

Tower Landfill PUD Zone Document Amendment Narrative

I. Overview

Allied Waste Systems of Colorado, LLC (“Allied Waste”), an affiliate of Republic Services (“Republic”) currently owns and operates the Tower Landfill located at the southeast corner of Tower Road and E. 88th Avenue in Commerce City, Colorado (the “Tower Landfill”). Allied Waste is concurrently processing a land use map amendment, annexation, and right of way vacation application for approximately 110 acres of land located adjacent to the Tower Landfill to the east (the “Annexation Property”). This is an application for the PUD Zone Document Amendment (“PUD Amendment”) and, if approved, will permit Allied Waste to expand certain current Tower Landfill ancillary operations onto the Annexation Property.

Republic’s Tower Landfill has been operated in a safe and sustainable manner for over forty years and provides a cost effective and safe disposal option to the Denver metropolitan and Front Range areas. Republic operates facilities in forty-six states, employs over 40,000 people, operates 208 active landfills, and provides responsible disposal and recycling services to over 14 million customers. In Commerce City, Allied Waste employs over 330 people at two different locations; the Tower Landfill currently employs thirty-five people and generates over \$1.5 million in revenue per year for Commerce City through the applicable host fees, with a total projected 2024 financial impact of approximately \$2.675 million when including the related franchise/municipal fees, household hazardous round-up sponsorship, and property/sales/use taxes. Allied Waste is the franchise waste and recycling hauler for all Commerce City residents and municipal facilities, which serves over 20,500 residential homes per week.

Approval of all Allied Waste’s pending applications will increase the Tower Landfill capacity by approximately three to five years and could generate over \$10 million in additional host fee and use tax revenue for Commerce City. The annexation and PUD Amendment will also enable Allied Waste to relocate the current Tower Landfill entrance on E. 88th Avenue to a new location on the Annexation Property, which will improve traffic flow. Allied Waste will also reconfigure certain elements of the existing Tower Landfill, resulting in less offsite visibility of the operations.

II. PUD Zone Document Amendment

The PUD Amendment requests an amendment to the Allied Waste Systems of Colorado, LLC PUD Zone Document, as amended (the “Allied Waste PUD”). The PUD Amendment will create new planning areas of the Allied Waste PUD to include the entirety of the Annexation Property. The Proposed Parcel A1 will permit the following uses: (1) solid waste disposal site and facility; (2) berms, borrow and stockpile areas; (3) storage facilities; (4) maintenance facilities and fuel storage; (5) truck wheel wash facilities; (6) refuse container storage; (7) organics and recycling operations; (8) landfill gas flaring operations; and (9) landfill gas extraction recovery operations.

Solid waste disposal is only permitted on Parcel A1 after approval an Expansion Request by City Council pursuant to the criteria contained within Section 1.C. of Sheet 4 of the PUD Amendment.

The proposed Parcel H will permit the same uses as Parcel A1, and will also include additional ancillary uses for the Tower Landfill such as; (1) solidification facilities; (2) maintenance facilities and fuel storage; (3) landfill gas flaring operations and renewable energy systems; (4) renewable energy systems; (5) truck scales; (6) additional gatehouse and/or lanes; (7) employee labor, lunchroom facilities and mobile office structures; (8) landfill gas extraction operations; (9) cellular tower pad; and (10) inert liquid evaporation pond. Upon closure of the Tower Landfill, Parcel H will also permit commercial uses pursuant to the City's commercial zone districts within the land development code.

III. Proposed Uses

On the Annexation Property, Allied Waste proposes to: (1) remove the existing buildings on the Annexation Property and some of the overhead electrical utilities; (2) relocate the Tower Landfill entrance to the Annexation Property; (3) relocate the existing modular office and establish a modular shop on the Annexation Property; (4) relocate scales and scale houses to the Annexation Property; (5) provide additional storage and staging areas for the Tower Landfill on the Annexation Property; (6) utilize a portion of the Annexation Property for soil stockpiles; (7) establish an inert liquid evaporation pond on the Annexation Property; (8) establish a customer drop off area for household waste, appliances and organics on the Annexation Property;

The PUD Amendment does not contemplate residential uses, parks or schools on the Annexation Property and will not include a phasing plan.

IV. Site Layout, Circulation and Access

As explained above, the PUD Amendment will result in a relocation of the E. 88th Avenue site entrance and certain services and facilities from their current location to a new location on the Annexation Property. Such relocation will improve the traffic flow in the area. The new E. 88th Avenue Tower Landfill entrance will align with the future Himalaya Parkway intersection on E. 88th Avenue, which will integrate and safely provide for the traffic generated by different uses.

V. Existing Significant Natural Features

The Annexation Property is currently being utilized as agricultural land. There are no known significant natural features such as large trees, specialized vegetation, floodways, or wildlife habitat within the site. Allied Waste submitted an Environmental Assessment as part of the Engineering Design and Operations Plan Revision 1 documenting environmental findings surrounding the Annexation Property and Tower Landfill property.

VI. Oil and Gas

There are no active oil and gas leases or operations on the Annexation Property.

VII. PUD Amendment Approval Criteria

The PUD Amendment, which is not a minor amendment, and therefore, is subject to the PUD Zone Document approval criteria, meets all of the Commerce City Land Development Code Approval Criteria contained in Section 21-3251(3), as follows:

- a) *The PUD zone document is consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city, or reflects conditions that have changed since the adoption of the comprehensive plan;*

The Tower Landfill property has a future land use designation of Utility, which specifically contemplates active and future landfill uses. The Annexation Property abuts the Tower Landfill property and currently has a future land use designation of DIA Technology, which provides that no residential uses are allowed and contemplates employment and certain industrial land uses. Contemporaneously with this PUD Amendment, Allied Waste has submitted a Land Use Plan Amendment to change the Annexation Property's future land use designation from DIA Technology to Utility.

The Annexation Property will enhance and extend the employment opportunities available at Tower Landfill. Secondly, the Annexation Property will provide for solid waste disposal infrastructure to allow for continued economic growth of Commerce City. Additionally, the PUD Amendment meets the Comprehensive Plan's Public Facilities and Infrastructure Policy 1.11 which is to "promote the provision of adequate buffers for the Tower [] Landfill to prevent the encroachment of incompatible land uses" because moving certain ancillary uses onto the Annexation Property will enable Allied Waste to re-contour the northern slope of the Tower Landfill, which will likely result in operations that are less visible to future residential and commercial development to the north and west of the site, but will not increase the maximum currently permitted height of the landfill. Lastly, the PUD Amendment will result in the Tower Landfill being a standalone use between Tower Road and E-470; thus, preventing other potentially incompatible land uses on the Annexation Property, which is adjacent to the existing Tower Landfill. E-470 will act as a natural buffer to all other future uses to the east.

- b) *The PUD zone document is consistent with any previously reviewed PUD concept schematic;*

The PUD Amendment is consistent with the Allied Waste PUD and there is not a different PUD concept or schematic approved for this Annexation Property. The PUD Amendment creates two new use Parcels: Parcel A-1 and Parcel H, which permit a variety of uses already existing

within the Allied Waste PUD and a few new uses for future commercial use upon the closure of the Tower Landfill.

- c) *The PUD: (i) Addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes set out in section 21-4370 (PUD Zone District) and represents an improvement in quality over what could have been accomplished through strict applications of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; unique architecture or design, or increased choice of living and housing environments; or (ii) The PUD is required to avoid completely prohibiting a legal, permitted business use within the city;*

The PUD Amendment addresses a unique situation and confers a substantial benefit to Commerce City because it enables the relocation of the existing entrance of the Tower Landfill and certain ancillary uses. The Annexation Property is uniquely situated adjacent to the existing Tower Landfill and its site characteristics are conducive to relocation of certain Tower Landfill ancillary uses. The PUD Amendment will extend the life of the Tower Landfill by approximately three to five years which provides an essential service to the residents of Commerce City and could generate more than an additional \$10 million in host fees and use tax to Commerce City. Therefore, the Annexation Property is unique in that it can provide additional host fee and use tax revenue and the essential solid waste service to Commerce City and its residents through amending the existing Allied Waste PUD.

- d) *The PUD complies with all applicable city standards not otherwise modified or waived by the city;*

The Allied Waste PUD is an existing PUD that complies with applicable city standards not otherwise modified or waived, which the PUD Amendment does not change.

- e) *The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;*

The Annexation Property, subject to the PUD Amendment, is directly adjacent to the existing Tower Landfill and therefore, will be naturally integrated and connected with adjacent development. The Allied Waste PUD, with the PUD Amendment, will be a standalone use between Tower Road and E-470.

- f) *To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;*

The re-contouring of the northern slope of the Tower Landfill, which is enabled by the PUD Amendment, will reduce the Tower Landfill's visibility from future residents and

commercial development to the north and west of the site but will not increase the maximum currently permitted height of the landfill. Additionally, expanding the Allied Waste PUD to the east onto the Annexation Property, which abuts E-470, will result in the Tower Landfill being a standalone use naturally buffered by E-470 to all land uses to the east. Finally, relocating the Tower Landfill entrance will improve traffic flow.

- g) Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development;*

The existing city services are available to serve the Annexation Property, but most such services will not be necessary for the uses contemplated by the PUD Amendment.

- h) As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and*

The PUD Amendment is an amendment to the existing Allied Waste PUD and does not propose a phasing plan.

- i) The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.*

Zoning the Annexation Property to function in conjunction with the existing Tower Landfill is best accomplished by an amendment to the existing Allied Waste PUD because it simply adds on to and extends the existing operational partnership between Commerce City and Allied Waste without requiring a new standalone use or approval.