



# STAFF REPORT

## Planning Commission

### CASE #CU-121-19

<b>PC Date:</b>	February 5, 2019	<b>Case Planner:</b>	Domenic Martinelli	<b>Phone:</b>	303-289-3670
<b>CC Date:</b>	March 4, 2019				
<b>Location:</b>	9109 Monaco Street Henderson, CO 80640				
<b>Applicant:</b>	A-1 Organics	<b>Owner:</b>	New DUX LLC and DUX LP		
<b>Address:</b>	16350 WCR 76 Eaton, CO 80615	<b>Address:</b>	288 Clayton St Suite 204 Denver, CO 80206		

### Case Summary

<b>Request:</b>	The applicant is requesting the approval of a conditional use permit for outdoor storage of flammable materials of up to 25'
<b>Project Description:</b>	The applicant is requesting a conditional use permit to allow the storage of mulch piles up to 25' in height.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>- Fire Access</li><li>- Visual impact to adjacent areas</li><li>- Safe internal navigation of the property.</li><li>-Dust mitigation</li></ul>
<b>Key Approval Criteria:</b>	Conditional Use Permit Approval Criteria (LDC Section 21-3230) Outdoor Storage Supplemental Regulations (LDC Section 21-5254) Performance Standards (LDC Section 21-5120)

<b>Staff Recommendation:</b>	Approval with Conditions
<b>Current Zone District:</b>	I-2 (Medium Intensity Industrial District)
<b>Comp Plan Designation:</b>	Industrial/Distribution

#### Attachments for Review: *Checked if applicable to case.*

- |                                                                            |                                                                |
|----------------------------------------------------------------------------|----------------------------------------------------------------|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary          | <input checked="" type="checkbox"/> Vicinity Map               |
| <input checked="" type="checkbox"/> Development Review Team Recommendation | <input checked="" type="checkbox"/> Neighborhood Meeting Notes |
| <input checked="" type="checkbox"/> Site Plan                              | <input checked="" type="checkbox"/> Dust Mitigation Plan       |
| <input type="checkbox"/>                                                   | <input type="checkbox"/>                                       |

## Background Information

### Site Information

<b>Site Size:</b>	31 acres
<b>Current Conditions:</b>	The property is currently developed
<b>Existing Right-of-Way:</b>	Monaco Street (East)
<b>Neighborhood:</b>	South Platte
<b>Existing Buildings:</b>	Yes
<b>Buildings to Remain?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Site in Floodplain?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No *Part of the west portion of the site was previously in the floodplain, and a floodplain development permit was approved by the city. FEMA issued a Letter of Map Revision for the property as well.

### Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
<b>North</b>	Residential	Single Family Detached	ADCO
<b>South</b>	Industrial	Albert Frei & Sons - Aggregate Mining & Inert Fill	ADCO
<b>East</b>	Industrial	Werner Enterprises Trucking	ADCO
<b>West</b>	Open Space	South Platte River	ADCO

### Case History

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
A-1228-95-96	March 1995	Use-By-Permit for Gravel Mining	<b>Approval with Conditions</b>
A-1549-02	April 2003	Use-By-Permit for Inert Material Landfill	<b>Approval with Conditions</b>
LF-21-02	April 2003	Landfill case for Inert Material	<b>Approval with Conditions</b>
MM-35-14	September 2014	Minor Modification for FAR Reduction	<b>Approval with Conditions</b>
FP-58-14	December 2014	Floodplain Permit for the west portion of site	<b>Approval</b>
Z-914-14	February 2015	Zone Change from AG to I-2	<b>Approval</b>
S-628-15	March 2015	Subdivision to Consolidate property into one lot	<b>Approval</b>
D-255-14	January 2015	Development Plan for RV / Boat Storage Facility	<b>Approval</b>
D-255-14-15	November 2015	Development Plan Amendment for Brown Brothers & A-1 Organics	<b>Approval</b>
D-255-14-15-16	December 2016	Development Plan Amendment (see below for further detail).	<b>Approval with Conditions</b>
AH-1742-17	July 2017	Height Exception for mulch pile storage up to 35' in height	<b>Denied</b>
Z-914-14-18	September 2017	Zone change from I-2 to PUD to allow for mulch pile storage up to 25' in height	<b>Withdrawn</b>

*The subject property has several cases associated with the history of the site. The property has been zoned AG based upon city records throughout all of the case history. A use-by-permit (A-1228-95-96) was granted to the Cooley Gravel Company for gravel mining in 1995. This use-by-permit extended beyond the subject property, however, the entire subject property was part of the approval for the use-by-permit. In 2002, a use-by-permit (A-1549-02) was granted to Patrick Broda for an Inert Materials Landfill. A landfill case (LF-21-02) was also associated with the property for the Broda Landfill. On February 11, 2013, the city received a letter from the Colorado Department of Public Health and Environment (CDPHE) stating that the landfill operated by Patrick Broda had completed all of the Post-Closure Care Plan for the Inert Materials Landfill. Approval by CDPHE released the operator, Patrick Broda, from post-closure obligations.*

**EXHIBIT A**

*From September 2014 - March 2015, five land use cases were approved for redevelopment of the site into primarily an RV & boat storage site, which was never developed. Case Z-914-14 rezoned the property from AG to I-2, FP-58-14 was a floodplain permit that coincided with the Letter of Map Revision (LOMR) approved by FEMA in 2014, MM-35-14 reduced the FAR from 0.05 to 0.01, S-628-15 was a subdivision to consolidate the property into one lot, and D-255-14 was the development plan for the site. In 2015, the applicant requested a development plan amendment to accommodate A1 Organics, a composting and mulching site, which was approved in late 2015. This development plan amendment did not specify the location of mulching materials, interior fire access & site navigation, or specify the height of mulching materials.*

*Upon requesting a final Certificate of Occupancy for the property in late 2016, staff conducted a final planning inspection of the property. At this time, it was discovered that many aspects of the site were conducted out of compliance with the approved development plan D-255-14-15. In order to allow for a Certificate of Occupancy for the Brown Brothers, the company that occupies the main building, a Development Plan Amendment was approved in December 2016 that focused on only that section of the property. In July of 2017, the Board of Adjustment denied case AH-1742-17 for a height exception to allow mulch pile storage up to 35', finding that the use did not comply with approval criteria for a height exception regarding rights of privacy, light and air, and that the use was being evaluated under criteria meant for a structure, which would not apply to mulch piles.*

*Staff is concurrently reviewing case D-255-14-15-16-19 along with CU-121-19 to address the final issues with the site to make the property conform with city codes and requirements. The use of a mulching facility (with outdoor storage up to 8' in height is currently an allowed use by-right within an I-2 zone district. This conditional use permit would allow for the existing mulch pile storage of up to 25' to continue being utilized.*

## **Applicant's Request**

The applicant is requesting a conditional use permit to allow the storage of mulch piles on the property of up to 25', when a maximum of 8' in height is allowed in the I-2 zone district. The applicant states that "A1 Organics needs this provision in order to efficiently, effectively, and safely conduct business. The request for a pile height of 25 feet derives from the specific equipment used in the process which stacks the material at the given height. By stacking in larger piles, the material stays moist and compact, and is less sensitive to weather, wind, and erosion, and reduces the impacts of fugitive dust. Increased pile heights also allow more efficient use of space. Shorter piles create a greater need for land area and greater exposure of the materials to the environment, making them more likely to dry out, erode and blow away." The applicant has indicated that the size of the outdoor storage area along with a 25 foot height limit for mulch piles will represent maximum inventory at any given time. January - March is peak inventory time, where the mulch pile heights will be the highest, and the inventory low point occurs during the summer. As different mulch colors are more popular than others, certain mulch piles will cycle in variation more frequently than others. To the south is an active gravel mining operation located within unincorporated Adams County. The uses to the west and north are located in unincorporated Adams County and utilized for water storage and generally inaccessible to the public. As the plan is currently proposed, there is a significant grade change between the property entrance along Monaco on the east of the property to the back side of the property where the material storage takes place. "



## Development Review Team Analysis

The applicant has requested a Conditional Use Permit to allow for the storage of mulch piles on the subject property up to 25' in height. The Development Review Team (DRT) reviewed the circumstances of the subject property and applicable sections of articles III, IV, V, and VIII of the Land Development Code (LDC) as they relate to this case.

### The Applicant

A1 Organics is a waste recycling company, that converts organic materials into mulch, composts, soils, and mulches for sale to the public, and has been in business since 1974. A1 operates four locations in Colorado (Eaton, Keenesburg, Englewood & Commerce City), and diverts around 350,000 tons of waste per year from landfills.

### Background

In December 2018, City Council adopted Ordinance 2194, which established material pile storage over 8' in height as an allowed use in an I-2 or I-3 zone district with a Conditional Use Permit. Prior to the adoption of this ordinance, since this use specifically was not contemplated as a permitted use in the Land Development Code, there were limited options to address this specific type of use, and a process that had directly relatable approval criteria that the impacts could be evaluated under. The applicant had previously filed for a zone change to PUD (case Z-914-18) to allow for mulch pile storage after the denial of case AH-1742-17, but withdrew this application at the beginning of January 2019 in order to have the case evaluated under the process of a Conditional Use Permit, which is now contemplated by the LDC.



## Site Characteristics

The subject property is currently zoned I-2 (medium intensity industrial district). The eastern portion of the property is currently developed as Brown Brothers Trucking, with a 19,000 square foot primary structure, and landscaping along the Monaco Street right of way. The remaining western half of the site is where A1 Organics operations are currently occurring. As shown in figures 1 & 2 below, there is a significant dropoff between the eastern half of the site and the western half of the site of around 30'-35', with the eastern portion of the site having the highest elevation near Monaco Street, and the property decreasing in elevation as it reaches the west portion of the site, and the South Platte River. This portion of the site (and the existing mulch piles that are currently in place) are not visible from the majority of surrounding areas due to this significant drop in elevation.



Figure 1: Site Topography

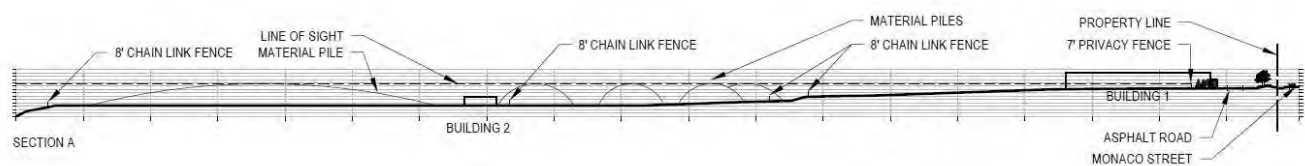


Figure 2: Site Topography Cross Section

Additionally, the site sits on a former landfill which operated from 2002, until notification of post-closure work being completed in 2013. Former landfill sites present a technical challenge in terms of constructing any form of major structure due to poor soil quality, which puts a significant limit on the types of uses and businesses that can operate on such a site.

## Comprehensive Plan & Surrounding Land Uses

The subject property is designated as Industrial / Distribution in the city's comprehensive plan, which allows for light to medium intensity industrial uses, warehousing, and manufacturing (I-1 and I-2 uses). The surrounding properties to the west and north are water storage facilities owned by the City of Thornton, that are generally not accessible to the public. To the northeast and east of A1's operations are three residential properties currently zoned A1 (agricultural) in Adams County. To the east is Werner Trucking, a trucking facility currently in unincorporated Adams County. All of these properties (aside from the water storage facilities) are designated as Industrial / Distribution in the City's comprehensive plan, meaning that if these properties were to annex and develop in the city, they would develop as a light-to-medium industrial use that would coincide with the general character of the neighborhood.

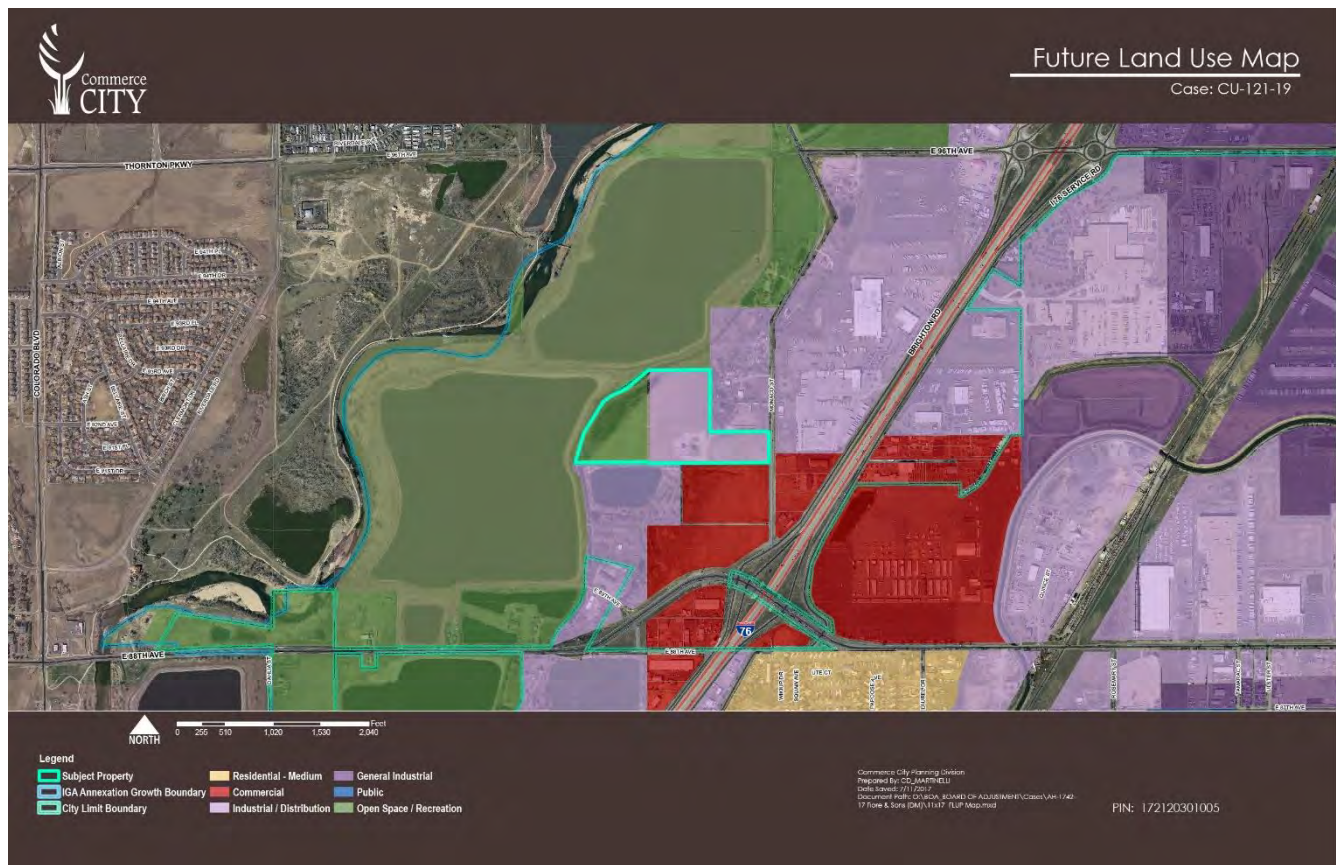


Figure 3: Future Land Use Plan

In February 2016, Adams County issued a Conditional Use Permit for an aggregate mining and inert fill site to the property on the south. The grading that has taken place as part of the mining pit screens a majority of the site from visibility on the south of the property. While aggregate mining operations on the site should occur for approximately 10 years, the comprehensive plan designation for the property is commercial.

## Comprehensive Planning Documents

The DRT recommendation for this case is supported by the following Comprehensive Planning Goals:

Section	Goal	Description
Environmental Conservation	EC 5	<u>Reduce Solid Waste Disposal</u> – The city will promote programs to reduce per capita solid waste disposal through waste recycling, reduction, and re-use.

<u>Section</u>	<u>Goal</u>	<u>Description</u>
and Stewardship		
<b><u>Analysis:</u></b>		With the city's goal of reducing solid waste disposal, A1 Organics helps further this goal by conducting operations that recycle organic waste & convert it to mulching material and compost. This allows for re-use of organic materials, and reduce the amount of organic matter that is diverted to landfills, thereby reducing solid waste disposal. By allowing for a conditional use permit to allow the business to operate efficiently and effectively as necessary, the city is encouraging the reduction of solid waste disposal and material waste diversion for the many industrial users in the city.
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use and Growth	LU 1.1	<u>Growth and Future Land Use Plan Consistency</u> - Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code.
<b><u>Analysis:</u></b>		The future land use and current land use of the subject property is industrial, and the surrounding properties generally have the same classification. The development of this property as a mulch processing facility supports the goal of properties developing in alignment with the industrial use designated on the comprehensive plan (noted on the Future Land Use Map in figure 3) that is designated in the comprehensive plan. The proposed facility aligns with the standards and identified for the comprehensive plan designation, and complies with the character of the surrounding area in general.
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Redevelopment and Reinvestment	LU 2.1	<u>Infill Development Promoted</u> - Promote infill development and redevelopment to use utilities and services efficiency, to support multi-modal transportation, to revitalize neighborhoods, and to maintain prosperous businesses. Infill means development on vacant unplatted parcels scattered throughout the city, or in county enclave areas.
<b><u>Analysis:</u></b>		The subject property has a history of varied uses in the city, and was vacant and underutilized from 2002-2015. Additionally, it's history as a former landfill site significantly limits the types of uses the property can reasonably be used for, since soil quality is not stable enough to support the construction of any significant structure. By granting a conditional use permit to allow A1 organics to operate efficiently and safely, it will promote the redevelopment and reuse of an extremely challenging and limited site. The development history shows that redevelopment of the property had not occurred prior to this use, suggesting that development options for this site are limited. Therefore LU2.1 would not be met without the approval of this Conditional Use Permit.

## Environmental Sustainability

Chapter 15 of the City's comprehensive plan focuses on a number of different goals and policies to reduce the environmental footprint of the city, and the impact that urban development has on the environment. A1 Organic's operations help further a number of items that are identified in this chapter, specifically reducing greenhouse gas emissions and reducing solid waste disposal. The operations at the A1 Organics facility directly address solid waste disposal, by providing a facility where businesses and the general public can recycle organic waste material, including tree limbs, logs, untreated wood, brush, grass, leaves, sod and soil. The organic material is then converted to usable product such as mulch, topsoil, etc, rather than adding additional volume to other landfills. Organic waste decomposing in landfills accounts for 37% of manmade methane worldwide, which is a greenhouse gas that traps heat at levels much higher than carbon dioxide. Providing an opportunity for Commerce City residents to dispose of organic materials within close proximity, helps further waste diversion rates for our residents, provides partnership opportunities with the city, and advances the city's sustainability goals within the comprehensive plan.

## Site Operations & Layout

As seen in the site plan below (figure 4), general bounding areas are designated for the different types of materials that are stored on site. These bounding areas may vary with the volume and specific location of the materials within them, due to variations in seasonal inventory and other factors. These areas are generally separated by 25' drive aisles containing class 6 road base, which are denoted by



concrete blocks to maintain width for adequate fire access, and bound the specific materials to their fixed locations. South Adams County Fire was a referral on the case, and has provided comment to city staff stating that the proposed layout of the site provides safe and adequate fire access in case of an emergency.

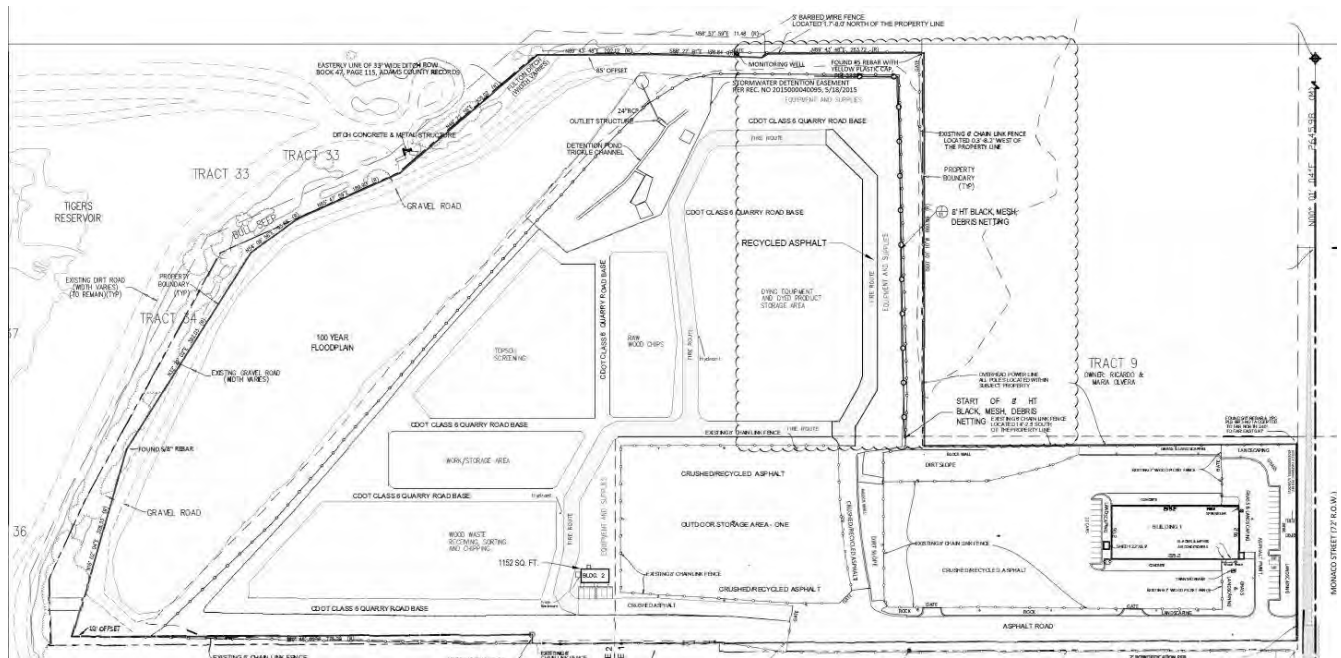


Figure 4: Current Site Plan

In-bound traffic to the site consists of either an individual customer bringing scrap wood materials, or bulk loads of high-side trailers that bring anywhere from 30-100 cubic yards of material. Drop-offs are allowed Monday-Friday, and the applicant has stated that the site sees an average of 4 inbound and outbound trucks per day. In-bound materials are received for intake on the southeast portion of the site where the material is then sorted and converted into raw woodchips through the grinding process. These raw woodchips are then transported to the central portion of the site where they are stored until the dying process occurs. The actual dying of woodchips, storage of dying equipment, and storage of final dyed product occurs on the eastern portion of A1 Organic's leased area. Final product is then transferred to other facilities for final sale. Outbound material shipment of finished mulch product usually occurs in less frequent trips than inbound trips, with trucks carrying at least 100 cubic yards of materials. No composting of organic materials occurs on the site. In terms of waste removal, A1 Organics contracts with Alpine Waste and Recycling to remove all waste generated on site as part of normal business functions, and any waste that is accidentally left on inbound trips from material drop-offs. Additionally, the applicant has proposed the construction of an 8' high net along the eastern boundary of the property, to reduce the blowing of woodchips and other debris during high wind events.



Figure 5: Aerial Imagery – June 23, 2018



Figure 6: Existing Mulch Piles & Jersey Barriers



## Visual Impact



Figure 6: Photo Exhibit of Adjacent Areas

Due to the topography of the site, A1 Organics operations are not visible from the majority of surrounding areas. The property is not visible from the adjacent Monaco Street right-of-way, or East 88<sup>th</sup> Avenue traveling towards the subject property. Heavy vegetation (at least 30' high trees) exists between the subject property and the residential properties to the north in unincorporated Adams County, which provides some visual screening of the mulch piles. Some locations where the mulch piles are at the 88<sup>th</sup> Avenue bridge crossing Interstate 76, and a couple locations along the South Platte River trail where vegetation is not present, which is at a similar elevation as the A1 Organics site.

## Dust Mitigation

Section 21-5120(5) of the Land Development Code regulates dust impacts for all properties in the city, stating that "no dust or particulate matter shall be emitted that is detectable by a reasonable person without instruments." While portions of the A1 operations on site do generate varying dust to some degree, the applicant is proposing a number of mitigation techniques to reduce this impact to the highest reasonable extent.

Grinding operations, which have the highest dust impacts, occur on the southwest quadrant on the site, which is the farthest from the existing residential properties in the county, at a distance of over 500'. Due to these impacts, staff is recommending the condition that all woodchip piles are no less than 100' from the eastern boundary from the site, and that all grinding equipment and operations (which has the highest fugitive dust impacts) is no less than 500' from the eastern boundary. The applicant has also provided a supplementary dust control and mitigation plan, which details other mitigation methods and practices that are conducted on site to reduce dust impacts. These include halting grinding operations on site when wind speeds exceed 15mph for a sustained period of 10 minutes or more,

reduction of traffic speed, water spraying and suppression of mulch piles and drive aisles, and implementation of dust control training program for staff. The applicant will also be paving the eastern drive aisle on the site with recycled asphalt, to reduce dust impacts from truck traffic on the drive aisles closest to existing residences. The applicant has a water truck on site that is utilized during grinding inbound wood materials into mulch. In order to prevent particle matter from spreading, the material is sprayed down as the mulch is being crushed.

In terms of dust impacts, the Conditional Use Permit to allow mulch piles of 25' in height would constitute an improvement over a scenario where the applicant operated a mulching facility with piles up to 8' in height. Larger pile heights are generally denser and moister than smaller piles, and have less debris and fugitive dust that is released from the piles during wind events. Smaller, more frequent mulch piles have more surface area that are exposed to wind and sun, leaving them more prone to dry out and be blown away during wind storms.

### **Conditions Relating to Operational Impacts**

Because of the nature of the proposed operations, staff is recommending a number of conditions apply to the conditional use permit issued for the site:

- Condition A recommends the expiration of the permit after 18 months, in order to provide an opportunity to re-evaluate the use and assess whether or not the applicant has been in compliance with the regulations of the permit. This condition also provides an opportunity to assess whether the regulations in place have been effective, and if new conditions need to be implemented and/or revised.
- Condition B recommends that the conditional use permit only apply to the storage of dyed mulch chips, inbound recyclable wood product, mulching material stackers, and raw wood chips at a height of 25'. This ensures that the conditional use permit does not apply as a "de-facto" height limit to all outdoor storage on the property, and any new proposed outdoor storage that exceeds the height limits of the code has an opportunity to be reviewed and any potential impacts can be assessed.
- Conditions C-J are a series of recommended operational improvements that should significantly assist with dust mitigation on site. These conditions are critical to ensure that adverse impacts have been mitigated on site to the greatest feasible extent.
- Condition K is recommended in order to ensure that the site is maintained and kept in a clean and orderly fashion, and to ensure that drive aisles are kept clean and maintained for adequate navigation of the site.

### **Complaints and Enforcement**

Since the denial of case AH-1742-17, the storage of mulch piles over 8' in height has continued while an active land use application has been in process by the city. The Neighborhood Services Division has been conducting site visits every three weeks while an active application has been in process with the city, to ensure that pile heights are not exceeding the maximum 25' height limit the applicant would be able to obtain with a Conditional Use Permit. Upon approval of the conditional use permit, the applicant will construct a 25' high demarcation pole on the property to assist with ongoing enforcement of the property. Additional site visits have been conducted by Tri-County Health Department (TCHD) and CDPHE on numerous occasions, and the site has been in compliance with the regulations that are in place at both agencies. The most recent site visit was conducted on November 19<sup>th</sup>, 2018 by Wolf Kray of CDPHE and Lisa Oliveto with TCHD. The purpose of the inspection was to evaluate the facility's

compliance with the Solid Waste Disposal Sites and Facilities Act, and the city received reports from CDPHE that found that the site was in compliance with the requirements of that act, and no other violations (from CDPHE or TCHD staff) were observed during that inspection.

The subject property had an open case with the Colorado Department of Public Health and Environment in early 2016 regarding the leaking of mulch dyes into the detention pond on site. The applicant has indicated that this was due to an on-site repair of the mulch dying equipment. Since the incident, the applicant has purchased upgraded equipment with greater material controls, and now has standard site practice of wrapping the bottoms of piles with silt socks, to prevent any material from leaching out. Silt socks also line the boundary area between the active area of the site and the wetland portion of the site to reduce leaching into this area. All of the much dyes used on the property is made from a non-toxic iron oxide.

A couple weeks prior to the original public hearing for the height exception case, staff received objections of the use from two of the residential properties in the county abutting the site (9241 Monaco Street and 9225 Monaco Street). Both residents noted issues regarding blowing dust and fine particulate matter on windy days, affecting air quality and causing respiratory issues. Since the hearing, the city has received additional complaints from the resident at 9225 Monaco Street regarding ongoing dust issues.

### **Neighborhood Meeting**

A neighborhood meeting was held on Monday, May 30, 2018 at the Commerce City Municipal Services center. During the meeting, discussion regarding air quality and the blowing of wood chips was discussed. Two out of the ten adjacent property owners were in attendance for the meeting, while additional members of the public not on the mailing list were in attendance as well. One of the outcomes of the neighborhood meeting was discussion of constructing a net along the eastern boundary of the property to reduce blowing of debris. This item was incorporated into the application following the meeting.

### **Summary**

Overall, the DRT believes that the specific circumstances surrounding the site warrants a recommendation of approval, subject to proposed conditions A-M. The subject property is a former landfill site that has significant limitations on the type of uses that can occur, due to significant hardships in building construction due to the soil quality. Compared to other potential uses that could be allowed on the site, the A1 Organics site provides a viable use with an environmental benefit to the city, in terms of reduction of organic waste diversion from landfills. The property is also situated in a significant depression compared to adjacent properties, which reduces the visual impact that the mulch piles have on surrounding properties. In terms of dust impacts, the applicant is demonstrating a number of different mitigation methods to reduce impacts, and by allowing higher mulch piles (compared to 8' high piles which currently are allowed on the site as a by-right use), mulch piles are more compact and dense compared to shortened piles, and have less dust impacts as a result.

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
<input type="checkbox"/>	The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they are envisioned to exist in any adopted City plan, program or ordinance;	As indicated in the "surrounding neighborhood" section of the DRT Analysis, the character of the neighborhood is primarily industrial / agricultural in nature. The property to the south is an aggregate mining facility, and properties to the west and north are water storage facilities along the south platte river. The properties to the east are zoned agricultural in the county. While existing residences are on the subject properties, the applicant has taken a number of significant measures to reduce any dust impacts that might arise from their proposed operations, as shown in the "dust mitigation" section of the DRT Analysis. There is additionally enough of a degree of separation between the most dust intensive processes on site and the location of residential homes to eliminate significant impacts.
<input type="checkbox"/>	Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;	The applicant has demonstrated a number of measures to reduce impacts, including the construction of a net on the eastern boundary of the property to catch any woodchips that may be blown away, surfacing of the eastern-most drive aisle adjacent to residential property, and many other items that are indicated in "Exhibit A", the applicant's proposed dust mitigation. The use doesn't generate significant other externalities from sound, vibration, etc. Proposed conditions A-M are necessary in order to satisfy this approval criteria.
<input type="checkbox"/>	The characteristics of the site are suitable for the proposed use;	The use is suitable for the subject property based on a number of different constraints that exist on the site. As indicated in the "site characteristics" section of the DRT analysis, it's history as a former landfill site significantly limits the types of uses the property can reasonably be used for, since soil quality is not stable enough to support the construction of any significant structure. The topography and configuration of the site places A1's pile storage in a location that significantly reduces visual impact from the surrounding area. The aggregate mining pit to the south of the property also provides an additional layer of screening and buffering from the south. The future land use designation the city has for the unincorporated areas, and the majority of existing uses are compatible with the use. For adjacent properties with existing residences, the applicant has demonstrated a number of dust mitigation methods and site improvements to reduce the impact from fugitive dust on these properties, which can be

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
		found in the "dust mitigation" section of the DRT analysis.
<input type="checkbox"/>	The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents or the applicant has committed to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;	The use will be adequately served and not specifically cause any inability for the city to provide public services to the site.
<input type="checkbox"/>	The applicant has provided adequate assurances of continuing maintenance;	The applicant has demonstrated continued maintenance of the site through specifications detailed in their dust mitigation plan, contracts with allied waste for trash removal, and has staff on site for debris removal.
<input type="checkbox"/>	No evidence suggests that the use violates any federal, state, or local requirements.	The site does not appear to conflict with federal, state, or local requirements. Tri-County Health Department and CDPHE have conducted numerous site visits, and have found no violations. The previous open case with CDPHE regarding dyes leaking into nearby wetlands has been closed out and remediated.
<input type="checkbox"/>	The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the City.]	The site meets a number of goals and objectives within the city's comprehensive plan, specifically in chapter 15 regarding environmental conservation and stewardship, and conformance with the comprehensive plan designation of industrial / distribution. The site is currently conforming to all LDC regulations (aside from pile heights) and the currently approved development plan for the site.



## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Conditional Use Permit set forth in the Land Development Code and recommends that the Planning Commission forward the Conditional Use Permit request to the City Council with a favorable recommendation, subject to the following condition(s):

### **CONDITIONS:**

- A. This conditional use permit shall expire 18 months after the date of approval. The applicant shall be required to renew the conditional use permit prior to the expiration date in order to continue utilizing the site.
- B. The conditional use permit is granted only for the storage of dyed mulch chips, inbound recyclable wood product, mulching material stackers, and raw wood chips at a height of no greater than 25'. All other outdoor storage on the property must comply with all outdoor storage requirements that apply to a property zoned I-2, as currently adopted or amended by the city. Any deviations from this condition will require an amendment to this application.
- C. All mulch piles shall be a minimum of 100' from adjacent residential properties at any given time, measured from the property line.
- D. A minimum setback of 500' for grinding and screening operations shall apply from adjacent residential properties, measured from the property line.
- E. Grinding operations will not occur on the site when wind speeds exceed 15 miles per hour for a duration of at least 10 minutes.
- F. The applicant shall construct and maintain a minimum of an 8' high net on the east property boundary to prevent any woodchips from blowing onto neighboring properties.
- G. The applicant shall construct and maintain a 25' demarcation pole on the subject property, in order to assist with ongoing enforcement of the 25' high pile restriction.
- H. Primary drive aisles of the outdoor storage area shall be paved with recycled asphalt and maintained by the applicant, as indicated in the approved development plan for case D-255-14-15-16-19.
- I. Water trucks shall be kept and utilized on site during business hours for the spraying of mulch piles and drive aisles.
- J. The property shall act in accordance with the Dust Control and Mitigation plan, included as exhibit A.
- K. Due to the nature of the operations, the applicant will maintain the premises to be free of garbage, trash, and excessive woodchip debris at all times.
- L. The applicant shall comply with all federal, state, and local law.

## **\*Recommended Motion\***

### ***To recommend approval subject to condition(s):***

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Conditional Use Permit for the property located at **9109 Monaco Street** contained in case **CU-121-19** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit subject to the following conditions:

- A. This conditional use permit shall expire 18 months after the date of approval. The applicant shall be required to renew the conditional use permit prior to the expiration date in order to continue utilizing the site.
- B. The conditional use permit is granted only for the storage of dyed mulch chips, inbound recyclable wood product, mulching material stackers, and raw wood chips at a height of no greater than 25'. All other outdoor storage on the property must comply with all outdoor storage requirements that apply to a property zoned I-2, as currently adopted or amended by the city. Any deviations from this condition will require an amendment to this application.
- C. All mulch piles shall be a minimum of 100' from adjacent residential properties at any given time, measured from the property line.
- D. A minimum setback of 500' for grinding and screening operations shall apply from adjacent residential properties, measured from the property line.
- E. Grinding operations will not occur on the site when wind speeds exceed 15 miles per hour for a duration of at least 10 minutes.
- F. The applicant shall construct and maintain a minimum of an 8' high net on the east property boundary to prevent any woodchips from blowing onto neighboring properties.
- G. The applicant shall construct and maintain a 25' demarcation pole on the subject property, in order to assist with ongoing enforcement of the 25' high pile restriction.
- H. Primary drive aisles of the outdoor storage area shall be paved with recycled asphalt and maintained by the applicant, as indicated in the approved development plan for case D-255-14-15-16-19.
- I. Water trucks shall be kept and utilized on site during business hours for the spraying of mulch piles and drive aisles.
- J. The property shall act in accordance with the Dust Control and Mitigation plan, included as exhibit A.
- K. Due to the nature of the operations, the applicant will maintain the premises to be free of garbage, trash, and excessive woodchip debris at all times.
- L. The applicant shall comply with all federal, state, and local law.

## **Alternative Motions**

### ***To recommend approval:***

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **9109 Monaco Street** contained in case **CU-121-19** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit.

### ***To recommend denial:***

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **9109 Monaco Street** contained in case **CU-121-19** fails to meet the following criteria of the Land Development Code:

*List the criteria not met*

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Conditional Use Permit.

*To continue the case:*

I move that the Planning Commission continue the requested Conditional Use Permit for the property located at 9109 Monaco Street contained in case CU-121-19 to a future Planning Commission agenda.



EXHIBIT B



EXHIBIT B





EXHIBIT B

BEFORE THE CITY COUNCIL OF COMMERCE CITY  
STATE OF COLORADO

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**RE: REQUEST FOR CONDITIONAL USE PERMIT BY LAMBLAND, INC. DBA A-1  
ORGANICS, INC., CUP-121-19 FOR 9109 MONACO STREET (I-2), AS MODIFIED**

---

**Attorneys for Lambland, Inc. dba A-1 Organics, Inc.:**

Regina T. Drexler, #20782  
Erin M. Verneris, #53154  
DREXLER LAW, LLC  
1435 Larimer Street, Suite 207  
Denver, Colorado 80202  
Telephone: (303) 222-4254  
E-mail: [rdrexler@drexleriplaw.com](mailto:rdrexler@drexleriplaw.com)

---

**AFFIDAVIT OF ROBERT YOST**

---

I, Robert Yost, hereby swear and affirm as follows:

1. I am Vice President and Chief Technical Officer at A-1 Organics (referred to herein as "A1 Organics" or the "Company"), where I have been employed since 1991. For over 40 years, A1 Organics' primary business has been organic recycling within Colorado. The Company focuses on commercial composting of organic wastes and maintains one of the largest commercial composting operations in the United States. The Company manufactures high quality soil amendment products, i.e., compost, mulches, potting soils, topsoil products, etc., which are marketed and sold primarily along the Front Range. A1 Organics' current operations include facilities in Eaton, Englewood, Keenesburg and Commerce City, Colorado. The Commerce City facility is located at 9109 Monaco Street.
2. My job responsibilities include, among other things, regulatory compliance and new business development, including siting and permitting of 12 new facilities that required development and related engagement with municipal and or county planning departments, product and market development, technical evaluation and quality control, major project management, and corporate management. As part of my duties at the Company, starting in or around October 2014, I was involved in discussions and negotiations between A1 Organics and the Planning Department of Commerce City concerning the potential siting of an A1 Organics greenwaste recycling facility in Commerce City. Greenwaste recycling involves any organic waste that can be composted or processed (recycled) into surface mulches and or other beneficial use products. It is most usually composed of tree and limb material, grass clippings, leaves, clean dimensional wood, sod, topsoil garden wastes, and depending on the type of facility designed, source separated food waste. The greenwaste

facility under discussion with Commerce City would process feedstocks including tree limbs, logs, clean wood (untreated and unpainted), brush, grass, leaves, sod, and soil. Operations include grinding, screening, processing and storing of approved materials.

3. When A1 Organics initially was considering possible sites for its green waste recycling facility in Commerce City in 2014, it had numerous meetings and conversations with individuals from the City, including its Planning and Public Works Departments, regarding its operations and needs and specifically referenced its need for large pile storage. Commerce City expressed support for this facility to further the City's mission and vision statement related to sustainability related initiatives. Two separate sites were being considered, one was known as the Aigaki property, the other was known as the Fiore property (9109 Monaco Street). The Aigaki property topography was on a site at the same elevation as its access point. The Fiore property was on a site where production location would be 35' below the site frontage elevation of Monaco Street. Before entering into a long-term lease with the owner of the property at 9109 Monaco Street, A1 Organics was assured by the City that its large storage piles would not pose an issue due to the site conditions (35' below the site frontage). These conversations involved Commerce City Planner Jared Draper and Patrick Buckley in the Public Works Department.
4. In the materials initially presented to Commerce City, as it was looking to relocate in September 2014, A1 Organics provided specific information about its storage pile height requirements and several logistical requirements pertaining thereto related to the Aigaki and Fiore site, including storage pile height discussion. On November 14, 2014, Mr. Draper expressly authorized A1 Organics via voicemail message to move its "storage operations" (involving its disclosed pile heights) onto the property.
5. Mr. Draper (and other Commerce City personnel) explained that the 8-foot pile height restriction principally concerned visual impacts and sightlines from Monaco Street (and other nearby streets) and that the measurements would thus be made from the Monaco Street elevation. This was also specifically confirmed by A1 Organics in a discussion with Commerce City personnel on September 11, 2015. This was significant given the substantial depression in elevation from Monaco Street to the subject property which would permit A1 Organics to operate its Facility and store its piles of materials on the site.
6. To my understanding, the principal reason that the City suggested the Monaco Street site to A1 Organics as the preferred location for the Facility, compared to the other property then being considered in Commerce City, was that the elevation of the other property was at street level, and thus the piles would be visible from street. Given that, Commerce City recommended that A1 Organics locate its facility, including its storage piles, at the Monaco Street property, and A1 Organics did so. Based on these assurances from Commerce City, A1 Organics signed a long-term lease in late 2015, made substantial investments in excess of \$300,000 to move operations to the Monaco Street site, and commenced operating there.
7. A1 Organics is subject to numerous annual and periodic inspections of its operations and Facility by multiple state and local agencies, including the Adams County Fire Department, Tri-County Health Department, CDPHE's Air Pollution Control Division, and CDPHE

Hazardous Materials and Waste Management Division. A1 Organics has been found in compliance related to its pile heights, dust migration, and air pollution by all of these reviewing agencies.

8. A1 Organics has also been subject to repeated annual and periodic inspections by Commerce City. At no time was A1 Organics cited by the City for any violation related to pile heights, dust migration, or any other related issue, nor was there any notice given that Commerce City intended to modify its pile height measuring standard. On January 19, 2018, Commerce City Inspector John Palmer inspected the Facility, took photographs of the site, including the storage piles, and advised that the piles met regulatory requirements.
9. All of that changed in mid-2018, after the City hired a new inspector. Without providing A1 Organics notice or opportunity to be heard, the City elected instead to begin employing a “bottom of the pile” measuring standard. This new measurement regime completely contradicted all of the City’s prior representations and conduct.
10. From the time it first received notice of the objection to its pile heights in mid-2018, and throughout the PUD process as recommended by the City, and more recently the CUP process as recommended by the City, A1 Organics received repeated assurances that it was Commerce City’s policy to permit continuing as-is use of property while use requests were pending and that A1 Organics was thus within its rights to continue its existing use. I personally was repeatedly assured of this by Deputy City Manager Roger Tinklenberg.
11. At present, the Monaco Greenwaste Facility employs six individuals, and its operation supports many other local businesses, including Commerce City landscape contractors, trucking companies, tree maintenance companies, and landscape supply retail outlets. A1 Organics also supports the City through offering lower cost landscape supplies for its parks and public works, as well as through payment of sales taxes in the approximate amount of \$23,000.
12. A1 Organics also supplies Commerce City retailers, such as home improvement stores, landscape supply facilities, and garden centers, soil amendments, landscape materials, and garden supplies. A1 Organics provides support directly to the City and its residents by offering free Yardwaste Drop Days and discounts and savings on its products. A1 Organics provides Commerce City and its residents better options to keep property free from limb, log, leaf, and grass piles and further provides a storm remediation contingency site for tree and limb debris.
13. As with many industrial processes, controlling dust and dust or mulch products migration are a high priority during organic recycling activities. A1 Organics has implemented comprehensive policies and procedures at the Monaco Street Facility to mitigate this risk. Specifically, the following practices are currently employed at the site to preclude conditions conducive to dust generation and to suppress dust should it occur:
  - a) Paved entry roads are maintained free of tracked soil or compost;
  - b) Site traffic speed is reduced;



- c) Water and/or magnesium chloride are applied to site roads as needed, with special attention given to the east side of the site which is adjacent to residential properties;
  - d) Water is applied to stockpiled materials;
  - e) Dust skirts are equipped on all stacker conveyors, mitigating the opportunity for dust to separate from the product as it transfers from the belt to the pile;
  - f) Grinding and screening operations are located at the southwest/west side of the site, at least 500 feet away from neighboring residents;
  - g) Certain stockpiled materials are positioned as dust and mulch migration barriers on the east side of the screening operations;
  - h) Road spray and watering are used to manage dust generated by grinding operations;
  - i) A water spray system is used to mitigate dust and reduce opacity; and
  - j) All outgoing loads are covered.
14. In addition, weather conditions can impact dust or mulch product migration at the site. So that A1 Organics can prepare for and respond to weather conditions that implicate dust generation and dust or mulch product migration, the Company has installed a weather station at the site that measures and logs wind direction and velocity. The weather station is programmed to alarm when wind conditions are greater than 15 miles per hour or otherwise unfavorable to site operations. In addition, daily visual monitoring for dust is logged and recorded. If conditions exist where weather could negatively affect routine dust and mulch product mitigation efforts, the site foreman is immediately notified. In those cases, corrective actions may include:
- (a) Suspending all grinding and/or screening operations for 10 minutes or more, if winds reach 15 mph or higher. **Note that normal standards for similar facility shut down due to winds in Colorado is 30 MPH;**
  - (b) Increasing applications of water on roads on hot or windy days;
  - (c) Applying magnesium chloride for dust suppression; and
  - (d) Extreme weather events mandate cessation of all outdoor activity at the site.
15. Overall site organization and maintenance also contribute to improved dust and mulch product containment control. The most intensive operations occur at the “back” of the site with dust and mulch product suppression measures being applied regularly across the entire site. Hourly contractors routinely pick up debris at the site to help maintain a clean and attractive facility and to prevent trash from blowing into retail material and ending up in the final product.
16. As has been the case since the Monaco Greenwaste Facility first moved onto the site in 2016, approximately three years ago, its operations require, and industry best practices (including those related to fire suppression) mandate, storage pile heights well in excess of 8 feet. This is consistent with the requirements of A1 Organics’ other similar operations and facilities in Keenesburg, Eaton, and Englewood as well as other municipal or competitive sites that A1 has assisted in permitting and operations located in Loveland, Broomfield, Boulder, Longmont, Littleton, Denver, Colorado Springs, Dillon, Aurora, Cheyenne, and other similar sites.



17. A1 Organics will not be able to continue its operations at the Monaco Greenwaste Facility (or at any other property) in Commerce City without the ability to maintain pile heights up to 25 feet, at a height expressly contemplated via Conditional Use Permit under the newly enacted land use regulation Section 21-5254.
18. If A1 Organics is unable to continue its operations at the Monaco Greenwaste Facility as it has for the past three years, it will be forced to relocate, abandoning the property and the highest beneficial use thereof.

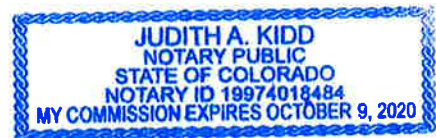
  
Robert Yost

Subscribed and sworn to before me this 26<sup>th</sup> day of March, 2019, by Robert Yost.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: 10/09/2020

  
Notary Public



BEFORE THE CITY COUNCIL OF COMMERCE CITY  
STATE OF COLORADO

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**RE: REQUEST FOR CONDITIONAL USE PERMIT BY LAMBLAND, INC. DBA A-1  
ORGANICS, INC., CUP-121-19 FOR 9109 MONACO STREET (I-2), AS MODIFIED**

---

**Attorneys for Lambland, Inc. dba A-1 Organics, Inc.:**

Regina T. Drexler, #20782  
Erin M. Verneris, #53154  
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Telephone: (303) 222-4254  
E-mail: [rdrexler@drexleriplaw.com](mailto:rdrexler@drexleriplaw.com)

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**AFFIDAVIT OF MATTHEW COTTON**

---

I, Matt Cotton, Principal of Integrated Waste Management Consulting, LLC, hereby swear and affirm as follows:

1. I have significant education, background, and experience with organic composting, solid waste management, and mulch grinding operations such as the one operated by A1 Organics at its Commerce City, Colorado facility.
2. My firm, Integrated Waste Management Consulting, LLC addresses practical solid waste management for municipal and private sector clients. I also served as a Board Member of the U.S. Composting Council (USCC) for 19 years, from January 1999-December 2017 and currently serve as a Board Member (since 2010) of Californians Against Waste, dedicated to conserving resources, preventing pollution and protecting the environment through the development, promotion and implementation of waste reduction and recycling policies and programs. I regularly teach classes for the USCC, the Solid Waste Association of North America (SWANA), the California Resource Recovery Association (CRRA) and others.
3. I am familiar with the operations of A1 Organics and its green waste recycling facility in Commerce City.
4. A1 Organics has a very positive reputation throughout the organic recycling industry and are well regarded particularly for their commitment to the industry and sharing their technical knowledge. We regularly utilize staff from A-1 to help teach classes and

they are sought after for technical presentations. I have served on the USCC Board and Board Committees with A-1 staff for many years.

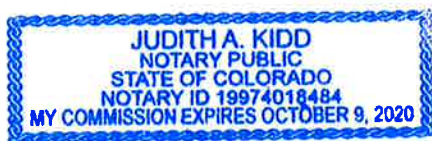
5. A1 Organics' Commerce City facility is operated in a manner that meets or exceeds industry best standards and practices. In this regard, their efforts to mitigate dust and mulch product migration from its site, including implementation of regular watering of its grinding operations and storage piles, meets or exceeds the standards of industry practice. Also, and rather critically, A-1 has an excellent marketing program which assures materials do not remain on-site for extended periods of time. The company has always focused appropriately on having a robust marketing program, the absence of which is the cause of some issues in this industry. A-1 has been a leader in Colorado as long as I have known them.
6. Although there is not consensus on what constitutes "industry standard" for this type of facility, pile heights of 25 feet are certainly typical among similar mulch processing operations. Some similar facilities operate with much larger piles. Piles of this size are common for both economical and efficiency purposes. Further, fewer, larger piles may also mitigate the potential for wind-blown dust and mulch product as a large pile has less surface area than several smaller ones.
7. A-1 has instituted both a written Operations Plan and a written Dust Control and Mitigation Plan. Few similar facilities have this level of administrative control. The Dust Control and Mitigation Plan states that there is a weather station and it is designed to alert the operator when wind conditions exceed 15 miles per hour. This requirement, and the possible effects of this requirement (as detailed in the Plan) seem highly likely to mitigate blowing dust and mulch products from the site.

  
Matt Cotton

Subscribed and sworn to before me this 26th day of March, 2019, by Matt Cotton.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: 10/09/2020



  
Notary Public



**Denver Public Works**  
Solid Waste Management  
Denver Recycles

2000 W. 3<sup>rd</sup> Ave., 3<sup>rd</sup> Flr.  
Denver, CO 80223  
p: 303.446.3557  
f: 303.446.3527

[www.denvergov.org/DenverRecycles](http://www.denvergov.org/DenverRecycles)

February 20, 2019

To Whom It May Concern:

Denver Solid Waste Management would like to express its support of A1 Organics' proposal to the Recycling Resources Economic Opportunity Program (RREO) to seek funding for the construction of a Gore Covered Aerated Static Pile (ASP) Composting System at their Rattler Ridge facility.

Denver Solid Waste Management (DSWM) is familiar with the challenges of processing mixed organic feedstocks, especially feedstocks that contain food scraps and the related food packaging and compostable liners that enable widespread adoption of composting. As the demand for processing additional food-based materials grows as means to help communities like Denver meet their climate, sustainability and programmatic goals, the need for scalable infrastructure that is better suited to handle this growing subset of feedstock is integral to the success of programs across the region.

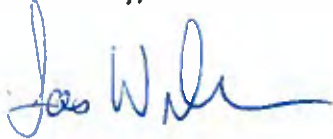
Denver Solid Waste Management sends more than of 8,000 tons of yard debris, food scraps and non-recyclable paper to A1 Organics on an annual basis, sourced from its growing *Denver Composts* residential collection program (18,000 current customers), a growing number of Denver Composts programs located within Denver Public School cafeterias (35 or more schools currently enrolled), its annual LeafDrop program, and additional diversion efforts. Through a competitive RFP process, A1 Organics was also recently awarded a 5-year contract for processing Denver Solid Waste Management's materials through the year 2023. Over the next five years, DSWM anticipates a significant increase in materials generated by its programs as the City aims to increase diversion from 22% to 34% by 2020, and the Denver Food Action Plan calls for a 57% decrease in food disposed in the landfill by 2030. Composting is viewed as the key program that will make both goals a reality, and we fully support A1 Organics in making investments in new and improved methods of composting that have proven to handle food-containing feedstocks more effectively.

Beyond the rapid expansion of the Denver Composts program and the associated tonnage of our mixed yard debris, food scrap and non-recyclable paper blend, Denver Solid Waste Management also anticipates a growing demand for compost collection programs in the commercial sector. Additional efforts already underway to better manage food waste across

the City as part of the Denver Food Action Plan will also significantly add to the demand for the processing of commercial source-separated organics in the near future.

On behalf of Denver Solid Waste Management, we appreciate your consideration to fund this project that will provide important and widespread benefit to Denver and the entire Front Range community. Like many other communities across the region, Denver's diversion programs depend on sending these challenging organic materials to A1 Organics for processing. We'd like to support A1 Organics' efforts to continuously improve their ability to handle our materials.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lars Williams", written over a faint circular stamp.

Lars Williams  
Director  
Solid Waste Management



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**Environmental Services**

222 Laporte  
PO Box 580  
Fort Collins, CO 80522

**970.221-6600**  
970.224-6177 - fax  
[fcgov.com](http://fcgov.com)

February 22, 2019

Assistance Committee to the Pollution Prevention Advisory Board  
c/o Eric Heyboer, Grant Administrator  
Resource Recovery & Economic Opportunity Grant Program  
Colorado Department of Public Health & the Environment

Dear PPAB,

I am writing in support of a grant application being submitted to the RREO program by A-1 Organics. Their plans to expand capacity and efficiency for composting mixed source-separated organics will be of assistance to the region and will help to better accommodate the needs of customers from Fort Collins.

Our community sees the need to divert organic materials from landfilling to be a top priority for both waste recycling goals and climate action goals. Greenhouse gas emissions from landfilling organic waste material, including food and compostable service ware, represent the most significant portion of Fort Collins' emissions from waste.

A major barrier to composting more of the food waste in our region is the lack of technology to handle source-separated organics mixed with other compostable products, such as paper towels and compostable service ware. Increasing regional capacity and testing specific technology for composting these materials is of utmost importance to increase organics diversion in Colorado.

Because Fort Collins is a member of the North Front Range Wasteshed Coalition, I am particularly excited to see aerated static pile (ASP) composting developed at scale in this climate. ASP composting is a Tier 1 recommended facility in the Larimer County Solid Waste Infrastructure Master Plan and having a proof-of-concept facility at the Rattler Ridge Organic Recycling Facility will provide helpful information for the construction of a sister facility up north. (In addition to providing a near-term destination for customers in our area.)

I hope you will give A-1 Organic's application close consideration and approve the grant, in the interests of Fort Collins and the State of Colorado.

Sincerely,

A handwritten signature in black ink, appearing to read "Honoré Depew".

Honoré Depew, Sr. Sustainability Specialist  
City of Fort Collins



February 28, 2019

Recycling Resources Economic Opportunity Program  
Building Opportunities to Maximize Waste Diversion and Create Jobs in Colorado  
RFA#12515

Dear Members of the RREO Grant Review Group

It is our pleasure to write this letter in support of the A-1 Organics grant request for acquisition and implementation of a Gore Covered ASP (Aerated Static Pile) Composting System.

In 2009 A-1 Organics was an integral partner in a composting pilot at Denver International Airport (DEN). This study determined the feasibility of capturing pre-consumer organics from the concessions and paper towels from the rest rooms. This pilot was a direct result of the 2009 Waste Composition Audit conducted throughout the airport. DEN's Sustainability goals are to reduce the amount waste going to the landfill by increasing the diversion rate to over 20%. DEN is like a small city of over 30,000 employees with over 150,000 passengers passing through per day. There are over 60 food concessions alone. The waste audit indicated that between 2,000 and 3,000 tons of that annual landfilled waste are organics which are primarily food products generated by DEN's concessions.

Diverting organics from the landfill is one of the top concerns at airports across the country. To have an effective and comprehensive composting program, it is imperative that the concessions replace their single-use service ware with compostable service ware along with compostable bags. They are willingly doing this throughout the country. At DEN, several restaurants have already replaced their entire inventory with compostable service ware. The new concession's contract makes concession participation mandatory in composting, recycling and food donation.

The success of DEN's landfill diversion and composting goals are dependent on the faith of the concessions that DEN will properly handle this product and that it will be properly processed and put to a higher purpose. Without that faith and considering the cost they are absorbing by purchasing the compostable service ware, the concessions participation would wane. The percentage of compostable service ware and bags is only going to increase. Colorado must prepare for that inevitability and A-1 Organics is doing just that.

A-1 Organics has been an important partner in this project and a great steward of the product captured at DEN. A-1 Organics acquisition of the Gore Covered ASP Composting System is integral to the success of Den's program and justifies the extra cost and effort put forth by all DEN's concessions. It will also be a much-needed benefit to all of Colorado.

DEN supports A-1 Organics commitment to addressing the future of composting in Colorado and encourages the RREO Grant Review Group to grant A-1 Organics funding request.

Sincerely,

Jerry Williams  
Solid Waste Manager  
Denver International Airport  
[Jerry.williams@flydenver.com](mailto:Jerry.williams@flydenver.com)  
303 342-2087





February 26, 2019

Recycling Resources Economic Opportunity Program

Re. Building Opportunities to Maximize Waste Diversion and Create Jobs in Colorado  
RFA #12515

To Whom it May Concern,

We at Upslope Brewing Company would like to express our support for A1 Organic's proposed expansion of its composting infrastructure with the acquisition of a Gore Covered Aerated Static Pile (ASP) Composting System at its Rattler Ridge facility.

As a customer of A1 Organics and a company committed to practicing Zero Waste, Upslope relies heavily on the availability and affordability of the commercial composting services offered by A1 and believes strongly in the necessity of expanding composting programs throughout the Front Range. For this to be possible, A1 must be able to scale its operations to accommodate a growing customer base.

As Colorado makes progress towards its waste diversion goals, the use of compostable plastic products will only continue to grow. In order to encourage, in good faith, the use of these products, we as a community must help A1 to update its infrastructure to ensure these items get properly composted at the end of their lives.

Receipt of this RREO grant will help A1 to respond quickly to these changing needs and remain an affordable alternative to landfilling organic waste. Landfill tipping fees are too low in Colorado. It is our responsibility not to further de-incentivize organic waste diversion in our state.

Therefore, Upslope Brewing Company strongly endorses A1 Organic's application for funding for this project, with the conviction that awarding them the RREO grant will have great benefit for Colorado and our ability to be ever better stewards of our environment.

Sincerely,

Matt Cutter  
Founder



DEPARTMENT OF PLANNING SERVICES  
1555 N. 17<sup>TH</sup> AVENUE  
GREELEY, CO 80631  
970-353-6100 EXT 3572  
FAX 970-304-6498  
[tparko@weldgov.com](mailto:tparko@weldgov.com)

February 27, 2019

Pollution Prevention Advisory Board  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

**Re: A1 Organics RREO Grant Application – Scalable Commercial Composting Infrastructure.**

On behalf of Weld County, I am pleased to offer this letter of support for A1 Organics RREO Grant application to purchase a Scalable Gore Aerated Static Pile Composting System.

Today's increasing focus on diversion of organics from landfill disposal with its emphasis on mixed food bearing waste streams places increased emphasis on development of composting infrastructure and technology capable of managing the challenges presented by the mixed Source Separated Organics Stream (which often includes compostable packaging and food service ware).

If successful in obtaining this grant, the addition of the Gore Aerated Static Pile system to A1's composting infrastructure will provide a diverse option for processing SSO. The extremely low landfill tipping fees that exist in Colorado make it difficult to increase diversion of organics.

This grant would provide an entry level system, that is scalable as diversion volumes dictate, while removing the need to recover capital costs from tipping fees already challenged by the low landfill tipping fees mentioned above. It would also provide a template operation located in Colorado that could act as a scaled operation for evaluation.

Please note that should A1 Organics receive funding from the State, new permits or amendments to existing permits to accommodate this system may be required by the County. This letter is not intended to provide any assurance that such permits, if required, will be granted by the Board of County Commissioners.

Thank you for your consideration of A1's application. Should you have any questions don't hesitate to contact me.

Sincerely,

Tom Parko  
Director, Department of Planning Services

EXHIBIT E



February 20, 2019

Dear RREO Committee,

Please accept this letter in support of A1 Organics' grant application to acquire a Gore Covered ASP Composting System.

As the largest collector of organics on the Front Range, Alpine is keenly aware of the need for additional capacity for organics processing. Alpine's organics collection represents by far our fastest growing business segment, growing over sevenfold in the past three years alone. However, the outlets for the material have not grown in kind. With the shuttering of the Heartland Anaerobic Digester, the facilities open to accepting this volume are perilously limited. Alpine's collection operations have generated volume that far exceeds our own processing capabilities, and at present A1 is the only processing facility willing to accept it.

By adding this feature to A1's processing facility, you will be helping to solve this looming bottleneck for the future of organics waste diversion. In addition, this system will help in the breakdown of numerous compostable items such as compostable bags and utensils, which tend to be slow to decompose and are problematic for facilities utilizing windrow processing.

Thank you for your consideration of this application. If you have any additional questions in regard to how awarding this application will benefit organics collection along the front range, please feel free to contact me at 303-872-9660, or email me at [john.griffith@gfl.env.com](mailto:john.griffith@gfl.env.com).

Best Regards,

A handwritten signature in blue ink, appearing to read "John Griffith".

John Griffith  
Founder, Alpine Waste & Recycling  
Regional Vice President for Colorado, GFL Environmental

7373 Washington Street • Denver, CO 80229

Phone 303-744-9881 • Fax 303-744-0888

[www.alpinewaste.com](http://www.alpinewaste.com)

EXHIBIT E



February 26, 2019

To Whom It May Concern,

The Department of Public Health and Environment (DDPHE) is pleased to submit a letter of support for A1 Organics' RREO proposal for funding to construct a Gore Covered Aerated Static Pile Composting System at their Rattler Ridge facility. DDPHE is home to the City and County of Denver's Office of Sustainability, Climate Action workgroup, Environmental Management System and Community Health Food Matters team. The department is responsible for crafting the City's Sustainability Goals, 80 x 50 Climate Action Plan and Food Action Plan, all of which depend on composting for their success.

To implement these plans, several of our programs and initiatives specifically aim to increase composting rates in the residential, business and event sectors. DDPHE's Community Health Division is currently spearheading a multi-year partnership with the Natural Resources Defense Council (NRDC) with support from the Rockefeller Foundation on a grant-funded collaboration between Community & Behavioral Health, Denver Solid Waste Management, Certifiably Green Denver, Public Health Inspections and external stakeholders to reduce the amount of food waste disposed in Denver's landfill by 57% by 2030. A recent food scrap recycling landscape assessment conducted through this project identified additional "regional processing to meet current and future demands" as one of the key elements to meeting this goal. A Covered ASP Composting System would increase A1 Organics' capacity to more effectively process Mixed Source Separated Organics (SSO) and take strides to meet this recommendation.

In addition, Certifiably Green Denver, the City's business sustainability program, provides consulting to businesses and events to reduce their environmental impacts and improve their waste diversion. The program has worked with over 2,000 businesses and special events in Denver to date; of those, restaurants comprise the program's largest sector and special events are the fastest growing sector. Both produce a large amount of Mixed SSO, the most challenging feedstock for A1 Organics to currently process. With over 500 public events on city property annually and an increasing number of those choosing to go zero waste, the need for a facility that can successfully compost mixed materials is ever more important to meet the growing demand. Additionally, we have found that the largest barrier to restaurants and events composting is the perceived cost; therefore, if awarded, this grant would allow A1 Organics to effectively meet the needs of these sectors by processing an increased amount of Mixed SSO while maintaining its current tipping fees.

DDPHE is pleased to offer our support to A1 Organics' grant proposal for a Gore Covered ASP Composting System; it would provide the processing capacity to ensure that the City is able to set ambitious waste diversion targets and successfully meet our sustainability goals. Thank you for your consideration.

Sincerely,

Susan Renaud  
Community Engagement Administrator  
Member of the Food Matters and Certifiably Green Denver teams

Denver Department of Public Health & Environment  
101 W Colfax Ave, Suite 800 | Denver, CO 80202  
[www.denvergov.org/PublicHealthandEnvironment](http://www.denvergov.org/PublicHealthandEnvironment)  
p. 720-913-1311 | f. 720-865-5531 | @DDPHE

February 25, 2019



Recycling Resources Economic Opportunity Program  
Building Opportunities to Maximize Waste Diversion and Create Jobs in Colorado  
RFA #12515

To Whom It May Concern:

Denver Urban Gardens (DUG) is thrilled to support A1 Organic's RREO Grant Application to upgrade its compost facility by acquiring a Gore Covered Aerated Static Pile (ASP) Composting System. A1 Organics is the primary resource for organics recycling in the Front Range area and this grant will allow A1 Organics to diversity their composting infrastructure and better ensure their ability to manage the increasing demand associated with the Mixed Source Separated Organics (SSO) streams being diverted.

DUG and A1 Organics have partnered for over 15 years and in 2018 alone, DUG purchased and distributed over 1,167 cubic yards of compost to our urban garden network, which spans six Metro Denver counties. This rich compost, provided by A1 Organics, adds organic matter to Colorado's dense, clay soil and directly supports the efforts of over 9,000 community gardeners across the Front Range to grow healthy food *and* deeply-rooted community.

We hope that the RREO Program will strongly consider and ultimately award A1 Organic's grant application. An upgrade to their composting facility is imperative for Colorado's efforts to meet its waste diversion goals.

With gratitude for your time and consideration,

***Denver Urban Gardens***

A handwritten signature in black ink, appearing to read "M. Buchenau", is located below the "Denver Urban Gardens" text.

Michael Buchenau, Executive Director



February 26, 2019

To: RREO Program

Re: A1 Organics proposal for RFA #12515

Dear RREO grant review committee,

Eco-Cycle is pleased to submit a letter of support for A1 Organics' RREO grant proposal to utilize grant funding to help acquire a scalable Gore Aerated Static Pile (ASP) system for installation at their Rattler Ridge compost facility.

Source-separated food waste poses unique challenges for composters, especially in managing compostable foodservice ware and the high volume of contaminants that inevitably comes with post-consumer food waste. Eco-Cycle believes strongly that as the volume of food waste and curbside organics successfully diverted from the landfill continues to grow along the Front Range, and as more communities adopt organics collection programs that include food waste, it has become essential that we also grow composting infrastructure that is specifically designed to handle food waste. The Gore ASP system is proven to be perhaps the best available combination of a high degree of food waste process control and affordability.

We are also challenged on the Front Range and throughout Colorado to promote the concept of Zero Waste given our very low landfill costs. Eco-Cycle believes this proposal is a good use of precious RREO funds to add critical infrastructure while keeping composting as affordable relative to landfilling as possible.

Please consider fully funding this proposal!

Sincerely,

Suzanne Jones  
Executive Director



Recycling Resources Economic Opportunity Program  
Building Opportunities to Maximize Waste Diversion and Create Jobs  
In Colorado  
RFA #12515

February 26, 2019

To Whom It May Concern:

This letter from Evergreen's Alliance for Sustainability (EAS+Y) is in strong support of A1 Organics' (A1) RREO grant application for a Gore Covered ASP Composting System. With about 40% of all food in the US being thrown away, it is increasingly imperative that localities have available options to compost. A-1 Organics is the only such option for the community of Evergreen.

EAS+Y, a local non-profit, considers composting a vital component of its Zero Waste Program in addition to reducing, reusing and recycling. Through a partnership that includes A-1 Organics, EAS+Y has inaugurated a pilot residential composting program and also diverts compostables collected at community events. None of this would be possible without access to A1's facility.

Until fairly recently, EAS+Y has included certified compostable plastics such as cups, plates, and utensils among compostables collected at events. In fact, EAS+Y promoted the use of these items rather than single use plastics to reduce the amount of landfill waste generated at events. Unfortunately, due to the increasing difficulty that compostable servicewear poses in the existing A1 infrastructure, we have had to discontinue collecting these materials. We consider this a significant setback in our Zero Waste efforts.

Funds requested under this grant application will allow A1 Organics to make the necessary improvements to its infrastructure to effectively handle compostable servicewear. The funds will also help insure that A1 can handle the growing volume of compostables as more and more Front Range communities incorporate composting in their sustainability efforts. For these reasons, we strongly recommend that this application be funded.

Sincerely,

Ginny Ades  
President, EAS+Y





**City of Boulder  
Climate Initiatives**

**1101 Arapahoe Ave, 1<sup>st</sup> Floor \* Boulder, CO 80302  
P.O. Box 791 \* Boulder, CO 80306**

RE: Recycling Resources Economic Opportunity Program  
Building Opportunities to Maximize Waste Diversion and Create Jobs in Colorado  
RFA #12515

Dear Grant administrators:

As the Sustainability Manager for the City of Boulder in charge of our community's zero waste infrastructure, programs and services, I am writing this letter to convey the city of Boulder's strong support for A-1 Organics' application to help acquire a Gore Covered ASP (Aerated Static Pile) Composting System.

The City has been working closely with A-1 Organics to design and manage cutting-edge composting initiatives since 1994 when together, we piloted a pilot commercial food waste collection and composting program. Since then, there have been many iterations of program and facility setups. Each one tests and changes as we adapt to shifting consumer demands, compost goals and environmental initiatives. In every instance, A-1 Organics has risen to the challenge and has always maintained its professionalism, expertise and ability to operate an efficient and community-focused organics diversion programs.

In today's environment where it is increasingly difficult to site, operate and collaboratively manage a large-scale composting facility, it is more important than ever to support the responsible existing operators and help them to expand their operations in a way that minimizes impacts to surrounding neighbors and completely and effectively manages the varied waste streams entering a facility – especially the commercial organics and compostable take-out ware from restaurants.

In Boulder, we have a Universal Zero Waste ordinance that requires every property owner to provide recycling, compost and trash service to its tenants, and every business in Boulder to collect and sort its waste. We are wholeheartedly supportive of any effort to help A-1 Organics process this material. We also commit to continuing to work with A-1 to ensure the materials arriving at their facility are clean and well-sorted so their operation can be successful.

Feel free to reach out to me if you have any questions at all.

Thank you for considering this grant application, it will serve the Front Range of Colorado well into the future!

Kara F. Mertz  
Sustainability Manager  
City of Boulder  
303-441-3153  
[mertzka@bouldercolorado.gov](mailto:mertzka@bouldercolorado.gov)





Colorado Association for Recycling  
PO Box 901  
Fort Collins, CO 80522

February 2019

Recycling Resources Economic Opportunity Program  
Building Opportunities to Maximize Waste Diversion and Create Jobs in Colorado  
RFA #12515

Colorado Department of Public Health & the Environment  
4300 Cherry Creek Drive South  
Denver, CO 80246

Dear Colorado Pollution Prevention Advisory Board and Assistance Committee,

It is our pleasure to submit this letter in support of A1 Organics acquiring a Gore ASP composting system. A1 Organics is Colorado's leading resource in our composting infrastructure. Recycle Colorado works first hand with A1 Organics through our Compost Council to advance composting infrastructure and to further market advancement in the sale of compost. Everything A1 does is critical to the success of composting in Colorado.

As the landscape of recycling is changing, we are seeing more and more non-traditional products being manufactured that are compostable. However, many of these compostable products cause a challenge in traditional composting methods and can lead to problems in processing. Just like plastics, these compostable products can make their way to the top of the compost piles where they are subject to blow away and cause a nuisance. A Gore ASP system will do a lot to mitigate this problem and help A1 Organics still be able to take organic waste from multiple streams. Additionally, if A1 Organics can secure financial assistance in acquiring this system and expanding operations, it will help in keeping the tip fees down for organics. With low landfill tip fees in Colorado, it is important for recycling operations to be as competitive as possible.

Recycle Colorado is the premier statewide nonprofit working to advance material circular economies in Colorado. We are an action-oriented and member-driven organization that works on projects that are tangible, actionable and measurable related to infrastructure and end markets for material recovery, reuse and manufacturing.

Recycle Colorado has a strong relationship with A1 Organics and its staff, and we are committed to helping Colorado and A1 Organics continue to build composting infrastructure. We highly support this project due to its ability to increase the chances of organics and compostable material to continue to be diverted from landfill.

We urge you to award funding for this project and fully believe it provides a successful model for other material recovery facilities in Colorado to follow.

Respectfully,

Laurie Johnson, Executive Director  
Recycle Colorado



## Resource Conservation Advisory Committee (RCAB)

Boulder County Staff Liaison: Tim Broderick • Phone: 720-564-2238 • [tbroderick@bouldercounty.org](mailto:tbroderick@bouldercounty.org)

Meeting Address: Boulder County Recycling Center • 1902 63rd Street, Boulder, CO 80306 • [www.BoulderCounty.org](http://www.BoulderCounty.org)

February 2019

Recycling Resources Economic Opportunity Program  
Building Opportunities to Maximize Waste Diversion and Create Jobs in Colorado  
RFA #12515  
Colorado Department of Public Health & the Environment  
4300 Cherry Creek Drive South  
Denver, CO 80246

Dear Colorado Pollution Prevention Advisory Board and Assistance Committee,

We are pleased to submit this letter in support of A1 Organics to acquire a Gore Covered ASP (Aerated Static Pile) Composting System.

While A1 continues to implement several processing strategies to better manage materials, a covered ASP system will better insure A1's ability to manage the increasing demand associated with the Mixed Source Separated Organics (SSO) streams being collected by municipal curbside and commercial collection services.

Expanding A1's existing infrastructure to meet the increasing demand is necessary to insure Colorado can meet its diversion goals. Minimal increase in tipping fees to generators is also needed to incentivize diversion. Availability of an additional scalable covered ASP composting system capable of composting the challenging mixed SSO feedstock is essential to meeting this objective. A scalable ASP system when combined with existing AW technology at A1 Organics Rattler Ridge Organic Recycling Facility will provide the immediate infrastructure needed as well as provide the ability to expand infrastructure as demand grows.

Finally, this system will allow A1 to effectively treat the compostable plastics that are becoming a greater fraction of the organic recycling stream associated with curbside and mixed commercial streams.

We encourage you to award the funding for this project to A1 Organics.

Sincerely,

Charles Kamenides, Chair

Tim Plass, Vice Chair

Deb Gardner County Commissioner

Elise Jones County Commissioner

Matt Jones County Commissioner

EXHIBIT E





## **SOLID WASTE MANAGEMENT DIVISION**

2525 W. 1<sup>st</sup> Street • Loveland, Colorado 80537  
(970) 962-2529 • TDD (970) 962-2620  
[www.cityofloveland.org](http://www.cityofloveland.org)

**February 19, 2019**

**To: Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, CO 80246**

**Re: Letter of Support for A1 Organics RREO Application to purchase of GORE ASP –  
Scalable Commercial Composting Infrastructure**

**To Whom It May Concern:**

**The City of Loveland Solid Waste Division would like to express its support for A1 Organics and their request for grant money to purchase a GORE ASP- Scalable Commercial Composting Infrastructure to help them and their customers continue the processing of organic materials.**

**A1 Organics has provided the City of Loveland a local and reliable destination for their large quantity of organic waste for many years. It is because of this continued partnership that the City of Loveland has been able to maintain an enviable, state-leading diversion rate for many years. A1 Organics is the primary resource for organics recycling in the Front Range area. With increased organics waste diversion encouraged by nearly all municipalities, it has become necessary for A1 Organics to diversify their composting infrastructure to be able to manage effectively and environmentally the challenges food waste bearing feedstocks require.**

**We are confident that providing A1 Organics the funding to purchase the GORE ASP-Scalable Commercial Composting Infrastructure for improved processing of organics will ultimately increase the quality and quantity of compost.**

**Sincerely,**

**Tyler Bandemer  
Superintendent  
Solid Waste Division  
City of Loveland**



7440 East I-25 Frontage Rd. • Frederick, CO 80516  
(303) 772-4577 • (303) 442-6829 • Fax (303) 442-5706

February 20, 2019

Recycling Resources Economic Opportunity Program  
Building Opportunities to Maximize Waste Diversion and Create Jobs in Colorado  
RFA #12515

Re: A-1 Organics

To Whom It May Concern:

We are writing today to advocate and show great support for A-1 Organics. We have had a good standing long term relationship with A-1 Organics for over 30 years. We are an environmental resource and recycling based company with several agricultural and commercial buildings based in Weld County. We have been in business for over 50 years with over 100 employees that largely reside in Weld County. We do agricultural and commercial projects all over the State of Colorado and surrounding states.

Since a large percentage of our customers are based in Weld County, A-1 Organics is a very important part of our company production and a valuable asset to not only us but our customers. Many of our contracts require recycling of various waste collected throughout the State of Colorado and surrounding states. Because of this we depend on our work relationship with A-1 Organics. They have always been extremely responsive and efficient on a daily basis.

As you can see we value our business with A-1 Organics. We depend on their knowledge and efficiency to complete the tasks we are hired for. Recycling should be an asset to everyone and because of our great work relationship with each other we are definitely doing our part.

Please feel free to contact me if you have any questions or if you would like some more information. You can reach me at (303)772-4577 or by email [mcfarms1@aol.com](mailto:mcfarms1@aol.com)

Sincerely,

A handwritten signature in cursive script, appearing to read "Marjorie R. McDonald", is written over a horizontal line.

Marjorie R. McDonald

President

McDonald Farms Enterprises, Inc.

EXHIBIT E



We create chemistry

February 20, 2019

Recycling Resources Economic Opportunity Program  
Building Opportunities to Maximize Waste Diversion and Create Jobs in Colorado  
RFA #12515

Dear RREO Committee,

As Colorado communities increase programs to divert organic waste and certified compostable packaging to compost facilities, such as A1 Organics, innovative systems such as the Gore Covered ASP are paramount to the success of these programs. A1 Organics is a recognized leader not only locally but regionally in their commitment to helping communities achieve zero waste goals through the collection and processing of organics into compost.

BASF supports A1 Organics in applying for the RREO grant. If approved, the Covered Gore system will enable them to effectively meet the increasing demand of the growing municipalities, business and residential communities organic waste diversion programs.

Sincerely,

A handwritten signature in black ink that reads "Thomas J Pitzi".

Thomas J Pitzi

Sales Manager, Biopolymers, N.A.

BASF Corporation

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To:  
Recycling Resources Economic Opportunity Program  
Building Opportunities to Maximize Waste Diversion and Create Jobs in Colorado  
RFA #12515

To whom it may concern,

Eco-Products, PBC is proud to support A-1 Organics in their pursuit of RREO grant funding to acquire a Gore covered ASP composting system. As the primary food waste and compostable packaging processor in the Front Range (and a leading compost manufacturer in the US), A-1 is a key waste diversion pillar in our community. As they have expanded, their needs for different processing technologies have accelerated. In order to meet the demand for increased food waste diversion in the front range, A-1 is doing the prudent thing in looking to evolve and install new technology to deal with what is coming through their gates.

This RREO grant funding will allow A-1 to continue to serve the needs of growing populations and communities along the Front Range. A-1 Organics has been a fantastic partner and supporter of our local NGOs, businesses, large food waste generators, municipalities, as well as waste diversion focused groups such as Recycle Colorado and the Colorado Composting Council.

This funding will allow them to continue to be that partner and supporter, and maximize food waste diversion from our landfills. We wholeheartedly support their efforts in this grant.

Yours in Zero Waste,  
*Ian Jacobson*  
Ian Jacobson  
President  
Eco-Products, PBC



February 22, 2019

Recycling Resources Economic Opportunity Program  
Building Opportunities to Maximize Waste Diversion and Create Jobs in Colorado  
REA #12515

CDPHE  
4300 Cherry Creek Dr. S.  
Denver, CO 80246

Dear Colorado Pollution Prevention Advisory Board,

I am submitting this letter in support of A-1 Organics' grant application to help fund the acquisition of a GORE Covered ASP Composting System at their Rattler Ridge composting facility in Keensburg, Colorado.

Western Disposal currently grinds and transports approximately 23,000 tons of residential curbside compostables and commercial food waste annually for processing at A-1's Rattler Ridge composting facility. This material is from Western Disposal's residential curbside collection programs and our commercial food waste collection program, the City of Longmont's residential collection program and Eco-Cycle's commercial food waste collection program.

We feel the acquisition of this system is crucial to meeting the challenges of processing compostables from MSW composting programs and for the future growth of municipalities adding curbside compost collection in their communities.

Western Disposal processed and composted our own residential and commercial compostables for over ten years. During that time, we struggled to fully process materials such as compostable bags, compostable cups and compostable flatware in our windrow system. We also struggled to remove a high enough fraction of these materials in our screening and vacuuming processes to make a finished product that was competitive with other compost made from cleaner feedstocks. Our compost was viewed as inferior to other compost products due to the unprocessed materials still in the final product.

The Gore Covered ASP Composting System that A-1 Organics is requesting funding for is exactly what the front range of Colorado needs to more efficiently process the growing demand for MSW composting. Let's keep the tipping fees as low as possible for processing these materials and be able to more effectively treat the compostable plastics that are becoming a bigger part of residential and commercial compost streams.

Western Disposal encourages you to award funding for this A-1 grant application and project.

Sincerely,

Bryce Isaacson  
Vice President of Sales and Marketing  
Western Disposal Services





As a resident of Commerce City I wish to express our support for AI Organics' Organic Recycling Facility located at 9109 Monaco Street. This facility offers a valuable service to Commerce City as well as neighboring community residents, landscape contractors, schools, and institutions by providing a well-run, conveniently located, recycling option for the diversion of greenwaste (grass, leaves, tree branches, logs, and clean dimensional lumber) from disposal to recycling. Thank you.

Name	Email	Phone	ZIP
Dave Perry	daveperry@comcast.com		80022
Patrick Kisby	patrick.kisby@hotmail.com		80640
Daryl Lamb	Lambsway81@yahoo.com		80022
Michael Servantez	mservantez@mac.com		80640
Patrick Neifert	pneifert@hotmail.com		80022
Rory Quinlan	kquinlan47@gmail.com		80640
Chris Brooks	chrisbrooks1975@yahoo.com		80640
Lynette Simoes	lynette.simoes@yahoo.com		80072
Tason Boyson	jprscrprs94@msn.com		80640
MARTIN O'READ	122941 HANNAH ST		80603
4 B.E. SERVING	6710 ALTON ST		80022
Eric Tanson	9735 Hannibal court		80022
Matthew Moore	m4moore@sbcglobal.net		80022
Jonathan Cardenas	11347 Paris street		80640
Wesley Bear	WDBear@hotmail.com		80022
Dirk Gruber	96velgaid@gmail.com		80022
RONALD MADDOX	RACKMADDOX@GMAIL.COM		80603
CARLENE KRISLEY	6781 Leyden St		80022
PHILLIP SACK	CSUSAERMA@AOL.COM		80022



**COLORADO'S LEADER IN  
ORGANIC RECYCLING**



**800.776.1644**  
www.AIorganics.com  
@aiorganics

EXHIBIT F

As a resident of Commerce City I wish to express our support for A1 Organics' Organic Recycling Facility located at 9109 Monaco Street. This facility offers a valuable service to Commerce City as well as neighboring community residents, landscape contractors, schools, and institutions by providing a well-run, conveniently located, recycling option for the diversion of greenwaste (grass, leaves, tree branches, logs, and clean dimensional lumber) from disposal to recycling. Thank you.

Name	Email	Phone ZIP CODE
Abe Raminis	abe.raminis@mcn.com	80022
Jeremy Tanner	JRTTanner@gmail.com	80022
ADAM DUNCAN	adamoduncan1@gmail.com	80022
Larry Brown	LGB53@comcast.com	80680
Mary Wilson	mrlm.rhde@comcast.net	80022
Virgil Van Schuerbeek	VirgilVan@AOL.com	80022
Douglas Eggleston	DougEggleston@att.com	80022
Rob Holl	RbKer@yusil.com	80640
John Krane	john88@rocketmail.com	80022
Mike Krueger	michael.todd.krueger@comcast.net	80022
Daniel Hernandez	DanielHgzder@gmail.com	80022
Scott Lee	scott4kw@yahoo.com	80022
Maureen Secor	Sailston75@msu.edu	80022
Ron Nelson	Rwayne54@aol.com	80022
Keith Fitzgerald	Keith.Fitzgerald@CenturyLink.com	80022
Ninnie Davis		80022
BORG CRAWFORD	bergcrawford@hotmail.com	80603
Marc Maximo	Marcmaximo@yahoo.com	80027
Jason McEldowney	JasonMcEldowney@comcast.net	80022



**COLORADO'S LEADER IN  
ORGANIC RECYCLING**



**EXHIBIT F**

**800.776.1644**  
www.A1organics.com  
@a1organics



As a resident of Commerce City I wish to express our support for AI Organics' Organic Recycling Facility located at 9109 Monaco Street. This facility offers a valuable service to Commerce City as well as neighboring community residents, landscape contractors, schools, and institutions by providing a well-run, conveniently located, recycling option for the diversion of greenwaste (grass, leaves, tree branches, logs, and clean dimensional lumber) from disposal to recycling. Thank you.

Name	ZIP CODE	Phone e-mail
STEVE HOLT/HOUSE/C	80022	—
John Lucere	80022	—
Bill Ross	80022	RedCrossLumber.com@gmail.com
STEVE SANDOVAL	80022	8msANDOV@gmail.com
Dan Pew	80022	hollisharp11@gmail.com
Michael Holmes	80022	Michael.Holmes@comcast.net
Ben Mashpek	80022	Ben.mashpek@gmail.com
Mike Johnson	80022	MIKEYLIKE431@gmail.com
Ri Kunzman	80022	RCKunzman@gmail.com
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Ritchie M. Sauteda	80640	tritch33@outlook.com
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Ranny Serrano	80640	—
Jeremy Hudson	80022	j.hudsonb3@comcast.net
Steven Cornejo	80640	scorne585@gmail.com
Juan Moreno	80622	—
Franky Hino	80032	11811 Commerce City



**COLORADO'S LEADER IN  
ORGANIC RECYCLING**



**EXHIBIT F**

**800.776.1644**  
www.AIorganics.com  
@aiorganics

As a resident of Commerce City I wish to express our support for A1 Organics' Organic Recycling Facility located at 9109 Monaco Street. This facility offers a valuable service to Commerce City as well as neighboring community residents, landscape contractors, schools, and institutions by providing a well-run, conveniently located, recycling option for the diversion of greenwaste (grass, leaves, tree branches, logs, and clean dimensional lumber) from disposal to recycling. Thank you.

Name	Email	Phone <sup>2</sup>
NOAH RAE	nrac1@gmail.com	80022
Armando Chavez	N/A	80022
Ron Nelson	Rwayne54@aol.com	70022
Melinda Shannon	Melinda Shannon@gmail.com	20022
Dick Wright	GWright@Babcock.com	80022
last week visitor		80022
Last week visitor		80022
Jerry Luft	Firedad.JL@gmail	80022
John Arkley	JonathanArkley@comcast.net	70022 80647
David Golden	DGolden@Comcast.net	80640
Prior visitor		
Theron Atencio	Theron Atencio@gmail	80640
William Haan	BillHaan72@gmail.com	70022
Prior visitor		
Prior visitor		
Lance Nelson	LRCin@AOL	80513
Oscar Rodriguez	N/A	80010
Gladys McFadden	McFaddengladys@yahoo	80022
Charles Soukup	Thebottle01@Comcast.net	80640

Q



COLORADO'S LEADER IN  
ORGANIC RECYCLING



800.776.1644  
www.A1organics.com  
@a1organics

EXHIBIT F



As a resident of Commerce City I wish to express our support for A1 Organics' Organic Recycling Facility located at 9109 Monaco Street. This facility offers a valuable service to Commerce City as well as neighboring community residents, landscape contractors, schools, and institutions by providing a well-run, conveniently located, recycling option for the diversion of greenwaste (grass, leaves, tree branches, logs, and clean dimensional lumber) from disposal to recycling. Thank you.

Name	Email	Phone
Adam Martinez	ADAMMart21@yahoo.com	70640
Beverly Welch	N/A	70022
Allen Montour	Allen_Montour@yahoo.com	80022
Joe Apodaca	Joe Apodaca 76@gmail.com	80022
William Maddock	Will2AEagle@hotmail.com	70022
Elaine Bigam	Lainor3@yahoo	70022
Previous		
John Ferguson	FD Studios - John@yahoo	80022
Dan Avila	N/A	70219
Joe Franco	Joe.Franco.21@hotmail.com	80022
Previous visitor		
Previous visitor		
Previous visitor		
Previous visitor		
Previous visitor		
Dennis Avilov	720-724-8706	71022
Brian Jagger	N/A	80022
Melvin Herman	N/A	80022
Kasen Hawa	KasenHawa@gmail	80640



**COLORADO'S LEADER IN  
ORGANIC RECYCLING**



**800.776.1644**  
www.A1organics.com  
@a1organics

**EXHIBIT F**



[illegible]

As a resident of Commerce City I wish to express our support for AI Organics' Organic Recycling Facility located at 9109 Monaco Street. This facility offers a valuable service to Commerce City as well as neighboring community residents, landscape contractors, schools, and institutions by providing a well-run, conveniently located, recycling option for the diversion of greenwaste (grass, leaves, tree branches, logs, and clean dimensional lumber) from disposal to recycling. Thank you.

[illegible]

## COLORADO'S LEADER IN ORGANIC RECYCLING



**800.776.1644**  
**www.Alorganics.com**  
**@alorganics**

EXHIBIT F



# 15—Environmental Conservation and Stewardship

## Guiding Principle

Increase recycling, conservation, and the use of renewable energy sources, while reducing energy and resource use overall.

## Introduction

Local governments are on the forefront of dealing with the volatile cost of energy, the diminishing finite resources, and the effects of climate change. Commerce City aims to become a balanced and green city, in part through this Plan's policies. This chapter also addresses natural resources and environment.

## Influencing Factors

### Sustainability, Energy and Climate

Local mayors and councils nationwide have initiated Climate Action plans and other sustainability measures. Commerce City is doing its part as a leader in maximizing the efficiency of operations and minimizing resource use. The development of a LEED-certified green Civic Center and focusing on city operations are examples. (See description of LEED on page 196.)

### Natural Resources and Environment

Commerce City also recognizes the need to address resource use and conservation (e.g., for water, solid waste reduction, and air quality). The city also recognizes the need to avoid placing future development in hazardous areas, such as in airport noise zones, near landfills, and in floodplains.



See Chapters 3, Future Land Use Plan and 11, Parks, Open Space, and Recreation.



## Some "green" ways to address energy

- ✓ **Land Use Patterns:** A focus on infill development is one of the best approaches to reduce future energy use. A compact pattern with mixed-uses that support walking, bicycling, and transit use with open space conservation helps reduce energy consumption.
- ✓ **Buildings:** New and retrofit housing, industries, offices, and commercial developments should be energy-efficient to reduce electricity use, primarily for heating and cooling, but also for other appliances.
- ✓ **Site Planning:** Street-orientation, placement of buildings, and use of shading should contribute to energy-efficiency and the ability to use renewable resources (e.g., solar and wind).
- ✓ **Development Code:** The code should remove barriers, incentivize use of renewable sources and water conservation, and implement the Future Land Use Plan.



## Directions and Goals

Commerce City can do much to promote wise energy and water use and reduce waste internally, but the community will need to share the responsibility. Planning and policy direction aimed at the various topics in earlier chapters of this Plan, coupled with efficient use and conservation of resources, can make a big difference in how well a community achieves its goal of becoming sustainable. In addition, how a city grows (land use patterns, site planning, and buildings) can also have positive (or negative) effects on energy use, automobile dependence and miles traveled, and the need for the expansion of public services and streets. This Plan can help shape conservation and stewardship in the future through recommending incentives and regulatory programs.

### *How Does this Element Relate to Sustainability?*

This element contributes to sustainability because reducing energy use, reducing waste, improving water conservation, increasing renewable energy use, and reducing greenhouse gas emissions are vital for environmental quality, economic prosperity, longevity, and community health.

### **This chapter's goals address:**

1. A Sustainability Plan with targets;
2. Energy efficiency and use of renewable sources;
3. Reducing greenhouse gas emissions;
4. Increasing water conservation and protection of water resources;
5. Solid waste reduction and recycling;
6. Air pollutant reduction;
7. Noise impacts; and
8. Hazardous areas.

## Sustainability/Related Chapters

### **This Element Contributes to Sustainability...**



Finally, the environmental conservation and stewardship goals are focal to city sustainability and linking other goals in this Plan. This chapter's goals help:

### **A Robust Economy and Commerce:**



- ✓ Reduce costs of providing services, energy, transportation, and utilities.
- ✓ Reduce the need for new landfills (waste reduction).
- ✓ Increase household and business savings through reduced energy costs.

### **A Quality Environmental Context:**

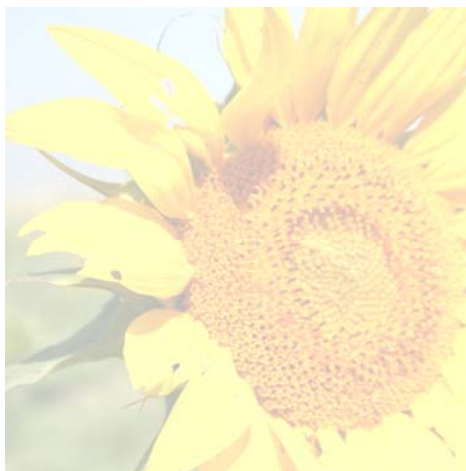


- ✓ Reduce water pollution, air pollution and waste, making air and water cleaner.
- ✓ Curb need for landfill expansion or relocation.

### **A Resilient Community:**



- ✓ Safeguard resources for future generation use (i.e., our children and their children).
- ✓ Improve community health through cleaner air and water.



















### These Goals in Related Chapters

The environmental conservation and stewardship goals relate to other Plan elements as noted in Table 15.1.

**Table 15.1: Environmental Conservation and Stewardship Goals and Related Chapters**

Plan Element/Ch. #:												
	4	5	6	7	8	9	10	11	12	13	14	15
	Land Use, Growth	Economic Dev.	Fiscal Stability	Housing/Neighbor	Redevelopment	Transportation	Safety, Wellness	Parks, Open Space	Public Facilities	Appearance	Cultural Facilities	Environmental
Goals												
1. Prepare Sustainability Plan	✗	✗	✗			✗		✗	✗			✗
2. Energy efficiency, renewable energy	✗			✗	✗	✗			✗			✗
3. Greenhouse gas emission reduction	✗	✗		✗		✗						✗
4. Water conservation and protection								✗	✗			✗
5. Reduce solid waste disposal												✗
6. Reduce air pollutants						✗						✗
7. Limit noise impacts	✗			✗			✗					✗
8. Avoid hazards	✗			✗								✗





## What is “LEED-certified”?

The acronym LEED stands for “Leadership in Energy and Environmental Design.” The certification program, run by the U.S. Green Building Council, concentrates on improving building performance in five areas:

1. health,
2. energy efficiency,
3. indoor quality and materials,
4. sustainable site development, and
5. water savings.

## Environmental Conservation and Stewardship Goals and Policies

### Goal EC 1—Develop a Sustainability Plan that balances economic, environmental, and community needs

The city will develop a Sustainability Plan that considers and monitor this Plan’s goals, and implements the concept of sustainability to balance interdependent trends and needs.

#### Citywide Policies:

#### ***EC 1.1—Sustainable Community Score Card (Plan Monitoring)***

Use indicators and a *Community Score Card* to consider interdependent trends rather than isolated strengths and weaknesses, for on going assessment of progress toward plan goals.

#### ***EC 1.2—Project Review and Green Business Score Card***

Adapt indicators for use as a *Project Review Score Card* to evaluate how well large projects (e.g., Master Planned Developments), city facilities, or businesses meet this Plan’s sustainability goals and achieve the community’s vision.

### Goal EC 2—Improve communitywide energy efficiency and increase renewable energy use

Commerce City will support renewable energy production, efficiency, and energy conservation in city programs and private developments. Measures should be cost-effective and meet other community goals.

#### Citywide Policies:

#### ***EC 2.1—Energy Efficiency—City Enterprise***

Lead by example in city buildings, programs, and operations to reduce waste and energy use, improve indoor air quality and environmental quality.

#### ***EC 2.2—Land Use Patterns to Reduce Energy Requirements***

Support land use patterns and buildings in Commerce City and its neighborhoods that conserve resources and minimize waste and avoid sprawl.



See Chapters 3 and 4, *Future Land Use Plan* and *Land Use and Growth*.



### EC 2.3—Communitywide Energy Efficiency

Support “green” buildings (LEED buildings), LEED-ND (Neighborhood Design), and Star Community Initiatives to promote energy efficiency throughout Commerce City.

### EC 2.4—Renewable Energy—Green Building Techniques

Support local and community use of renewable energy sources in residential, commercial, and industrial operations (e.g., solar, wind, geothermal, bio-based, and other emerging technologies).

## Goal EC 3—Reduce greenhouse gas emissions

The city will support internal practices and community growth aimed at reducing greenhouse gas emissions in the future.

### Citywide Policies:

#### EC 3.1—Develop a Sustainability Plan and Targets

To address greenhouse gas emissions, develop a Sustainability Plan to address Climate Action. Include consideration of local government practices, regulations, incentives, and programs to assist the community in reducing greenhouse gas emissions and its carbon footprint.

#### EC 3.2—Energy-Efficient Development

Promote energy-efficiency in new development of homes and businesses to reduce greenhouse gas emissions.

#### EC 3.3—Transportation Alternatives

Promote transportation alternatives in new and developed areas to reduce vehicle trips and overall use.



See Chapters 4, 7, and 9: *Land Use and Growth, Housing and Neighborhoods, and Transportation*, for policies related to land patterns, transportation and energy use, and energy-efficiency in homes.



### What are Greenhouse Gases?

Rising concentrations of greenhouse gases produce an increase in the average surface temperature of the earth, producing changes in precipitation patterns, storms, and sea level. This is known as “climate change.”

In the U.S., greenhouse gas emissions come primarily from burning fossil fuels in energy use. Energy-related **carbon dioxide** emissions, resulting from combustion of gas, coal, and natural gas represented 82% of U.S. man-made greenhouse gas emissions in 2006. **Methane** is another gas that comes from landfills, coal mines, oil and gas operations, and agriculture, which represented 9% of emissions. Other gases account for the remainder. (U.S. Energy Information Administration, U.S., 2009)

Cities can help by reducing fossil fuel use, reducing electricity and other energy use, and reducing waste that goes into landfills.



Solar, a form of renewable energy, is becoming increasingly affordable.



## Long-Term Water Predicament



The outlook of Western U.S. long-term water scarcity means that communities will need to be creative and conserve. The long-term prediction of water scarcity is due to many factors, including population growth and development in the Rocky Mountain region, climate change, limited storage sites, lack of distribution facilities, diminishing snow pack, and competition for water from other states and communities. (Natural Resources Conservation Service)



### What Do these Terms Mean?

#### Solid Waste

- ✓ **“Source reduction:** Altering the design, manufacture, or use of products and materials to reduce the amount and toxicity of what gets thrown away.
- ✓ **Recycling:** Sorting, collecting, and processing materials to manufacture and sell them as new products.
- ✓ **Composting:** Decomposing organic waste, such as food scraps and yard trimmings, with microorganisms (mainly bacteria and fungi) to produce compost. Compost is organic material that can be used as a soil amendment or as a medium to grow plants.”  
(U.S. EPA, 2009)

## Goal EC 4—Increase water conservation and protection of water resources

Commerce City is not the lead agency that provides water to customers. However, the city will encourage water conservation by promoting drought-tolerant landscaping, exploring other water recycling and dual-system use, and sponsoring other measures.

### Citywide Policies:

#### EC 4.1—Community Water Use Reduction

Focus on programs and partnerships to highlight the value of water conservation by reducing water use in homes, businesses, and for landscaping. Promote low-water xeric landscaping for new or retrofit projects. Partner with South Adams County Water and Sanitation District in programs that encourage conservation, dual system supply (to irrigate parks, the golf course, and other city facilities, with non-potable water supply).

#### EC 4.2—Stormwater Best Management Practices

Promote stormwater Best Management Practices for site design to reduce impervious surfaces (increasing porous pavement), emphasize natural filtration for stormwater, and reduce run-off of pollutants in rivers, streams, and wetlands.

#### EC 4.3—Former Arsenal Water Protection Monitoring

Preserve and protect groundwater throughout the city. Collaborate with involved agencies to continue the groundwater monitoring program at the former Rocky Mountain Arsenal until all treatment goals have been met.

#### EC 4.4—Safe Drinking Water

Ensure that all potable water meets the requirements of the federal Safe Drinking Water Act.

## Goal EC 5—Reduce solid waste disposal

The city will promote programs to reduce per capita solid waste disposal through waste recycling, reduction, and re-use.

### Citywide Policies:

#### EC 5.1—Waste Reduction, Recycling, and Re-use

Support programs for city and community facilities (in key locations) that focus on source reduction, recycling, composting, and construction materials waste diversion for reuse and exchange of materials. The city, within its operations and buildings, will encourage recycling.



This Plan promotes recycling and reducing solid waste.



### **EC 5.2—Partnerships with Private Companies to Reduce Waste**

Support partnerships with private companies to promote waste reduction, recycling, re-use, composting, and the overall goal of reducing solid waste disposal.

## **Goal EC 6—Reduce generation of air pollutants and promote non-polluting activities**

The city will promote reducing air pollution and non-polluting activities to minimize impacts to human health, sustain or improve the economy of the city, and improve air quality.

### **Citywide Policies:**

#### **EC 6.1—Tree Planting and Preservation**

Encourage tree planting to achieve a widespread urban canopy on private and public properties and along streets. Planting trees improves air quality, contributes to a positive image, and provides shade and cooling.

#### **EC 6.2—Indoor Air Quality**

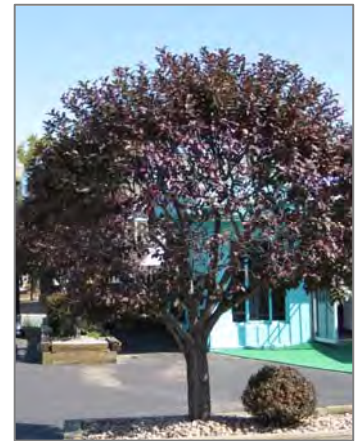
Encourage the use of green products in construction or renovations and ensure that buildings slated for renovation are evaluated for lead-related risks and mitigated as appropriate.

#### **EC 6.3—Transportation and Air Quality**

Explore programs to reduce vehicle trips and miles driven, including better connectivity in street system, compact development patterns, transit, alternative transportation modes, Transportation Demand Management Programs, and the like. Work with public entities and private businesses to sponsor alternative transportation and carpooling.

#### **EC 6.4—Industry Air Emissions**

Strive to make improvements in air quality by coordinating with existing businesses to improve air emissions. The city will emphasize attraction of clean, non-polluting businesses and work to retain clean industries in the city.



Trees throughout the city provide shade, improve air quality, and mitigate stormwater flooding and water quality.



See Chapter 9, Transportation.



Residential development should not occur in airport noise impact zones.

## Goal EC 7—Limit noise impacts

Commerce City will identify areas with significant noise impacts related to the airport, industry, and rail lines, and will avoid or reduce these impacts through the location and design of future development.

### Citywide Policies:

#### ***EC 7.1—DIA Noise Impacts Limited and Mitigated***

Avoid placing residential development in noise impact zones near DIA.

#### ***EC 7.2—Railroad Noise Impacts Mitigated***

Mitigate railroad and industrial noise near residential development.

#### ***EC 7.3—Highway Noise Impacts Mitigated***

Avoid placing residential development near high-volume highways.

## Goal EC 8—Decrease future development near hazards

New development will be located in places other than floodplains and other hazardous areas, such as airport zones and landfills. The city will promote the remediation and redevelopment of Brownfield sites to eliminate or reduce the number of sites with potential environmental hazards.

### Citywide Policies:

#### ***EC 8.1—Airport Hazards***

Require that development around DIA is consistent with the safety policies and land use compatibility guidelines contained in the adopted DIA Master Plan. All development shall comply with federal regulations regarding approach and departure zones. No residential development shall be constructed within three-quarters of a mile of any existing or planned runway. New development will be required to provide disclosure statements and additional architectural/energy/noise buffering.

#### ***EC 8.2—Flood Hazard Risks Minimized***

Retain flood map information and prohibit future residential development in flood hazard areas. Maintain and enforce development standards related to the flood zone, to minimize financial and property loss due to flooding.

#### ***EC 8.3—Brownfield Locations***

Pursue an active program to identify Brownfield locations that may be opportunities for infill development, if remediated.





### EC 8.4—Landfills

Avoid developing residential uses near existing or former landfill sites to protect residents from methane gas and other negative landfill externalities. Non-residential developments also should include measures to protect workers from methane gas.

### EC 8.5—Hazardous Materials Routes and Disposal

Require use of designated routes for transporting hazardous materials within the city to prevent contamination in developed areas. Business and household hazardous waste shall be disposed of properly to prevent contamination.

### EC 8.6—Former Arsenal Pollution Plumes Avoidance

Keep residential development out of contaminated pollution plumes associated with former Rocky Mountain Arsenal activities.

## Environmental Conservation and Stewardship Strategies

This section contains a list of strategies to implement the environmental conservation and stewardship goals. Table 15.2 coincides with the goals of this chapter and identifies specific actions.



See Chapter 16, *Implementation*, for the Priority Action Plan summarizing key strategies for the city to accomplish in the next several years. Appendix E contains a full list of all the chapters' strategies.

**Table 15.2: Environmental Conservation and Stewardship Strategies**

Goal/ Strategies	Related Goal/Strategies
<b>Goal EC 1</b>	<b>Sustainability Plan</b>
<b>EC 1a</b>	<b>Sustainability Plan/Climate Action Plan</b> Develop a Sustainability Plan and/or Climate Action Plan (with incentives, targets for reduction, strategies, and regulations).
<b>EC 1b</b>	<b>Municipal Code Audit/Amendments</b> Perform an audit of the Municipal Code, including LDC and Engineering Standards; determine barriers to sustainability; amend accordingly.
<b>EC 1c</b>	<b>Prioritize Indicators – Score Cards</b> Prioritize and adapt indicators for a <i>Community Score Card</i> and <i>Project Review Score Card</i> and begin monitoring program.
<b>EC 1d</b>	<b>Regional Collaboration</b> Collaborate regionally to share information and avoid duplicative efforts on Sustainability Planning.
<b>Goal EC 2</b>	<b>Improved energy efficiency/renewable energy use</b>
<b>EC 2a</b>	<b>Energy Conservation Awareness Program</b> Programs to promote energy conservation awareness (coordination with local utility providers and in-state programs to reduce energy consumption).
<b>EC 2b</b>	<b>Point System – New Building Energy Conservation</b> Provide an incentive or point system for new buildings.
<b>EC 2c</b>	<b>Transportation Demand Management</b> Support Transportation Demand Management, encouraging public and private businesses to implement employee use of carpooling programs, public transportation, and/or alternatives to motorized transportation.



<b>Goal/ Strategies</b>	<b>Related Goal/Strategies</b>
<b>Goal EC 3</b>	<b>Greenhouse gas emissions reduced</b>
	(See strategies for Goals 1 and 2, above.)
<b>Goal EC 4</b>	<b>Water conservation and protection of water resources</b>
<b>EC 4a</b>	<b>Water Quality</b> South Adams County Water and Sanitation District provides water quality testing and ensures safety and quality of drinking water.
<b>EC 4b</b>	<b>Low-Impact Stormwater Standards</b> Develop standards for low-impact development stormwater practices. (See Public Facilities and Infrastructure strategies.)
<b>Goal EC 5</b>	<b>Solid waste disposal reduced</b>
<b>EC 5a</b>	<b>Municipal Solid Waste Reduction Plan</b> Develop a Municipal Solid Waste Reduction Plan and revisit existing landfills and their function.
<b>EC 5b</b>	<b>Recycling</b> Promote city recycling program (city facilities and events) and possibly yard waste composting.
<b>Goal EC 6</b>	<b>Air pollutants/activities reduced</b>
<b>EC 6a</b>	<b>Tree Preservation Standards</b> Expand tree preservation standards that exist in LDC.
<b>EC 6b</b>	<b>Street Tree Planting and Maintenance</b> Promote street tree planting and maintenance program.
<b>EC 6c</b>	<b>Regional Air Quality Planning</b> Cooperate with local and regional agencies to develop an effective approach to regional air-quality planning and management and pollution prevention. Solicit and consider comments from agencies on proposed projects that affect air quality.
<b>Goal EC 7</b>	<b>Noise impacts limited</b>
<b>EC 7a</b>	<b>Residential Buffering</b> Require buffers between industrial and residential, and between residential and the airport. (See Future Land Use Plan.)
<b>EC 7b</b>	<b>Residential Noise Mitigation</b> Require residential noise mitigation for all residential development east of E-470.
<b>Goal EC 8</b>	<b>Future development near hazards reduced</b>
<b>EC 8a</b>	<b>Building Codes</b> Administer building codes related to abandoned structures and hazardous materials.
<b>EC 8b</b>	<b>Standards for Sand and Gravel</b> Develop standards for sand and gravel mining operations.
<b>EC 8c</b>	<b>Flammable Gas Overlay District</b> Develop a flammable gas overlay district to protect against methane gas buildup in structures.
<b>EC 8d</b>	<b>Protect Groundwater</b> As warranted, work with responsible entities and agencies to evaluate potential groundwater pollution from historic activities or current practices. Ensure remediation is required.



## Monitoring Environmental Conservation and Stewardship

This section identifies possible performance indicators for monitoring progress toward achieving the environmental conservation and stewardship goals.



See Chapter 16, *Implementation*, for a description of Plan Monitoring. That chapter describes how to narrow down and select appropriate performance indicators, and how to fine-tune and set targets.

**Table 15.3: Environmental Conservation and Stewardship Indicators**

Related Goal	Target	Possible Indicators
<b>EC 1—Sustainability Plan</b>	Develop and follow plan with targets for topics below	<ul style="list-style-type: none"> <li>▪ (Note: Indicators related to carbon emissions, greenhouse gas emissions, city energy use, etc., to be developed in the Sustainability Plan.)</li> </ul>
<b>EC 2—Energy efficiency</b>	Reduced communitywide energy use per capita	<ul style="list-style-type: none"> <li>▪ Communitywide energy use (measured by utilities).</li> <li>▪ Permits issued for renewable energy projects (e.g., wind, solar panels).</li> </ul>
<b>EC 3—Greenhouse gas emission reduction</b>	Reduce greenhouse gas emissions over time	<ul style="list-style-type: none"> <li>▪ See indicators for EC 2, above.</li> </ul>
<b>EC 4—Water</b>	a. Reduce water use per capita b. Improve quality of stormwater runoff	<ul style="list-style-type: none"> <li>▪ Water use per capita.</li> <li>▪ Number of new xeriscape projects.</li> <li>▪ Amount of impervious surface in new development and redevelopment; projects with low impact stormwater treatment.</li> </ul>
<b>EC 5—Solid waste disposal</b>	Reduce waste per capita	<ul style="list-style-type: none"> <li>▪ Solid waste quantity (i.e., solid waste, recyclables, compost material) per capita.</li> </ul>
<b>EC 6—Air pollution</b>	Contribute to better air quality in the region	<ul style="list-style-type: none"> <li>▪ See transportation indicators and indicators for EC 2, above.</li> <li>▪ Number of street trees planted.</li> </ul>
<b>EC 7—Noise impacts</b>	Avoid placing residences within noise restricted areas of DIA; limit residences near DIA	<ul style="list-style-type: none"> <li>▪ Number of residences built within 60 DNL noise contour and within three-quarter of a mile of future runways.</li> </ul>
<b>EC 8—Hazards/Avoidance</b>	Development avoids hazards	<ul style="list-style-type: none"> <li>▪ Number of structures in floodplain.</li> </ul>





EXHIBIT H

Google

Imagery Date: 10/6/2014 39°51'44.08" N 104°54'54.81" W elev 5082 ft





EXHIBIT H

Google



BEFORE THE CITY COUNCIL OF COMMERCE CITY  
STATE OF COLORADO

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**RE: REQUEST FOR CONDITIONAL USE PERMIT BY LAMBLAND, INC. DBA A-1  
ORGANICS, INC., CUP-121-19 FOR 9109 MONACO STREET (I-2), AS MODIFIED**

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**Attorneys for Lambland, Inc. dba A-1 Organics, Inc.:**

Regina T. Drexler, #20782  
Erin M. Verneris, #53154  
DREXLER LAW, LLC  
1435 Larimer Street, Suite 207  
Denver, Colorado 80202  
Telephone: (303) 222-4254  
E-mail: [rdrexler@drexleriplaw.com](mailto:rdrexler@drexleriplaw.com)

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**AFFIDAVIT OF RYAN MCBREEN, NORRIS DESIGN**

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I, Ryan McBreen, Principal at Norris Design, being hereby swear and affirm as follows:

1. I served as the Project Manager on behalf of Norris Design, working on behalf of the owner of the property located at 9109 Monaco Street, Commerce City, Colorado, when it was under development.
2. As the site was being developed, the development application was updated specifically for A1 Organics' organic waste recycling facility and use, and extensive work was performed on the property to develop the property for this purpose.
3. Prior to development of the site, the property was largely vacant and was affected significantly by the floodplain and water. The use by A1 Organics' greenwaste facility reflects a much more productive and beneficial use of the property.

  
\_\_\_\_\_  
Ryan McBreen

Subscribed and sworn to before me this 26<sup>th</sup> day of March, 2019, by Ryan McBreen.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: 9/25/2022

REBECCA BAILEY  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID # 20184037983  
MY COMMISSION EXPIRES 09-25-2022

  
\_\_\_\_\_  
Notary Public

**EXHIBIT I**

ORDINANCE NO: 2194

INTRODUCED BY: DAVIS, DOUGLAS, ELLIOTT, FORD, FRANK, GUARDIOLA,  
HUSEMAN, MADERA, TETER

AN ORDINANCE AMENDING SECTIONS 21-5200 AND 21-5254 OF THE LAND DEVELOPMENT CODE RELATING TO OUTDOOR STORAGE STANDARDS INCLUDING STANDARDS FOR MATERIAL PILES

WHEREAS, the City Council of the City of Commerce City adopted the Land Development Code, effective March 1, 2009, by Ordinance 1720, which has been amended from time to time;

WHEREAS, the ongoing application and interpretation of the Land Development Code has identified a need to modify the provisions regulating outdoor storage, including the regulation and allowable use of material piles;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

**SECTION 1.** Section 21-5200 (Table V-1) (Land Use Table) of the Land Development Code is amended as set forth in Exhibit A, which is attached and incorporated by reference.

**SECTION 3.** Section 21-5254 of the Land Development Code relating to Outdoor Storage is amended as set forth in Exhibit A.

**SECTION 4.** Exhibit A is attached and incorporated by reference.

**SECTION 5.** This ordinance is necessary and appropriate to protect the public health, safety, and welfare and in the general public interest.

**SECTION 6.** Except as specifically modified herein, the provisions of the Land Development Code shall remain unchanged and in full force and effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 19TH DAY OF NOVEMBER, 2018.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 17TH DAY OF DECEMBER, 2018.

CITY OF COMMERCE CITY, COLORADO

\_\_\_\_\_  
Sean Ford, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Bauer, MMC, City Clerk

## EXHIBIT A TO ORDINANCE 2194

*(Unless otherwise indicated, underlined text indicates new material; strikethrough text indicates deletions.)*

### Sec. 21-5200 (Table V-1) of the Land Development Code is amended as follows:

“Material Piles – Over 8 feet in height” shall be added as a conditional use in the I-2 and I-3 zone districts.

### Section 21-5254 of the Land Development Code is amended as follows:

#### Sec. 21-5254. Outdoor Storage

- (1) **Business Related.** All outdoor storage shall be incidental and directly related to the primary business being conducted on that property. Outdoor storage shall not be the primary use of any property and the leasing of space for outdoor storage is prohibited unless the outdoor storage is an accessory use to a business operated by a tenant who leases any building located on such property for the operation of the tenant’s business or as permitted in paragraph (4) below.
- (2) **Heating Fuels.** Outdoor storage of heating fuels may be permitted in all zones, provided such storage is directly connected to heating devices for the purpose of providing fuel for heating the building of which such heating device is a part.
- ~~(3) **Manure.** No manure shall be stored within 100 feet of any property line.~~
- (3) **Surfacing.** Outdoor storage shall be paved with recycled asphalt or other road base material in accordance with the ECSS (Engineering Construction Standards & Specifications).
- (4) **Principal Structures.** No outdoor storage shall occur on a lot that does not contain a building, unless said outdoor storage is used by an adjacent property owner or lessee and is directly related to such adjacent property owner’s or lessee’s business.
- (5) **Agriculturally Zoned Lots.** Outdoor storage, compliant with these regulations, shall be permitted only when the stored items relate directly to the principal agricultural use. Determination of which items are directly related to the principal use shall be made by the director.
- (6) **Location.** Outdoor storage shall be limited to the rear and side yards of the property. Required parking and landscape treatment areas can never be used for outdoor storage. No manure shall be stored within 100 feet of any property line.
- (7) **Stacking and Screening Requirements.** All outdoor storage areas shall be enclosed by a fence or wall adequate to conceal such areas from adjacent non-industrial property and public right-of-way. Outdoor storage can be stacked to eight feet or the height of the screening fence, whichever is less, ~~with the following~~

exceptions and restrictions: Large items over 8 feet in height such as truck trailers or concrete pipes shall be placed in a single layer and not stacked. Additional screening mitigation may be required depending on the topography and visibility of the site.

- ~~(a) I-1 and I-2 Zoning Districts. In addition to not being visible from adjacent non-industrial property and public right-of-way, the outdoor storage shall not be visible to a pedestrian at ground level looking at the storage area from a public facility such as a city park, trail, and open space, or from the first floor of any building not on the subject property to the maximum extent possible. In order to confirm compliance, the city may request additional information as necessary, such as a grading plan or topographic survey, or a plan showing adjacent building footprints.~~
- ~~(b) I-3 Zoning Districts. In addition to not being visible from adjacent non-industrial property and public right-of-way, the outdoor storage shall not be visible to a pedestrian at ground level looking at the storage area from a public facility such as a city park, trail, and open space, or from the first floor of any building not on the subject property to the maximum extent possible. The exception to the eight foot maximum height limit is the storage of bundled lumber, pallets, or shipping containers only, which may be stacked to a height of 20 feet if done in a manner that ensures safety. Any items stacked higher than the fence must be placed in such a manner that the items cannot fall and land on or outside of the fence.~~

(a) Exceptions.

- (i) Material piles such as construction aggregate and landscape materials may exceed the eight-foot maximum stacking limit in the I-2 and I-3 zone districts upon approval of a Conditional Use Permit. Flammable materials shall have a maximum allowed stacking limit of 25 feet in accordance with adopted fire codes. Non-flammable materials shall have a maximum stacking limit of 50 feet or the maximum height permitted for a principal structure in the underlying zone district, whichever is less.
  - (ii) The storage of bundled lumber, pallets, shipping containers, or construction crane sections may exceed the eight-foot maximum stacking limit in the I-3 zone district only. These specific items may be stacked to a height of 20 feet, or higher than 20 feet upon approval of a Conditional Use Permit, if done in accordance with adopted fire codes. Any items stacked higher than the fence must be placed in such a manner that the items cannot fall and land on or outside of the fence.
- (b) ~~(c) Fences and Gates. Fences used for screening outdoor storage shall be masonry, brick, decorative rock, stone, textured concrete, stucco, or wood and meet the standards in Article VII Division 7 Part C (Fence and Wall Standards) of this land development code and shall be erected in accordance with the building permit issued by the city. Gates must be~~

opaque; however, a gate may be a different material than what would be allowed for the fence. ~~All gates must meet the required setbacks in section 21-7732 (Fences).~~

(8) **Site Plans.** Site plans for outdoor storage shall be provided to the city, when required, and shall depict the following:

- (a) Exact location of proposed outdoor storage area;
- (b) Dimensions and locations of aisles and circulation paths in the outdoor storage area for general and emergency access;
- (c) Square feet of proposed outdoor storage area;
- (d) Location of the fence, including pedestrian and vehicular gates;
- (e) Height and type of fence proposed, including an elevation of the fence;
- (f) Description of the material proposed to be stored;
- (g) Height of the material and/or proposed stacking height of the material proposed to be stored; and
- (h) Description of the proposed surface on which material will be stored, and of the circulation and emergency access aisles.

(9) **Outdoor Storage in the I-1 Zoning District.** In addition to the foregoing paragraphs, the following special provisions apply to outdoor storage in I-1 districts:

- (a) Limited availability. No outdoor storage shall be permitted unless the property is located in the following areas:
  - (a) Rocky Mountain Industrial Park. The area located within the following boundaries: Bordered on the south by East 56<sup>th</sup> Avenue, on the east by Monaco Street, on the west by Holly Street, and on the north by a line constituting an extension of East 59<sup>th</sup> Avenue.
  - (b) Stapleton Industrial Park. The area located within the following boundaries: Bordered on the south by East 48<sup>th</sup> Avenue, on the east by Quebec Street, on the west by Ivy Street, and the north by Sand Creek.
- (b) The board of adjustment may not consider variances or exceptions to the location requirements stated above.
- (c) Review Criteria. Outdoor storage in the areas described in paragraph 9(a) may be permitted only if the director finds:
  - (c) Outdoor storage at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public



improvements, public sites or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they presently exist or as they may in the future be developed;

- (d) The characteristics of the site are suitable for outdoor storage as a use-by-permit considering the size, shape, location, topography, and existence of improvements and natural features; and
  - (e) Sufficient landscaping and screening will be utilized to insure harmony with adjacent uses and public rights-of-way.
- (d) The area of outdoor storage shall be limited based upon the characteristics of the site. Those relevant limiting characteristics include, but are not limited to the following:
- (f) Size of buildings;
  - (g) Type of material being stored;
  - (h) Vehicle circulation patterns;
  - (i) Loading docks;
  - (j) Landscaping areas; and
  - (k) Emergency vehicle access.
- (e) Pre-Existing Use.
- (l) Any and all outdoor storage existing in the I-1 and I-1S zoning districts which have not been expressly permitted through this section or by a use-by-permit, whether or not said outdoor storage existed prior to the passage of this section is hereby declared to be illegal and in violation of this land development code.
  - (m) Previous conditional use approvals. Any I-1 zoned property that had previously obtained conditional use approval for outdoor storage within the Rocky Mountain Industrial Park shall continue to operate legally under that conditional use permit until such time as the business is sold, transferred, or ceases to operate. Any new owner, tenant, or lessee will be required to obtain approval for outdoor storage in compliance with this section.

**[END OF EXHIBIT A TO ORDINANCE 2194]**



*Colorado's Leader in Organic Recycling*

September 2, 2014

Jared Draper  
City Planner  
Commerce City  
7887 E. 60<sup>th</sup> Ave.  
Commerce City, CO 80022-4199

Dear Mr. Draper,

As was discussed in our meeting held on August 26<sup>th</sup>, A1 Organics intends to lease 20-30 acres of land from Dale Aigaki for ultimate use as a greenwaste recycling facility. The property is bordered on the north end by 112<sup>th</sup> and on the east by Havana and is currently zoned I2. We understand from our meeting that under current zoning requirements, a greenwaste recycling facility would require re-zoning to I3 as well as a conditional use permit, and that the processes for obtaining those approvals can be done concurrently over a 3-4 month period. The site has available water, secure access off of Havana, employee facilities, and secure storage and maintenance facilities.

Due to our urgent need to relocate our operations we discussed the possibility of phasing in operations at this location under a 2 phased approach to allow us immediate occupancy under the existing I2 designation. Phase 1 would entail storage and distribution of finished products. Phase 2 would expand operations to allow for grinding and screening operations required for full recycling after I3 zoning and the CUP are in place.

We are formally requesting approval under current I2 zoning on the site and enter into a lease with Mr. Aigaki for a landscape material storage and distribution facility, to be followed with applications to obtain I3 zoning and a conditional use permit for greenwaste recycling. Upon approval of the Phase 1 use, we would complete the necessary agreements with Mr. Aigaki.

More complete descriptions of operations related to Phase 1 and 2 operations follow.

#### **Phase 1 Operations – Storage and Distribution of Landscape materials:**

This use would entail the storage and subsequent wholesale and retail re-distribution of finished landscape materials consisting of various types of wood mulches, soils (planter's mixes, topsoil, etc.), finished compost, peat moss, limited aggregates, etc.. We are also proposing to store un-ground tree trimmings, logs, clean (non-painted or treated) wood materials to maximum volumes and conditions as approved by Commerce City, prior to approval of Phase 2 operations.



**A1 Organics Corporate Headquarters:** 16350 WCR 76 • Eaton, Colorado 80615  
Tel 970-454-3492 • 800-776-1644 • Fax 970-454-3232  
Facilities: Eaton • Keenesburg • Stapleton  
Las Vegas, Nevada • Phoenix, Arizona

**2014 Winner – Colorado Companies to Watch**  
[www.a1organics.com](http://www.a1organics.com)



**US Composting Council**  
Seal of Testing Assurance

**EXHIBIT K**

The storage aspects of the both ground and un-ground materials would be limited in volume to provide for proper pile size management (pile heights would be limited to 20 feet or less and include fire line breaks to meet fire code requirements). While our intent during Phase I operations would be to pre-grind and screen materials elsewhere prior to receipt at the facility, we are asking for the ability to store some un-ground materials during Phase I operations at the facility.

Some finished mulch products would need to be colored to meet market requirements. The coloring process utilizes a natural iron oxide material and water to complete. It is basically a "painting" process. We would be installing a colorizer to accomplish this process. This process is not dissimilar in nature to the blending or final preparation of soils to meet specific client needs and could be classified as light manufacturing.

We believe this use would qualify under Industrial use and would meet the performance standards identified under Sec. 21-5120, and the descriptions and subsequent requirements defined under Sec. 21-4350 I-2 for the Medium-Intensity Industrial District.

#### Phase 2 Operations – Storage and Distribution of Landscape materials:

A1 would immediately begin the process of re-zoning the location to I3 and obtaining the conditional use permit for expanded operations. When completed, operations would be expanded to include the grinding and screening operations associated with the recycling aspects of our business. The recycling facility would be registered with Colorado Department of Public Health and Environment under Solid Waste Regulations Section 8 and operate in full compliance of those regulations as approved through Commerce City. Upon approval of the CUP, we would process any un-ground wood materials that were received for storage during Phase I operations.

As part of Phase 2 operations, we would also propose entering into an agreement with the City of Commerce City to provide for residential green waste recycling and emergency storm damage processing. We believe that both of these services are of significant value to Commerce City and believe that a joint effort to provide them is beneficial.

As we discussed at our meeting, time is of the extreme essence. We have been required to discontinue receipt of materials at our current location to accommodate its closure due to pending development of the Stapleton area. This has created hardship and economic impact to our clients, many of which are Commerce City based entities. Additionally we need to be able to continue distribution of finished landscape materials which are also in jeopardy if we are unable to quickly locate a distribution site.



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**US Composting Council**  
Seal of Testing Assurance

I would like to schedule a follow-up meeting with you to determine what is needed to get immediate approval of our use on this property under our Phase 1 operations so that we can finalize an agreement with Mr. Aigaki.

Thank you again for your assistance.

Sincerely



Bob Yost  
Vice President  
Chief Technical Officer

Cc: Chuck Wilson, A1 Organics  
Kent Pendley, A1 Organics



A1 Organics Corporate Headquarters: 16350 WCR 76 • Eaton, Colorado 80615

Tel 970-454-3492 • 800-776-1644 • Fax 970-454-3232

Facilities: Eaton • Keenesburg • Stapleton

Las Vegas, Nevada • Phoenix, Arizona

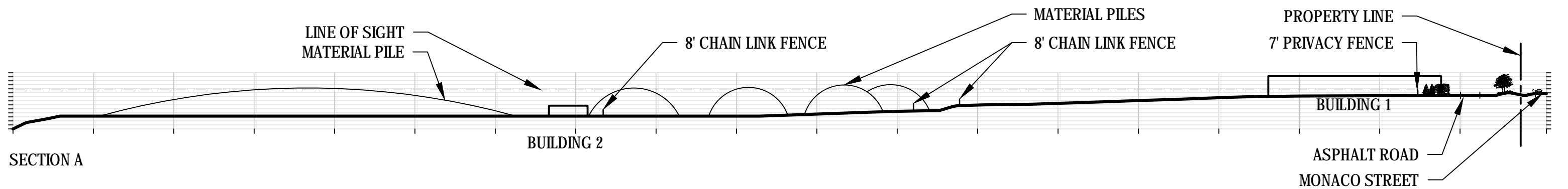
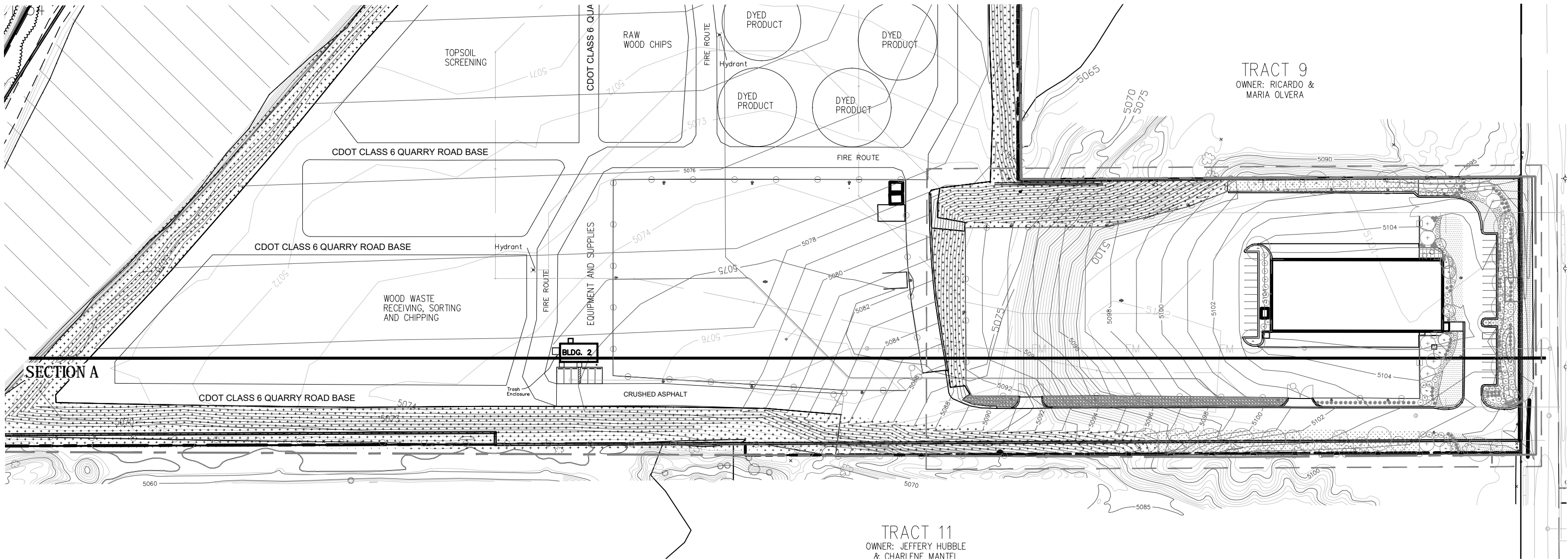
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[www.a1organics.com](http://www.a1organics.com)



**US** Composting  
Council  
Seal of Testing  
Assurance

**EXHIBIT K**

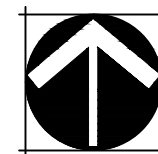


## 91ST AND MONACO

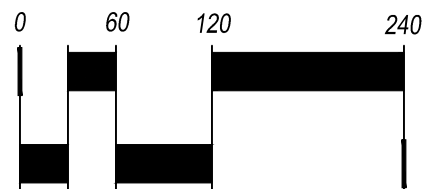
1101 Bannock Street  
Denver, Colorado 80204  
P 303.892.1166  
F 303.892.1186  
www.norris-design.com



EXHIBIT L



NORTH



SCALE: 1" = 120'



Redacted

**From:** Kevan Northup  
**Sent:** Friday, January 19, 2018 12:50 PM  
**To:** Kent Pendley; Travis Bahnsen; Bob Yost  
**Subject:** Commerce City Inspection at Monaco

Commerce City (John Palmer, neighborhood serves inspector 303-227-8867) just stopped by the Monaco site, took pics of the piles. He told Kyle the site looks great, and meets the code of being under 25' in pile height as far as he is concerned. His only two questions were, how long is pot on site after it is ground, Kyle told him it goes to KB the same day if not the next day. He also had a question regarding one KD pile as it's a little over 25'. I told Kyle last week if anyone stopes by tell them we are painting it first., that's what he told them, John said great.

Thanks  
Kevan

March 22, 2019

Domenic Martinelli, City Planner  
Commerce City Community Development  
7887 East 60th Avenue  
Commerce City, CO 80022

**Re: 91<sup>st</sup> & Monaco Conditional Use Permit**

Hello Domenic:

The Applicant, A-1 Organics located at 9109 Monaco Street, is requesting a Conditional Use Permit (CUP) that would allow the stacking/piling of mulch stored outdoors to a maximum height of 25 feet versus the current standard of 8 feet. This CUP would require all development of the property to continue to follow all applicable standards for the Industrial-2 zone district except for allowable outdoor storage stacking/piling height.

By this letter and the attached narrative, A-1 Organics amends and clarifies its CUP request, from the request presented to the Planning Commission on February 5, 2019 as follows:

- i. To request only an 18-month use permit in accordance with Condition A of the amended Staff Report instead of the 36-month period requested at the Planning Commission hearing (Condition A: "This conditional use permit shall expire 18 months after the date of approval. The applicant shall be required to renew the conditional use permit prior to the expiration date in order to continue utilizing the site."); and
- ii. To request a 100-foot setback from adjacent residential properties in accordance with Condition B of the amended Staff Report instead of the 75-foot setback requested at the Planning Commission hearing. (Condition B: "All mulch piles shall be a minimum of 100' from adjacent residential properties at any given time, measured from the property line.")

With this revision from the CUP as presented to the Planning Commission, A-1 Organics' CUP request now complies in all respects with ALL conditions enumerated in the amended Staff Report, prepared for the February 5, 2019 Planning Commission Hearing, which recommended approval of the CUP request to the Planning Commission.

A-1 Organics requires the CUP, and the 25 foot pile heights requested therein, in order to effectively and efficiently operate in accordance with best industry practices. The company provides organic composts, soils, mulches, and organic recycling services for landscaping and soil amendment purposes. When stacked in taller piles, the materials stay moist and compact, and are less sensitive to weather, wind, and erosion. Taller pile heights also allow for more efficient use of space and create a reduced surface that reduces fire danger. The proposed pile heights are in compliance with International Fire Code, as well as local fire code standards. Shorter piles create a greater need for land area and greater exposure of the materials to the environment, making them more likely to dry out, erode, blow away, and cause negative impacts to adjacent areas.

A-1 Organics has operated with the same pile heights, as expressly authorized by Commerce City, since the time it moved on the site at the suggestion of the City and as expressly authorized throughout the duration of this process. A-1 Organics has always operated in a responsible manner that limits potential adverse impacts regardless of pile height. A Dust Control and Mitigation Plan, submitted with the application, describes the use of wind monitoring, applied water, road improvements, and setback distances to reduce dust generation. In addition, A-1 Organics is committed to install an 8-foot tall net along the site's eastern edge, as shown on the Development Plan, to prevent mulch from blowing onto the adjacent residential property, and a demarcation pole will be erected onsite denoting the maximum height that mulch/materials may be stacked. These actions, as well as the other actions included in the Dust Mitigation Plan and included as Conditions in the Amended Staff report, minimize air quality impacts, create an ample buffer between existing residential uses adjacent to the property, and ensure compliance with stacking height.

We believe these additional actions will allow this facility to continue to operate successfully while respecting the surrounding community.

Finally, as explicitly recognized by the amended Staff Report,

"the site meets a number of goals and objectives within the city's comprehensive plan, specifically in Chapter 15 regarding environmental conservation and stewardship, and conformance with the comprehensive plan designation of industrial / distribution. The site is currently conforming to all LDC regulations (aside from pile heights) and the currently approved development plan for the site."

A-1 Organics provides a critical service to Commerce City and its residents, and its operations are an important component to the advancement of the City's Comprehensive Plan, as recognized by the DRT/Planning Department. However, as it has been the case since it moved onto the site approximately three years ago, its operations require, and industry best practices mandate, pile heights in excess of the 8-foot limit.

A-1 Organics will be unable to continue its operations at the site without the ability to operate with piles up to 25 feet as requested and expressly permitted via CUP under the newly enacted regulation. If A-1 Organics is unable to continue its operations at the site as maintained for the past three years, it will be forced to relocate, abandoning the property and the highest beneficial use thereof. This will compromise the recycling services available to Commerce City and its residents, will remove a strong locally-owned business and employer with a long-term Colorado history from its boundaries, and will jeopardize the City's ability to advance its Comprehensive Plan.

The project narrative supporting the CUP follows this letter. Please let us know if you have any questions or require any additional information. We look forward to working with you throughout the review and approval of this project.

Sincerely,

Norris Design



Libby Kaiser  
Project Manager

## CONDITIONAL USE PERMIT APPROVAL CRITERIA – SECTION 21-3230

(a) All of the following criteria are met:

- (i) The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city;

*An organic recycling facility is a use by right in the Industrial-2 zone district and A-1 Organics has been in operation on this site since July 2015. Allowing A-1 Organics to stack their mulch piles as high as 25 feet versus 8 feet will not have an adverse effect on adjacent property or the character of the neighborhood. The facility is in an isolated area of Commerce City, in between gravel ponds and Highway 85. Visual impacts will be mitigated by existing topography as well as existing landscaping. Northeast of the project site are a couple rural residential and stable uses located within unincorporated Adams County that, while adjacent, have a significant difference in elevation and have extensive landscaping in mature trees that screen the mulch piles from these properties. Nevertheless, the applicant will build an 8-foot tall net along the eastern property line to further screen the piles and prevent mulch from blowing onto these neighboring properties.*

*Taller pile heights will not impact traffic conditions, parking, or public improvements. The site fronts onto Monaco Street, which is a two-way, two-lane road that provides convenient connections to the local and regional transportation system; however, it lacks sidewalks. A single access point from Monaco Street provides ingress and egress to the site. Traffic generated from the facility, regardless of pile height, can be adequately handled by the existing roadway system, according to a Traffic Letter included with this submittal. All parking will be contained onsite.*

- (ii) Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;
- Due to the topography of the property and the nature of adjacent uses, approving this height exception will have limited adverse impacts on the surrounding land uses. To the south is a gravel mining operation located within unincorporated Adams County. This use is just beginning operations and should be operational for the next several decades, based on their filed plan of operation with Adams County and the State of Colorado. The uses to the west and north are in unincorporated Adams County and utilized for water storage and generally inaccessible to the public. Beyond the reservoirs is a public trail, which is located approximately 1,800 feet from the proposed stockpiles. Given the significant distance and the intervening foreground objects such as trees and waterbodies, the visual impacts on trail users are negligible.*

*To the northeast are a couple rural residential and stable uses located within unincorporated Adams County that, while adjacent, have a significant difference in elevation and have extensive landscaping in mature trees that screen the mulch piles and operations from the properties. An 8-foot tall net will be placed along the eastern edge of the property along to further screen the property and prevent mulch from blowing offsite. To the east, across Monaco St, is an existing truck terminal and truck parking for a motel. Neither of these uses should be adversely impacted, and being located on the east side, will have an extremely limited view of the material stockpiles with the significant change in topography.*



*A Dust Control and Mitigation Plan, submitted with this application, describes the use of wind monitoring, applied water, road improvements, and setback distances to reduce dust generation. A summary of site operations and dust control measures is included in the Section 21 narrative, also included with this application.*

- (iii) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;  
*As mentioned, the project site is in an isolated area of Commerce City, in between gravel ponds and Highway 85. A long access road leads from Monaco Street to the bulk of the site, which is surrounded on three sides by gravel ponds and a gravel mining operation. The site's industrial designation and the character of surrounding uses are suitable for the organic recycling facility. Existing improvements and natural features are also suitable. An agricultural ditch borders the site's western boundary and the South Platte River is located further west. Nearly 22% of the site is within the 100-year floodplain, and this area will remain open space. Site topography slopes westward away from Monaco Street toward the floodplain.*
  - (iv) The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents. Where any such improvements, facilities, utilities or services are not available or are not adequate to service the proposed use in the proposed location, the applicant shall, as a part of the application and as a condition of approval, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;  
*A-1 Organics has been in operation since July 2015. Existing improvements, facilities, and services adequately serve the facility, which does not impose an undue burden upon the city or its residents. Nevertheless, A-1 Organics is committed to constructing an 8-foot tall net along its eastern boundary adjacent to existing residential uses to help screen the piles and prevent mulch from blowing offsite. The Applicant will also improve the road base of the eastern-most north/south fire route, upgrading it to recycled asphalt to help suppress dust generated from truck traffic, and a demarcation pole will be located onsite denoting the maximum 25-foot pile height, as shown on the Development Plan.*
  - (v) The applicant has provided adequate assurances of continuing maintenance;  
*A-1 Organic's Dust Control and Mitigation Plan assures the site is continually operated in a responsible manner with the most intensive operations occurring at the "back" of the site with dust suppression measures being applied regularly and holistically across the entire site. To help with trash, contractors regularly pick up debris to maintain a clean, attractive site and prevent trash from blowing into retail material and ending up at a customer's site. The Applicant has also agreed to upgrade a limited section of road base and build an 8-foot tall net, which will be maintained as needed.*
  - (vi) There is no evidence to suggest that the use violates any federal, state, or local requirements; and  
*The organic recycling facility is an allowed use by right in the Industrial-2 zone district. It does not violate any federal, state, or local requirements.*
- (b) One of the following criteria is met:
- (vii) There is a community need for the use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide and maintain a proper mix of uses both within the city and the immediate area of the proposed use; or

*A-1 Organics is an eco-friendly operation providing natural, non-toxic compost and mulch that diverts yard waste from local landfills, conferring substantial public benefits. Commerce City and its residents benefit from having such a facility in the city limits, as its proximity increases its convenience. For example, the Commerce City Police Department uses A-1 Organics to recycle illegal marijuana plants.*

- (viii) The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the city.  
*The use is allowed by right in the Industrial-2 zone district. This CUP is only requesting the ability to stack materials higher than is allowed by the City's Land Development Code, Sec. 21-5256. Recycling Facilities / Material Resource Recovery Facilities. These piles with increased heights are limited in where they can be located on the property and require additional setbacks from adjacent residential properties.*

*The Comprehensive Plan envisions the area where A-1 Organics is located, called the Irondale Focus Area, as remaining predominantly industrial. Approving this CUP is consistent with the Comprehensive Plan's goals of retaining industrial uses and associated jobs that contribute to the City's fiscal stability. There is not enough land at the current site to allow A-1 Organics to maintain its mulch volume if restricted to 8' high piles. Without the requested CUP the facility likely would have to move from Commerce City.*

## CONDITIONS

*A-1 Organics will comply with the following conditions, set forth by the Development Review Team.*

- A. This conditional use permit shall expire 18 months after the date of approval. The applicant shall be required to renew the conditional use permit prior to the expiration date in order to continue utilizing the site.
- B. The conditional use permit is granted only for the storage of dyed mulch chips, inbound recyclable wood product, soil, mulching material stackers, and raw wood chips at a height of no greater than 25'. All other outdoor storage on the property must comply with all outdoor storage requirements that apply to a property zoned I-2, as currently adopted or amended by the city. Any deviations from this condition will require an amendment to this application.
- C. All mulch piles shall be a minimum of 100' from adjacent residential properties at any given time, measured from the property line.
- D. A minimum setback of 500' for grinding and screening operations shall apply from adjacent residential properties, measured from the property line.
- E. Grinding operations will not occur on the site when wind speeds exceed 15 miles per hour for a duration of at least 10 minutes.
- F. The applicant shall construct and maintain a minimum of an 8' high net on the east property boundary to prevent any woodchips from blowing onto neighboring properties.
- G. The applicant shall construct and maintain a 25' demarcation pole on the subject property, in order to assist with ongoing enforcement of the 25' high pile restriction.
- H. Primary drive aisles of the outdoor storage area shall be paved with recycled asphalt and maintained by the applicant, as indicated in the approved development plan for case D-255-14-15-16-19.
- I. Water trucks shall be kept and utilized on site during business hours for the spraying of mulch piles and drive aisles.
- J. The property shall act in accordance with the Dust Control and Mitigation plan, included as exhibit A.
- K. Due to the nature of the operations, the applicant will maintain the premises to be free of garbage, trash, and excessive woodchip debris at all times.
- L. The applicant shall comply with all federal, state, and local law.



EXHIBIT O





EXHIBIT O





EXHIBIT O

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Begin forwarded message:

**From:** Lisa Oliveto <[loliveto@tchd.org](mailto:loliveto@tchd.org)>  
**Date:** March 27, 2018 at 3:38:18 PM MDT  
**To:** Kevan Northup <[KevanNorthup@a1organics.com](mailto:KevanNorthup@a1organics.com)>  
**Subject:** RE: Monaco Site / A1 Organics

Hi Kevan,

Thank you for the additional site information. I agree, from the site visit today, A-1 Organics located at 9109 Monaco St. is in compliance. I have also conveyed this to the complainant. I did offer to take a look at the complainant's property today and was told the property was clean today. Just so you know, I did tell him to call when the property was dusty. Hopefully this will be the end of the complaint.

Thanks Again,

1

A1\_000081

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**Lisa Oliveto**

Solid Waste Specialist  
Tri County Health Department  
4201 E 72nd Ave, Suite #D  
Commerce City, CO 80022  
Phone: 303-439-5914  
Fax: 303-439-5996





EXHIBIT P



**COLORADO**  
Department of Public  
Health & Environment

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

November 26, 2018

Chris Skelton, Regulatory & EHS Officer  
A1 Organics  
16350 WCR 76  
Eaton, CO 80615

RE: Routine Compliance Inspection of the Monaco Street Organic Recycling Facility  
A1 Organics  
Adams County  
SW/ADM/A1M/1.2

Dear Mr. Skelton,

On November 19, 2018, Wolf Kray with the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division ("the Division"), conducted a routine compliance inspection of the A1 Organics, Monaco Street Organic Recycling Facility at 9109 Monaco St. in Commerce City ("the facility"). The purpose of the inspection was to evaluate the facility's compliance status with respect to the Solid Waste Disposal Sites and Facilities Act, CRS 30-20-100.5 et. seq. (the Act), and the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2 (the Regulations).

Based on the information obtained and observations made during the inspection, the facility was determined to be operating in compliance with the Act, and the Regulations on the date of the inspection. For details on what specific activities or provisions were evaluated during the inspection, please refer to inspection checklist, which is enclosed with this letter.

If you should have any questions regarding the compliance assistance site visit or this correspondence, please feel free to contact Wolf Kray at (303) 492-3337 or [wolfgang.kray@state.co.us](mailto:wolfgang.kray@state.co.us).

Sincerely,

Wolf Kray  
Environmental Protection Specialist  
Materials Management Unit  
Solid Waste & Materials Management Program

c/c: Domenic Martinelli, Commerce City  
Lisa Oliveto, Tri County Health Department



**From:** Cappa - CDPHE, Ben [mailto:ben.cappa@state.co.us]  
**Sent:** Thursday, December 27, 2018 4:06 PM  
**To:** Kent Pendley  
**Cc:** Kevan Northup; Travis Bahnsen; Bob Yost; Chris Skelton; Libby Kaiser; Ryan McBreen  
**Subject:** Re: FW: Dec 27, 2018 Site Inspection

Kent,

Thanks for that information and the dust control plan. No issues were noted during the brief site visit today, but I'll likely want to observe a day when grinding or screening is occurring to close out the complaint. As discussed with your manager on site, the actions in the dust control plan sound sufficient to control fugitive dust, so I will simply be interested in verifying they are in practice whenever complaints are received. I understand that complaints can be the result of other types of neighbor disputes, but will need to continue running down anything we receive on this end. Please keep me in the loop when you begin grinding at this site in the near future, and I'll likely stop by to observe operations. Thanks again, and I hope you're all enjoying the holidays.

Sincerely,

**Ben Cappa**  
Environmental Protection Specialist  
Air Pollution Control Division  
Compliance and Enforcement Program





EXHIBIT S





EXHIBIT S





EXHIBIT S



EXHIBIT S



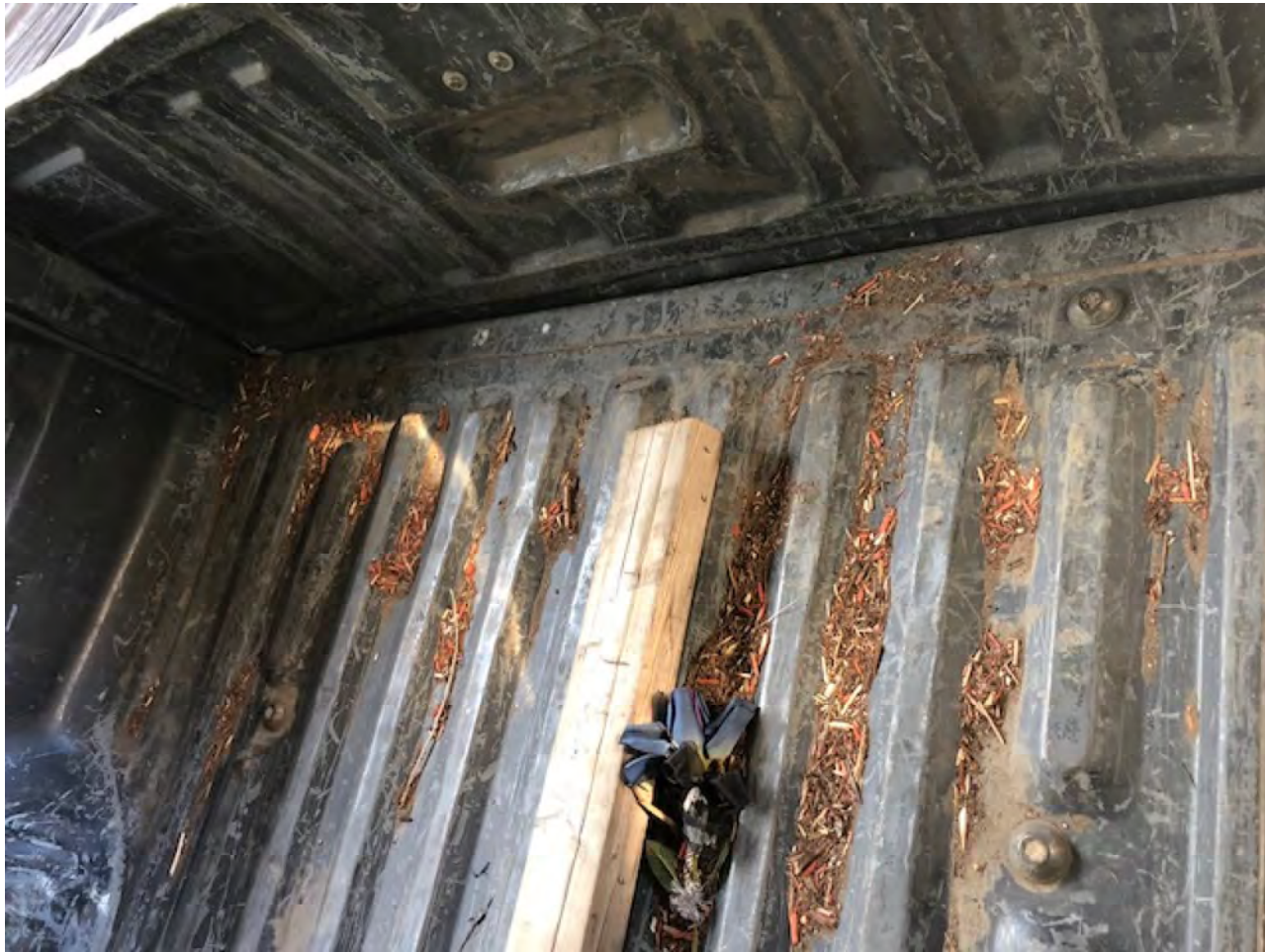


EXHIBIT S



EXHIBIT S

## REPORT OF KEVAN NORTHRUP REGARDING APRIL 2018 WIND EVENT

I provided the details below of everything we spoke about, as best I can remember. Sorry it's long, but these are the details of that morning.

On the morning of the 25<sup>th</sup> of April, Kent Pendley and Travis Bahnsen called me saying they had received a call the day before from Perry Johnson about material that had blown off the Monaco site and onto his property, during a substantial and uncommon storm that had wind gusts of over 80-mph the week before, while I was on vacation. Kent informed me then that while I was gone and during this wind storm the site weather station had been damaged, he shut down the site sending employees home and he let me know of the other site problems that had happened because of the storm. I was then asked to go over to Perry's and talk with him about A1 cleaning up his property and take photos with regards to any possible material on the property.

I took Kyle Palmer, one of my Monaco employees with me about 5 mins later and met with Perry for the first time this day, for approximately 10 mins. When we arrived I told Perry who I was and why I was there. I offered him my business card and he said "I know who the hell you are" declining to take my card. He was obviously upset and expressed his frustrations and anger rather obnoxiously regarding A1 Organics and the wind storm from the previous week. I listened to his grievances for several minutes and when he stopped speaking, I asked if I could take a few photos of his property. He said he didn't know what good it would do. I told him it was self-evident the mulch material from the Monaco site had blown onto his property, and all I wanted to do was document it and put a plan in places to get it cleaned up. He told me he knew A1 didn't care about the material that was on his property, or any of the other problems he felt the Monaco site had caused him and "all I was doing was trying to cover my ass". I told him I was on vacation out of the country during this freak storm and that I had only heard about it a few minutes ago. I told him my business card stated I was the site manager and that I was not from the corporate office and I couldn't speak for the company on a whole, but I was happy to talk with him about all of his concerns, one at a time so that I understood them, and that I would do what I could to address each of them as best I could. I told him any of his concerns that were outside of my ability to answer for him, I would make sure Travis knew about them in whatever detail was required for Travis to have a clear picture of what his concerns were. In addition, I let him know I would be happy to call the Eaton office and make arrangements for both Kent and Travis to come down and meet with us together, because it was important to A1 that we cleaned it up if he wanted to do that. He said a quick no to that. I assured him I was there to evaluate the situation only and do what I could to clean up any material that blown on his property. I also assured him I was not there to cause him any further problems, or to work against him in any way. I asked again if I could take a few photos and make a cleanup plan with his approval.

At this point Perry said I could take photos and he showed me around his property. Perry had calmed down by this time and was more willing to talk without yelling at me. As we walked around his property I express my complete understanding that he was upset and that I agreed without question, material had blown from the Monaco site onto his property during this freak storm. As we walked around he spoke about the dust from A1 operations, and that it was causing he and his wife to be sick, and how his property value had dropped substantially after A1 started to operate on the site. I told him I think I understood those two points of concern as he had explained them and asked if he had anything else I should know about or that he wanted to talk about with me as the site manager. He told me he had already expressed his concerns to the A1 Organics office in Eaton and everyone else that would hear about it, and he had nothing more to talk about with me. He further stated that A1 Organics had the City, Tri County Health, the EPA and the State of Colorado in their pockets, so no one would listen to him anymore anyway. He said "the bitch from Tri County Health had been there and the State, but they told

## REPORT OF KEVAN NORTHRUP REGARDING APRIL 2018 WIND EVENT

him A1 was in compliance”, and “the only reason they wouldn’t close A1 down so far was because they were paid off and because he is just a home owner that doesn’t pay as much taxes”. At this point it was clear I wasn’t going to be able to address any of his concerns at that time and I told him I would be sending the photos that I had taken to Kent and Travis, and I would call and talk with both of them about my finding shortly. In addition, I apologized again for the much blowing on his property and assured him A1 would do all we could to clean up his property in a timely manner if he would allow us to. I also told him Travis may be calling him later that day to make sure he was getting the attention from me he required regarding any cleanup efforts. He said he would rather we just moved away from his property. At that point I said my goodbyes and went to my truck to leave.

I then emailed the photos to both Kent and Travis and asked that they call me to talk about what I had found. During the conversation that followed I told both Kent and Travis there was in fact colored material on his property, as confirmed by the photos I had taken. The three of us talked about putting together a work crew of 5 to 10 people and setup a time the next day if Perry would allow us, for me and this crew to go over and clean up Perry’s property. It was decided then, Travis would call and talk with Perry about our plan and see what if anything else we could do regarding the current situation to clean up. A few minutes later Kent sent me an email explaining that Travis had left a message for Perry to call him, and that if Perry had not called back within an hour Travis would call him back. A little while later after more reflection on my conversation with Perry, I emailed Kent and Travis and suggested that I may be able to get more done if I went back over and spoke with Perry in person rather than Travis calling from the main office. Both Kent and Travis agreed.

The second time I met with Perry for approximately 15 to 20 minutes by myself, because I anticipated he would be more open to talking with me and letting me make a plan around cleaning up from the storm if I was alone. When I drove onto his property there was another gentleman standing with Perry. I parked my truck and walked up to both men. Perry said the other person was George McDonald, with Fulton Irrigation Ditch Company. I introduced myself to George and he did not extend his hand to shake mine, he was visibly upset for reasons I didn’t know about at that point in time. George told me his company was responsible for the ditch and ponds behind Perry’s house, and that he and Perry had been friends for many years. He told me he was there to look at the ponds behind Perry’s property and that he or his company were there to also have Perry sign a formal complaint with the “City Attorney” along with others that live near Perry. I asked what the complaint was, and if I could read the complaint, he said “I could read it when the City Attorney delivered it to the Eaton office”.

George then made the statement that A1 Organics had contaminated the water ditch that runs from “several miles south of Perry’s property all the way to 104 Ave”. I asked how big the ditch was, he said from a couple feet wide and a few inches deep to several feet wide and deep in places and this included the ponds to the east of the site. I asked what direction the ditch flowed, because I was not sure how it could be contaminated both directions, but he did not answer. I asked if he was willing to take me to see the ditch in the areas he believed it was contaminated with wood mulch outside of Perry’s property, he said I could go find it myself. I asked if he would be kind enough to give me at least an address I could go to and take some photos, and that I was also willing to follow both Perry and George if that made him feel more comfortable, to any part of the ditch they knew had colored wood chips in it. Again, he told me to “find it yourself”. I said if in fact there is wood mulch from the site in the ditch going several miles each direction, I would think he would want me to see the areas he was talking about so I could make arrangements to have them cleaned up. George did not respond, he told Perry he would talk with him later, he then got in his truck and left the property.



## REPORT OF KEVAN NORTHRUP REGARDING APRIL 2018 WIND EVENT

At this point I turned to Perry and asked if I could talk with him for a few moments about me coming back the following day with a crew to clean up his property. Perry at first said there is no way to clean it up because it's small wood chips and there is too many of them. Then he asked how I purposed to clean up in and around the ponds. I suggested we start with a plan to clean up the property around the ponds while I was there that time, and that I would walk back again to the ponds if he was ok with that and look further into what I thought it would take to clean up the ponds themselves. To start with, I told him I would get a crew together to clean up the mulch on the ground, even if that meant raking his entire property. I told him if I needed to, I would have the ponds pumped or skimmed until the wood chips were removed. I also offered to give him something in writing that outlined my cleanup plan by the next day if that made him feel better before I had a crew on site. Perry then said he did not want to have it cleaned up until after the next city council meetings, and for sure not until after the community meeting where he could show the wood mulch photos to the city, in case they wanted to come look at it after that meeting. I told him I had photos, the police department he had called had photos according to him and that he obviously had them as well. I told him it seemed to be well document that A1 Organics had some wood chips blow on his property during the big wind storm, so it seems like that part was well covered. He said "not until after the meetings, if ever". I asked him to call me or the main office and speak with Travis if he changed his mind that day, or if at a reasonable later date he wanted A1 to clean it up.

At that point Perry stood in the doorway to his shop looking at the photos he had taken after the storm without talking. It seemed he still had more to talk about so I waited for a few moments. He then surprised me by inviting me into his shop a little ways past the front door. He pointed to a stack of files and paperwork he said he put together regarding the history and business of A1 Organics and other companies like it. He said one of the files had legal documents proving that A1 Organics is trying to poison him and others around him by stockpiling wood material and pallets that has known pesticides in them. He said specifically, that L & R Pallets ground pallet wood being delivered to the site has known poisonous insecticides that come from wood in other countries and that when painted, then put around trees would kill them. I told him I felt that was not the case and I wouldn't put myself, my family or anyone else in that kind of danger as an employee of the company if I believed that. But, I would be very interested to see the documentation he was talking about, if in fact he had it. He said he didn't want to get into the details until he could show them to the city, his attorney and the police department. He said "the L & R pallet pile bordering his property was being stored there in a purposeful effort to poison him and his wife, because it had not moved in two years". I explained that each pile is rotated often as its painted throughout the year and new material was then put in its place. Again, I told him no one was trying to cause him any harm, and I wouldn't allow myself or my employees to work in unsafe conditions or with poisonous material if I knew about it. I asked if he thought it was reasonable for colored mulch to be at literally tens of millions of homes, parks and commercial building around the county if it was poisonous. He said "well maybe not all companies, but A1 Organics has a long history of causing environmental damages in at least three states he knows about".

I then asked him, outside of A1 moving off the site what he felt would make this situation better for him. He then got angry again and asked what I felt was 25' tall and why A1 was working outside the law with 40' to 60' tall piles. I tried to answer him and he interrupted me saying that A1 knew the 8' regulation was in place before moving onto the property. He said A1 paid off the city and that's why we are allowed to break the law for the past couple of years and operate there. I reminded him that I was the site manager and had nothing to do with the lease on the property, or what was discussed with the city prior to A1 moving on the site and that I was there to help him, but only in the capacity as the site manager. He calmed back down quickly then and asked if I thought it was possible to put dust collecting

## REPORT OF KEVAN NORTHRUP REGARDING APRIL 2018 WIND EVENT

towers around the site to capture the dust. I told him that was a good question for Travis, but it was my understanding that was a better application for indoor wood shops. He paused for a while and told me again that the police department had been to his house and taken pictures. I told him I understood that and asked if they felt it was a good idea for A1 to come over and clean up the mulch, he said no, they advised him to bring legal action against A1 and that was his plan. He then told me Brown Brothers and the other home owners to the east of the site had all made formal complaints about the dust blowing off the property. He asked if I knew that at times the traffic on Monaco had to be stopped because of the blowing dust from the site, as it was unsafe to drive on. I told him I was not aware of that ever happening.

He then asked if I knew A1 had been closed down in Arizona and Nevada, and two other locations in Colorado because of the damage A1 had done to the environment, and that A1 had left at least two sites contaminated when vacating the sites in Colorado. I told him that was not my understanding, but if he had documentation proving that, I would like to see it. He then asked if I knew that over 400 families had been made sick in Colorado because of air pollution from the A1 operation in Greeley Colorado, before the State of Colorado closed it down. I told him that was news to me as well. But I told him that seemed unlikely because I had not heard about it as an employee of the company, or for that matter that the general public was not made aware of that via news stations, the EPA and maybe even the CDC if people were hospitalized, because that seemed to me to be a lot of people. He got a little frustrated about that and told me "A1 will go down this time for the damage it has done to the environment and his property". I asked Perry again if I could look at the information he was talking about in the files, so I could understand what he was talking about in more detail, he did not answer me so I dropped it. He went on to talk about the fact that he and his wife are sick all the time and the smell from the property was sometimes so bad it choked them. He reminded me that he had lived at that location for 40 years with no health problems until A1 moved in. I asked if they had been to a doctor and what the doctor thought, he just laughed at me but did not respond verbally. At that point I told him I would be leaving, but I had one last question for him if that was ok. He said "what's that". I asked him if the City agreed to allow A1 Organics to operate at that site in the future, what was his plan then. He said "he would use his life saving to litigate until A1 Organics was out of business". By now it was more that obvious I was not going to get any other information and was not making any progress in talking with him about cleaning up the mulch. I told Perry that I was leaving and I was sorry we couldn't work something out to clean up from the storm. I wished him a good day and left.

The next time I saw Perry was at the neighborhood meeting on the following week, I have not spoken with him on the phone or in person since the 25<sup>th</sup> of April.

## Daily Report: Kevan Northup

### A1 Monaco Site.

Feb 20<sup>th</sup> -10:00 AM- wind speed is around 16 mph. Watered the site on the east side only. This did not happen earlier because the temp was in the low teens and too risky to fill the water truck. I had the site guys put only enough water in the truck to water the east side for now, until the temp gets closer to 32. No dust is blowing off the site in any direction. Wind is coming from the west and blowing directly east. All production has been suspended.

Feb 20<sup>th</sup> -10:30 AM - parked across Monaco from the site entrance. Wind speed is a consistent 16mph, with gusts up to 22 mph. Dust is coming off the top side of the Frei site, blowing across Monaco but dissipating before the Shell Station, directly east and across Monaco from the Frei site.

Feb 20<sup>th</sup> – 10:45 AM - the bottom side of the Frei pit around the screening operations has a good amount of dust from heavy truck traffic and equipment, but it is not traveling up to the top or high side (east side) of the Frei pit. Looking north on Monaco, no dust is blowing off the A1 site into or over the high standing trees, or from the dirt area on the horse property directly behind the office trailer on the A1 site.

Feb 20<sup>th</sup> -11:10 AM- Drove over to the west side of the lakes that are just west of the site, and no material, dust or debris can be seen blowing off the A1 site in any direction.

Feb 20<sup>th</sup> -11:55 AM- Watered the whole site front and back- some dust was blowing on the far west side of the site, but only coming off the ground a foot or two and traveling a few yards before settling back down to the ground. No dust is blowing anywhere on site after the site has been watered.

Feb 20<sup>th</sup> 1:00 PM- wind has stopped and production is back on line with screening ops.

Feb 20<sup>th</sup> 3:00 PM. All production ops have been shut down for the day at end of shift and equipment cleanup has begun.

Large truck and vehicle traffic have been very light today as we are in the off season and production has been limited to screening ops only. No painting or grinding ops accrued today. Only 6 large trucks were loaded on the east side of the site with mulch today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

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Feb 21<sup>st</sup> 9:18 AM- the wind speed is 13 mph blowing from the north west. There is very little dust coming from the screening operation and it's falling directly into the appropriate piles only. For now, production will continue and be monitored every 10 mins. Current temp is 18 degrees and too cold to risk watering the site. However, no truck, vehicle or loader traffic is on the east side of the site today.

Feb 21<sup>st</sup> 10:20 AM- wind speed is 15 mph with gust to 18 mph and small amounts of dust are blowing just to the south of the screening ops, maybe 10' to 15', but not off site. Screening has been suspended until the wind speed drops.

Feb 21<sup>st</sup> 10:35 – there is no dust blowing on the east side of the site and the temp is still below freezing so the site has not been watered yet.

Feb 21<sup>st</sup> – 11:20 AM- drove north on Monaco to 96<sup>th</sup> Ave, and no dust or blowing material is coming off the A1 site in any direction. The horse property behind the site has no dust blowing and the Frei pit has only ground level dust from trucks and equipment traffic. I did notice that the house located at 9275 Monaco is burning brush or limbs on his property that is backed up to the north east coner of the A1 site. The dirt parking lot across from the entrance of the site had a small amount of dust blowing around the lot.

Feb 21<sup>st</sup> – 11:30 AM - the screener is down for service the rest of the day.

Feb 21<sup>st</sup> 12:30 PM – the site is being watered now even though there is no wind, scheduled trucks to pick up material or loader traffic on the site for the rest of the day.

Feb 21<sup>st</sup> 3:00 PM - end of shift and equipment cleanup has begun.

Large truck and vehicle traffic have been very light today as we are in the off season and production has been limited to screening ops only. No painting or grinding ops accrued today. No large trucks were loaded on the east side of the site with mulch or soils today. However, one pickup truck was loaded on the east side of the site with mulch. Outside of loading the pickup truck there was no loader traffic on the east side of the site today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

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Feb 22<sup>nd</sup>- No wind reported above 5 mph today.

No screening, grinding or painting ops happened today. No large trucks were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

The site had falling snow during the morning hours and is still wet as of 2:00 pm, so the site was not water today.



Daily Report: Kevan Northup week of Feb 25<sup>th</sup> 2019

A1 Monaco Site.

Feb 25<sup>th</sup> -9:30 AM- wind speed is around 3 mph. No dust is blowing off the site in any direction. Wind is coming from the north and blowing south. The screening is down for repairs until later this afternoon and the only production scheduled for this morning is painting ops of PG Red.

There is 5" of snow covering the site, so the site will not be watered today.

Feb 25<sup>st</sup> 3:00 PM - end of shift and equipment cleanup has begun

Large truck and vehicle traffic have been very light today. There were no grinding ops today. Only 4 large trucks were loaded on the east side of the site with mulch today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

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Feb 26<sup>st</sup> 9:18 AM- the wind speed is 2 mph blowing from the north west. There is very little dust coming from the screening operation and it's falling directly into the appropriate piles only.

There is still snow on the site so the site will not be watered today.

Feb 26<sup>st</sup> 3:00 PM - end of shift and equipment cleanup has begun.

The wind did not get over 5 mph today.

Large truck and vehicle traffic have been very light today and production has been limited to screening and painting ops only. There were no grinding ops. 4 large trucks were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

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Feb 27<sup>nd</sup>- No wind reported above 3 mph today blowing from the north.

There is still snow on the site, so it will not be watered today.

Only screening and painting ops today, the grinder is off site.

Feb 27<sup>st</sup> 3:30 PM - end of shift and equipment cleanup has begun

5 trucks or trailers were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

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Feb 28<sup>th</sup> – The wind was between 2 mph and 4 mph all day blowing from the north. The only production was the screening operation, and the grinder is off site today. No material blew in any direction from the screening operations today.

There is still snow on site today, so the site was not watered.

Feb 28<sup>st</sup> 3:30 PM - end of shift and equipment cleanup has begun

6 large trucks were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

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March 1<sup>st</sup> – the morning started with a 4 mph wind blowing from the north.

At 12:00noon the wind picked up to 13 mph with gusts of 15 mph. The screening ops were shut down the rest of the day. No material blew more than 15' south from the screening ops before I shut down production

March 1<sup>st</sup> 3:00 PM - end of shift and equipment cleanup has begun

8 trucks or trailers were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

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Daily Report: Kevan Northup week of March 4th 2019

A1 Monaco Site.

March 4th -9:30 AM- wind speed is bouncing between 2 and 3 mph. No dust is blowing off the site in any direction. Wind is coming from the north. The low this morning was - 6 on site. No production will happen until later today after it's safe to start up the screening operations because of cold temps.

There is 6" of snow covering the site, so the site will not be watered today.

March 4th<sup>t</sup> 3:00 PM - end of shift and equipment cleanup has begun. The wind was a constant 2 to 3 mph coming out of the north west much of the day.

There was no screening, grinding or painting ops today.

Only 4 large trucks were loaded on the east side of the site with mulch today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

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March 5th<sup>t</sup> 8:20 AM- the wind speed is 2 mph blowing from the north west. There is almost no dust coming from the screening operation and all material is falling directly into the appropriate piles only.

There is still snow on the site so the site will not be watered today.

March 5th 3:00 PM - end of shift and equipment cleanup has begun.

The wind did not get over 5 mph today.

Production has been limited to screening ops only. 3 large trucks were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

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March 6<sup>th</sup> – 9:00 am- the current wind speed is 4 mph blowing from the north west.

No wind reported above 3 mph today blowing from the north west.

There is still snow on the site, so it will not be watered today.

Only screening ops today. There was no dust coming off the screening ops and all material fell into the appropriate piles.

March 6th<sup>t</sup> 3:00 PM - end of shift and equipment cleanup has begun

8 trucks or trailers were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

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March 7th– 8:15 am -The wind is between 2 and 4 mph blowing from the north west. No materials is blowing in any direction from the screening operations at this time.

There is still snow on site today, so the site was not watered.

10:40 am. Perry Johnson and two others are standing at his fence taking pics of the site. None of the three have dust masks on. Not sure how long they were standing there before we got a pic of them. Sent pic to Kent, Travis and Bob via an email today.

10:43 am- current wind speed is 4 mph blowing from the north. No dust is blowing off site or from around the screening operation. Dee was loading a truck with 100 cy of PG brown at the time the pics were being taken by Perry's group. No other operations were taking place on the east side of the site at this time.

3:00 PM - end of shift and equipment cleanup has begun

8 large trucks were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

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March 8th – the morning started with steady wind of 3.1 mph wind blowing from the north.

The site still has standing water and snow, will not be watered today.

8:22 started screening ops, wind is 2.4 mph out f the north west. No material is blowing off site or around the screening operation.

9:55- painting ops are started no material is blowing away from the stackers or the screening ops.

11:25 am -wind is 6.1 mph from the north west.

12:50- painting ops are done for the day. Not because of blowing material, just the end of the paint run.

1:25 pm – wind is 10.7 mph blowing from the north west. Screening ops are shut down, but not because of high winds. The x2 log has been screened out.

March 8th 3:00 PM - end of shift and equipment cleanup has begun.

2 pickup trucks were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.



Daily Report: Kevan Northup week of March 11th 2019

A1 Monaco Site.

March 11th -9:30 AM- wind speed is 3 mph from the north west. No dust is blowing off the site in any direction. There will be no production on site today. Site maintenance day.

The site is wet from the melting snow, so the site will not be watered today.

10:27 the wind speed is 2.3 mph, nothing is blowing on site.

12:15 – the wind speed is 2.6 mph from the north, no dust or blowing material.

3:00 PM - end of shift and equipment cleanup has begun. The wind was a constant 2 to 3 mph coming out of the north west much of the day.

no grinding or painting ops today either.

2 large trucks, 2 small trailers and 2 pickups were loaded on the east side of the site with mulch today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

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March 12th<sup>t</sup> 7:20 AM- the wind speed is 2.3 mph blowing from the north.

The site has standing water and the roads are wet, so the site will not be watered today.

The grinder is on site today. We will be grinding log material on the far west side of the site. The water truck is being used to wet the log material as it is put into the grinder.

Grinding ops started at 8:30am and the current wind speed is 2.6 mph blowing from the north. No dust or blowing material is coming off the grinding operations at this time.

9:00 am, the grinder went down for repairs. No grinding will be done today.

3:00 PM - end of shift and equipment cleanup has begun.

5 large trucks were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

---

March 14th – 7:30 am- the current wind speed is 22 mph blowing from the north west.

Major winter storm forecasted for today. No operations are scheduled. Sending all site employees home except Kyle Palmer and myself.

9:30 am Raining hard mixed with some snow, no material is blowing from the site as of yet. Waiting for one Permagreen truck to return to be loaded then shutting the site down.

Site was closed at 10:00 am wind is blowing between 25 mph and 33 mph

2 trucks or trailers were loaded on the east side of the site with mulch or soils today. No tipping customers came on site this morning.

---

March 14th– on site today, so the site was not watered.

See Kyle Palmers' and Kent Pendley's report for today.

The site was only open for tipping, no trucks were loaded today.

---

March 15th – the morning started with steady wind of 3 mph wind blowing from the north.

The site still has standing water and snow, will not be watered today.

Winter storm clean up all day.

The snow has melted for the most part, no mulch blew away from its appropriate piles during the storm.

The grinder is still down for repairs, no painting or painting ops today.

3:00 PM - end of shift and equipment cleanup has begun.

No trucks or trailers were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

Daily Report: Kevan Northup week of March 18th 2019

A1 Monaco Site.

March 18th -7:30 AM- See the Monaco Wind and Temp report for the day. No dust is blowing off the site in any direction. There will be no production of painting, screening or grinding on site today. Girder is still down for repairs. All site screening has been completed until grinder is back on line.

The site is wet from the melting snow, so the site will not be watered today.

3:00 PM - end of shift and equipment cleanup has begun.

1 large truck, 2 pickups and 1 tandem truck were loaded on the east side of the site with mulch today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

---

March 19th 7:20 AM- See the Monaco wind and Temp report for the day.

The site has standing water and the roads are wet, so the site will not be watered today.

No production on site today, screening, grinding or painting. Grinder is still down for repairs

3:00 PM - end of shift and equipment cleanup has begun.

5 trucks were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

---

March 20th – 7:30 am- See the Monaco Wind and Temp report for the day.

The site is muddy and will not be watered today.

Grinding testing went on today for about three hours. The water truck was hooked up to the grinder and no dust was coming off the grinding operations, or any other location on site.

No screening or painting today.

3:30--end of shift and clean up has begun.

11 trucks or trailers were loaded on the east side of the site with mulch or soils today. . No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

---

March 21st– See the Monaco Wind and Temp report for the day

Grinding on site today. Water truck is hooked up to the grinder and no dust is coming off the grinder or any other place on site today.

Screening GW and no material is blowing away from the stackers.

Site is drying out but still has standing water and wet, so the site was not watered.

8 trucks or trailers were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

---

March 22nd– See the Monaco Wind and Temp report for the day

Grinding on site today. Water truck is hooked up to the grinder and no dust is coming off the grinder or any other place on site today.

Painted PG Red today, No screening operations today. No material is blowing away from the stackers

Site is drying out but still has standing water and wet, however the far west side of the site was watered because it is drying out so the site was not watered. East side of site roads are still wet.

3:00 PM - end of shift and equipment cleanup has begun

9 trucks or trailers were loaded on the east side of the site with mulch or soils today. No tipping customers drove on the east side of the site, all were diverted to the far west side via the main road coming from the office trailer going west.

---

March 23rd– See the Monaco Wind and Temp report for the day

No grinding on site today. Painting PG Brown and screening GW. No material or dust is blowing in any direction from painting or screening operations today.

Outside of screening and painting operation there was no traffic on site. The site did not need to be watered today.

3:00 PM - end of shift and equipment cleanup has begun.

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# **DUST CONTROL AND MITIGATION PLAN**

For

A1 Organics  
Monaco Street Organic Recycling Facility  
9109 Monaco Street  
Commerce City, Colorado

November 14, 2018

**EXHIBIT V**

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### Figures:

- Figure 1: Site Location Map
- Figure 2: Site and Vicinity Map
- Figure 3: Site Plan

## **1.0 Introduction**

A1 Organics (A1) has prepared this Dust Control and Mitigation Plan (DCP) to document dust control and mitigation practices for the Monaco Street Organic Recycling Facility (Site or Facility), in Adams County, Colorado. This DCP also demonstrates that the Facility will maintain compliance with all applicable air pollution control division requirements.

### **1.1 Site Description**

The Site is located in the eastern plains of the Front Range just west of Interstate 76 and south of 96<sup>th</sup> Street, Commerce City, Colorado at 9109 Monaco Street (Figures 1, Site location and Figure 2, Site and Vicinity Map). The vicinity of the Site is predominately commercial (Figure 2).

The Site lies predominantly in Section 20 of Township 2 North, Range 67 West 6<sup>th</sup> Principal Baseline and Meridian. The Site slopes to the west and lies at an approximate elevation of 5,060 feet above mean sea level. The Site is owned by New Dux, LLC, and is leased to Lambland, Inc., dba A1 Organics (A1). The Site has roughly 12 acres of production area (Figure 3).

### **1.2 Facility Description**

The name and physical address for the Monaco Street Organic Recycling Facility are:

A1 Organics  
Monaco Street Organic Recycling Facility  
9109 Monaco Street  
Commerce City, CO 80022

The mailing address is:

A1 Organics  
16350 WCR 76  
Eaton, CO 80615

Site maps and plans illustrating the Facility's property boundaries, location of production and storage areas, adjoining properties, and existing structures are further illustrated in the figures.

### **1.3 Operations**

The hours of operation for the recycling facility are within the normal operating hours of A1 Organics. Normal hours of operation will be from 7:00 AM to 3:30 PM, Monday-Friday. Hours of operation for the recycling facility may be adjusted to accommodate volume fluctuations of recyclable materials and production schedules.

The names and phone numbers of the people currently operating the facility are:

Kent Pendley  
Chief Operating Officer  
970-396-5295 (mobile #)  
970-454-3492 (office #)

Travis Bahnsen  
Chief Executive Officer  
970-646-3457 (mobile #)  
970-454-3492 (office #)

Bob Yost  
Chief Technical Officer  
303-710-9121 (mobile #)  
970-454-3492 (office #)

Kevan Northrup  
Facility Manager  
303-710-9123 (mobile #)  
303-710-9301 (office #)

Chris Skelton, P.G.  
Regulatory and EH&S Officer  
970-646-2431 (mobile #)  
970-454-3492 (office #)

In the event of an emergency, any of the above people may be called.

## **2.0 Dust Control Plan**

Control of dust will be a high priority during organic recycling activities. The primary mechanism for dust control will be the use of wind monitoring, applied water, road improvement, and setback distances. Proactive controls will be instituted to reduce the amount of dust generation during site activities, including enforcement of low speed limits for vehicular traffic, height limits for stockpiles, as applicable, and road and site maintenance through the use of water and/or magnesium chloride applications as necessary for control purposes. If necessary, operations may be suspended.

A1 Organics will implement a dust control training program for all Site personnel. This training program will review the potential sources for dust, weather station monitoring, individual responsibilities, and actions for controlling and/or mitigating dust as described in this DCP. The training will emphasize the importance of dust control and familiarize Site personnel with the air monitoring requirements, appropriate dust control procedures, and corrective actions in accordance with this DCP to minimize dust generation.

## **3.0 Potential Fugitive Dust Sources**

There are no contaminants of concerns with regards to the fugitive dust emissions at the Site. The following Site areas/tasks have been identified as potential sources of fugitive dust emissions. At a minimum, dust control practices will be implemented in:

- Areas of heavy equipment and vehicular traffic
- Wood grinding
- Product screening



- Mulch coloring
- Soil amendment mixing
- Loading and unloading operations

## **4.0 Dust Control and Mitigation Procedures**

The following management practices will be used to preclude conditions conducive to dust generation and suppress dust should it occur.

- Paved entry roads will be maintained free of tracked soil or compost
- Traffic speed will be reduced to an appropriate speed
- Use of water and/or magnesium chloride on Site roads
- Application of water on stockpiled materials
- Stockpiled material will be placed as a dust migration barrier on the east side of the screening operations.
- Grinding and screening operations will be located at the southwest/west side of the Site, at least 500 feet away from neighboring residents.
- Grinding operations will include a water spray system to mitigate dust and reduce opacity.
- All outgoing loads shall be covered.

## **5.0 Weather Monitoring and Corrective Actions**

A weather station that measures and logs wind direction and velocity is in operation at the Site. The weather station shall be programmed to alarm when wind conditions are greater than 15 miles per hour or otherwise unfavorable to Site operations. Daily visual monitoring for dust will be logged and recorded. Should conditions exist where dust could be a problem, the Site foreman will be notified immediately. Corrective actions may consist of any the following:

- Suspend grinding and/or screening operations
- Additional water application
- Magnesium chloride dust suppression
- Tarping of stockpiles.

## **6.0 Limitations**

A1 has prepared this DCP based on available information consistent with the standards of care and skill ordinarily exercised by members of the profession practicing under similar conditions in the geographic vicinity and at the time the services were performed. No warranty or guarantee, expressed or implied, is a part of this DCP. This DCP is for the exclusive use of A1 Organics. Use or reliance by others is prohibited without the express authorization of A1 Organics. Unauthorized use or reliance is at third party's sole risk.

## FIGURES



Approximate Scale 1 inch = 11 miles



16350 WCR 76,  
Eaton, CO 80615  
(O) 970-454-3492  
(F) 970-454-3232

#### Site Location Map

Monaco Street Organic Recycling Facility  
9109 Monaco Street  
Commerce City, Colorado

**FIGURE**

**1**





Approximate Scale 1 inch = 725 feet



16350 WCR 76,  
Eaton, CO 80615  
(O) 970-454-3492  
(F) 970-454-3232

### Site and Vicinity Map

Monaco Street Organic Recycling Facility  
9109 Monaco Street  
Commerce City, Colorado

**FIGURE**

**2**

**EXHIBIT V**





Approximate Scale 1 inch = 265 feet



- Site Boundary



16350 WCR 76,  
Eaton, CO 80615  
(O) 970-454-3492  
(F) 970-454-3232

## SITE PLAN

Monaco Street Organic Recycling Facility  
9109 Monaco Street  
Commerce City, Colorado

## FIGURE

**3**

EXHIBIT V







Existing Temporary Office



Aerial of A1 site - Commerce City





East Side of Property Line



East Side of Property Line 2





East Side of Property Line 3



East Side of Property Line 4





East Side of Property Line 5



East of Property Line

**EXHIBIT V**

Photos Captured on November 10th, 2018





Northeast Side of Property Line 1



Northeast Side of Property Line 2

EXHIBIT V

Photos Captured on November 10th, 2018





South-side of Property – Brown Brother's Materials



South-side of Property – Snowplows – Sitting for over 2 years  
Within 50 feet of Grinding Operations.





South-side of Property – Brown Brother's Materials



Designated Grinding and Screening Area – Minimum 500ft from East Property Line.  
Containment Barrier East of Screening Operations

**EXHIBIT V**

Photos Captured on November 10th, 2018



Aerial of Site – East view of South Property Line.



Containment Barrier East of Screening Operations  
Minimum 500ft from East Property Line.





EXHIBIT W



EXHIBIT W





EXHIBIT W





EXHIBIT X





EXHIBIT X





EXHIBIT X





EXHIBIT Y



EXHIBIT Y



EXHIBIT Y





Werner Commercial Trucking

Albert Frei Fish  
Hatchery /Sand &  
Gravel Quarry

Brown Bros.  
Asphalt &  
Paving

Monaco Street

Horse Stables &  
Boarding

Johnson Property

A1 Organics and East Property Line

EXHIBIT Z

January 11, 2019

Domenic Martinelli, City Planner  
Commerce City Community Development  
7887 East 60th Avenue  
Commerce City, CO 80022

**Re: 91<sup>st</sup> & Monaco Conditional Use Permit**

Hello Domenic:

The Applicant, A-1 Organics located at 9109 Monaco Street, is requesting a Conditional Use Permit (CUP) that would allow the stacking/piling of mulch stored outdoors to a maximum height of 25 feet versus the current standard of 8 feet. This CUP would require all development of the property to continue to follow all applicable standards for the Industrial-2 zone district except for allowable outdoor storage stacking/piling height.

A-1 Organics needs this provision in order to effectively and efficiently run their operations. The company provides organic composts, soils, mulches, and organic recycling services for landscaping and soil amendment purposes. When stacked in taller piles, the materials stay moist and compact, and are less sensitive to weather, wind, and erosion. Taller pile heights also allow for more efficient use of space. Shorter piles create a greater need for land area and greater exposure of the materials to the environment, making them more likely to dry out, erode, blow away, and cause negative impacts to adjacent areas.

A-1 Organics operates in a responsible manner that limits potential adverse impacts regardless of pile height. A Dust Control and Mitigation Plan, submitted with this application, describes the use of wind monitoring, applied water, road improvements, and setback distances to reduce dust generation. In addition, an 8-foot tall net is proposed to be located along the site's eastern edge, as shown on the Development Plan, to prevent mulch from blowing onto the adjacent residential property, and a demarcation pole will be erected onsite denoting the maximum height that mulch/materials may be stacked. These actions minimize air quality impacts, create an ample buffer between existing residential uses adjacent to the property, and ensure compliance with stacking height. We believe these additional actions will allow this facility to continue to operate successfully while respecting the surrounding community.

The project narrative supporting the CUP follows this letter. Please let us know if you have any questions or require any additional information. We look forward to working with you throughout the review and approval of this project.

Sincerely,  
**Norris Design**



Libby Kaiser  
Project Manager

**EXHIBIT AA**



## Conditional Use Permit Approval Criteria – Section 21-3230

(a) All of the following criteria are met:

- (i) The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city;

*An organic recycling facility is a use by right in the Industrial-2 zone district and A-1 Organics has been in operation on this site since July 2015. Allowing A-1 Organics to stack their mulch piles as high as 25 feet versus 8 feet will not have an adverse effect on adjacent property or the character of the neighborhood. The facility is in an isolated area of Commerce City, in between gravel ponds and Highway 85. Visual impacts will be mitigated by existing topography as well as existing landscaping. Northeast of the project site are a couple rural residential and stable uses located within unincorporated Adams County that, while adjacent, have a significant difference in elevation and have extensive landscaping in mature trees that screen the mulch piles from these properties. Nevertheless, the applicant will build an 8-foot tall net along the eastern property line to further screen the piles and prevent mulch from blowing onto these neighboring properties.*

*Taller pile heights will not impact traffic conditions, parking, or public improvements. The site fronts onto Monaco Street, which is a two-way, two-lane road that provides convenient connections to the local and regional transportation system; however, it lacks sidewalks. A single access point from Monaco Street provides ingress and egress to the site. Traffic generated from the facility, regardless of pile height, can be adequately handled by the existing roadway system, according to a Traffic Letter included with this submittal. All parking will be contained onsite.*

- (ii) Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;  
*Due to the topography of the property and the nature of adjacent uses, approving this height exception will have limited adverse impacts on the surrounding land uses. To the south is a gravel mining operation located within unincorporated Adams County. This use is just beginning operations and should be operational for the next several decades, based on their filed plan of operation with Adams County and the State of Colorado. The uses to the west and north are in unincorporated Adams County and utilized for water storage and generally inaccessible to the public. Beyond the reservoirs is a public trail, which is located approximately 1,800 feet from the proposed stockpiles. Given the significant distance and the intervening foreground objects such as trees and waterbodies, the visual impacts on trail users are negligible.*

*To the northeast are a couple rural residential and stable uses located within unincorporated Adams County that, while adjacent, have a significant difference in elevation and have extensive landscaping in mature trees that screen the mulch piles and operations from the properties. An 8-foot tall net will be placed along the eastern edge of the property along to further screen the property and prevent mulch from blowing offsite. To the east, across Monaco St, is an existing truck terminal and truck parking for a motel. Neither of these uses should be adversely impacted, and being located on the east side, will have an extremely limited view of the material stockpiles with the significant change in topography.*

*A Dust Control and Mitigation Plan, submitted with this application, describes the use of wind monitoring, applied water, road improvements, and setback distances to reduce dust generation. A summary of site operations and dust control measures is included in the Section 21 narrative, also included with this application.*

- (iii) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;  
*As mentioned, the project site is in an isolated area of Commerce City, in between gravel ponds and Highway 85. A long access road leads from Monaco Street to the bulk of the site, which is surrounded on three sides by gravel ponds and a gravel mining operation. The site's industrial designation and the character of surrounding uses are suitable for the organic recycling facility. Existing improvements and natural features are also suitable. An agricultural ditch borders the site's western boundary and the South Platte River is located further west. Nearly 22% of the site is within the 100-year floodplain, and this area will remain open space. Site topography slopes westward away from Monaco Street toward the floodplain.*
  - (iv) The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents. Where any such improvements, facilities, utilities or services are not available or are not adequate to service the proposed use in the proposed location, the applicant shall, as a part of the application and as a condition of approval, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;  
*A-1 Organics has been in operation since July 2015. Existing improvements, facilities, and services adequately serve the facility, which does not impose an undue burden upon the city or its residents. Nevertheless, A-1 Organics is committed to constructing an 8-foot tall net along its eastern boundary adjacent to existing residential uses to help screen the piles and prevent mulch from blowing offsite. The Applicant will also improve the road base of the eastern-most north/south fire route, upgrading it to recycled asphalt to help suppress dust generated from truck traffic, and a demarcation pole will be located onsite denoting the maximum 25-foot pile height, as shown on the Development Plan.*
  - (v) The applicant has provided adequate assurances of continuing maintenance;  
*A-1 Organic's Dust Control and Mitigation Plan assures the site is continually operated in a responsible manner with the most intensive operations occurring at the "back" of the site with dust suppression measures being applied regularly and holistically across the entire site. To help with trash, contractors regularly pick up debris to maintain a clean, attractive site and prevent trash from blowing into retail material and ending up at a customer's site. The Applicant has also agreed to upgrade a limited section of road base and build an 8-foot tall net, which will be maintained as needed.*
  - (vi) There is no evidence to suggest that the use violates any federal, state, or local requirements; and  
*The organic recycling facility is an allowed use by right in the Industrial-2 zone district. It does not violate any federal, state, or local requirements.*
- (b) One of the following criteria is met:
- (vii) There is a community need for the use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide and maintain a proper mix of uses both within the city and the immediate area of the proposed use; or



*A-1 Organics is an eco-friendly operation providing natural, non-toxic compost and mulch that diverts yard waste from local landfills, conferring substantial public benefits. Commerce City and its residents benefit from having such a facility in the city limits, as its proximity increases its convenience. For example, the Commerce City Police Department uses A-1 Organics to recycle illegal marijuana plants.*

- (viii) The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the city.  
*The use is allowed by right in the Industrial-2 zone district. This CUP is only requesting the ability to stack materials higher than is allowed by the City's Land Development Code, Sec. 21-5256. Recycling Facilities / Material Resource Recovery Facilities. These piles with increased heights are limited in where they can be located on the property and require additional setbacks from adjacent residential properties.*

*The Comprehensive Plan envisions the area where A-1 Organics is located, called the Irondale Focus Area, as remaining predominantly industrial. Approving this CUP is consistent with the Comprehensive Plan's goals of retaining industrial uses and associated jobs that contribute to the City's fiscal stability. There is not enough land at the current site to allow A-1 Organics to maintain its mulch volume if restricted to 8' high piles. Without the requested CUP the facility likely would have to move from Commerce City.*