. I also respectfully request a written response via e-mail to [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org) from the County Attorney and Planning Services as to both of the issues raised in the letter.

Please feel free to reply to this e-mail or call me at (720) 900-1030 with any questions.

Please respond to confirm receipt of this e-mail.

Thank you,

Rob Howard

Executive Director, [Front Range Conservation](http://Front Range Conservation)

| | | (720) 900-1030 • [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)

--

Rob Howard  
Executive Director, [Front Range Conservation](#)  
(720) 900-1030 • [rob@frontrangeconservation.org](mailto:rob@frontrangeconservation.org)

**From:** [Gretchen Farrell](#)  
**To:** [Heather Scott](#)  
**Subject:** Re: Brannan Sand & Gravel Submittal  
**Date:** Friday, March 12, 2021 12:40:09 PM

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Dear Heather,  
Meg and I wanted to confirm The Douglas County Historic Preservation Board, Louviers Water and Sanitation and The Douglas County Land Conservancy are also included.  
Gratefully,  
Gretchen

On Thu, Mar 11, 2021 at 3:22 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Meghan,

The referral agencies include internal groups such as engineering, sheriff, assessor, and building departments. And external agencies including Tri County Health, South Metro Fire, Sedalia Water and Sanitation, Xcel Energy, AT&T, Comcast, IREA, and State of Colorado Water Quality Control division and Hazardous Materials and Waste division. There will be 3 HOA's notified including Chatfield East, Cherokee Estates and Plum Valley Heights.

You may submit public comments at any time.

Have a great day,

**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](mailto:hscott@douglas.co.us)

---

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>  
**Sent:** Thursday, March 11, 2021 9:59 AM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Cc:** gretchen farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>; Kim Stockton <[thankful23@yahoo.com](mailto:thankful23@yahoo.com)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>  
**Subject:** Re: Brannan Sand & Gravel Submittal

Heather,

Could you please send me a list of the Referral Agencies?

And when you say we may submit comments at any time is that part of the referral process or as a public comment?

Thank you,

Meghan

On Thu, Mar 11, 2021 at 8:58 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Meghan,

Brannon made a formal application and is case number US2021-002. Staff is reviewing the submittal documents and will provide an initial response letter next week. The applicant will make any necessary changes to the documents and submit revised documents. The next step after the applicant submits revised drawings, is to send the application out on referral. Abutting neighbors will be notified by mail. Referral Agencies will have 21 days to review and make comments on the application. You may submit your comments at any time.

Please let me know if you have any other questions.

**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](mailto:hscott@douglas.co.us)

---

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>

**Sent:** Thursday, March 11, 2021 8:28 AM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** gretchen farrell <[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)>; Kim Stockton

<[thankful23@yahoo.com](mailto:thankful23@yahoo.com)>

**Subject:** Re: Brannan Sand & Gravel Submittal

Heather,

I was wondering if you've heard anything from Brannan, yet. Any word on their submittal?

Thanks so much,

Meghan

Director, Louviers Conservation Partnership

POB 93, Louviers, CO 80131

(303) 619-8128

On Thu, Feb 25, 2021 at 10:37 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Meghan,

Thank you for reaching out to me as I am in receipt of both your emails. I will be the Douglas County planner assigned to the Brannan application. I have been in contact with their representative who is trying to finalize the required documentation. They want to submit in the next two weeks. I also have had several email conversations with Tom; all which he initiated. I am happy to keep you informed on this application as well and would ask that you follow up with me in two weeks for an update.

Once the application is deemed complete and formally submitted, a case number will be assigned. That number can be used online to follow the application through the process. You will be able to review all the documents submitted to the county as well as all correspondence from other agencies as well as community correspondence. You and any other group may submit comments and they will be uploaded to the electronic file.

I reviewed the previous application submittal list (there were 30 referral agencies) however I did not find the historical district on the list. I will look into adding them to

the referral list. Feel free to call me along the way with any questions or concerns. My cell number is listed below as we are working remotely currently

**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](mailto:hscott@douglas.co.us)

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>

**Sent:** Wednesday, February 24, 2021 1:39 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Subject:** Brannan Sand & Gravel Submittal

Dear Ms. Scott,

I am writing to you on behalf of the Louviers Conservation Partnership (“LCP”). LCP is an organization working for the benefit of the residents of Louviers and surrounding communities to support the health, safety, and welfare of the humans, animals, and environment in our area.

We received correspondence from Rob Howard this morning on behalf of Front Range Conservation Partnership, indicating that Douglas County staff had notified him that Brannan Sand & Gravel will be filing an application for a proposed asphalt plant in the next two weeks.

As LCP is a separate organization from Front Range Conservation Partnership, we would ask that you please extend the same courtesy as you have to Mr. Howard and notify us immediately of any filings or upcoming dates we should be aware of related to the proposed asphalt plant.

Thank you for your attention to this matter.

Sincerely,  
Meghan St. Clair  
Director  
Louviers Conservation Partnership  
[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)  
PO Box 93  
Louviers, CO 80131  
(303) 619-8128

**From:** [Rob Howard](#)  
**To:** [Heather Scott](#)  
**Cc:** [Dan Avery](#); [Jeanette Bare](#)  
**Subject:** Re: New Brannan Application  
**Date:** Tuesday, March 2, 2021 2:44:19 PM

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Thank you. My understanding is that Referral Agencies typically carry more weight than public comment. Is there a way for Douglas Land Conservancy to request that they become a referral agency?

Rob

On Tue, Mar 2, 2021 at 11:39 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Rob,

I would ask that the representative from the Douglas Land Conservancy reach out to me in a week or two and I will (hopefully) be able to give him a case number so they may track the application online. Anyone may submit letters and I will be sure to add them to the file (once a file is set up).

**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](mailto:hscott@douglas.co.us)

---

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Monday, March 1, 2021 5:47 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>

**Subject:** Re: New Brannan Application

Thank you. Do you need their Executive Director to make the request or is this email sufficient?

Rob

On Mon, Mar 1, 2021 at 5:19 PM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Hello Rob,

I reviewed the mailing list from 2018 and do not find the Douglas Land Conservancy as an adjacent property owner. I will confirm once the revised application is submitted. They may reach out to me if they have any questions or concerns.

**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](mailto:hscott@douglas.co.us)

---

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Monday, March 1, 2021 3:39 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>

**Subject:** Re: New Brannan Application

Hi Heather, hope you're doing well. Can you please confirm that Douglas Land Conservancy is on the referral agency list for this project? They hold an easement on an adjacent parcel.

Thanks,

Rob

On Wed, Feb 24, 2021 at 9:09 AM Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Great, thanks!

Rob

On Wed, Feb 24, 2021 at 9:07 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

A case number will be assigned once Brannan formally applies. I believe that will be in the next 2 weeks. Then you can track online as well!

**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](mailto:hscott@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Wednesday, February 24, 2021 9:05 AM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>

**Subject:** Re: New Brannan Application

Sounds good, thank you! At what point will the project appear on the [Recent Projects](#) list?

Rob

On Wed, Feb 24, 2021 at 9:03 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Rob,

We have had conversations with the Brannan representative. They are finalizing the submittal documents and should submit in the next week or two. My first step in the process will be to review all the documents and send back comments for revision. Once Brannon makes the revisions, the application will be sent out on

referral. Feel free to follow up with me and I will continue to let you know where are in the process.

**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](mailto:hscott@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Tuesday, February 23, 2021 8:14 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>

**Subject:** Re: New Brannan Application

Hi Heather, hope you're doing well!

Any new activity or communication on the Brannan application?

Thanks,

Rob

On Tue, Jan 12, 2021 at 10:09 AM Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Sounds good, thank you!

Rob

On Tue, Jan 12, 2021 at 9:22 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Rob,

I've received one email from the representative last month regarding a document question. Please keep checking in with me and I'm happy to update once I have more information.

Have a good day.

**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](mailto:hscott@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Tuesday, January 12, 2021 9:14 AM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>

**Subject:** Re: New Brannan Application

Hi Heather, hope all is well!

Has there been any new activity or communication on the Brannan asphalt plant proposal since we last spoke in December? Thank you,

Rob

On Wed, Dec 16, 2020 at 12:59 PM Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Thank you, much appreciated!

Rob

On Wed, Dec 16, 2020 at 8:42 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Rob,

We have spoken to the applicant regarding processing questions however they have not made any submissions at this time. Feel free to check back.

Have a good day!

**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](mailto:hscott@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Tuesday, December 15, 2020 8:58 PM

**To:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>

**Cc:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Subject:** Re: New Brannan Application

Hi Heather and Dan, hope you're doing well! Just a quick check to see if there has been any activity on the Sedalia asphalt plant application (PS2020-204) since we last spoke. Have a great day,

Rob

On Tue, Nov 10, 2020 at 11:18 AM Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Thank you, much appreciated!

Rob

On Tue, Nov 10, 2020 at 10:18 AM Dan Avery  
<[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)> wrote:

Rob,

I've copied Heather on this email. Here is her contact information.

**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](mailto:hscott@douglas.co.us)

Thanks,

**Dan Avery, AICP** | Chief Planner

**Douglas County Department of Community Development**

**Address** | [100 Third St., Castle Rock, CO 80104](#)

**Direct** | 303-814-4332 **Main** | 303-660-7460

**Email** | [davery@douglas.co.us](mailto:davery@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Monday, November 9, 2020 8:28 AM

**To:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>

**Subject:** Re: New Brannan Application

Hi Dan, hope you had a great weekend! Do we have the name/email for the new planner in charge of the new Brannan application? Some of the neighbors are asking.

Rob

On Thu, Oct 22, 2020 at 4:25 PM Rob Howard  
<[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Thank you. Have a great day,

Rob

On Thu, Oct 22, 2020 at 3:04 PM Dan Avery  
<[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)> wrote:

Rob,

I likely won't be the main staff person assigned to the application, but I can certainly let you know when it has been submitted. I recommend that if there are components of the past application that you wish to become part of the new record, that you submit them as a part of any public comments you provide.

Thanks,

**Dan Avery, AICP** | Chief Planner

**Douglas County Department of Community Development**

**Address** | [100 Third St., Castle Rock, CO 80104](#)

**Direct** | 303-814-4332 **Main** | 303-660-7460

**Email** | [davery@douglas.co.us](mailto:davery@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>  
**Sent:** Monday, October 19, 2020 12:42 PM  
**To:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>  
**Subject:** New Brannan Application

Hi Dan,

Is it possible for you to notify me (or even better, everyone who submitted public correspondence) when the new application is submitted by Brannan?

Additionally, I am curious what the county's policy is on attaching the previous public correspondence to the new application. I know you will have to see what they actually submit first, but my understanding from Brannan is that it will be very similar to the previous application and could reasonably be considered "one and the same" from a public correspondence standpoint. Would the county then simply attach the previous correspondence to the new application?

Thank you,

Rob

--

Rob

--

Rob

--

Rob

**From:** [Louviers Conservation Partnership](#)  
**To:** [Heather Scott](#)  
**Subject:** Re: Brannan Sand & Gravel Submittal  
**Date:** Thursday, February 25, 2021 1:00:22 PM

---

Heather,

Thank you so much for your help. I appreciate you adding the Douglas County Historic Preservation Board to your list of agencies. I assume Tom spoke to you about adding the Douglas County Land Conservancy? They should be added as well. Brannan's land sits adjacent to Douglas County Open Space.

I will check in with you in two weeks.

Thanks so much,  
Meghan

On Thu, Feb 25, 2021 at 10:37 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Meghan,

Thank you for reaching out to me as I am in receipt of both your emails. I will be the Douglas County planner assigned to the Brannan application. I have been in contact with their representative who is trying to finalize the required documentation. They want to submit in the next two weeks. I also have had several email conversations with Tom; all which he initiated. I am happy to keep you informed on this application as well and would ask that you follow up with me in two weeks for an update.

Once the application is deemed complete and formally submitted, a case number will be assigned. That number can be used online to follow the application through the process. You will be able to review all the documents submitted to the county as well as all correspondence from other agencies as well as community correspondence. You and any other group may submit comments and they will be uploaded to the electronic file.

I reviewed the previous application submittal list (there were 30 referral agencies) however I did not find the historical district on the list. I will look into adding them to the referral list. Feel free to call me along the way with any questions or concerns. My cell number is listed below as we are working remotely currently

**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](mailto:hscott@douglas.co.us)

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>  
**Sent:** Wednesday, February 24, 2021 1:39 PM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Subject:** Brannan Sand & Gravel Submittal

Dear Ms. Scott,

I am writing to you on behalf of the Louviers Conservation Partnership (“LCP”). LCP is an organization working for the benefit of the residents of Louviers and surrounding communities to support the health, safety, and welfare of the humans, animals, and environment in our area.

We received correspondence from Rob Howard this morning on behalf of Front Range Conservation Partnership, indicating that Douglas County staff had notified him that Brannan Sand & Gravel will be filing an application for a proposed asphalt plant in the next two weeks.

As LCP is a separate organization from Front Range Conservation Partnership, we would ask that you please extend the same courtesy as you have to Mr. Howard and notify us immediately of any filings or upcoming dates we should be aware of related to the proposed asphalt plant.

Thank you for your attention to this matter.

Sincerely,  
Meghan St. Clair  
Director  
Louviers Conservation Partnership  
[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)  
PO Box 93  
Louviers, CO 80131  
(303) 619-8128

**From:** [Louviers Conservation Partnership](#)  
**To:** [Heather Scott](#)  
**Subject:** Re: Brannan Sand & Gravel Submittal  
**Date:** Thursday, February 25, 2021 1:00:22 PM

---

Heather,

Thank you so much for your help. I appreciate you adding the Douglas County Historic Preservation Board to your list of agencies. I assume Tom spoke to you about adding the Douglas County Land Conservancy? They should be added as well. Brannan's land sits adjacent to Douglas County Open Space.

I will check in with you in two weeks.

Thanks so much,  
Meghan

On Thu, Feb 25, 2021 at 10:37 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Meghan,

Thank you for reaching out to me as I am in receipt of both your emails. I will be the Douglas County planner assigned to the Brannan application. I have been in contact with their representative who is trying to finalize the required documentation. They want to submit in the next two weeks. I also have had several email conversations with Tom; all which he initiated. I am happy to keep you informed on this application as well and would ask that you follow up with me in two weeks for an update.

Once the application is deemed complete and formally submitted, a case number will be assigned. That number can be used online to follow the application through the process. You will be able to review all the documents submitted to the county as well as all correspondence from other agencies as well as community correspondence. You and any other group may submit comments and they will be uploaded to the electronic file.

I reviewed the previous application submittal list (there were 30 referral agencies) however I did not find the historical district on the list. I will look into adding them to the referral list. Feel free to call me along the way with any questions or concerns. My cell number is listed below as we are working remotely currently

**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](mailto:hscott@douglas.co.us)

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>  
**Sent:** Wednesday, February 24, 2021 1:39 PM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Subject:** Brannan Sand & Gravel Submittal

Dear Ms. Scott,

I am writing to you on behalf of the Louviers Conservation Partnership (“LCP”). LCP is an organization working for the benefit of the residents of Louviers and surrounding communities to support the health, safety, and welfare of the humans, animals, and environment in our area.

We received correspondence from Rob Howard this morning on behalf of Front Range Conservation Partnership, indicating that Douglas County staff had notified him that Brannan Sand & Gravel will be filing an application for a proposed asphalt plant in the next two weeks.

As LCP is a separate organization from Front Range Conservation Partnership, we would ask that you please extend the same courtesy as you have to Mr. Howard and notify us immediately of any filings or upcoming dates we should be aware of related to the proposed asphalt plant.

Thank you for your attention to this matter.

Sincerely,  
Meghan St. Clair  
Director  
Louviers Conservation Partnership  
[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)  
PO Box 93  
Louviers, CO 80131  
(303) 619-8128

**From:** [Louviers Conservation Partnership](#)  
**To:** [Heather Scott](#)  
**Subject:** USR Application - Referral Process  
**Date:** Wednesday, February 24, 2021 1:42:12 PM

---

Dear Ms. Scott,

Would you please advise us on how the referral process works once Brannan Sand & Gravel submits their USR application?

How are agencies requested for a referral? Would Louviers Conservation Partnership be permitted to file a referral response to Brannan's application?

Also, could you help us understand why the Douglas County Historic Preservation Board was not asked for a referral response in Brannan's prior application submittal?

We would like to request that the Historic Preservation Board be included as a referral agency related to Brannan's application per USR Approval Standard 2102.04 - Will be in harmony and compatible with the character of the surrounding areas and neighborhood. As you know, Louviers, CO is the only community in Douglas County with a National Historic Designation.

Thanks so much,  
Meghan

Meghan St. Clair  
Director  
Louviers Conservation Partnership  
[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)  
PO Box 93  
Louviers, CO 80131  
(303) 619-8128

**From:** [Heather Scott](#)  
**To:** [Louviers Conservation Partnership](#)  
**Cc:** [Jeanette Bare](#)  
**Subject:** RE: Brannan Sand & Gravel Submittal  
**Date:** Thursday, February 25, 2021 10:37:00 AM

---

Good morning Meghan,

Thank you for reaching out to me as I am in receipt of both your emails. I will be the Douglas County planner assigned to the Brannan application. I have been in contact with their representative who is trying to finalize the required documentation. They want to submit in the next two weeks. I also have had several email conversations with Tom; all which he initiated. I am happy to keep you informed on this application as well and would ask that you follow up with me in two weeks for an update.

Once the application is deemed complete and formally submitted, a case number will be assigned. That number can be used online to follow the application through the process. You will be able to review all the documents submitted to the county as well as all correspondence from other agencies as well as community correspondence. You and any other group may submit comments and they will be uploaded to the electronic file.

I reviewed the previous application submittal list (there were 30 referral agencies) however I did not find the historical district on the list. I will look into adding them to the referral list. Feel free to call me along the way with any questions or concerns. My cell number is listed below as we are working remotely currently

**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](mailto:hscott@douglas.co.us)

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Louviers Conservation Partnership  
[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)  
PO Box 93  
Louviers, CO 80131  
(303) 619-8128

**From:** [Rob Howard](#)  
**To:** [Heather Scott](#)  
**Cc:** [Dan Avery](#); [Jeanette Bare](#)  
**Subject:** Re: New Brannan Application  
**Date:** Wednesday, February 24, 2021 9:09:53 AM

---

Great, thanks!  
Rob

On Wed, Feb 24, 2021 at 9:07 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

A case number will be assigned once Brannan formally applies. I believe that will be in the next 2 weeks. Then you can track online as well!

**Heather Scott, AICP** | Principal Planner

**Douglas County Department of Community Development**

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**Direct** | 303-814-4358 **Mobile** | 303-919-4801

**Email** | [hscott@douglas.co.us](mailto:hscott@douglas.co.us)

**From:** Rob Howard <[rfloward@gmail.com](mailto:rfloward@gmail.com)>

**Sent:** Wednesday, February 24, 2021 9:05 AM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Cc:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>; Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>

**Subject:** Re: New Brannan Application

Sounds good, thank you! At what point will the project appear on the [Recent Projects](#) list?

Rob

On Wed, Feb 24, 2021 at 9:03 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Rob,

We have had conversations with the Brannan representative. They are finalizing the

submittal documents and should submit in the next week or two. My first step in the process will be to review all the documents and send back comments for revision. Once Brannon makes the revisions, the application will be sent out on referral. Feel free to follow up with me and I will continue to let you know where are in the process.

**Heather Scott, AICP** | Principal Planner

**Douglas County Department of Community Development**

**Address** | 100 Third St., Castle Rock, CO 80104

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**Email** | [hscott@douglas.co.us](mailto:hscott@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>  
**Sent:** Tuesday, February 23, 2021 8:14 PM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Cc:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>  
**Subject:** Re: New Brannan Application

Hi Heather, hope you're doing well!

Any new activity or communication on the Brannan application?

Thanks,

Rob

On Tue, Jan 12, 2021 at 10:09 AM Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Sounds good, thank you!

Rob

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Good morning Rob,

I've received one email from the representative last month regarding a document question. Please keep checking in with me and I'm happy to update once I have more information.

Have a good day.

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**Subject:** Re: New Brannan Application

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Rob

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Good morning Rob,

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Have a good day!

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**Email** | [hscott@douglas.co.us](mailto:hscott@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Tuesday, December 15, 2020 8:58 PM

**To:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>

**Cc:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Subject:** Re: New Brannan Application

Hi Heather and Dan, hope you're doing well! Just a quick check to see if there has been any activity on the Sedalia asphalt plant application (PS2020-204) since we last spoke. Have a great day,

Rob

On Tue, Nov 10, 2020 at 11:18 AM Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Thank you, much appreciated!

Rob

On Tue, Nov 10, 2020 at 10:18 AM Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)> wrote:

Rob,

I've copied Heather on this email. Here is her contact information.

**Heather Scott, AICP** | Principal Planner

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**Direct** | 303-814-4358 **Mobile** | 303-919-4801

**Email** | [hscott@douglas.co.us](mailto:hscott@douglas.co.us)

Thanks,

**Dan Avery, AICP** | Chief Planner

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**Address** | 100 Third St., Castle Rock, CO 80104

**Direct** | 303-814-4332 **Main** | 303-660-7460

**Email** | [davery@douglas.co.us](mailto:davery@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>

**Sent:** Monday, November 9, 2020 8:28 AM

**To:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>

**Subject:** Re: New Brannan Application

Hi Dan, hope you had a great weekend! Do we have the name/email for the new planner in charge of the new Brannan application? Some of the neighbors are asking.

Rob

On Thu, Oct 22, 2020 at 4:25 PM Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)> wrote:

Thank you. Have a great day,

Rob

On Thu, Oct 22, 2020 at 3:04 PM Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)> wrote:

Rob,

I likely won't be the main staff person assigned to the application, but I can certainly let you know when it has been submitted. I recommend that if there are components of the past application that you wish to become part of the new record, that you submit them as a part of any public comments you provide.

Thanks,

**Dan Avery, AICP** | Chief Planner

**Douglas County Department of Community Development**

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**Email** | [davery@douglas.co.us](mailto:davery@douglas.co.us)

**From:** Rob Howard <[rfhoward@gmail.com](mailto:rfhoward@gmail.com)>  
**Sent:** Monday, October 19, 2020 12:42 PM  
**To:** Dan Avery <[DAvery@douglas.co.us](mailto:DAvery@douglas.co.us)>  
**Subject:** New Brannan Application

Hi Dan,

Is it possible for you to notify me (or even better, everyone who submitted public correspondence) when the new application is submitted by Brannan?

Additionally, I am curious what the county's policy is on attaching the previous public correspondence to the new application. I know you will have to see what they actually submit first, but my understanding from Brannan is that it will be very similar to the previous application and could reasonably be considered "one and the same" from a public correspondence standpoint. Would the county then simply attach the previous correspondence to the new application?

Thank you,

Rob

--

Rob

--

Rob

**From:** [Heather Scott](#)  
**To:** [Louviers Conservation Partnership](#)  
**Cc:** [Jeanette Bare](#); [meghanstclair@gmail.com](mailto:meghanstclair@gmail.com); [thankful23@yahoo.com](mailto:thankful23@yahoo.com)  
**Subject:** RE: Brannan Question  
**Date:** Thursday, February 4, 2021 8:32:00 AM

---

Good morning Gretchen,

The Planning Commission will review correspondence submitted for the current request only. You may resend the correspondence once the new application is formally opened and I will upload into the new application. You'll want to change the date and the case number accordingly.

**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](mailto:hscott@douglas.co.us)

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>  
**Sent:** Wednesday, February 3, 2021 5:42 PM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Cc:** Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>; [meghanstclair@gmail.com](mailto:meghanstclair@gmail.com); [thankful23@yahoo.com](mailto:thankful23@yahoo.com)  
**Subject:** Re: Brannan Question

Thank you Heather -

My question is - will the planning commissioners be asked to review the old correspondences?

Sincerely,

Gretchen Farrell

Director

Louviers Conservation Partnership

On Wed, Feb 3, 2021 at 10:13 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Gretchen,

It is my understanding that Brannan will be submitting a new USR application soon. This application will be separate from the previous USR application and documents will not be copied over. Rather, our system links all related projects under the same project folder and makes all documents available to those wishing to search and review.

Please let me know if you have any other questions!

Have a good day,

**Heather Scott, AICP** | Principal Planner  
**Douglas County Department of Community Development**  
**Address** | 100 Third St., Castle Rock, CO 80104  
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**Email** | [hscott@douglas.co.us](mailto:hscott@douglas.co.us)

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>

**Sent:** Tuesday, February 2, 2021 4:08 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Subject:** Brannan Question

Hello Heather,

My name is Gretchen Farrell and I am one of the directors of the Louviers Conservation Partnership. We have a question. Will all of the Documents and Referral Responses from the former Use by Special Review Amendment US2018-010 be transferred to the new application that Brannan submits? Please advise.

Gratefully,

Gretchen Farrell

Director Louviers Conservation Partnership

(303) 551-3228

**From:** [Heather Scott](#)  
**To:** [Kent Sarff](#)  
**Subject:** RE: Brannan & Louviers  
**Date:** Monday, February 1, 2021 4:08:00 PM

---

Hello Kent,

It is a pleasure to meet you virtually as well. Brannon has not officially submitted their application but they are close. Check back in the next week or two to confirm.

**Heather Scott, AICP** | Principal Planner  
**Douglas County Department of Community Development**  
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**Direct** | 303-814-4358 **Mobile** | 303-919-4801  
**Email** | [hscott@douglas.co.us](mailto:hscott@douglas.co.us)

---

**From:** Kent Sarff <kent@sarff.com>  
**Sent:** Monday, February 1, 2021 4:04 PM  
**To:** Heather Scott <hscott@douglas.co.us>  
**Subject:** Brannan & Louviers

Hi Heather,

Dan Avery mentioned a few months back that with him moving to a new role (sad! but glad he's making career progress) that you will be filling his shoes. Congrats!

He and I chatted regularly about Louviers projects, and I'm curious to learn if Brannan has submitted their reworked application for their proposed Asphalt batch plant. Any information?

Thanks and nice to meet you virtually.

Regards,

Kent Sarff  
+1.303.808.7000  
<https://www.linkedin.com/in/kentsarff/>

**From:** [Rob Howard](#)  
**To:** [Heather Scott](#)  
**Cc:** [Dan Avery](#)  
**Subject:** Re: New Brannan Application  
**Date:** Tuesday, January 12, 2021 10:16:35 AM

---

Sounds good, thank you!

Rob

On Tue, Jan 12, 2021 at 9:22 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

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I've received one email from the representative last month regarding a document question. Please keep checking in with me and I'm happy to update once I have more information.

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**Email** | [hscott@douglas.co.us](mailto:hscott@douglas.co.us)

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**Dan Avery, AICP** | Chief Planner

**Douglas County Department of Community Development**

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Rob

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Rob

**From:** [Louviers Conservation Partnership](#)  
**To:** [Heather Scott](#)  
**Subject:** Re: Brannan Sand & Gravel Submittal  
**Date:** Thursday, February 25, 2021 1:00:22 PM

---

Heather,

Thank you so much for your help. I appreciate you adding the Douglas County Historic Preservation Board to your list of agencies. I assume Tom spoke to you about adding the Douglas County Land Conservancy? They should be added as well. Brannan's land sits adjacent to Douglas County Open Space.

I will check in with you in two weeks.

Thanks so much,  
Meghan

On Thu, Feb 25, 2021 at 10:37 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Meghan,

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I reviewed the previous application submittal list (there were 30 referral agencies) however I did not find the historical district on the list. I will look into adding them to the referral list. Feel free to call me along the way with any questions or concerns. My cell number is listed below as we are working remotely currently

**Heather Scott, AICP** | Principal Planner

**Douglas County Department of Community Development**

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**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>  
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I am writing to you on behalf of the Louviers Conservation Partnership (“LCP”). LCP is an organization working for the benefit of the residents of Louviers and surrounding communities to support the health, safety, and welfare of the humans, animals, and environment in our area.

We received correspondence from Rob Howard this morning on behalf of Front Range Conservation Partnership, indicating that Douglas County staff had notified him that Brannan Sand & Gravel will be filing an application for a proposed asphalt plant in the next two weeks.

As LCP is a separate organization from Front Range Conservation Partnership, we would ask that you please extend the same courtesy as you have to Mr. Howard and notify us immediately of any filings or upcoming dates we should be aware of related to the proposed asphalt plant.

Thank you for your attention to this matter.

Sincerely,  
Meghan St. Clair  
Director  
Louviers Conservation Partnership  
[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)  
PO Box 93  
Louviers, CO 80131  
(303) 619-8128

**From:** [Louviers Conservation Partnership](#)  
**To:** [Heather Scott](#)  
**Subject:** USR Application - Referral Process  
**Date:** Wednesday, February 24, 2021 1:42:12 PM

---

Dear Ms. Scott,

Would you please advise us on how the referral process works once Brannan Sand & Gravel submits their USR application?

How are agencies requested for a referral? Would Louviers Conservation Partnership be permitted to file a referral response to Brannan's application?

Also, could you help us understand why the Douglas County Historic Preservation Board was not asked for a referral response in Brannan's prior application submittal?

We would like to request that the Historic Preservation Board be included as a referral agency related to Brannan's application per USR Approval Standard 2102.04 - Will be in harmony and compatible with the character of the surrounding areas and neighborhood. As you know, Louviers, CO is the only community in Douglas County with a National Historic Designation.

Thanks so much,  
Meghan

Meghan St. Clair  
Director  
Louviers Conservation Partnership  
[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)  
PO Box 93  
Louviers, CO 80131  
(303) 619-8128

**From:** [Heather Scott](#)  
**To:** [Louviers Conservation Partnership](#)  
**Cc:** [Jeanette Bare](#); [meghanstclair@gmail.com](mailto:meghanstclair@gmail.com); [thankful23@yahoo.com](mailto:thankful23@yahoo.com)  
**Subject:** RE: Brannan Question  
**Date:** Thursday, February 4, 2021 8:32:00 AM

---

Good morning Gretchen,

The Planning Commission will review correspondence submitted for the current request only. You may resend the correspondence once the new application is formally opened and I will upload into the new application. You'll want to change the date and the case number accordingly.

**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](mailto:hscott@douglas.co.us)

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>  
**Sent:** Wednesday, February 3, 2021 5:42 PM  
**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>  
**Cc:** Jeanette Bare <[JBare@douglas.co.us](mailto:JBare@douglas.co.us)>; [meghanstclair@gmail.com](mailto:meghanstclair@gmail.com); [thankful23@yahoo.com](mailto:thankful23@yahoo.com)  
**Subject:** Re: Brannan Question

Thank you Heather -

My question is - will the planning commissioners be asked to review the old correspondences?

Sincerely,

Gretchen Farrell

Director

Louviers Conservation Partnership

On Wed, Feb 3, 2021 at 10:13 AM Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)> wrote:

Good morning Gretchen,

It is my understanding that Brannan will be submitting a new USR application soon. This application will be separate from the previous USR application and documents will not be copied over. Rather, our system links all related projects under the same project folder and makes all documents available to those wishing to search and review.

Please let me know if you have any other questions!

Have a good day,

**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](mailto:hscott@douglas.co.us)

**From:** Louviers Conservation Partnership <[louviersconservation@gmail.com](mailto:louviersconservation@gmail.com)>

**Sent:** Tuesday, February 2, 2021 4:08 PM

**To:** Heather Scott <[hscott@douglas.co.us](mailto:hscott@douglas.co.us)>

**Subject:** Brannan Question

Hello Heather,

My name is Gretchen Farrell and I am one of the directors of the Louviers Conservation Partnership. We have a question. Will all of the Documents and Referral Responses from the former Use by Special Review Amendment US2018-010 be transferred to the new application that Brannan submits? Please advise.

Gratefully,

Gretchen Farrell

Director Louviers Conservation Partnership

(303) 551-3228

**From:** [Heather Scott](#)  
**To:** [Kent Sarff](#)  
**Subject:** RE: Brannan & Louviers  
**Date:** Monday, February 1, 2021 4:08:00 PM

---

Hello Kent,

It is a pleasure to meet you virtually as well. Brannon has not officially submitted their application but they are close. Check back in the next week or two to confirm.

**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](mailto:hscott@douglas.co.us)

---

**From:** Kent Sarff <kent@sarff.com>  
**Sent:** Monday, February 1, 2021 4:04 PM  
**To:** Heather Scott <hscott@douglas.co.us>  
**Subject:** Brannan & Louviers

Hi Heather,

Dan Avery mentioned a few months back that with him moving to a new role (sad! but glad he's making career progress) that you will be filling his shoes. Congrats!

He and I chatted regularly about Louviers projects, and I'm curious to learn if Brannan has submitted their reworked application for their proposed Asphalt batch plant. Any information?

Thanks and nice to meet you virtually.

Regards,

Kent Sarff  
+1.303.808.7000  
<https://www.linkedin.com/in/kentsarff/>

**From:** [Valerie Hays](#)  
**To:** [Heather Scott](#)  
**Subject:** Brannan USR Application  
**Date:** Tuesday, March 23, 2021 5:15:55 PM

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Hi Heather! I live in Louviers and am working with many in my town to fight the approval of the proposed asphalt plant. I have read the entire file for the withdrawn application and am now working my way through the new documents being posted to the record for the resubmission. I am probably going to write to you a lot! I apologize in advance if I annoy you in my fight to protect my lovely town and my family's healthy future.

I am reading the cover letter sent to you on February 26, 2021 by Karl Barton to present the application to the county and have some comments and objections I would like to present.

The Management Plan is a real problem for us. It really just gives us a bag of promises that leaves the fox watching the hen house. I do not understand why they are asking for permission to have the asphalt operations Management Plan be separate from their other operations. And it exists in the blueprints? Shouldn't it be a manual or something? There's not much to it and definitely no teeth.

You are told there was a public meeting held 10/15/2020 and that 35 people attended and only 2 of us showed up to visit the Lipan Plant. This sounds like there is not much interest in the community - NOT TRUE!

He told you they have addressed our concerns. For air quality and pollution you are told the EPA does not consider asphalt plants a major pollution source. That hardly addresses our concerns about the poison that is proven to be emitted from these plants causing cancer and more.

The condensers and the Blue Smoke Capture Systems only **reduce odor and emissions** in their own words. The dust they are going to manage by regular street sweeping is only what is left after it filled the air, blew all over our town, settled on our homes, cars, yards, lungs and lives!

I have especially studied traffic impact and am also in contact with Chris Martin regarding many questions I have. Bottom line is their own consultants have run the reports and made the predictions all to the same conclusion - there is not an acceptable level of service on Airport Rd. now or in the future. So they now take the tack that the roads are already so bad and going to get worse that the small amount of traffic generated by them won't be significant or noticeable I suppose! This is so absurd.

Louviers citizens strongly resent the premise that we have to have Brannan asphalt to grow the county. There is another asphalt plant just down the road already so it doesn't have to come from the Lipan plant where they simply can't be cost competitive to get work in the south metro.

Mitigation they suggest - truck trip budget? Who is going to monitor and maintain this budget? What happens when they violate? A letter? This also seems like they could be banking truck trips in the slow winter to really be cranking out truck trips in construction season!

The town already knows Brannan does not know when the train has stopped and all their fleet is moving through Louviers! Plus that crushing operation is by a tenant and they don't actually work for Brannan or care about the rules. They have proven over and over to be bad neighbors.

They talk about Noise. Although regulated it is not enforced! Again, we get a Management Plan with no teeth at all.

Visual - come on it's UGLY. Sinking it out of sight in the Plum Creek drainage basin seems to be their answer. Well from this perspective that is a dangerous maneuver that is going to sock the valley in a chemical blanket when there is a temperature inversion.

Safety - I see the South Metro Fire is now requiring a 120,000 Gal. dedicated fire suppression tank. Will the water used to fill that tank come from their well allotment?

Finally for now, in the Project Narrative it is stated they are capable of producing 400 tons per hour. That is 4,800 ton/day. All other production totals presented previously provided a 2,000 ton/day. That's double. What is the production rate they seek?

Heather, I know county staff is required to process the applications put before them, like it or not. The Louviers community, Cherokee Ridge and other surrounding communities need the county officials to guide us, assist us and protect us in this matter, I am quite sure no one wants a plant like this less than a mile from their home, not just my little town.

I very much appreciate and thank you for your time!

Valerie Hays  
7794 Louviers Blvd.  
Louviers, CO 80131  
970-393-0585

**From:** [Gretchen Farrell](#)  
**To:** [BOCC](#); [Heather Scott](#)  
**Subject:** Louviers Resident Letter for USR-US2021-002  
**Date:** Wednesday, April 7, 2021 5:01:02 PM

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April 7, 2021

Dear Commissioners,

I am writing today to offer information about [Use for Special Review Application US2021-002](#) for a proposed 24/7 Hot Asphalt Plant just 3,000 feet from the Historic Village of Louviers.

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 advocates 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, curbsless streets, planted grass lawns with shared landscape features, and landscaped common green areas, marked by planted coniferous trees" (National Places Registration Form 1998). We request that the proposed asphalt plant not be located 3,000 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 Louviers Village.

Section 4 Rural Communities of the 2040 Douglas County Master Plan gives strong direction to preserve it's 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. 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 reference the following items from Section 4 of the 2040 Douglas County Master Plan as it speaks 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 70' tower and proposed 35' materials stockpiles are not appropriate here. In addition, the proposed plant extends Brannan's current site to both the north and south entrances to the Village. The historic approach will be greatly compromised.

"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 recycling facility on the same location. Along with the asphalt production, we feel the intensity of the proposed land use is not appropriate for this site.

"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."

"Objective 4-2C Design development to conserve and showcase important natural and rural features."

"Objective 4-2D Preserve the visual integrity of significant ridgelines, road viewsheds, view of the mountain backdrop, and other important features."

"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 110 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 70' tower and proposed 35' 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.” We encourage the county to rezone this property to a more appropriate zoning for this space and find a more appropriate place for Brannan’s Asphalt facility.

“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 4-2H Improve access and traffic safety along US Highway 85.” Airport Road to US Highway 85 will be one of only two egresses to the east for 11,000 new homes in Sterling Ranch. We strongly caution that the new asphalt plant not be located at Airport Road as it is already a heavily burdened intersection with the existing concrete plant. For this reason we also request that the new asphalt plant be diverted from Louviers Village as to not further destroy the traffic pattern to and from the historic district.

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

“POLICY 4-2K.1 Encourage the restoration and renovation of the historic “company town” architecture and the established landscaped street and open space pattern in Louviers.”

“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 integrity of the historic district.

**Not only is Brannan adjacent to the historic community, but it is PART of the rural community that is historic. (Please see attached map)**

I thank you in advance for your important work and for your attention to the preservation and protection of Douglas County’s cultural resources for future generations.

Please see attached pages from the 2040 Comprehensive Master Plan and Louviers Rural Community map for your easy reference. Please contact me with any further questions.

Respectfully,

Gretchen Farrell  
[gretchenfarrell@gmail.com](mailto:gretchenfarrell@gmail.com)  
7835 Valley View Street  
Louviers, CO 80131  
(303) 551-3228

[Louviers Community Map](#)

[Section 4 2040 CMP](#)

[Section 5 2040 CMP](#)

**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002 - In Opposition of Brannan Asphalt Plant  
**Date:** Friday, May 21, 2021 8:30:45 AM

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**From:** bstrle <bstrle@gmail.com>  
**Sent:** Thursday, May 20, 2021 6:56 PM  
**To:** BOCC <BOCC@douglas.co.us>  
**Subject:** USR 2021-002 - In Opposition of Brannan Asphalt Plant

Do not build this plant.

Sent from my Verizon, Samsung Galaxy smartphone

**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002 - In Opposition of Brannan Asphalt Plant  
**Date:** Monday, May 17, 2021 2:01:18 PM

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**From:** Greg Smith <smitty055@gmail.com>  
**Sent:** Sunday, May 16, 2021 1:41 PM  
**To:** BOCC <BOCC@douglas.co.us>  
**Subject:** USR 2021-002 - In Opposition of Brannan Asphalt Plant

don't do it

**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002  
**Date:** Wednesday, May 12, 2021 12:52:08 PM

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**From:** Joanne Beckham <joanne.beckham@hotmail.com>  
**Sent:** Wednesday, May 12, 2021 12:43 PM  
**To:** BOCC <BOCC@douglas.co.us>  
**Subject:** USR 2021-002

Abe, George and Lora,

I am opposed to the Brannan application USR 2021-002 for a 24/7 hot asphalt plant in Douglas County. It would emit cancer causing chemicals, add traffic congestion and promote discord in the community. Brannan Sand and Gravel is not a good citizen company. It is a repeat offender with 21 zoning regulation complaints in the last 6 months. Please stand against this. A hot asphalt plant is not good for the people of Douglas County.

Thank you,  
Joanne Beckham  
Castle Pines, CO

Sent from my Verizon, Samsung Galaxy smartphone

**From:** [BOCC](#)  
**To:** [Heather Scott](#)  
**Subject:** FW: USR 2021-002  
**Date:** Friday, May 7, 2021 9:41:01 AM

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**From:** William Payton <wdpayton@gmail.com>  
**Sent:** Friday, May 7, 2021 7:32 AM  
**To:** BOCC <BOCC@douglas.co.us>  
**Subject:** USR 2021-002

Please do not allow for the building of an asphalt plant near the town of Louviers. The asphalt plant will be an unsightly aberration for the US 85 corridor in northern Douglas County.

Thank you for your consideration.

--

Will Payton

Sent from my iPhone  
Please excuse any typos and brevity

# SEDALIA ASPHALT BATCH PLANT PROJECT

## GRADING EROSION AND SEDIMENT CONTROL (GESC) REPORT DOUGLAS COUNTY, COLORADO

---

Martin/Martin, Inc. Project No.: 18.1013

October 22, 2018

Revised: January 29, 2020

Revised: February 26, 2021 NOT VERY WELL !

Prepared For: BRANNAN COMPANIES  
2500 EAST BRANNAN WAY  
DENVER, COLORADO 80229

Prepared By: Martin/Martin, Inc.  
12499 West Colfax Avenue  
Lakewood, Colorado 80215  
303.431.6100

Principal-in-Charge: SCOTT PALING, P.E.  
Project Manager: DAN PONDER, P.E.  
Project Engineer: JUSTIN BROUSE, E.I.T.

*add pages  
of this  
file not  
printed yet.*



**CERTIFICATION**

The Grading, Erosion and Sediment Control (GESC) report included herein has been prepared under my direct supervision in accordance with the requirements of the Douglas County Grading, Erosion and Sediment Control Criteria Manual, as amended.

\_\_\_\_\_  
Designer's Seal and Signature

Brannan Companies hereby certifies that the grading, erosion and sediment control facilities for the Sedalia Asphalt Batch Plant project shall be constructed according to the design presented in this report. I understand that Douglas County does not and will not assume liability for the grading, erosion and sediment control facilities designed and/or certified by my engineer and that Douglas County reviews GESC plans; but cannot, on behalf of the Sedalia Asphalt Batch Plant project, guarantee that final review will absolve Brannan Companies and/or their successors and/or assigns of future liability for improper design.

\_\_\_\_\_  
Authorized Signature

**NOTE**

This Grading, Erosion and Sediment Control Plan has been placed in the Douglas County file for this project and appears to fulfill applicable Douglas County Grading, Erosion and Sediment Control criteria, as amended. I understand that additional grading, erosion and sediment control measures may be required of the permittee(s) due to unforeseen erosion problems or if the submitted GESC Plan does not function as intended. The requirements of this GESC Plan shall run with the land and be the obligation of the permittee(s) until such time as the \_\_\_\_\_ ? \_\_\_\_\_ GESC Plan is properly completed, modified, or voided.

LAWYERS  
LOOK  
AT  
THIS

what  
has been  
deleted?

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## PROJECT DESCRIPTION

This report represents a Grading, Erosion, and Sediment Control Plan for the Sedalia Asphalt Batch Plant project, located in the southeast quarter of the northwest quarter of Section 3, Township 7 South, Range 68 West of the Sixth Principal Meridian, County of Douglas, State of Colorado. This plan has been prepared to meet the regulatory requirements of Douglas County GESC Standards and Colorado Department of Health, Water Quality Control Division, as well as appropriate provisions of the Colorado Water Control Act and the Federal Water Pollution Act.

The site is approximately 30 acres located at 5775 Airport Road in Sedalia, Colorado (referred to herein as the "Project"). An estimated 14 acres will be disturbed with the project. The proposed project will include the construction of a new asphalt batch plant in the northern portion of the property including necessary grading, utilities, driveways, and structures.

SWMP ADMINISTRATOR  
T.B.D.

there is No plan for the storm water management plan administration?

## EXISTING SITE CONDITIONS

The site is currently occupied by a concrete batch plant in the southern portion of the site. A crushing operation is currently being permitted by others in the central portion of the site and will operate in the interim condition. The existing site consists of natural ground with limited vegetation, an existing concrete stockpile, concrete washout, and gravel access road.

does this mean crushing stops when asphalt starts?

The current site drains from east to west. The site is located in FEMA FIRM Map Number FM08035C0151F, effective date September 30, 2005. There are no known wetlands or wetland channels within the project area.

that's because they already dedicated the designated flood plain to the county previous

## ADJACENT AREAS

The site is bounded by undeveloped industrial land to the north, a natural drainage way and the existing concrete batch plant to the south, Denver and Rio Grande Western Railroads to the east, and undeveloped industrial land to the west. See the Appendix for a Vicinity Map. Development of this site will have no negative impacts on the adjacent areas.

& Kelly town

OPINION NOT FACT

Plum Creek!

## SOILS

Existing soils for the area of disturbance consist of Loamy alluvial land (Lo), Newlin gravelly sandy loam (NeE), and Sampson loam (Sa). These soils are classified as NRCS Hydrologic Soil Groups C, B, and B, respectively. Information about soils within this project site can be found in the attached Appendix.

look this up - are these soils absorb?



## AREAS AND VOLUMES

*const data #*  
Cut and fill values for this project were determined using a factor of 1.0. A total cut value of 23,621 cubic yards was calculated, total fill value of 43,918 cubic yards, to obtain a net value of 20,297 cubic yards of fill.

## EROSION AND SEDIMENT CONTROL MEASURES

### VEHICLE TRACKING CONTROL (VTC)

The entrance to the site shall be graveled for a minimum distance of 50 linear feet to retain mud and other potential pollutants on-site. A minimum thickness of 12 inches of 3-6" inch angular rock underlain by a woven geotextile fabric is required. If mud or soils are tracked onto the paved public roads, the roads shall be swept clean as soon as possible. No construction debris or soil deposits shall be allowed to impede the smooth flow of traffic on public roads.

*says 2/week in mgmt plan*

### REINFORCED ROCK BERM (RRB)

Reinforced rock berms are to be utilized within curb and gutter adjacent to the site as perimeter control for disturbed areas. When placed in the gutter, curb socks shall not extend more than two feet from the curb to allow traffic to pass safely. The curb socks are to be installed at a 30 degree angle toward the uphill side of the gutter. The maximum tributary drainage area per 100 linear feet of logs is approximately 0.25 acres of land. Disturbed slope lengths are not to exceed 150 feet of the curb socks.

*what about the creek side*

### SILT FENCE (SF)

Prior to beginning any land-disturbing activities, silt fences will be installed around the construction site as designated on the plan. The silt fence will protect downstream property from receiving excessive sediment loads from the upgradient disturbed ground surfaces. The silt fence along the boundaries shall remain in place until the upstream disturbed area is stabilized and grass cover is approved by the City.

### CONCRETE WASHOUT

*what - check with reality!*  
The Concrete Washout Area (CWA) is to be installed prior to construction activities. The concrete washout area location on the Erosion Control Plans is for information only. Concrete washout areas may be lined or unlined excavated pits in the ground, commercially manufactured prefabricated washout containers, or above ground holding areas constructed of berms, sandbags or straw bales with a plastic liner.

### SEEDING & MULCHING (SM)

Graded areas shall be vegetated or paved within 30 days following the completion of grading. Stockpiled soils that shall remain undisturbed for 30 or more days shall be temporarily vegetated with unirrigated native grass seed mix. Soil roughening in large, sloping areas is preferable to smooth grading for preventing sediment from being eroded and carried offsite. Soil roughening is understood to be included in the general

Here is first due the mother document here is a RFP

earthwork and grading pay items to prevent excessive erosion, and no additional payments will be made for this work. Limited areas of native grass seeding are expected to be necessary.

Sloppy editing!

EROSION CONTROL BLANKET

Erosion control blankets are a biodegradable material which provides erosion control and facilitates vegetation establishment, particularly on steep slopes. Erosion control blankets are required for all disturbed slopes greater than 4:1 (H:V). Erosion control blankets are to be left in place unless requested to be removed by the City.

WATER USED TO CONTROL DUST

what methods?

Dust control shall be implemented as needed once site grading has begun and during windy conditions (forecasted or actual wind conditions of 20 mph or greater) and/or at any time wind or construction activities creates significant visible dust carryover at/from the limits of the site.

MATERIALS HANDLING AND SPILL PREVENTION

how did he get in change this is a permanent issue NOT a

Vehicle maintenance and fueling area will be located within the construction staging area, which will be determined by the contractor. All major equipment/vehicle fueling, and maintenance will be performed off-site. This best management practice (BMP) applies to all construction projects. Spill control procedures are implemented anytime chemicals and/or hazardous substances are stored. Substances may include:

- Soil stabilizer/binders
- Dusts
- Herbicides
- Growth Inhibitors
- Fertilizers
- De-icing/anti-icing chemicals
- Fuels
- Lubricants
- Other petroleum distillates

what plan I see NO BMP?

const. require

does this list actually include all materials needed to make asphalt?

To the extent that work can be accomplished safely, spills of oil, petroleum products, and sanitary and septic wastes shall be contained and cleaned up immediately.

NOTIFIED TO COUNTY AT LEAST?

SPILL PREVENTION AND CONTROL PLAN

Spill Response

Clean-up, Storage Procedures, and Spill Response

Document and record all spills, discharges, leaks, upsets, events, or overflows in the SWMP and Map. Include all pertinent information.

we already know there isn't one.

M

REALLY? SO SLOPPY!

MINOR SPILLS

Notify the Contractor's Superintendent and the City and County of Denver Wastewater Management Division Inspector immediately of an event that involves approximately 5 gallons or more and/or involves the following: 1) less than the reportable quantity, 2) stays within the permitted area, 3) does not threaten any stormwater conveyance.

IS THIS REALLY ACCEPTABLE TO DOUG CO?

Minor spills typically involve small quantities of oil, gasoline, paint, etc., which can be controlled by the first responder at the discovery of the spill.

Use absorbent material on small spills rather than hosing down or burying the spill.

Remove the absorbent materials promptly and dispose of properly.

The practice commonly followed for a small spill is:

- a. Contain the spread of the spill.
- b. Recover spilled materials.
- c. Clean the contaminated area and/or properly dispose of contaminated materials.

THIS TOO?

SEMI-SIGNIFICANT SPILLS

Notify CDPHE and the City and County of Denver Wastewater Management Division Inspector within 24 hours and provide written documentation within 5 days of a spill that involves 1) reportable quantity, 2) any amount leaving the permitted area, 3) and/or threatens any stormwater conveyances. For larger spills, see the Spill Response reporting requirements at the back of this document.

OR FLOODPLAIN

Semi-significant spills still can be controlled by the first responder along with the aid of other personnel such as laborers and the foreman, etc. This response may require the cessation of all other activities.

Clean up spills immediately:

- a. Notify the Contractor's onsite foreman or superintendent immediately. The foreman or superintendent shall ensure the spill clean-up methods and procedures are followed.
  - b. Contain the spread of the spill.
  - c. If the spill occurs on paved or impermeable surfaces, clean up using "dry" methods (absorbent materials, cat litter and/or rags). Contain the spill by encircling with absorbent materials and do not let the spill spread widely.
  - d. If the spill occurs in dirt areas, immediately contain the spills by constructing an earthen dike. Dig up and dispose of contaminated soil.
  - e. If the spill occurs during rain, cover the spill with tarps or other material to prevent contaminating runoff

Significant/ Hazardous Spills

For significant or hazardous spills that cannot be controlled by personnel in the immediate vicinity, the following steps shall be taken:

- Notify CDPHE and the Denver Wastewater Management Division Inspector within 24 hours and provide written documentation within 5 days of discovering a spill and/or event that involves any substances requiring a MSDS response. Procedure should include, but not

WHAT A JOKE!  
YOU LOOK STUPID!

how does contractor know level?

- limited to 1) secure the area, 2) provide first aid, 3) and notify emergency response personnel.
  - Notify Contractor's superintendent immediately and a follow up report shall be completed as soon as feasible.
  - Notify the local emergency response by dialing 911. In addition to 911, the contractor will notify the proper County officials. It is the contractor's responsibility to have all emergency phone numbers at the construction site. *what is that?*
  - For spills of federal reportable quantities, the contractor shall notify National Response Center at 1-800-424-8802.
  - The services of a spills contractor or a Haz-Mat team shall be obtained immediately. Construction personnel shall not attempt to clean up the spill until the appropriate and qualified staff has arrived at the jobsite. *WHO DEFINES?*
- Other agencies which may need to be consulted include, but are not limited to, the Fire Department, the Public Works Department, the Coast Guard, the Highway Patrol, the City/County Police Department, the Department of Toxic Substances, Federal OSHA, the State of Colorado CWQC Department.

THIS LIST IS SO FLAWED THEY LOOK STUPID!

Spill Notification

- \*Report spills immediately to superintendent
- \*Check MSDS for proper spill response procedures
- \*Contain spill, start cleanup, report if over reportable quantity
- \* In case of reportable quantity release call: EPA National response Center (800) 424-8802

WASTE MANAGEMENT AND DISPOSAL

Construction waste storage – Construction staging/storage area

All waste materials will be collected and disposed of into metal trash dumpsters in the materials storage area. Dumpsters will have a secure watertight lid, be placed away from stormwater conveyances and drains, and meet all federal, state, and municipal regulations. Only trash and construction debris from the site will be deposited in the dumpster. No construction materials will be buried on-site. All personnel will be instructed, during tailgate training sessions regarding the correct disposal of trash and construction debris. Notices that state these practices will be posted in the office trailer and the individual who manages day-to-day site operations will be responsible for seeing that these practices are followed. *REALLY - THAT'S IT?*

The cleaning of concrete delivery truck chutes is restricted to approved concrete wash out locations on the job site. The discharge of water containing waste concrete to the storm sewer system is prohibited. All concrete waste shall be properly cleaned up and disposed at an appropriate location. *OR WATERSHED!*

Hazardous waste materials- Construction staging/storage area

THERE IS ONE?

All hazardous waste materials such as oil filters, petroleum products, paint, and equipment maintenance fluids will be stored in structurally sound and sealed shipping containers, within the hazardous materials storage area. Hazardous waste materials will be stored in appropriate and clearly marked containers and segregated from other non-waste materials. Secondary containment will be provided for all waste materials in the hazardous materials storage area and will consist of commercially available spill pallets. Additionally, all hazardous waste materials will be disposed of in accordance with federal, state, and municipal regulations. Hazardous waste materials will not be disposed of into the on-site dumpsters. All personnel will be instructed, during tailgate training sessions, regarding proper procedures for hazardous waste disposal. Notices that state these procedures will be posted in the office trailer and the individual who manages day-to-day site operations will be responsible for seeing that these procedures are followed.

#### TIMING/PHASING SCHEDULE

SO SLOPPY!!!

Construction is expected to commence in March of 2019 and end approximately in June 2019. Construction tasks to be completed shall include the following sequential activities: Earthwork (March), Paving (April), and plant construction (May).

#### PERMANENT STABILIZATION

Permanent stabilization shall be achieved by installation of erosion control methods. Permanent erosion control for this project shall include one or more of the following methods:

- Landscaping
- Establishing dry land vegetation
- Paving

See the tables below for Douglas County seed mix. Refer to the GESC plans and landscaping plans for installation location.

wow this is really modest considering the project slopes to a designated flood plain!



DOUGLAS COUNTY SEED MIX INFORMATION

Now important is this page Really!

Douglas County Permanent Drill Seed Mix					
Common Name	Botanical Name	Variety	Notes	% in Mix	Pounds of PLS Per Acre
BIG BLUESTEM	<i>Andropogon gerardi</i>	KAW	PNWS	10	1.1
YELLOW INDIANGRASS	<i>Sorghastrum nutans</i>	CHEYENNE	PNWS	10	1
SWITCHGRASS	<i>Panicum virgatum</i>	BLACKWELL	PNWS	10	0.4
SIDEOATS GRAMA	<i>Bouteloua curtipendula</i>	VAUGHN	PNWB	10	0.9
WESTERN WHEATGRASS	<i>Pascopyrum smithii</i>	ARRIBA	PNCB	10	1.6
BLUE GRAMA	<i>Bouteloua gracilis</i>	HACHITA	PNWB	10	0.3
THICKSPIKE WHEATGRASS	<i>Elymus lanceolatus ssp. dasystachyum</i>	CRITANA	PNCB	10	1
PRAIRIE SANDREED	<i>Calamovilfa longifolia</i>	GOSHEN	PNWS	10	0.7
GREEN NEEDLEGRASS	<i>Stipa viridula</i>	LODORM	PNCB	10	1
SLENDER WHEATGRASS	<i>Elymus trachycaulus ssp. trachycaulus</i>	PRYOR	PNCB	5	0.6
STREAMBANK WHEATGRASS	<i>Elymus lanceolatus ssp. riparium</i>	SODAR	PNCB	5	0.6

Douglas County Temporary Drill Seeding Mix					
Common Name	Botanical Name	Variety	Notes	% in Mix	Pounds of PLS Per Acre
SMOOTH BROMEGRASS	<i>Bromus inermis</i>	LINCOLN	PICS	30	3.9
INTERMEDIATE WHEATGRASS	<i>Elytrigia intermedia ssp. intermedia</i>	OAHE	PICS	30	4.5
PUBESCENT WHEATGRASS	<i>Elytrigia intermedia ssp. trichophorum</i>	LUNA	PICS	30	4.2
ANNUAL RYEGRASS	<i>Lolium multiflorum</i>	N/A	AICB	10	0.8

Douglas County Low Growth Drill Seed Mix					
Common Name	Botanical Name	Variety	Notes	% in Mix	Pounds of PLS Per Acre
BUFFALOGRASS	<i>Buchloea dactyloides</i>	TEXOKA	PNWS	20	3.2
BLUE GRAMA	<i>Bouteloua gracilis</i>	HACHITA	PNWB	20	0.6
WESTERN WHEATGRASS	<i>Pascopyrum smithii</i>	ARRIBA	PNCB	20	3.2
SIDEOATS GRAMA	<i>Bouteloua curtipendula</i>	VAUGHN	PNWB	20	1.8
THICKSPIKE WHEATGRASS	<i>Elymus lanceolatus ssp. dasystachyum</i>	CRITANA	PNCB	10	1
STREAMBANK WHEATGRASS	<i>Elymus lanceolatus ssp. riparium</i>	SODAR	PNCB	10	1.2

Notes: P = Perennial, A = Annual, N = Native, I = Introduced, W = Warm Season, C = Cool Season, S = Sod Former, B = Bunchgrass

STORMWATER MANAGEMENT CONSIDERATIONS

Control of sediment throughout construction shall be accomplished in the following manner.

1. Before clearing and grubbing, sediment barriers shall be installed at strategic locations to intercept sheet flows that might deposit sediment onto off site properties.
2. During overlot grading, wind erosion control measures, such as silt fence, soil roughening and watering will be added.
3. After utilities are installed, erosion control shall be carried out by landscaping or planting with a designed temporary or perennial grass seed mixture. When necessary, additional erosion control shall be achieved by applying and anchoring straw/hay mulch.

*that's the trigger?*

*how determined?*



4. Throughout all stages of construction, sediment and erosion control measures shall be inspected and maintained.
5. Sediment control measures shall be removed upon final stabilization of lands that contribute runoff waters to the structures. *and not the creek?*

No springs, streams, wetlands, or other surface water are anticipated to be located on or near the site.

*THIS STATEMENT IS INSULTING!*

Additional information on sediment and erosion control tasks can be found in Appendix B

Anticipated allowable sources of non-stormwater discharge at the site may include runoff discharged during the use of the concrete washout area and construction dewatering. The location of the concrete washout area is shown on the GESC plans.

*IS A PERMANENT FEATURE*

All dewatering on site shall be coordinated with a Douglas County GESC Inspector and be free of sediment in accordance with the GESC Criteria Manual

*where is this?*

#### MAINTENANCE

Inspections of sediment control measures shall occur after any significant wind, precipitation or snowmelt event that may cause erosion. As a minimum, inspection of all sediment and erosion control facilities shall be conducted at least every 7 days. Mitigation measures shall be inspected for at least the following:

- Accumulation of excess sediment and determination if the effectiveness of each structure is significantly reduced. Removal of accumulated sediment shall occur at the following limits: depth of 6" for silt fence, within 2.5" of the rock crest for inlet protection, and within 1/2 of the height of the crest of the log for sediment control logs.
- Damage to structures that need repairing to ensure their effectiveness.
- Addition or elimination of sediment and/or erosion control measures that are designed to control the movement of soil particles in a practical and effective manner.
- Immediate repair and/or replacement of necessary mitigation measures when total failures are found.

Results of each inspection shall be recorded on the reporting form (see Appendix) that will be kept with the contractor or their representative. Additional information on inspection and maintenance can be found in the Appendix.



REFERENCES

1. "Douglas County Grading, Erosion, and Sediment Control Manual", March 2004/amended January 2013.
2. "Flood Insurance Rate Map No. 08035C0151F" National Flood Insurance Program, Map Revised September 30, 2005.

thats it?  
how about FEDERAL  
REG'S for flood plains  
and whatever else  
protects PLUM CREEK?

APPENDIX

Vicinity Map

Web Soil Survey

FIRM Map

Phase & Task Outline for Sediment and Erosion Control

Inspection Form

Cost Estimate

*shows flood plain  
right through property? -  
east to west!*

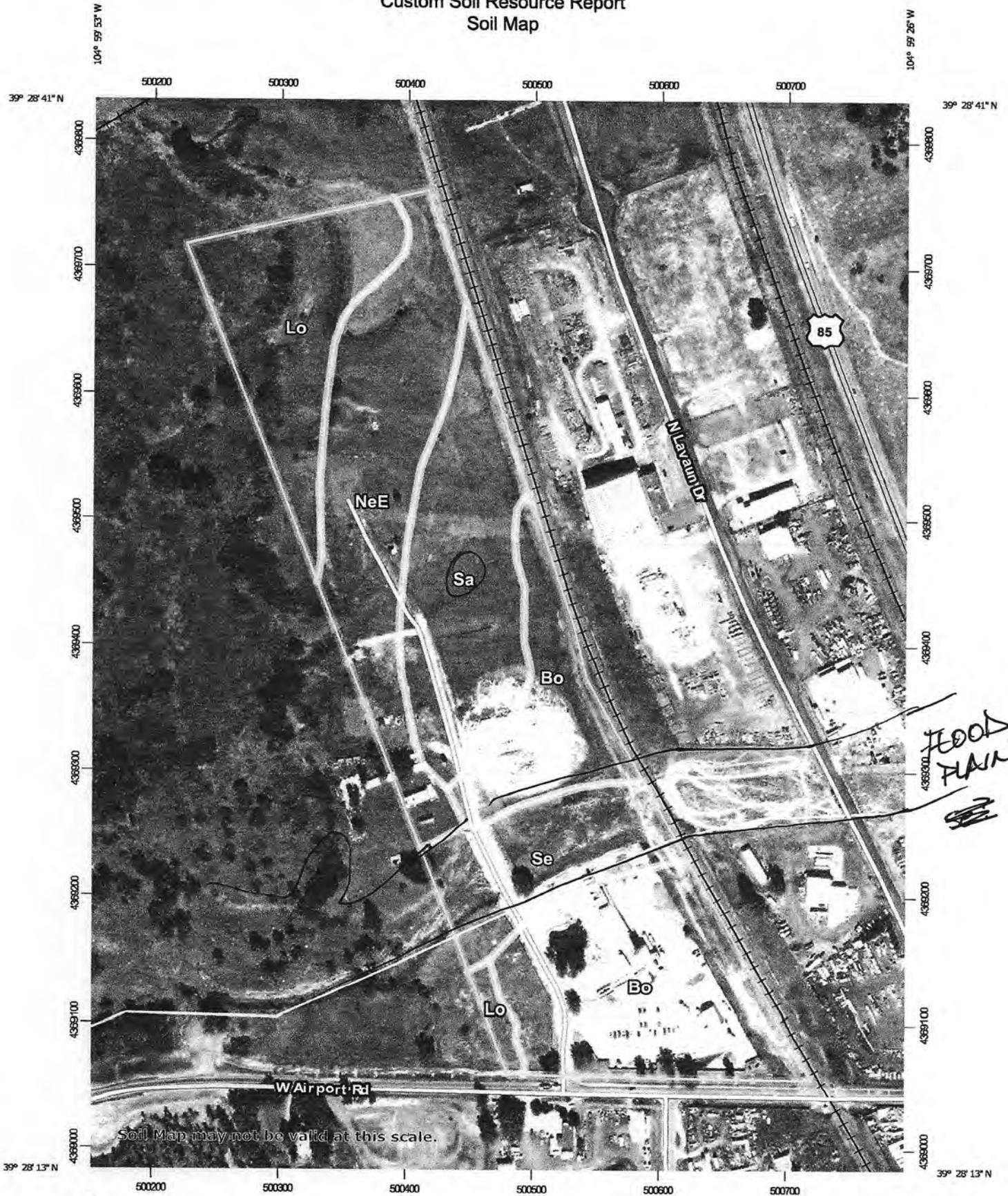
*Request  
for  
Bid  
RFB!*

*subcontractors  
is what we have here*

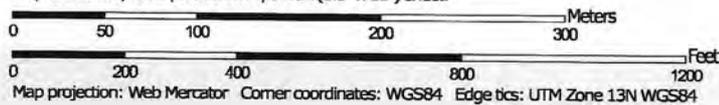


N.T.S.

# Custom Soil Resource Report Soil Map



Map Scale: 1:4,130 if printed on A portrait (8.5" x 11") sheet.



*Compare to  
plant footprint*

# National Flood Hazard Layer FIRMette



39°28'29.49"N  
104°59'51.77"W



104°59'14.31"W  
39°28'1.72"N

08035-001531F  
eff. 3/16/2005

The National Map of the United States  
08035-001531F  
eff. 3/16/2005

0 250 500 1,000 1,500 2,000 Feet

1:6,000

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**  
Without Base Flood Elevation (BFE)  
Zone A, V, A99  
With BFE or Depth Zone AE, AO, AH, VE, AR  
Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**  
0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X  
Future Conditions 1% Annual Chance Flood Hazard Zone X  
Area with Reduced Flood Risk due to Levee. See Notes. Zone X  
Area with Flood Risk due to Levee Zone D

**OTHER AREAS**  
NO SCREEN  
Area of Minimal Flood Hazard Zone X  
Effective LOMRs  
Area of Undetermined Flood Hazard Zone I

**GENERAL STRUCTURES**  
Channel, Culvert, or Storm Sewer  
Levee, Dike, or Floodwall

**OTHER FEATURES**  
Cross Sections with 1% Annual Chance Water Surface Elevation  
Coastal Transect  
Base Flood Elevation Line (BFE)  
Limit of Study  
Jurisdiction Boundary  
Coastal Transect Baseline  
Profile Baseline  
Hydrographic Feature

**MAP PANELS**  
Digital Data Available  
No Digital Data Available  
Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: Basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

