

## Location and Extent Staff Report

**Date:** March 3, 2026  
**To:** Douglas County Planning Commission  
**From:** Brett Thomas, AICP, Chief Planner *BT*  
Jeanette Bare, AICP, Planning Manager *JB*  
Steven E. Koster, AICP, Deputy Director of Community Development *SK*  
**Subject:** 5675 Delva Way – Douglas County Biochar Facility – Location and Extent  
**Project File:** LE2026-001

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**Planning Commission Hearing:** March 16, 2026 @ 6:00 p.m.

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### **I. EXECUTIVE SUMMARY**

Douglas County Public Works Operations (Operations) requests approval of a Location and Extent (L & E) application to construct a biochar facility. The biochar facility will produce biochar via pyrolysis from woody biomass and yard waste. The site would occupy approximately 10 acres of a 26.67-acre parcel, that the County currently leases north of the intersection of Delva Way and N US Highway 85. The site is zoned Planned Development (PD), as part of the Sedalia Business Park Planned Development. The biochar facility is located in the Sedalia Rural Community as designated on the 2040 Douglas County Comprehensive Master Plan (CMP).

### **II. APPLICATION INFORMATION**

#### **A. Applicant**

Douglas County  
100 Third Street  
Castle Rock, Colorado 80104

#### **B. Applicant's Representative**

Dan Roberts, Assistant Director  
Douglas County Public Works Operations  
100 Third Street  
Castle Rock, Colorado 80104

#### **C. Request**

Douglas County Operations requests approval of an L & E application for the construction of a biochar facility within the Sedalia Business Park.

#### **D. Location**

The site is located north of the intersection of Delva Way and N US Highway 85. Vicinity, zoning, and aerial maps are included as an attachment to the staff report to highlight site location and existing conditions.

#### **E. Project Description**

The applicant requests L & E approval to construct a biochar facility within the Sedalia Business Park. The facility consists of one enclosed process building, approximately 60-feet by 120-feet, which houses a rotating-drum pyrolysis unit, feedstock handling system, chipper/grinder, conveyors, hoppers, bagging and loading equipment. The facility also includes one open-sided storage shed, approximately 60-feet by 160-feet. Outdoor areas include feedstock staging, biochar cooling and quarantine, and super-sack storage.

The target processing capacity is approximately 1.5 tons per hour, with continuous operation of the pyrolysis system and daytime feedstock processing. Feedstock is limited to woody material such as tree trunks, limbs, branches, and ground chips. Treated, painted, and contaminated wood is prohibited.

The facility will run continuously except for planned outages, with operator monitoring 24/7 onsite and remote. Public drop-off and pickup is anticipated to operate Monday through Saturday, with two staff per shift. The intent is to scale up to an operational team of eight staff across feedstock processing, pyrolysis, and materials management.

The feedstock is generally limited to approximately two months of need. The County retains the right to utilize waste heat for beneficial use if pursued.

The site is located within the Industrial Development Node of the Sedalia Rural Community as identified in Section 4 of the CMP. The CMP supports the siting of industrial uses in development nodes.

### **III. CONTEXT**

#### **A. Background**

The biochar facility site is part of an approximately 27-acre unplatted parcel within the Sedalia Business Park PD. The Sedalia Business Park PD was approved by the Board of County Commissioners (Board) in 1985 and allows for industrial, commercial, and open space uses.

#### **B. Adjacent Land Uses and Zoning**

The biochar facility is located on a portion of a larger 26.7-acre unplatted parcel within the Sedalia Business Park PD. The Sedalia Business Park remains largely undeveloped. Beyond the Sedalia Business Park to the north is the Sedalia Recycling Center and Depository. CORE Electric Cooperative offices are located to the east of the Sedalia

Business Park. To the west, across N US Highway 85, is a vacant industrial parcel zoned Sedalia Mixed Industrial. South of the site is additional undeveloped land within the Sedalia Business Park.

**Zoning and Land Use**

Direction	Zoning	Land Use
North	Planned Development (PD)	Undeveloped Sedalia Business Park
South	Planned Development (PD)	Undeveloped Sedalia Business Park
East	Planned Development (PD)	Undeveloped Sedalia Business Park
West	Sedalia Mixed Industrial (MI)	Vacant Industrial

**IV. PHYSICAL SITE CHARACTERISTICS**

**A. Site Characteristics and Constraints**

No existing physical conditions are present that constrain construction of the proposed biochar facility. There is a constructed drainage swale along the southern portion of the site that will be rerouted during construction into a permanent stormwater pipe system.

**B. Access**

Access to the site is provided via Delva Way, a signalized intersection with N US Highway 85. Appointment windows will be utilized for commercial loads during peak seasons to mitigate conflicts with residents dropping off material.

The applicant submitted a Traffic Impact Study (TIS) which is under review by Public Works Engineering (Engineering). Acceptance of the TIS is required by Engineering prior to project commencement.

**C. Drainage and Erosion**

Stormwater will be conveyed through swales, storm inlets, and pipes where it will outlet into an existing sediment basin to the northwest of the site. The Grading, Erosion, Sediment Control (GES) plan and report, as well as the drainage report and plan, are under review by Engineering for approval prior to project commencement.

**D. Floodplain**

No floodplain is present on the site.

**V. PROVISION OF SERVICES**

**A. Fire Protection**

West Douglas County Fire Protection District (WDCFPD) provides firefighting and emergency medical services to the project area. At the writing of the staff report, no response has been received from the WDCFPD.

## **B. Sheriff Services**

The Douglas County Sheriff's Office (DCSO) provides emergency services to the site. The Office of Emergency Management noted support of the project. At the writing of the staff report, no response has been received from the DCSO.

## **C. Water and Sanitation**

The biochar facility will initially be served with a well and septic system. Fire flow is to be provided in a cistern with hauled non-potable water.

Central services are anticipated in the future to accommodate development of other Public Works improvements. The County is engaged in ongoing conversations with the Sedalia Water and Sanitation District (SWSD) and CORE Electric Cooperative for the extension of water and sanitation lines to the north side of N US Highway 85. The County is engaged in conversations with Castle Rock Water on a wastewater collection system alignment that could tie into the ARPA-funded lift station and force main that will soon be under construction in Sedalia.

## **D. Utilities**

Area utility service providers were provided a referral on this application. AT&T noted no conflicts with AT&T infrastructure. Xcel Energy noted the applicant must complete the application process for any new natural gas service. The comments were provided to the applicant. At the writing of the staff report, no other utility provider had issued comments.

## **E. Other Required Processes and Permits**

In addition to the L & E approval, the following permits and other approvals may be required prior to commencement of construction:

- Engineering approvals:
  - GESC Plan and Report
  - Drainage Plan and Report
  - Civil Construction Plans
  - Acceptance of TIS
- Approval of building-related plans

## **VI. PUBLIC NOTICE AND INPUT**

Courtesy notices of an application in process were sent to adjacent property owners. No adjacent property owners or members of the public commented on the proposal. Referral response requests were sent to referral agencies on February 17, 2026, and the referral period concludes on March 3, 2026. Referral agency responses received are attached to the staff report for reference.

**VII. STAFF ASSESSMENT**

Staff evaluated the application in accordance with Section 32 of the Douglas County Zoning Resolution. Should the Planning Commission approve the L & E request, the applicant will be required to receive approval of all necessary permits prior to commencement of the project.

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**LAND USE APPLICATION**

Please complete, sign, and date this application. Return it with the required items listed on the Submittal Checklist to [planningsubmittals@douglas.co.us](mailto:planningsubmittals@douglas.co.us). Submittals may also be mailed or submitted in person to Planning Services. *NOTE: The Planning Commission or the Board of County Commissioners should not be contacted regarding an open application.*

<b>OFFICE USE ONLY</b>
PROJECT TITLE: _____
PROJECT NUMBER: LE2026-001

**PROJECT TYPE:** Local government operations facility  
**MARKETING NAME:** Douglas County Public Works Operations Biochar Facility  
**PRESUBMITTAL REVIEW PROJECT NUMBER:** PS2025-165

**PROJECT SITE:**  
Address: 6046 U.S. Highway 85, Sedalia, CO 80135  
State Parcel Number(s): 2353142000024, 235314000003, 2353142000021, 235314100005  
Subdivision/Block#/Lot# (if platted): \_\_\_\_\_

**PROPERTY OWNER(S):**  
Name(s): Douglas County Public Works  
Address: 100 Third Street, Castle Rock, CO 80104  
Phone: 303-660-7480  
Email: PWOperations@douglas.co.us

**AUTHORIZED REPRESENTATIVE:** (Notarized Letter of Authorization is required from the property owner, unless the owner is acting as the representative)  
Name: Dan Roberts  
Address: 100 Third Street, Castle Rock, CO 80104  
Phone: 303-663-6284  
Email: drroberts@douglas.co.us

To the best of my knowledge, the information contained on this application is true and correct. I have received the County's information sheet regarding the *Preble's Meadow Jumping Mouse*.

Daniel Roberts 02.10.2026  
Applicant Signature Date

# Douglas County Biochar Facility

## Location and Extent (L&E) Narrative

Date: February 10, 2026

Applicant/Owner: Douglas County, Colorado, Public Works – Operations Division

Primary Contact: Daniel R. Roberts, Assistant Director, Public Works – Operations

### 1. Request

Douglas County requests Location and Extent (L&E) approval to develop and operate a county biochar facility on approximately 10 acres within a larger County-controlled site in the Sedalia area. The facility will accept woody biomass and yard waste, produce biochar via pyrolysis with associated storage, loadout, and a single enclosed process building. The use will consolidate and modernize the County's slash/mulch drop-off and green-waste diversion functions while creating a local outlet for non-marketable woody biomass generated by wildfire mitigation and forest health work.

### 2. Property Description

- General Location: East side of US-85, Sedalia area, adjacent to the Sedalia Landfill and CORE Electric facilities; access via the existing signalized intersection at Delva Way.
- Addresses (County records): 6046–6142 US Hwy 85, Sedalia, CO 80135.
- Parcels: A portion of 2353141000005.
- Site Area: ±30 acres total County-controlled area; biochar facility footprint up to 10 acres.
- Adjacent Uses: County landfill and utility operations to the east/south; US-85 corridor frontage to the west.
- County Control/Relationship to Landfill: The County leases and manages property at/adjacent to the Sedalia Landfill (5970 US-85) for the project with plans to purchase.

### 3. Proposed Development and Operations

- Facilities/Structures: One enclosed process building, approximately ±60' x 120', housing a rotating-drum pyrolysis unit, feedstock handling system, chipper/grinder, conveyors, hoppers, bagging and loadout equipment; and one open sided storage she, 60' x 160'. Outdoor areas include feedstock staging, biochar cooling/quarantine, and super-sack storage.
- Throughput/Capacity: Target processing capacity approximately 1.5 tons/hour (up to ~36 tons/day), with continuous operation of the pyrolysis system and daytime feedstock processing.

- Feedstock/Products: Feedstock limited to woody material (tree trunks, limbs, branches; ground/screened chips). Treated/painted/contaminated wood is prohibited. Primary product is biochar.
- Hours/Staffing: The facility will run continuously except for planned outages; operator monitoring is 24/7 (onsite/remote). Public drop-off and pickup anticipated Monday–Saturday; operational staffing initially ~2 staff per shift, scaling to an operational team of up to ~8 across feedstock processing, pyrolysis, and materials management.
- Storage/Safety: Ground feed stock generally limited to approximately two months of need; FIFO practices will be used. Finished biochar is quarantined a minimum of four days to eliminate self-heating risk before packaging/shipment.
- Quality/Certifications: Routine testing (at least quarterly). Facility will pursue World Biochar Certificate (WBC) and OMRI listings; labeling compliant with AAPFCO; UN/DOT 4.2 self-heating test for transport.
- Heat/Energy Byproduct: County retains rights to utilize waste heat for beneficial use (e.g., electricity) if pursued.

#### 4. Access, Circulation, and Traffic

- Access: Existing signalized intersection at Delva Way on US-85 will serve inbound/outbound movements for residents and commercial deliveries.
- Estimated Activity Levels: Based on current County slash/mulch program demand, residential drop-offs can peak during seasonal events; a 2024 peak day observed 538 loads, with an estimated peak hour of ~60 loads. Commercial logging deliveries anticipated to average ~1 truck/day (33 tons/load), up to 5/day when stockpiling. Combined estimated peak activity is ~65 loads per hour on peak days; the on-site circulation plan will meter/queue vehicles within the site to prevent impacts to US-85.
- Mitigations: Use of the existing signalized access; on-site queuing/storage for residential vehicles; appointment windows for commercial loads during peak seasons; daytime scheduling for high-noise processing; site landscaping and screening to reduce visual and noise impacts; and coordination with the landfill operator to avoid overlapping peak queues.

#### 5. Utilities and Infrastructure

- Utilities: County to provide/pay for gas/propane, electricity, water, wastewater/sewer, and solid waste services, including any necessary connections. Specific providers to be confirmed during SIP/Building Permit stage.
- Stormwater/Drainage: Final drainage and stormwater BMPs (including detention, erosion control, and non-contact water management around feedstock and biochar storage) will be provided with civil plans at Site Improvement Plan stage. Biochar’s on-site use in stormwater BMPs may be demonstrated where appropriate.
- Solid Waste Handling: On-site containers for incidental waste; green-waste operations consolidated into biochar production per County program transition.

## 6. Environmental, Health, and Safety

- Air Quality/Emissions: The County will secure required State air permits for pyrolysis equipment; recordkeeping to support permitting and carbon-credit documentation will be maintained. Continuous operation reduces start/stop emissions; daylight processing minimizes safety risks.
- Pollution Prevention: Per County procurement, environmental impacts (including emissions) must be fully mitigated with evidence; the project incorporates enclosed processing, screened and limited feedstock storage, and four-day biochar quarantine prior to packaging and transport.
- Fire Safety: Controlled feedstock inventories; FIFO management; quarantine protocol; and operator on-call coverage after hours. Tours/public access are managed by appointment and age restrictions to maintain safety.
- Product Quality and Transport: Routine accredited lab testing; compliance with WBC/OMRI/AAPFCO/UNDOT standards prior to distribution.

## 7. Public Need and Community Benefit

The facility creates a regional outlet for non-marketable woody biomass, lowering overall wildfire mitigation costs, expanding treated acreage, and supplying biochar/compost for stormwater management, soil health, and restoration projects. The County projects opening in 2026, with minimal broader public impact given the industrial location and existing US-85 access.

## 8. Phasing and Timeline

- Phase 1 (L&E + SIP/Building Permits): Site planning, drainage, utilities, building and equipment installation.
- Phase 2 (Commissioning/Operations): Continuous pyrolysis operations, public drop-off Monday to Saturday, sales active. The Operator will provide annual production and financial reports. Target opening: 2026.

## 9. Compliance and Approvals

- This use is consistent with the County's public service mission to provide waste diversion and wildfire mitigation infrastructure, located adjacent to existing industrial/utility uses and the County landfill. Detailed compliance with zoning, engineering, and building codes will be demonstrated through the GESC and building permit submittals.
- Required permits/approvals anticipated include Location & Extent, Site Improvement Plan, building/mechanical/electrical permits, air permits for pyrolysis equipment, and construction/industrial stormwater permits as applicable; coordination with referral agencies (e.g., CDOT for access confirmation along US-85) will occur during review.

## 10. Operations and Maintenance

- County–Operator Roles: County constructs improvements and provides utilities; functions as operator and handles day-to-day operation, sales/marketing, and maintains certifications;

County retains pricing authority and manages payment processing. Annual reports and profit-share terms govern ongoing performance.

- Records and Audits: County / Operator will maintain records necessary for air permitting and carbon credit sales; Operator subject to audit.

### **11. Key Project Data (For Application Form)**

- Site area: ±30 acres; biochar facility: up to ±10 acres.
- Building: concept ±60' x 120', 60' x 160' open sided storage shed.
- Capacity: ~1.5 TPH; ~36 TPD.
- Access: existing signal at Delva Way/US-85.
- Parcels: Portion of 2353141000005.
- Public drop-off: Mon–Sat (final schedule to be confirmed).
- Operations: 24/7 monitored; daylight feedstock processing.
- Quality: WBC/OMRI pursuit; quarterly testing.

### **12. Conclusion**

The project leverages an appropriate industrial site with signalized highway access to deliver critical wildfire-mitigation and waste-diversion services, while controlling environmental impacts through enclosed processing, inventory limits, quarantine protocols, and state and County permitting. Approval of this L&E will allow Douglas County to proceed to detailed engineering and building permits and construction.

# Comprehensive Master Plan Land Use Reference Map

## Comprehensive Master Plan Areas

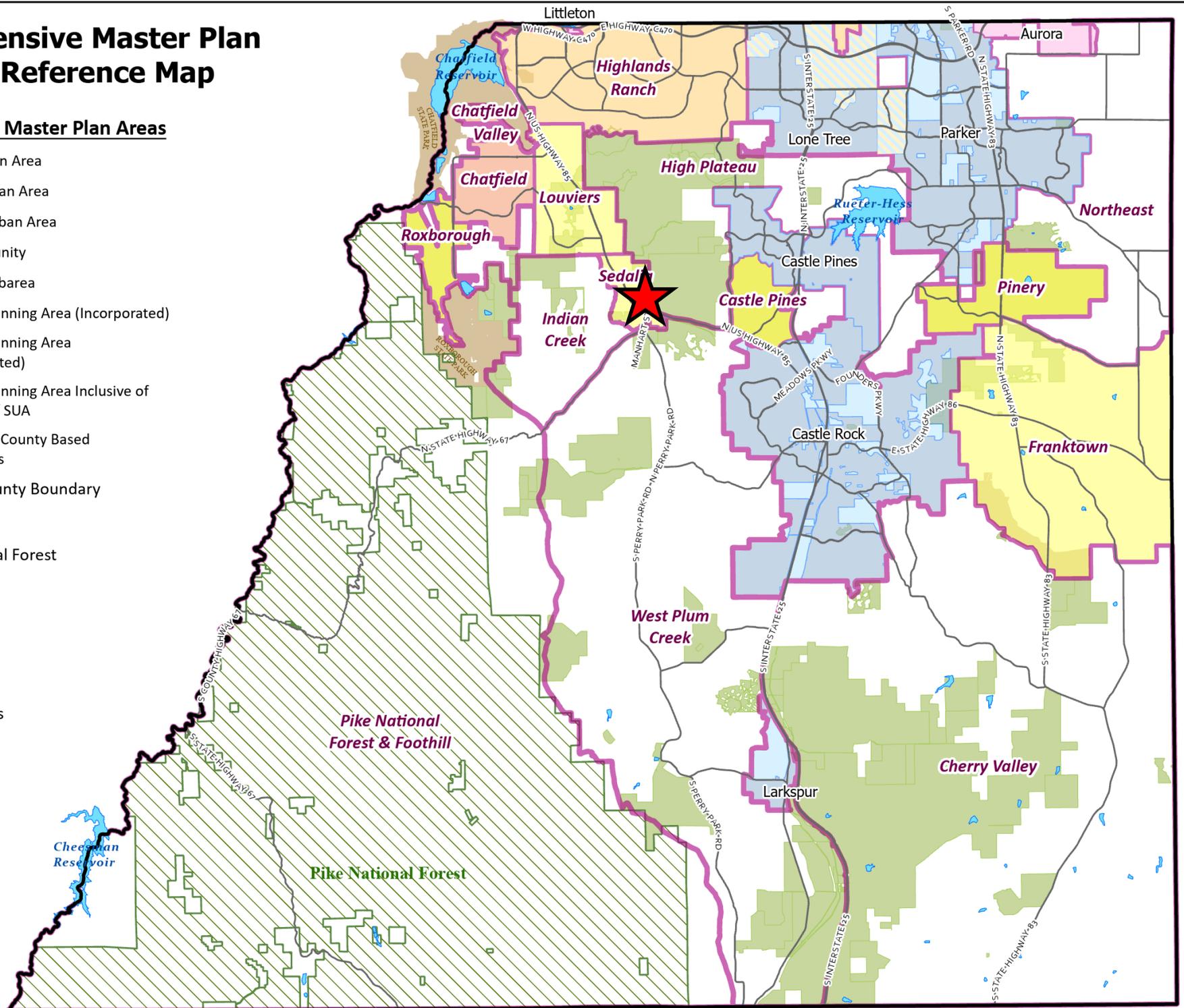
-  Primary Urban Area
-  Chatfield Urban Area
-  Separated Urban Area
-  Rural Community
-  Nonurban Subarea
-  Municipal Planning Area (Incorporated)
-  Municipal Planning Area (Unincorporated)
-  Municipal Planning Area Inclusive of County PUA / SUA
-  Non-Douglas County Based Municipalities
-  Douglas County Boundary

## Parks

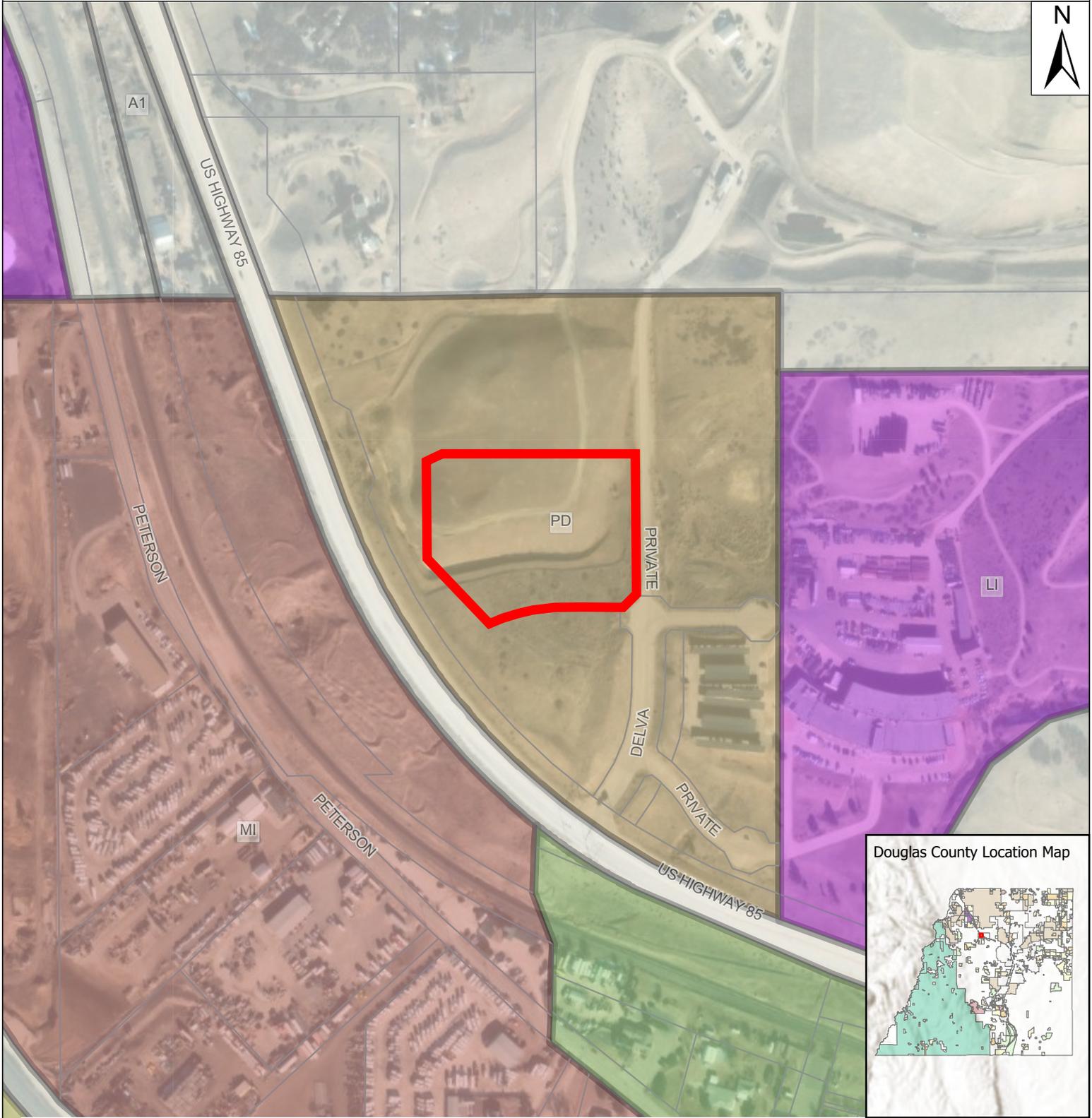
-  Pike National Forest
-  State Parks
-  Open Space
-  Lakes

## Roadways

-  Major Roads



# 5675 Delva Way - LE2026-001

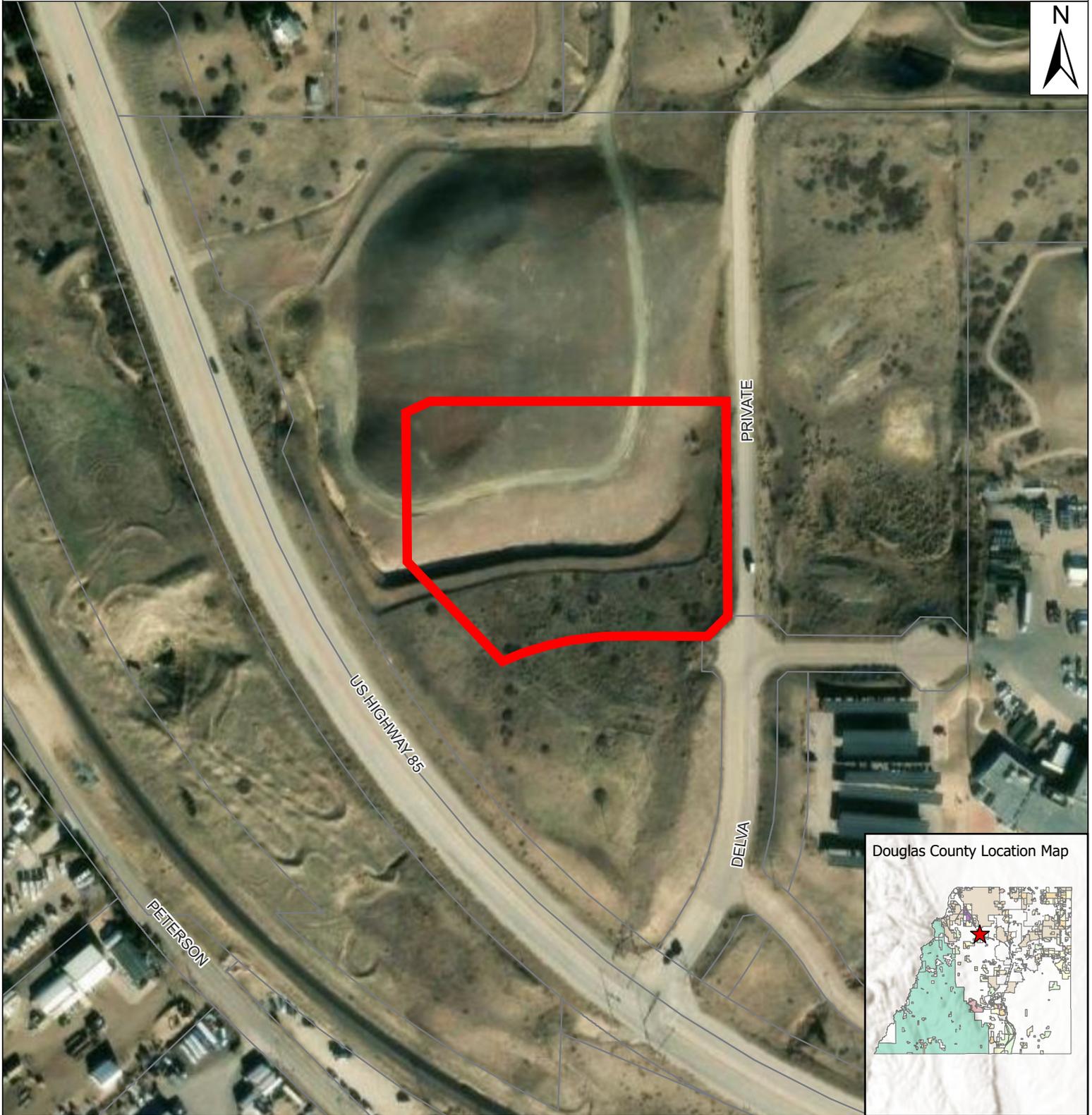


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- |   |   |
|---|---|
|  CMTY - SEDALIA COMMUNITY      |  A1 - AGRICULTURAL ONE   |
|  MI - SEDALIA MIXED INDUSTRIAL |  RR - RURAL RESIDENTIAL  |
|  PD - PLANNED DEVELOPMENT      |  LI - LIGHT INDUSTRIAL   |
|   |  GI - GENERAL INDUSTRIAL |

# 5675 Delva Way - LE2026-001



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**Referral Agency Response Report**

**Project Name:** 5675 Delva Way - Location and Extent

**Project File #:** LE2026-001

**Date Sent:** 02/17/2026

**Date Due:** 03/03/2026

Agency	Date Received	Agency Response	Response Resolution
Addressing Analyst	02/19/2026	<p><b>Verbatim Response:</b>                      The proposed address for this facility is 5675 DELVA WAY. This address is not to be used for any purpose other than for plan review until after this project is approved. Proposed addresses are subject to changes as necessary for 911 dispatch and life safety purposes. Addresses are recorded by Douglas County following all necessary approvals. Contact DCAddressing@douglas.co.us or 303.660.7411 with questions.</p>	Comments provided to applicant.
AT&T Long Distance - ROW	02/18/2026	<p><b>Summary of Response:</b>                      AT&amp;T reviewed the request and there should be no conflicts with AT&amp;T Long Lines.</p>	No action required.
Building Services	02/20/2026	<p><b>Verbatim Response:</b>                      Permit is required. Please visit Douglas County's web site and contact 303-660-7497 if you have any questions.</p>	Comments provided to applicant.
CenturyLink		No response received.	
Colorado Department of Public Health and Environment	02/24/2026 and 02/17/2026	<p><b>Summary of Response:</b>                      CDPHE provided specific comments in its February 24 response related to Air Quality Control Commission regulations and the reporting of air emissions (Air Pollutant Emissions Notice and Regulation No. 3). Comments associated with land development activities and fugitive dust were noted. CDPHE's February 17 response provided general comments which may not be applicable to this application, including hazardous and solid waste, water quality, clean water requirements, environmental justice, and health equity.</p>	Comments provided to applicant.
Colorado Department of Transportation		No response received.	
Comcast		No response received.	
CORE Electric Cooperative		No response received.	

**Referral Agency Response Report**

**Project Name:** 5675 Delva Way - Location and Extent

**Project File #:** LE2026-001

**Date Sent:** 02/17/2026

**Date Due:** 03/03/2026

Agency	Date Received	Agency Response	Response Resolution
Douglas County Health Department		No response received.	
Engineering Services		No response received.	
Office of Emergency Management	02/23/2026	<b>Verbatim response:</b> Emergency Management supports this project.	No action required.
Sedalia Property Owners Coalition		No response received.	
Sedalia Water and Sanitation District	02/18/2026	<b>Verbatim Response:</b> The applicant has been in contact with SWSD, and those discussions should continue if the applicant wishes to pursue inclusion in the District and obtain water service. SWSD will continue working with the applicant to determine whether a feasible solution for providing water can be reached. As the applicant is aware, there are several factors involved, including identification of the permanent water source, so this process will take time to navigate. It is recommended that discussions begin as soon as feasible to allow adequate time prior to construction.	Comments provided to applicant.
Sheriff's Office		No response received.	
Town of Castle Rock	02/24/2026	No comment.	No action required.
West Douglas County Fire Protection District		No response received.	
Xcel Energy-Right of Way & Permits (PSCo)	02/23/2026	<b>Summary of Response:</b> Xcel Energy noted the developer must complete the application process for any new natural gas service, or modification to existing facilities. If additional easements need to be acquired by separate PSCo document, a Right-of-Way Agent will need to be contacted.	Comments provided to applicant.

## Brett Thomas

From: annb cwc64.com <annb@cwc64.com>

Sent: Wednesday, February 18, 2026 11:19 AM

To: Brett Thomas <bthomas@douglas.co.us>

Cc: LANA SCARLETT-ROWELL (ls1762@att.com) <ls1762@att.com>; duanew cwc64.com <duanew@cwc64.com>; jt cwc64.com <jt@cwc64.com>

Subject: Delva Way Sedalia, Colorado Douglas County eReferral #LE2026-001

Hi Brett,

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

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

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



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



**COLORADO**  
Department of Public  
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

Brett Thomas  
Chief Planner  
Douglas County Planning Services  
100 Third Street Castle Rock, CO 80104

**VIA EMAIL**

RE: Douglas County eReferral (LE2026-001) Is Ready For Review

Dear Brett Thomas,

The Colorado Department of Public Health and Environment's Air Pollution Control Division (APCD or Division) received a request for an air quality administrative review concerning the proposed biochar facility project as described in your correspondence dated February 17, 2026. The Division has reviewed the project letter and respectfully offers the following comments. Please note that the following Air Quality Control Commission (AQCC) regulations may not be inclusive of the regulations the proposed project will be subject to. It is the responsibility of the involved parties to determine what regulations they are subject to and follow them accordingly.

**APEN and Regulation No. 3**

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

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

A permit may not be required if it meets the following criteria:<sup>1</sup>

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

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

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<sup>1</sup> APEN or Permit Exemptions, CDPHE,

<https://cdphe.colorado.gov/apens-and-air-permits/common-apen-or-air-permit-exemptions>



**Land Development**

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

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

Please refer to the website <https://cdphe.colorado.gov/apens-and-air-permits> for information on land use APENs and permit forms. Click on “Land Development” to access the land development specific APEN form. Please contact KC Houlden, Construction Permits Unit Supervisor, at 303-691-4092, [kenneth.houlden@state.co.us](mailto:kenneth.houlden@state.co.us) if you have any specific questions about APENs and permit forms.

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

Sincerely,  
Brendan Cicione  
Air Quality and Transportation Planner  
General SIP Unit  
Air Pollution Control Division  
Colorado Department of Public Health and Environment  
303-691-7486 // [brendan.cicione@state.co.us](mailto:brendan.cicione@state.co.us)



## Brett Thomas

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**From:** Localreferral - CDPHE, CDPHE <cdphe\_localreferral@state.co.us>  
**Sent:** Tuesday, February 17, 2026 1:53 PM  
**To:** Brett Thomas <bthomas@douglas.co.us>  
**Subject:** Re: Douglas County eReferral (LE2026-001) Is Ready For Review

**Caution:** This email originated outside the organization. Be cautious with links and attachments.

Thank you for contacting the Colorado Department of Public Health and Environment (CDPHE). CDPHE's general comments are available [here](#). CDPHE's oil and gas related comments are available [here](#). We will continue to review this referral to determine whether additional comments are necessary. If additional comments are necessary, we will submit them by the referral deadline.

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[cdphe\\_localreferral@state.co.us](mailto:cdphe_localreferral@state.co.us) | [colorado.gov/cdphe](http://colorado.gov/cdphe)



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

### **Hazardous and Solid Waste**

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

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

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

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

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

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

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

### **Water Quality**

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

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



## Clean Water Requirements

### Stormwater

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

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

For CEOS support please see the following WQCD website:

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

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

or contact:

Email: [cdphe\\_ceos\\_support@state.co.us](mailto:cdphe_ceos_support@state.co.us) or [cdphe\\_wqcd\\_permits@state.co.us](mailto:cdphe_wqcd_permits@state.co.us)

Permits Phone: 303-692-3517

### Domestic Wastewater

Some projects with wastewater collection may have domestic wastewater treatment works (i.e., treatment plant, interceptor sewer, or lift station) with a design capacity to receive greater than 2,000 gallons per day (gpd) and are subject to state-wide site location, design, and permitting requirements implemented by the Water Quality Control Division. It is the responsibility of all entities with wastewater facilities in Colorado to assess whether their facility is a domestic wastewater treatment works and to comply with the regulations accordingly. There is not a notification process whereby an entity only has a domestic wastewater treatment works if notified by the Department. State review and approval of the site location application and design is required by the Colorado Water Quality Control Act (Act), Section 25-8-702, C.R.S. which states in part that:

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

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



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

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

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

<https://cdphe.colorado.gov/water-quality-permits>

## Drinking Water Requirements

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

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

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

*(a) Any collection, treatment, storage, and distribution facilities under control of the supplier of such system and used primarily in connection with such system.*

*(b) Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.*

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

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

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



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

**Air Quality**

The applicant must comply with all relevant state and federal air quality rules and regulations. Air quality regulations are available here: <https://www.colorado.gov/pacific/cdphe/aqcc-regs>.

**Air Pollutant Emissions Notices (APENs) and Permits**

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

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

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

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

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



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

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

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

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

### Asbestos and Lead-Based Paint

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

These regulations may require the use of, or inspection by, companies or individuals that are certified to inspect or remove these hazards **prior to renovation or demolition**. APCD must also be notified of abatement or demolition activities prior to beginning any work in the case of asbestos. For additional guidance on these regulations and lists of certified companies and individuals please visit the following website for asbestos: <https://www.colorado.gov/cdphe/categories/services-and-information/environment/asbestos> and the following website for lead-based paint: <https://www.colorado.gov/pacific/cdphe/categories/services-and-information/lead>.



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

If you have more general questions about air quality, please contact CDPHE's APCD by emailing [cdphe.commentsapcd@state.co.us](mailto:cdphe.commentsapcd@state.co.us) or calling 303-692-3100.

### **Environmental Justice and Health Equity**

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

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

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

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

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

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



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

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

We have included some general resources for your reference.

Resources:

[CDPHE Environmental Justice Website](#)

[CDPHE's Health Equity Resources](#)

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

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





**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: 303.285.6612  
[violeta.ciocanu@xcelenergy.com](mailto:violeta.ciocanu@xcelenergy.com)

February 23, 2026

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

Attn: Brett Thomas

**RE: 5675 Delva Way - Location and Extent, Case # LE2026-001**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plan for **5675 Delva Way - Location and Extent**.

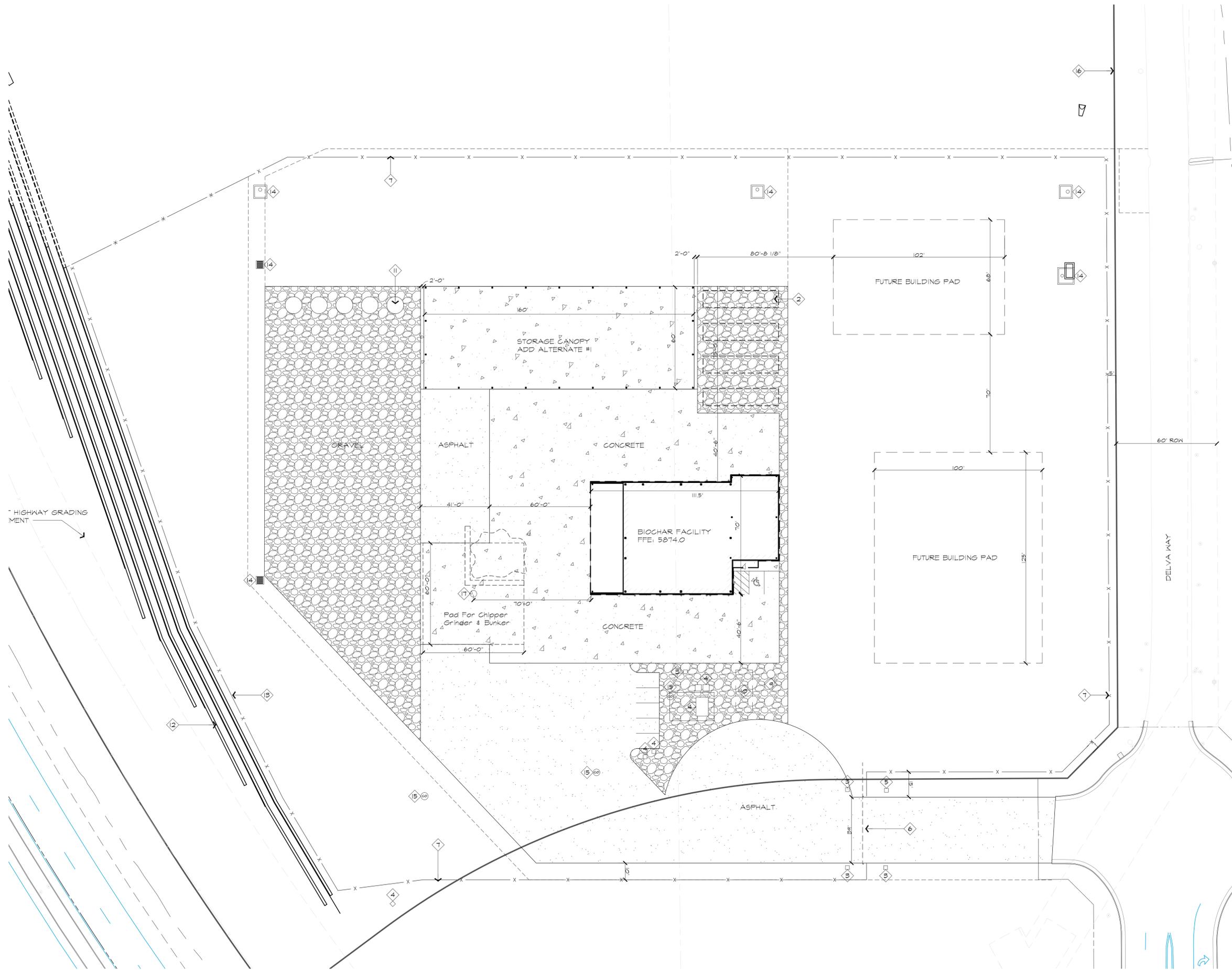
The property owner/developer/contractor must complete the application process for any new natural gas service, or modification to existing facilities via [Building and Remodeling | Partner Resources | Xcel Energy](#). It is then the responsibility of the developer to contact the Xcel Designer assigned to the project for approval of design details.

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

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

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

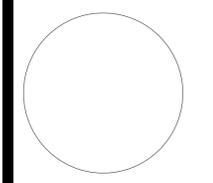
*Although "branded" as Xcel Energy, the legal owner and operator of the utility facilities in Colorado is Public Service Company of Colorado. All utility facilities and related land rights, including fee property, easements, permits, etc., are owned by, operated by and held in the name of Public Service Company of Colorado, a Colorado Corporation.*



**Site Notes:**

1. Topographic survey completed by CNC Consulting on 09/15/2025.

- Site Plan Key Notes**
- 1. Bollard, See Detail 32 On Sheet A-5.1.
  - 2. Underground Water Tanks, Design, Engineering & Installation By Fire Protection Subcontractor.
  - 3. Electrical Hand Holds, See E-0.1.
  - 4. Electrical Equipment, See E-0.1.
  - 5. Electrical Gate Control, See E-0.1.
  - 6. 42' Electric Sliding Gate. See Details 3 & 4 On A-1.1.
  - 7. 6' High Galvanized Chainlink Fence See 4A-1.1.
  - 8. Card Reader & Intercom, Reference Electrical & Lowvoltage Drawings.
  - 9. Well Location
  - 10. 10,000 Gallon Cistern Tank Location
  - 11. Vertical Above Ground Tanks, by Other.
  - 12. Retaining Walls, Reference Civil Drawings.
  - 13. Metal Panded Screen Wall. See Details 6 & 7 On A-1.1.
  - 14. Storm Manhole & Inlet, Reference Civil Drawings.
  - 15. 4" Traffic Rated Cleanout, Reference OATS Drawings.
  - 16. Property Line.
  - 17. Electrical Manhole, Run Conduit for Chipper Grinder Location, Reference Electrical Drawings



Project #: 2509  
 Date: 01/19/26  
 Drawn By:  
 Checked By:  
 Scale: as noted  
 Revisions:



**Window Schedule**

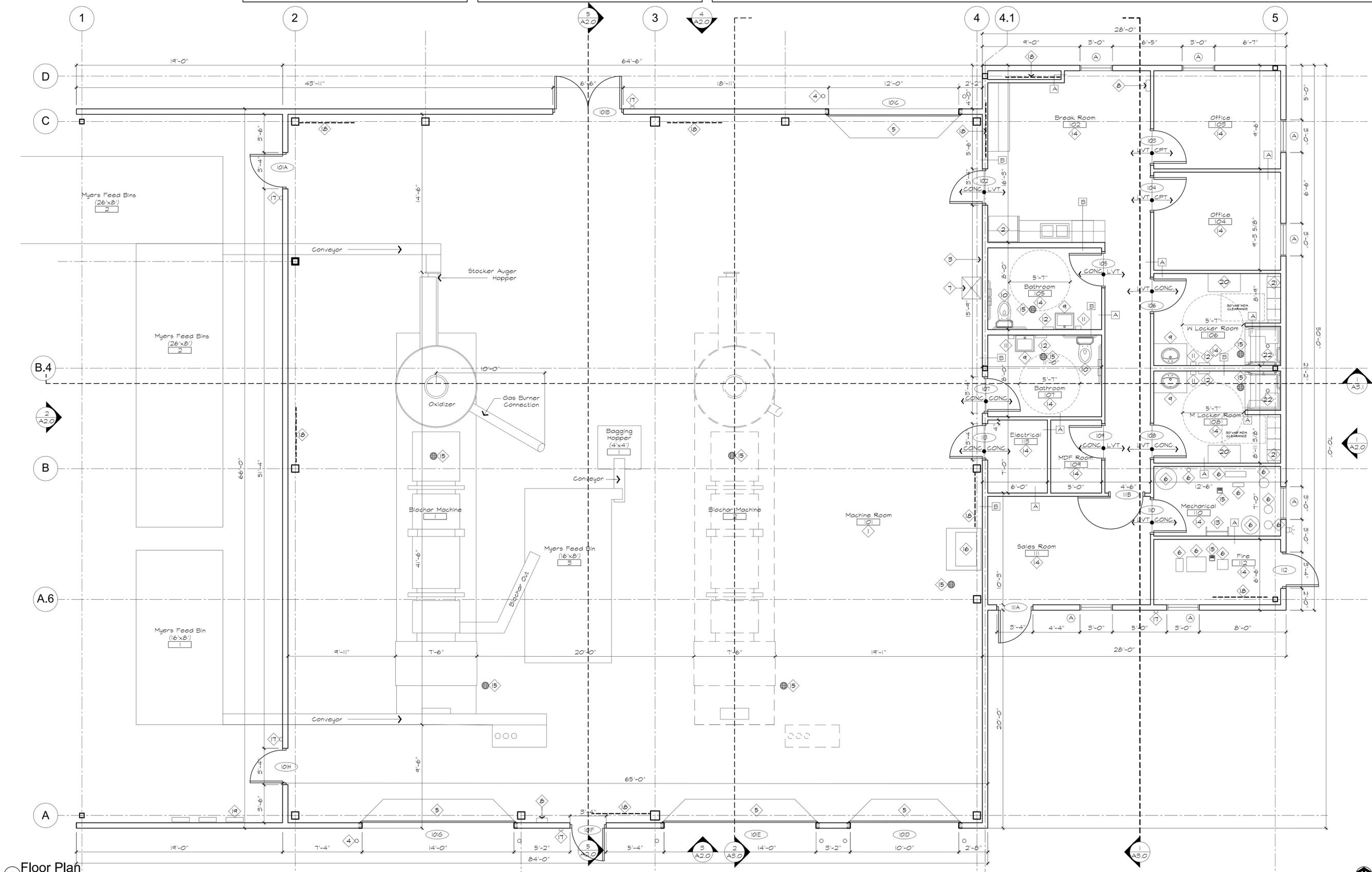
A	3'-0" Wide X 5'-0" High Aluminum Window, Exterior.
B	2'-0" Wide X 3'-0" High Aluminum Window, Exterior.
C	2'-0" Wide X 2'-0" High Aluminum Window, Exterior.

**Wall Type Legend**

A	5/8" Type 'X' Gypsum Wallboard Both Sides On 3-5/8" Metal Studs At 16" O.C. Typical.
B	5/8" Type 'X' Gypsum Wallboard Both Sides On 6" Metal Studs At 16" O.C. Typical.

**Plan Legend**

1	6" Concrete Slab On Grade Re: Structural Drawings, Seal.	2	Paper Towel Dispenser, Furnished By Owner, Installed By G.C., Typical.	3	Diagonal Bracing Above, Reference Structural Plans.
2	Plumbed Refrigerator Furnished By Owner Installed By G.C., Water Connection, Reference Plumbing Plans.	3	Roof Access Ladder, See Detail 24 And 30 on Sheet A-5.1.	4	Electrical Panel Boxes, Reference Electrical Plans.
3	FRP At Map Sink Walls 4'-0" to Each Side, 2'-0" Tall.	4	Provide Floor & Wall Finishes See Room Finish Schedule.	5	ADA Locker Bench, See Detail 14 on Sheet A-5.0.
4	Ballard See Detail 32 on Sheet A-5.1.	5	Floor Drains, Reference Plumbing Plans.	6	Knock Down Lockers With Recessed Handle & Built In Padlock, See Specifications.
5	Slope Slab Down 1/2" Total @ Garage Door.	6	Air Compressor, Reference Plumbing Plans.	7	ADA Showers and Shower Pan, Reference Plumbing Plans.
		7	Toilet, Refer to Plumbing Plans.		
		8	Fire Extinguisher And Cabinet.		
		9	Lavatory, Reference Plumbing Plans.		
		10	Soap Dispenser, Furnished By Owner, Installed By G.C., Typical.		
		11	Door Card Reader.		



**1 Floor Plan**  
Scale: 1/4" = 1'-0"

