



Board of County Commissioners

Eva J. Henry - District #1
Charles "Chaz" Tedesco - District #2
Emma Pinter - District #3
Steve O'Dorisio - District #4
Mary Hodge - District #5

PUBLIC HEARING AGENDA

NOTICE TO READERS: The Board of County Commissioners' meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Board members to gain a basic understanding, thus eliminating lengthy discussions. Timely action and short discussion on agenda items does not reflect a lack of thought or analysis on the Board's part. An informational packet is available for public inspection in the Board's Office one day prior to the meeting.

THIS AGENDA IS SUBJECT TO CHANGE

Tuesday
July 14, 2020
9:30 AM

Watch the virtual meeting through our You Tube Channel
<http://www.adcogov.org/events/bocc-public-hearing-9>

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOTION TO APPROVE AGENDA**
- 4. AWARDS AND PRESENTATIONS**
- 5. PUBLIC COMMENT**

A. Citizen Communication

Members of the public may submit written comments on any matter within the Board's subject matter jurisdiction or request to speak at the meeting through our eComment system at <https://adcogov.legistar.com/Calendar.aspx>

Residents are encouraged to submit comments, prior to the meeting, through written comment using eComment; eComment is integrated with the published meeting agenda and individuals may review the agenda item details and indicate their position on each item. A request to speak at the meeting may also be submitted using the eComment feature. You will be prompted to set up a user profile to allow you to comment, which will become part of the official public record. The eComment period opens when the agenda is published and closes at 4:30 p.m. the Monday prior to the noticed meeting.

B. Elected Officials' Communication

- 6. CONSENT CALENDAR**

- A. Minutes of the Commissioners' Proceedings from June 30, 2020
- B. Resolution Approving Development Agreement between Adams County and BZ Properties, LLC
(File approved by ELT)
- C. Resolution Approving Temporary Construction Easement Agreement between Adams County and B&M Equipment Company, LLP, for Temporary Construction Purposes Necessary for the Dahlia Storm Drain Outfall Project
(File approved by ELT)
- D. Resolution Adopting Hearing Officer's Recommendations for Decision Regarding Property Tax Abatement Petitions
(File approved by ELT)
- E. Resolution Ratifying Adams County Variance Request from COVID-19 Executive and Public Health Orders for Gaylord Rockies Resort and Convention Center
(File approved by ELT)
- F. Resolution Approving Agreement to Amend/Extend Contract between Adams County and Lrk, LLC for Property at 13600 Riverdale Road
(File approved by ELT)
- G. A Resolution Concerning Rules and Regulations for Adams County Parks, Trails, and Cultural Arts Areas
(File approved by ELT)
- H. Resolution Approving an Amendment to the Adams County Open Space Sales Tax Program Policies and Procedures
(File approved by ELT)
- I. Resolution Approving Intergovernmental Agreement between the Board of County Commissioners of the County of Adams and Arapahoe County and the City of Aurora Regarding a Shared Veterans Service Officer Position
(File approved by ELT)
- J. Resolution Adopting and Ratifying the Treasurer's Waiver of Interest Under Colorado House Bill 2020-1421, and Setting out the Process for Districts to Request in Advance of Tax Distribution During Tax Collection Year 2020 Permitted by C.R.S. §39-10-104.5
(File approved by ELT)

7. NEW BUSINESS

A. COUNTY MANAGER

- 1. Resolution Approving the Award of Open Space Grant Awards and Grant Agreements
(File approved by ELT)
- 2. Resolution Approving Amendment Three to the Agreement between Adams County and Taylor Kohrs, LLC, for the Leader Blade Station
(File approved by ELT)
- 3. Resolution Approving Amendment One for the Purchase of Voting Equipment and Accessories from Dominion Voting Systems
(File approved by ELT)

B. COUNTY ATTORNEY

8. LAND USE HEARINGS

A. Cases to be Heard

1. RCU2019-00006 Reborn Animal Refuge
(File approved by ELT)
2. EXG2019-00002 Henderson Aggregates Pit
(File approved by ELT)

9. ADJOURNMENT

AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE

From: noreply@granicusideas.com
Sent: Monday, July 13, 2020 1:50 PM
To: Erica Hannah
Subject: New eComment for Board of County Commissioners on 2020-07-14 9:30 AM

Please be cautious: This email was sent from outside Adams County

New eComment for Board of County
Commissioners on 2020-07-14 9:30 AM

Susan Pfabe-Wiggans submitted a new eComment.

Meeting: Board of County Commissioners on 2020-07-14 9:30 AM

Item: 1. 20-547 Resolution Approving the Award of Open Space Grant Awards and Grant
Agreements (File approved by ELT)

eComment: My name is Susan Pfabe-Wiggans and I am a pediatric physical therapist in the
Denver metro area, working primarily with children with special needs and developmental delays.
I am fully supporting the resolution regarding LuBirds Light foundation for the inclusive
playground at Stanley Marketplace. They are working so hard to provide a place where children
of all abilities can explore movement and social experiences. This is a vital need for Denver's
children! Thank you

View and Analyze eComments

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From: noreply@granicusideas.com
Sent: Monday, July 13, 2020 1:12 PM
To: Erica Hannah
Subject: New eComment for Board of County Commissioners on 2020-07-14 9:30 AM

Please be cautious: This email was sent from outside Adams County

New eComment for Board of County
Commissioners on 2020-07-14 9:30 AM

Kip Cheroutes submitted a new eComment.

Meeting: Board of County Commissioners on 2020-07-14 9:30 AM

Item: 1. 20-547 Resolution Approving the Award of Open Space Grant Awards and Grant
Agreements (File approved by ELT)

eComment: I am Kip Cheroutes, Friends of Front Range Wildlife Refuges. Thank you for making
fishing at RMA Refuge accessible. 1. FWS plans a national urban refuge day this fall with RMA
fishing spotlighted. Stay tuned. 2. We fund transportation to schools and counties to visit. Take
us up on this offer. 3. Commissioner Tedesco envisioned VA patients fishing at RMA. I would
welcome his follow-up contact to pursue this. Once again thank you to the commission for
making this valuable investment.

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From: noreply@granicusideas.com
Sent: Monday, July 13, 2020 4:28 PM
To: Erica Hannah
Subject: New eComment for Board of County Commissioners on 2020-07-14 9:30 AM

Please be cautious: This email was sent from outside Adams County

New eComment for Board of County
Commissioners on 2020-07-14 9:30 AM
Jaime Bruno submitted a new eComment.
Meeting: Board of County Commissioners on 2020-07-14 9:30 AM
Item: 5. PUBLIC COMMENT

eComment: I wholeheartedly support the inclusive playground at Stanley Marketplace. It is desperately needed for kids with special needs.

[View and Analyze eComments](#)

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From: Byron Fanning
Sent: Tuesday, July 14, 2020 8:05 AM
To: Erica Hannah
Cc: Alisha Reis
Subject: FW: Adams County Open Space Grant and exclusion of HOA's as applicants
Attachments: Adams County Open Space Grant Letter.pdf

Importance: High

Erica,

Please see the attached letter from the Quebec Run HOA. They are requesting that this be forwarded to the Commissioners. This is relevant to today's discussion on the Open Space Tax.

Thanks,

Byron

J. Byron Fanning jr.
Director, Parks, Open Space & Cultural Arts Department
ADAMS COUNTY, COLORADO
9755 Henderson Road
Brighton, CO 80601
O: 303.637.8006 |c: 303.386.2706
www.adcogov.org

The Parks Admin Office is open from 10am to 2pm Tuesday through Thursday, I will continue to work from home at this time and can be best reached by cell phone. You can Find community resources regarding the County's response and updates here.

From: Mary Willis <MWillis@adcogov.org>
Sent: Tuesday, July 14, 2020 7:23 AM
To: Byron Fanning <BFanning@adcogov.org>
Subject: FW: Adams County Open Space Grant and exclusion of HOA's as applicants
Importance: High

From: Kevin Holdren <kholdren@msiho.com>
Sent: Monday, July 13, 2020 7:22 PM
To: Mary Willis <MWillis@adcogov.org>; Renee Petersen <RPetersen@adcogov.org>
Subject: Adams County Open Space Grant and exclusion of HOA's as applicants
Importance: High

Please be cautious: This email was sent from outside Adams County
Good evening ladies,

Apologies for the late email, but we just adjourned the Quebec Run HOA board meeting and it was discussed that the County Commissioners are considering changing the application process to exclude HOA's from applying.

Can you please make sure the Commissioners receive a copy of the attached letter which I have

drafted and would like them to consider before voting on this important topic.

Thank you! ??

Kevin Holdren
Community Manager
MSI, LLC
11002 Benton St.
Westminster, CO 80020
Direct: (720) 974-4130
Fax: (303) 420-6611
kholdren@msiho.com

After hours emergency: (303) 420-4433

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July 13, 2020

To: Adams County Commissioners

RE: Adams County Open Space Grant & HOA Participation

I am writing this letter in response to reports that the County Commissioners are considering excluding homeowners associations from applying for the Adams County Open Space Grant moving forward. I am respectfully asking the County Commissioners to reconsider this position. Before I outline the reasons why I believe that property owners associations should not be excluded; I wanted to first thank you for offering such grants to the people of Adams County! The open space and parks grants have enabled more than 538 projects to be completed over the last 20 years, and the funding has absolutely improved the open spaces and parks throughout Adams County.

As I am sure you know, many builders and developers prefer to build in Adams County due to the favorable building codes, and the County has seen massive residential growth over the last twenty years. The growth has been such that school districts and cities are struggling to meet the needs of this growing population. This growth has put a strain on a City's ability to provide and maintain local parks and recreation amenities for their citizens and to help solve this problem, many municipalities are now requiring builders and developers to install these amenities as a part of an approved development plan. As these developments transition to homeowner control, the members of these Homeowners Associations inherit the financial burden of maintaining parks and open spaces that used to be maintained and improved by a city's parks and recreation department. These amenities and improvements are interconnected and the various community developments collectively blend together and become an integrated part of a city's overall parks and recreation system. Oftentimes, builders and developers choose to meet only the minimum requirements, and they frequently choose to install the least expensive options available. This leaves the members of the homeowners association to fund the additional enhancements that allow the people living within them to feel proud of where they live.

Most homeowners association consist of only a couple of hundred members. The financial burden falls upon these few owners to fund enhancements that in the past used to be funded by all of the citizens within a particular municipality. As such, most associations can afford to fund only the things that are absolutely necessary and having access to the County open space grant is often the only manner by which an owners association can truly enhance the community. Since these communities are interconnected, the grant process has allowed owners associations to improve public property in the same way as the cities have done, and this process has proven to be beneficial and helps to achieve the County's mission to "significantly enhance quality of life, enrich communities & INSPIRE".

Considering that a grant application must meet specific criteria and receive approval from an appointed committee in order to be considered, and the fact that an applicant must receive City approval and their sponsorship in order to apply for the grant ensures that homeowners associations are requesting an grant for improvements that are beneficial to, and aligned with, a City and the County's overall parks and recreation plan. A process is already through the application and sponsorship process to ensure that homeowners associations do not use public funds for exclusive or private use and I strongly believe that if homeowners associations are excluded from applying for an open space grant that many beneficial improvements will just not get done as the few members who make up these owners associations cannot afford to make such a monetary investment on top of the maintenance expenses they are already obligated to fund.

It is with sincere hope that you please reconsider your position regarding HOA participation in the grant. If nothing else, please postpone making a decision until alternative ideas and perspectives can be considered.

With respect,

Kevin Holdren,

HOA Home Owner

HOA Board Member

HOA Community Manager, CMCA

From: noreply@granicusideas.com
Sent: Sunday, July 12, 2020 11:11 PM
To: Erica Hannah
Subject: New eComment for Board of County Commissioners on 2020-07-14 9:30 AM

Please be cautious: This email was sent from outside Adams County

New eComment for Board of County
Commissioners on 2020-07-14 9:30 AM

Kelsey Magnuson submitted a new eComment.

Meeting: Board of County Commissioners on 2020-07-14 9:30 AM

Item: 2. 20-469 EXG2019-00002 Henderson Aggregates Pit (File approved by ELT)

eComment: Lack of compliance for years with the current permit, hours of operation, truck traffic & number of trucks on 72nd, dust, noise, environmental impact, doesn't coincide with #4 finding of fact: "The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area & the County".

[View and Analyze eComments](#)

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From: noreply@granicusideas.com
Sent: Monday, July 13, 2020 12:11 AM
To: Erica Hannah
Subject: New eComment for Board of County Commissioners on 2020-07-14 9:30 AM

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New eComment for Board of County
Commissioners on 2020-07-14 9:30 AM

Andrew Granger submitted a new eComment.

Meeting: Board of County Commissioners on 2020-07-14 9:30 AM

Item: 2. 20-469 EXG2019-00002 Henderson Aggregates Pit (File approved by ELT)

eComment: As a resident & owner of an adjacent property I oppose this new permit. A pit operation should maintain a balance of business & respect to the surrounding residential homes & country setting of the area - this new permit does not. Hours of operation, number of trucks & noise allowed in this permit is not acceptable in a country farm, residential setting. The new permit contradicts "The Findings Fact #4" - "compatible with the surrounding area, harmonious with the character of the neighborhood."

View and Analyze eComments

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From: Emma Pinter
Sent: Monday, July 13, 2020 3:02 PM
To: Ray Gonzales; Erica Hannah; Heidi M. Miller
Subject: Fwd: AFS gravel pit expansion in Bennett
Attachments: 2020 AFS Preparation for the Board of County Commissioners.docx

Emma Pinter
County Commissioner, Chair
Adams County Colorado
4430 S Adams County Parkway
Brighton, CO 8060
Office: 720.523.6100 Mobile: 720.239.2053
epinter@adcogov.org

Pronouns: she/her/hers

From: Kelsey Magnuson <magnu079@gmail.com>
Sent: Monday, July 13, 2020 1:49:47 PM
To: Steve O'Dorisio <SODorisio@adcogov.org>; Eva Henry <EHenry@adcogov.org>; Chaz Tedesco <CTedesco@adcogov.org>; Emma Pinter <EPinter@adcogov.org>; Mary Hodge <MHodge@adcogov.org>
Subject: AFS gravel pit expansion in Bennett

Please be cautious: This email was sent from outside Adams County

Hello Board of County Commissioners,

First of all thank you all for all of your hard work and dedication.

I am writing to all of you regarding your upcoming vote on EXG2019-00002 Henderson Aggregates Pit and the conditional use permit for the gravel pit less than 1 mile from our house.

Myself and my neighbors have been in opposition of this gravel pit for the last couple of years. If it were not for my neighbor Jennifer Curtis, we would not have been notified of all of the changes taking place there. We later came to find out we should have been notified in 2016 when the current conditional use permit was passed and we were not notified after living there for 2 years. We just knew we were risking our lives with the increase in semi truck traffic and worsening road conditions.

We have called, emailed, testified, sat in on public hearings and were told we would have a chance to speak at the latest Zoom meeting (which we were not given that opportunity) trying to voice our concerns. We have contacted the Planning Commission at ADCO numerous times because AFS has been in violation of their permit and it appears there is no recourse for them not abiding by the rules.

In looking at the powerpoint presentation that Greg Barnes created, it looks like a harmonious gravel pit that has no effect on the neighborhood. I am including pictures that we have taken over the last couple of years that reveal the complete opposite.

We know this is a business, but there has to be some balance between our quiet country living and the gravel pit. The hours of operation are ridiculous 6am-8pm Monday-Saturday are too much. Although the zoning allows for gravel mining, its location is in a residential neighborhood, not an industrial site.

Even with a road maintenance agreement and a traffic study, there has to be a limit to the number of trucks entering the pit and driving down 72nd Ave. From the 2016 Amended conditional use request from the planning commission staff report it says, "Traffic from SH79 and 72nd Avenue is estimated to be less than 20 trips per day." Ben Frei told us he has a record of 150 trucks per day on a busy day. Isn't this a violation of the permit and what will happen if the expansion is approved to 3 times the size? I have been in my neighbor Jennifer Curtis's house where each semi rattles the walls as it drives by.

Also, if they are in violation of the permit, who do we contact and what are the steps. A warning, written letter, fine? How do we file that complaint? We have emailed and called the Planning commission, sometimes we receive a call back other times we hear nothing. From CORA emails it sounds like they are on the side of the gravel pit and simply send Ben Frei emails or give him advanced warning when they are coming out to inspect.

I would gladly invite all of you to my house to see the truck traffic, dust and impact this business has on our neighborhood. Please, please consider all of this when you vote tomorrow.

Respectfully,

Kelsey Magnuson

7490 Provost Road
Bennett, CO 80102
720-937-7949

Phone Calls to ADCO

- 1/31/20 at 11:40am
- 3/3/20 at 8:00am
- 5/19/20 at call to Miles and Katie-LMOM
- 5/22/2020-phone call with Miles Buescher, Environmental Compliance Specialist
- 6/25/20 LMOM to Greg Barnes and Jen Rutter
- 6/30/2020 conversation with Jen Rutter

Emails regarding concerns about the gravel pit:

- Steve O'Doriso-02/10/2019
- Mary Hodge (email date lost)
- Jen Rutter-2/11/2019
- Emailed letter to Greg Barnes and Economic Development-9/2/2019
- Pictures of uncovered truck loads to Greg Barnes and Jen Rutter -2/5/2020 (no response)
- Email with pictures to Katie Keefe regarding heavy truck traffic 2/10/2020
- Email with concerns about the Henderson Aggregates Pit for the ADCO Public Hearing Notification 6/22/2020. Response from Jen Rutter 6/23/2020 that email was forwarded onto the Planning Commission and Board of County Commissioners
- Email to Adams county Sheriff-7/2/2020

Pictures/Videos of non-compliant trucks, excessive truck speeds/number of trucks and out of hours of operation:

- October 4, 2019-pictures from Vikky





- January 31, 2020-Video and pictures



- March 3, 2020-picture of uncovered load
- March 18, 2020 @ 0634am (video)
- March 24, 2020 (video)
- April 24, 2020



- June 23, 2020 picture from at 0545 truck leaving gravel pit (from Allana)



In person meetings/testifying:

- April 10, 2019 Letters delivered in person to Division of Reclamation Mining and Safety office on behalf of Faber/Katchen, Curtis/Chainhalt and Magnuson for Bennett Pit File No. M-2001—038

- April 18, 2019-Jennifer Curtis met with Jennifer Rutter in person
- Vikky and Jen discussed concerns at the Board of county commissioner meeting
- May 30, 2019 Neighborhood Meeting
- September 25, 2019 Colorado Division of Reclamation meeting
- June and August 2019 testifying before the state at the Division of Reclamation Mining and Safety
- Colorado Mined Land Reclamation Board-Formal Board hearing meeting August 21, 2019.
- June 25, 2020 Zoom Public Hearing Notification

From: noreply@granicusideas.com
Sent: Monday, July 13, 2020 3:51 PM
To: Erica Hannah
Subject: New eComment for Board of County Commissioners on 2020-07-14 9:30 AM

Please be cautious: This email was sent from outside Adams County

New eComment for Board of County
Commissioners on 2020-07-14 9:30 AM

Nancy Donaldson submitted a new eComment.

Meeting: Board of County Commissioners on 2020-07-14 9:30 AM

Item: 2. 20-469 EXG2019-00002 Henderson Aggregates Pit (File approved by ELT)

eComment: As an area property owner I am strongly opposed to this issue. Please give equal weight to the views and comments of neighborhood residents. An additional 60 trucks per day, in addition to the current volume, is in no way harmonious to a quiet rural setting. The ability of the immediate community to enjoy their chosen lifestyle should NOT be dependent upon the business objectives of the pit.

[View and Analyze eComments](#)

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From: noreply@granicusideas.com
Sent: Monday, July 13, 2020 4:12 PM
To: Erica Hannah
Subject: New eComment for Board of County Commissioners on 2020-07-14 9:30 AM

Please be cautious: This email was sent from outside Adams County

New eComment for Board of County
Commissioners on 2020-07-14 9:30 AM
Jennifer Curtis submitted a new eComment.
Meeting: Board of County Commissioners on 2020-07-14 9:30 AM
Item: 5. PUBLIC COMMENT

eComment: Operating days/hours should be Mon-Fri 7am 4pm. Any later and I would be subject to excessive truck traffic, loud machine noise, dust and lights for 17 plus years. AFS should plant trees around the pit and use fracking panels to block noise, dust and lights. E 72nd Ave should have a truck speed limit of 30 mph. AFS should pave E 72nd Ave due to road damage caused by AFS. Crusher should be enclosed with fracking panels to limit noise pollution. Please vote as if you and your family lived here.

[View and Analyze eComments](#)

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From: noreply@granicusideas.com
Sent: Monday, July 13, 2020 4:18 PM
To: Erica Hannah
Subject: New eComment for Board of County Commissioners on 2020-07-14 9:30 AM

Please be cautious: This email was sent from outside Adams County

New eComment for Board of County
Commissioners on 2020-07-14 9:30 AM

Elva Munoz submitted a new eComment.

Meeting: Board of County Commissioners on 2020-07-14 9:30 AM

Item: 2. 20-469 EXG2019-00002 Henderson Aggregates Pit (File approved by ELT)

eComment: Truck traffic increased. Hours of operations should be where they close at 6 PM with the exception of an emergency for the county. There is "jake braking" occurring within the 1/2 mile stretch on 72nd Ave off of Highway 79. There are seven residents that live within a mile of the sand and gravel pit and two of those employees who work for AFS. We are a neighborhood with a sand and gravel pit plus monster trucks daily event right in the middle of it.

[View and Analyze eComments](#)

This email was sent from <https://granicusideas.com>.

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From: Ray Gonzales
Sent: Monday, July 13, 2020 9:12 PM
To: Erica Hannah
Subject: FW: timeline of complaints for Henderson Aggregates Pit Case # EXG2019-00002
Attachments: timeline.odt

For public Record regarding tomorrow's land use case.

Raymond H. Gonzales
County Manager
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway
Brighton, CO 80601
Office: 720.523.6829| Mobile: 720.556.4086
Adcogov.org

For additional COVID-19 related resources, visit the county's new response & recovery website.

From: Steve O'Dorisio <SODorisio@adcogov.org>
Sent: Monday, July 13, 2020 8:54 PM
To: Ray Gonzales <RGonzales@adcogov.org>
Subject: Fwd: timeline of complaints for Henderson Aggregates Pit Case # EXG2019-00002

From: Victoria Katchen <vkatchen@yahoo.com>
Sent: Monday, July 13, 2020, 8:08 PM
To: Steve O'Dorisio; Eva Henry; Chaz Tedesco; Emma Pinter; Mary Hodge
Subject: timeline of complaints for Henderson Aggregates Pit Case # EXG2019-00002

Please be cautious: This email was sent from outside Adams County
I created this timeline for example of complaints and involvement for Bennett Pit.

Thank you for your time,

Victoria Katchen

April 6, 2019 letter - email
Environmental Program Manager, Community & Economic Development Department
ADAMS COUNTY, COLORADO
Colorado Division of Reclamation, Mining and Safety
Protest the amendment to permit application for Albert Frei and Sons, Inc. AFS- Bennett Pit M.L.R.B.
Permit #M-2001-038

May 13, 2019 letter - email
Adams Co Road Maintenance

Aug, 21, 2019
Speech at Colorado Division of Reclamation, Mining and Safety

August 30, 2019 letter -email
Community & Economic Development Department
ADAMS COUNTY, COLORADO
4430 South Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601
Conditional Use Permit application for AFS-Bennett Pit

Oct 4, 2019
Katie O'Keefe- Miles Beshar - email
Dust complaint, and truck on Provost Rd uncovered load.



Dust coming from Pit



Uncovered Truck on Provost Rd

Dust coming from trucks on 72nd.

June 22, 2020 letter-email
Jen Rutter and Greg Barnes

Conditional Use Permit application for AF
Planning Commissioners
ADAMS COUNTY, COLORADO

June 28th, 2020 emails to Jen Rutter, Greg Barnes, Mary Hodge, and Steve O'Doriso
Letter to Planning Commissioners about the Results of the public hearing on June 25th for the Henderson
Aggregate, Ltd.

From: Ray Gonzales
Sent: Monday, July 13, 2020 9:16 PM
To: Erica Hannah
Subject: FW: AFS gravel pit expansion in Bennett

For public record re tomorrow's land use hearing.

Raymond H. Gonzales
County Manager
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway
Brighton, CO 80601
Office: 720.523.6829 | Mobile: 720.556.4086
Adcogov.org

For additional COVID-19 related resources, visit the county's new response & recovery website.

From: Steve O'Dorisio <SODorisio@adcogov.org>
Sent: Monday, July 13, 2020 8:53 PM
To: Ray Gonzales <RGonzales@adcogov.org>
Subject: Fwd: AFS gravel pit expansion in Bennett

From: Victoria Katchen <vkatchen@yahoo.com>
Sent: Monday, July 13, 2020, 7:55 PM
To: Steve O'Dorisio; Eva Henry; Chaz Tedesco; Emma Pinter; Mary Hodge
Subject: AFS gravel pit expansion in Bennett

Please be cautious: This email was sent from outside Adams County
Dear Board of County Commissioners,

I am disappointed in the results of the public hearing on June 25th for the Henderson Aggregate, Ltd. I was shocked that no one was allowed to make any comments. Also the only letters read aloud were the ones with positive comments from Jerry Schumacher who has been an employee at the pit for the past 3 years, and Forest Colbeck that lives at 49950 72nd which is also a supervisor at the pit and lives in the house owned by Ben Frie (owner of the pit). Of course they think that the sand pit is a good neighbor, it is their livelihood. This is very unethical or (conflict of interest) that their comments were even taken into consideration and read aloud in front of the board.

Then there is the letter from Dave Lincoln, who was the previous owner of Bennett Sand and Gravel and profited specifically from the sale of the pit. He is not a resident in our neighborhood, he owns a office on the property he kept when he sold the pit to Henderson Aggregate,Ltd. Of course he only has good things to say, he profited from the sale and doesn't care about our neighborhood or the frustrations of living through the ever increasing road traffic, noise and mess created by the pit

and it's trucks on a daily basis.

Last but not least I am mostly disappointed in the operating hours that were approved. Monday thru Saturday 6:00 a.m. to 8:00 p.m. We deserve some quiet time from the truck traffic. Not just on a Sunday! I can understand once in a while extra hours might be needed to get a job done. But not regular operation.

Ben Frie has made attempts to work with us on different issues, and says he wants to be a good neighbor, but the bottom line is he is only interested in making money. Profits shouldn't outweigh the lives of neighbors living in stress and constant aggravation. A good neighbor doesn't cause constant noise, ever increasing danger from trucks speeding up and down our road, and not yielding for stop sign leaving the pit.

Please, consider all of this when you vote tomorrow.

Thank you for your time

Victoria Katchen
Mark Faber
7230 Provost Rd
Bennett, Co 80102
303-489-5596



**Board of County Commissioners
Minutes of Commissioners' Proceedings**

**Eva J. Henry - District #1
Charles "Chaz" Tedesco - District #2
Emma Pinter - District #3
Steve O'Dorisio - District #4
Mary Hodge - District #5**

**Tuesday
June 30, 2020
9:30 AM**

1. ROLL CALL

Present: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Hodge

2. PLEDGE OF ALLEGIANCE

3. MOTION TO APPROVE AGENDA

A motion was made by Commissioner O'Dorisio, seconded by Commissioner Hodge, that this Agenda be approved. The motion carried by the following vote:

Aye: 4 - Commissioner Henry, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Hodge

Absent: 1 - Commissioner Tedesco

4. AWARDS AND PRESENTATIONS

5. PUBLIC COMMENT

A. Citizen Communication

B. Elected Officials' Communication

6. CONSENT CALENDAR

A motion was made by Commissioner Tedesco, seconded by Commissioner Hodge, that this Consent Calendar be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter,
Commissioner O'Dorizio, and Commissioner Hodge

- A.** List of Expenditures Under the Dates of June 15-19, 2020
- B.** Minutes of the Commissioners' Proceedings from June 23, 2020
- C.** Resolution Regarding Defense and Indemnification of Victor Sandoval-Ramirez as a Defendant Pursuant to C.R.S. § 24-10-101, Et Seq.
(File approved by ELT)
- D.** Resolution Approving License Agreement for Riverdale Regional Park and Dragon Boat Festival
(File approved by ELT)
- E.** Resolution Approving Termination of Reverter Clause in Special Warranty Deed to the Adams County Housing Authority, d.b.a, Maiker Housing Partners (Previously Unison Housing Partners) for the Property Located at 7401 Broadway
(File approved by ELT)
- F.** Resolution Approving Abatement Petitions and Authorizing the Refund of Taxes for Account numbers R0038632, R0009081, R0104458, R0097254, R0079713, R0080065, R0103071, P0036294, P0028335, P0003253, R0097565, P0016786, and R0177691
(File approved by ELT)
- G.** Resolution Approving Community Development Block Grant Coronavirus Substantial Amendment to the 2019 Annual Action Plan
(File approved by ELT)
- H.** Resolution Approving Changes to the Adams County Workforce Development Board Bylaws
(File approved by ELT)
- I.** Resolution Approving Intergovernmental Agreement between the Board of County Commissioners of the County of Adams and 27J Schools
(File approved by ELT)
- J.** Resolution Approving Intergovernmental Agreement between the Board of County Commissioners of the County of Adams and Adams 12 Five Star Schools
(File approved by ELT)
- K.** Resolution Approving Intergovernmental Agreement between the Board of County Commissioners of the County of Adams and Tri-County Health Department
(File approved by ELT)

- L. Resolution Approving Intergovernmental Agreement between the Board of County Commissioners of the County of Adams and Adams County School District 14
(File approved by ELT)
- M. Resolution Approving Intergovernmental Agreement between the Board of County Commissioners of the County of Adams and Adams-Arapahoe 28J School District
(Aurora Public Schools)
(File approved by ELT)
- N. Resolution Approving Intergovernmental Agreement between the Board of County Commissioners of the County of Adams and Bennett School District 29J
(File approved by ELT)
- O. Resolution Approving Intergovernmental Agreement between the Board of County Commissioners of the County of Adams and Strasburg School District 31J
(File approved by ELT)
- P. Resolution Approving Intergovernmental Agreement between the Board of County Commissioners of the County of Adams and Westminster Public Schools
(File approved by ELT)
- Q. Resolution Approving Intergovernmental Agreement between the Board of County Commissioners of the County of Adams and Mapleton Public Schools
(File approved by ELT)

7. NEW BUSINESS

A. COUNTY MANAGER

1. Resolution Approving an Agreement between Adams County and HCL Engineering & Surveying, LLC, for Professional Engineering Services for Goat Hill: Irving Street to Hooker Street Project
(File approved by ELT)
A motion was made by Commissioner O'Doriso, seconded by Commissioner Tedesco, that this New Business be approved. The motion carried by the following vote:
Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Doriso, and Commissioner Hodge
2. Resolution Approving Amendment Two to the Agreement between Adams County and Elliott Auto Supply, Inc., d.b.a. Factory Motor Parts for Onsite Auto Parts and General Automotive Lubricant Services
(File approved by ELT)
A motion was made by Commissioner O'Doriso, seconded by Commissioner Tedesco, that this New Business be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter,
Commissioner O'Dorisio, and Commissioner Hodge

B. COUNTY ATTORNEY

1. Second Reading and Adoption of Ordinance No 15. Ordinance Regulating Marijuana Hospitality Businesses and Providing for Licenses for Such Businesses
(File approved by ELT)
A motion was made by Commissioner O'Dorisio, seconded by Commissioner Tedesco, that this New Business be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter,
Commissioner O'Dorisio, and Commissioner Hodge

8. LAND USE HEARINGS

A. Cases to be Heard

1. PRC2020-00002 Pecos Logistics Park
(File approved by ELT)
A motion was made by Commissioner Tedesco, seconded by Commissioner Hodge, that this Land Use Hearing be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter,
Commissioner O'Dorisio, and Commissioner Hodge

9. ADJOURNMENT

AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: July 14, 2020
SUBJECT: Development Agreement with BZ Properties, LLC
FROM: Jill Jennings Golich, Director, Community and Economic Development Department
AGENCY/DEPARTMENT: Community and Economic Development and Public Works Department
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the Development Agreement with BZ Properties, LLC for the public improvements of a new access driveway, sidewalk, and a drainage facility to support the development of a commercial warehouse at 6180 Broadway St.

BACKGROUND:

The applicant, BZ Properties, LLC, is requesting to enter into a Development Agreement with the County for the public improvements of a new access driveway on E 62nd Ave, sidewalk along Broadway Street, and onsite improvements to support the construction of a commercial warehouse building, parking area, and drainage facility. Cash-in-lieu will be supplied for public improvements to the E 62nd Ave right-of way. The development is located at 6180 Broadway Street. The subject Development Agreement is required to ensure that public improvements associated with the development are designed and constructed in conformance with County Development Standards and Regulations, and that cash-in-lieu is collected for proposed improvements to 62nd Ave. Exhibit “B” of the Development Agreement describes all of the required public improvements to support this development. Exhibit “C” of the Development Agreement describes public improvements for which cash-in-lieu is being paid.

The subject request is consistent with the requirement for approval of the Development Agreement. In addition, staff reviewed the Development Agreement and determined that the proposed improvements conform to the requirements outlined in Section 4-20-06-04 of the County’s Development Standard and Regulations. These Standards require a property owner of land abutting a constructed public right-of-way is responsible for the construction and maintenance of curb, gutter, and sidewalk along the right-of-way that is adjacent to the property under development. Maintenance of public right-of-way includes snow removal for pedestrian access.

The Department of Community and Economic Development also reviewed construction documents associated with the development. Final acceptance of the project is contingent upon approval of the Development Agreement.

As a requirement of the Development Agreement, the Developer will furnish to the County a performance bond, releasable only by the County, to guarantee compliance with this Agreement. Said collateral will be in the amount of \$185,341.31.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Community and Economic Development and Public Works Departments.

ATTACHED DOCUMENTS:

Development Agreement for BZ Properties, LLC

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/> <hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/> <hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

RESOLUTION APPROVING DEVELOPMENT AGREEMENT BETWEEN
ADAMS COUNTY AND BZ PROPERTIES, LLC

Resolution 2020-XXX

WHEREAS, it is provided by resolution of the Board of County Commissioners, County of Adams, that the Developer shall enter into a written agreement with the County prior to the installation of public and/or private improvements; and,

WHEREAS, BZ Properties, LLC (“Developer”), is owner of certain real property located at 6180 Broadway St, Denver CO 80216, Parcel Number 0182510100005; and,

WHEREAS, the County and the Developer desire to enter into a Development Agreement for Case Number SIA2020-00002 for public improvements and cash-in-lieu payment as more specifically described in the Development Agreement; and,

WHEREAS, the Adams County Community and Economic Development Department recommends approval of the attached Development Agreement with BZ Properties, LLC, for Case Number SIA2020-00002.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Development Agreement between Adams County and BZ Properties, LLC, a copy of which is attached hereto and incorporated herein by this reference, be approved.

BE IT FURTHER RESOLVED that the Chair of the Board of County Commissioners be authorized to execute said Agreement on behalf of the County of Adams, State of Colorado.

DEVELOPMENT AGREEMENT

THIS AGREEMENT is made and entered into by and between the County of Adams State of Colorado, hereinafter called "County," and BZ Properties, LLC located at 6180 Broadway St, Denver, CO 80216, hereinafter called "Developer".

The purpose of this Development Agreement is to specify certain public improvements to be constructed by the Developer as described in Exhibit "B" and to provide payment to the County for certain public improvements as described in Exhibit "C". These public improvements consist of sidewalk, curb and gutter, new asphalt, and curb ramps, as described in Exhibits "B" and "C".

WITNESSETH:

WHEREAS, Developer is the owner of real property in the County of Adams, State of Colorado, as described in Exhibit "A" attached hereto, and by this reference made a part hereof.

WHEREAS, it is provided by resolution of the Board of County Commissioners, County of Adams, that where designated the Developer shall have entered into a written agreement with the County to install public and private improvements as described in Exhibit "B".

WHEREAS, Developer shall provide the County cash-in-lieu rather than construct certain improvements as described in Exhibit "C".

NOW, THEREFORE, in consideration of the foregoing, the parties hereto promise, covenant, and agree as follows:

1. **Engineering Services.** Developer shall furnish, at its own expense, all engineering and other services in connection with the design and construction of the improvements described and detailed on Exhibits "B" and "C" attached hereto, and by this reference made a part hereof.
2. **Drawings and Estimates.** The Developer shall furnish all the necessary engineering documents, surveys, and drawings needed to design and construct the improvements described and detailed in Exhibits "B" and "C." Upon request, the Developer shall furnish one set of reproducible "as built" drawings and a final statement of construction costs to the County.
3. **Construction.** Developer shall furnish and construct, at its own expense and in accordance with the drawings and materials approved by the County, the improvements described in Exhibit "B". The improvements described and detailed on Exhibit "C" will be provided in escrow as cash-in-lieu.
4. **Time for Completion.** Improvements shall be completed according to the terms of this agreement and within the "construction completion date" appearing in Exhibit "B". The Director of Community and Economic Development Department may for good cause grant extension of time for completion of any part or all improvements appearing in said Exhibit

“B”. Any extension greater than 180 days may be approved only by the Board of County Commissioners. All extensions of time shall be in written form only.

5. **Payment of Cash-in-Lieu.** Developer shall furnish to the County a cash escrow deposit with sufficient funds to make all cash-in-lieu payments required pursuant to this agreement and Developer will furnish evidence of such cash escrow deposit to the County. Said cash escrow deposit shall be sufficient to satisfy the cost of the improvements described in Exhibit “C” in the amount of \$52,884.65.
6. **Guarantee of Compliance.** Developer shall furnish to the County a cash escrow deposit or acceptable collateral, releasable only by the County, to guarantee compliance with this Agreement for the improvements to be constructed as described in Exhibit “B”. Said collateral shall be in the amount of \$185,341.31 including twenty percent (20%) to cover administration and five percent (5%) per year for the term of the Agreement to cover inflation. Upon completion of said improvements constructed according to the terms of this Agreement, and Preliminary Acceptance by Adams County in accordance with section 5-02-05-01 of the County’s Development Standards and Regulations, the collateral shall be released. Completion of said improvements shall be determined solely by the County, and a reasonable part of said collateral, up to 20%, may be retained to guarantee maintenance of public improvements for a period of one year from the date of Preliminary Acceptance.

No Building or Construction Permits shall be issued until said collateral is furnished in the amount required and in a form acceptable to the Board of County Commissioners and until the Developer furnishes evidence of said cash escrow deposit described in Paragraph 5. No Certificate of Occupancy shall be issued until the improvements described in Exhibit “B” have been preliminarily accepted by the Department of Public Works.

7. **Acceptance and Maintenance of Public Improvements.** All improvements designated as “public” on Exhibit “B” shall be public facilities and become the property of the County or other public agencies upon acceptance. During the period of one year from and after the acceptance of public improvements, the Developer shall, at its own expense, make all needed repairs or replacement due to defective materials or workmanship which, in the opinion of the County, becomes necessary. If, within ten days of written notice to the Developer from the County requesting such repairs or replacements, the Developer has not undertaken with due diligence to make the same, the County may make such repairs or replacements at the Developer’s expense. In the case of an emergency such written notice may be waived.
8. **Successors and Assigns.** This agreement shall be binding upon the heirs, executors, personal representatives, successors, and assigns of the Developer, and shall be deemed a covenant running with the real property as described in Exhibit “A” attached hereto.
9. **Improvements and Conveyance.** The undersigned Developer hereby agrees to provide the following improvements, and to convey the described easement.

A. Improvements.

Public Improvements:

- a. The Developer shall construct sidewalk, curb and gutter along the section of Broadway adjacent to 6180 Broadway, Denver, CO 80216. An asphalt patch back to edge of existing asphalt shall extend 2 feet from the new gutter line. Asphalt to the centerline of Broadway will be milled and overlaid. Developer shall furnish and construct the “public” improvements detailed in Exhibit “B” in accordance with all County requirements and specifications.
- b. Cash-in-lieu will be provided for the following improvements: curb return at the intersection of Broadway and E 62nd Avenue; sidewalk, curb and gutter along the section of E 62nd Avenue adjacent to 6180 Broadway, Denver, CO 80216; curb ramps at Broadway & E 62nd Avenue intersection; driveway cut at E 62nd Avenue; new asphalt from gutter line to edge of existing asphalt. Developer shall provide cash-in-lieu for all improvements described and detailed in Exhibit “C”.

Private Improvements:

- c. The proposed extended detention basin (EDB) will detain stormwater from a 100-year event. On-site stormwater is conveyed to the EDB by gutter flow routed through curb cuts, a grass swale, and an area inlet with storm pipe discharging into the basin. The EDB will discharge to a roadside swale along E 62nd Avenue. Developer shall furnish and construct the “private” improvements detailed in Exhibit “B” in accordance with all County requirements and specifications.

B. Public dedication of Maintenance Access and Drainage Easement. Upon approval of this agreement by the Board of County Commissioners, the Developer hereby agrees to convey a maintenance access and drainage easement to the County to encompass the onsite detention facility and provide access to said facility as indicated in Section 9-01-11-03-01-07 of the Adams County Development Standards and Regulations..

Developer: **BZ Properties, LLC**

By: [Signature]
Manager

The foregoing instrument was acknowledged before me this 21st day of May,
2020, by Matthew Rauh V

My commission expires: 02/26/2022

Address: 1201 Lake Ave.
Berthoud, CO
80513

[Signature]
Notary Public



APPROVED BY resolution at the meeting of _____, 20__.

Collateral to guarantee compliance with this agreement and construction of public improvements shall be required in the amount of \$185,341.31. No Building or Construction Permits shall be issued until said collateral is furnished in the amount required and in a form acceptable to the Board of County Commissioners and until the Developer furnishes evidence of said cash escrow deposit in the amount of \$52,884.65. No Certificate of Occupancy shall be granted until the construction of the public improvements have been preliminarily accepted by Adams County Public Works Department.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

Clerk of the Board

Chair

EXHIBIT A

Legal Description: Beginning 30 feet east and 15 feet south of the Northwest corner, N2, SW4, NE4, Section 10 then South 188 feet, then east 319.5 feet, then north 188 feet, then west 319.5 feet M/L to beginning excluding road.

Basis of Bearings: Bearings are based on the north line of the north $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 10, Township 3 south, Range 68 west of the 6th P.M. the line is monumented on the west by the N $\frac{1}{16}$ of said north $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of $\frac{1}{16}$ by a 3 $\frac{1}{4}$ " aluminum cap and on the east by N $\frac{1}{16}$ by a 3 $\frac{1}{4}$ " aluminum cap. The line bears north 89°36'01" east.

Bench Mark: N $\frac{1}{16}$ C-C, Section 10 found 3 $\frac{1}{4}$ " aluminum cap in Range box stamped as: C.D.O.T. C N $\frac{1}{16}$ + S10 C 1999 PLS 25348. Elevation = 5197.24 feet.

EXHIBIT B

Public Improvements: Broadway St

<u>Description</u>	<u>Est. Quantity</u>		<u>Est. Unit Cost</u>	<u>Est. Construct. Cost</u>
SAWCUT ASPHALT	176	LF	\$ 6.65	\$ 1,170.40
ASPHALT REMOVAL	39	SQ YD	\$ 8.87	\$ 345.93
NEW ASPHALT	68	SQ YD	\$ 75.22	\$ 5,114.96
MILL ASPHALT	3,189	SF	\$ 1.21	\$ 3,858.69
CURB RAMP	15	SQ YD	\$ 195.33	\$ 2,929.95
SIDEWALK	70	SQ YD	\$ 93.51	\$ 6,545.70
CURB & GUTTER	126	LF	\$ 49.51	\$ 6,238.26
				\$ 26,203.89

Private Improvements: PlushGrass On-Site Drainage Improvements

<u>Description</u>	<u>Est. Quantity</u>		<u>Est. Unit Cost</u>	<u>Est. Construct. Cost</u>
CONCRETE	64	SQ YD	\$ 195.04	\$ 12,482.56
RIP-RAP	20	CY	\$ 107.40	\$ 2,148.00
INLET GRATE/BOX	1	EACH	\$ 6,141.00	\$ 6,141.00
3" PVC PIPE	59	LF	\$ 17.33	\$ 1,022.47
OUTLET BOX	1	EACH	\$ 21,878.00	\$ 21,878.00
EXCAVATION	253	CY	\$ 27.62	\$ 6,987.86
RETAINING WALL	385	LF	\$ 104.50	\$ 40,232.50
PUMPS	2	EACH	\$ 15,000.00	\$ 30,000.00
				\$ 120,892.39

Construction Completion Date: 12/01/2020


Initials or signature of Developer:


MATT RAUH

EXHIBIT C

Public Improvements: E 62nd Ave

<u>Description</u>	<u>Est. Quantity</u>		<u>Est. Unit Cost</u>	<u>Est. Construct. Cost</u>
CLEAR & GRUB	0.12	ACRE	\$ 7,387.12	\$ 886.45
SAWCUT ASPHALT	390	LF	\$ 6.65	\$ 2,593.50
ASPHALT REMOVAL	53	SQ YD	\$ 8.87	\$ 470.11
NEW ASPHALT	95	SQ YD	\$ 75.22	\$ 7,145.90
CURB RAMP	52	SQ YD	\$ 195.33	\$ 10,157.16
SIDEWALK	154	SQ YD	\$ 93.51	\$ 14,400.54
CURB & GUTTER	285	LF	\$ 49.51	\$ 14,110.35
CONCRETE CROSSPAN	16	SQ YD	\$ 195.04	\$ 3,120.64
				\$ 52,884.65

Initials or signature of Developer: 
MATT RAUH



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: July 14, 2020
SUBJECT: Resolution approving temporary construction easement agreement between Adams County and B&M Equipment Company, LLP, for temporary construction purposes necessary for the Dahlia Storm Drain Outfall Project
FROM: Kristin Sullivan, AICP, Director of Public Works Brian Staley, P.E., PTOE, Deputy Director of Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the temporary construction easement agreement.

BACKGROUND:

Adams County is in the process of acquiring a temporary construction easement for the construction and installation of a storm drainpipe, pedestrian and vehicular ingress and egress for the Dahlia Storm Drain Outfall Project. Attached is a copy of the temporary construction easement agreement between Adams County and B&M Equipment Company, LLP, for the grant of the easement. The attached resolution allows the County to approve the temporary construction easement needed for construction purposes.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works, Office of the County Attorney and Adams County Board of County Commissioners.

ATTACHED DOCUMENTS:

Draft resolution
Temporary Construction Easement agreement

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/> <hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/> <hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING TEMPORARY CONSTRUCTION EASEMENT AGREEMENT
BETWEEN ADAMS COUNTY AND B&M EQUIPMENT COMPANY, LLP,
FOR TEMPORARY CONSTRUCTION PURPOSES NECESSARY
FOR THE DAHLIA STORM DRAIN OUTFALL PROJECT

WHEREAS, Adams County is in the process of acquiring an additional temporary construction easement for the Dahlia Storm Drain Outfall Project; and,

WHEREAS, this easement is a portion of 7901 Highway 85, also known as Lot 5 Block 1 of Gold Acres Industrial Park, located in the North Half of the Northeast Quarter of Section 31, Township 2 South, Range 67 West of the 6th Principal Meridian, County of Adams, State of Colorado, and owned by B&M Equipment Company, LLP, (“B&M”); and,

WHEREAS, Adams County requires an easement over certain B&M property for the construction and installation of a storm drainpipe, pedestrian and vehicular ingress and egress; and,

WHEREAS, B&M is willing to grant an easement to Adams County under the terms and conditions of the attached Temporary Construction Easement Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Temporary Construction Easement Agreement between Adams County and B&M Equipment Company, LLP, a copy of which is attached hereto and incorporated herein by this reference, be and hereby is approved.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to execute said Temporary Construction Easement on behalf of Adams County.

TEMPORARY CONSTRUCTION EASEMENT

THIS AGREEMENT, is made and entered into by and between B&M Equipment Company, LLP, a Colorado limited liability partnership, whose address is 7901 Highway 85, Commerce City, Colorado 80022 ("**Owner**"), and the County of Adams, State of Colorado, a body politic, whose address is 4430 South Adams County Parkway, Brighton, Colorado 80601 ("**County**");

WITNESS, that for other good and valuable considerations, the receipt and sufficiency of which is hereby confessed and acknowledged, Owner does hereby grant unto County and its contractors, a temporary construction easement (the "**Easement**") over the following property, to wit:

Easement Area. The legal description as set forth in **Exhibit "A"** attached hereto and incorporated herein by this reference, which is a legal description of a portion of property which is owned by Owner and referred to herein as the "**Easement Area**" on which County intends to construct and install a stormwater drainage pipe (the "**Stormwater Pipe Improvements**") for the Dahlia Storm Drain Outfall Project (the "**Outfall Project**").

Purpose of Easement. This Easement is for the purpose of County's construction of the Stormwater Pipe Improvements in the Easement Area, as well as for pedestrian and vehicular ingress and egress to, from and within the Easement Area to the extent necessary to construct the Outfall Project (the "**Easement Activities**"). The Easement Activities and any and all work related to the same, the Stormwater Pipe Improvements and the Outfall Project shall be done at the sole cost and expense of County.

Term. Irrespective of the date of execution in the signature pages that follow, the Easement will begin on the date County enters the Easement Area to commence the Easement Activities and will terminate at the conclusion of the Easement Activities or on November 1, 2020, whichever is sooner (the "**Easement Term**"). At the end of the Easement Term, all rights granted under the Easement are released and the Easement Area shall be considered free and clear of this Easement.

Compliance with Applicable Laws. In further consideration of the granting of the Easement, it is hereby agreed that the construction of the Stormwater Pipe Improvements shall be done in a good, workmanlike manner and in accordance with sound engineering and construction practices and all applicable federal, state, county and municipal laws, rules, regulations, orders, permits, requirements and approvals (collectively, "**Applicable Laws**").

In connection with the Easement Activities and County's and its contractors' entry upon the Easement Area, County shall comply with, and shall ensure that all of its contractors comply with, any and all Applicable Laws including, without limitation, any Applicable Laws pertaining to environmental regulation, contamination, cleanup or disclosure ("**Environmental Laws**") and any Applicable Laws pertaining to substances, materials or waste, the generation, handling, storage, treatment or disposal of which is regulated by any Environmental Laws as a "hazardous waste," "hazardous material," "hazardous substance," "pollutant" or "contaminant" and,

including, without limitation, petroleum products and byproducts, PCBs and asbestos ("**Hazardous Materials**").

County shall perform, at its sole cost and expense, any and all environmental remediation or cleanup which is necessary as a result of County's violation of the foregoing obligations.

No Liens. County shall not cause or permit any liens or encumbrances to attach to or encumber all or a portion of the Easement Area or other adjacent property owned by Owner as a result of construction of the Outfall Project including, without limitation, the Stormwater Pipe Improvements or any other Easement Activities.

Obligation to Protect from Damage. Except to the extent necessary in order to construct the Stormwater Pipe Improvements, County shall protect the Easement Area from damage caused in whole or in part by acts or omissions of County or its contractors and clean, cure, repair and correct any such damage to any elements of the Easement Area.

Obligation to Restore. Upon the expiration of the term, County shall restore the Easement Area to the condition of the same, or as close thereto as possible, which existed immediately prior to County's entry thereon. County shall utilize the Easement and perform the Easement Activities in such a manner so as to avoid any material interruption of or interference with property which is adjacent to the Easement Area and owned by Owner.

Liability Insurance. During the Term, County shall obtain and maintain in full force and effect, and cause its contractors to obtain and maintain in full force and effect, commercially reasonable liability insurance with respect to the Easement Area and Easement Activities in commercially reasonable types and amounts, considering the nature of the Easement Activities.

Liability. County shall be solely liable for any and all claims, demands, costs, losses, liabilities and expenses caused by County or its contractors in connection with, arising under, or related to, the Easement Activities, the Easement or County's and its contractors entry upon, and use of, the Easement Area. The provisions of this paragraph shall survive the expiration of the term.

No Recording. County and Owner acknowledge and agree that in no event shall the Easement or any memorandum or evidence thereof be recorded.

No Other Beneficiaries. Nothing contained herein is intended as a dedication, grant or reservation to the general public, public at large, or any member of the general public, or any third-party, it being understood that the Easement is for the exclusive benefit of County and its contractors.

No Oral Amendments or Waivers. The Easement may not be amended, nor will any breach or default be deemed waived hereunder, except by a written instrument signed by County and Owner.

Severability. In the event any clause, sentence or any portion of the terms, conditions, covenants and provisions of the Easement are deemed illegal, null or void by a court of competent

jurisdiction, the remaining portions of the Easement shall remain in full force and effect.

Descriptive Headings. The descriptive paragraph headings included herein are for reference purpose only and shall not affect the meaning or interpretation of the text of this Easement.

[Signature pages and Exhibit A follow]

B & M Equipment Company, LLP
a Colorado limited liability company

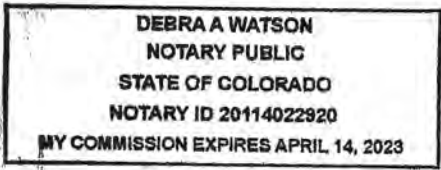
By: *Bruce William Goldberg*
Name: Bruce William Goldberg
Title: Partner
Date: _____

STATE OF Colorado)
) §
COUNTY OF Adams)

The foregoing instrument was acknowledged before me this 28th day of May,
2020, by Bruce William Goldberg as Partner of B&M Equipment Company, LLP, a Colorado
limited liability partnership.

Witness my hand and official seal.

My commission expires: April 14, 2023



Debra A Watson
Notary Public

Board of County Commissioners
Adams County, Colorado

Chair

Date

ATTEST:
Clerk and Recorder

Approved as to form:

Clerk/Deputy Clerk

Adams County Attorney's Office

EXHIBIT "A"

**TEMPORARY CONSTRUCTION EASEMENT
FROM B & M EQUIPMENT COMPANY
TO
THE COUNTY OF ADAMS, STATE OF COLORADO**

Legal Description

Being a portion of Lot 5 Block 1 as shown in Gold Acres Industrial Park, a Subdivision recorded on July 27, 1993 in File No. 17 Map No. 154 Reception No. B1160643 and all of the parcel of land being a portion of the vacated right-of-way of East 78th Avenue as recorded on January 10, 1992 in Book 3854 Page 866, both of the records in the Office of the Clerk and Recorder of Adams County, Colorado, located in the North Half of the Northeast Quarter of Section 31, Township 2 South, Range 67 West of the 6th Principal Meridian, being more particularly described as follows:

Commencing at the North One-Quarter Corner of said Section 31, from which the East One-Sixteenth Corner between Section 30 and said Section 31, bears North 89°52'00" East, a distance of 1,315.52 feet; thence South 06°00'50" East, a distance of 1,307.77 feet to most Southwesterly Corner of said Lot 5 Block 1 and the Point of Beginning:

Thence along the Northwest line of said Lot 5 Block 1, the following four (4) courses and distances:

Thence North 42°52'20" East, a distance of 242.31 feet;

Thence North 81°31'50" East, a distance of 64.00 feet;

Thence North 42°52'20" East, a distance of 299.90 feet;

Thence perpendicular from said Northwest line, South 47°07'40" West, a distance of 5.00 feet to point on a line 5.00 feet parallel and Southeasterly of Northwest line of said Lot 5 Block 1;

Thence along a line 5.00 feet parallel and Southeasterly of Northwest line of said Lot 5 Block 1 the following three (3) courses and distances:

Thence South 42°52'20" West, a distance of 301.65 feet;

Thence South 81°31'50" West, a distance of 64.00 feet;

Thence South 42°52'20" West, a distance of 235.84 feet to a point on the Southeast line of said Lot 5 Block 1, said line being coincident the Northerly line of said vacated right-of-way of East 78th Avenue;

Thence along the Northerly, Southeasterly, Southerly, and Northwesterly lines of said vacated right-of-way of East 78th Avenue the following five (5) courses and distances:

Thence North 89°32'38" East, a distance of 20.59 feet;

Thence South 42°52'20" West, a distance of 41.24 feet;

Thence South 89°32'34" West, a distance of 96.20 feet;

Thence North 42°52'20" East, a distance of 41.24 feet;

Thence North 89°32'38" East, a distance of 68.73 feet to the Point of Beginning.

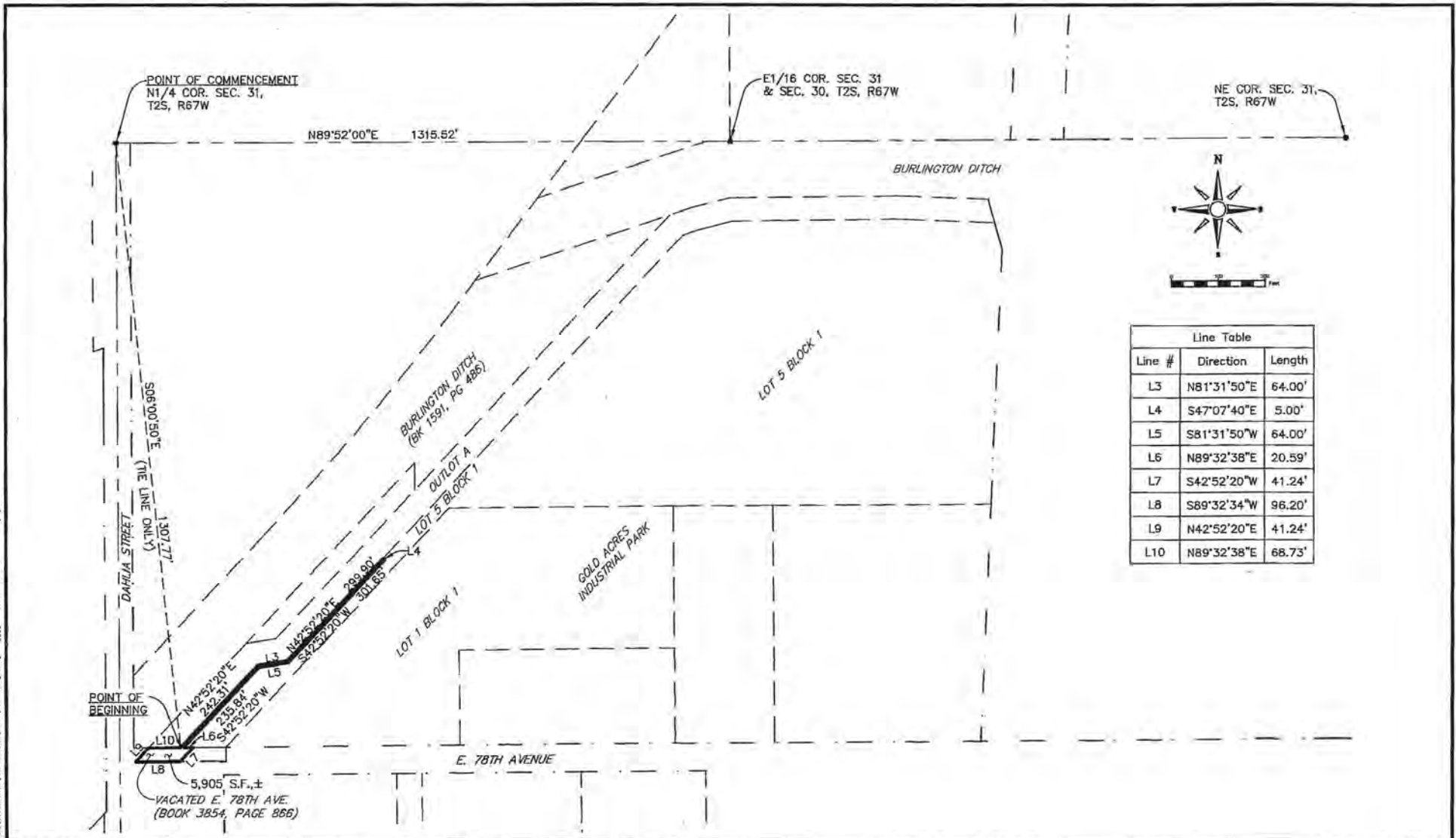
Containing: 5,905 square feet or 0.140 acres, more or less.

Legal description prepared by:

Ian Cortez, PLS
Colorado Professional
Land Surveyor No. 32822
For and on behalf of:
Adams County, Colorado

Exhibit "B" attached and hereby made a part thereof.


FILE PATH: c:\Users\corde\Documents\Projects\BHM\1042.dwg - 444 - 11:08 AM - 4/7/2020



Line Table		
Line #	Direction	Length
L3	N81°31'50"E	64.00'
L4	S47°07'40"E	5.00'
L5	S81°31'50"W	64.00'
L6	N89°32'38"E	20.59'
L7	S42°52'20"W	41.24'
L8	S89°32'34"W	96.20'
L9	N42°52'20"E	41.24'
L10	N89°32'38"E	68.73'

Print Date: 1/29/2020
 File Name: BHM_TCE#2.DWG
 Horiz. Scale: HORIZSCALE
 Vert. Scale: -

Sheet Revisions		
Date	Comments	Init.
4/7/20	Removed CDOT Parcel	IC


ADAMS COUNTY
 COLORADO

PUBLIC WORKS
 4430 S. ADAMS COUNTY PARKWAY
 BRIGHTON, CO 80601
 720-523-8875

As Constructed
 No Revisions:
 Revised:
 Void:

Exhibit "B" Temp. Construction Easement #2			
Designer:	IC	Structure	-
Detailer:	IC	Numbers	-
Sheet Subset:	ROW	Subset Sheets:	1 of 1

Project No./Code
 30561604
Sheet Number
 1



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: July 14, 2020
SUBJECT: Abatement Hearings held on June 3, 2020
FROM: Meredith P. Van Horn, Assistant Adams County Attorney
AGENCY/DEPARTMENT: County Attorney
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the recommendations of the June 3, 2020, Abatement Hearing Officer.

BACKGROUND:

On June 3, 2020, the Abatement Hearing officer convened to conduct real property tax abatement hearings for abatement petitions received concerning tax years 2017, 2018, and 2019. The summary findings and recommendations of the Hearing Officer are attached hereto for approval and adoption.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Assessor's Office

ATTACHED DOCUMENTS:

Resolution
Summary Findings and Recommendations of the Abatement Hearing Officer

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

RESOLUTION ADOPTING HEARING OFFICER'S RECOMMENDATIONS FOR
DECISION REGARDING PROPERTY TAX ABATEMENT PETITIONS

WHEREAS, pursuant to C.R.S. § 39-1-113 (1) and (1.7), the Adams County Board of County Commissioners is to hold hearings and make decisions on petitions for property tax abatement; and,

WHEREAS, the Hearing Officers duly appointed by the Adams County Board of County Commissioners in compliance with C.R.S. § 39-1-113(1) conducted property tax abatement hearings on June 3, 2020; and,

WHEREAS, the Hearing Officers have made findings and prepared recommendations to the Board of County Commissioners for consideration and final decision; and,

WHEREAS, those findings and recommendations are attached hereto as Exhibit A and are incorporated by reference as though fully set forth.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the decisions set forth in the abatement hearing summary attached hereto as Exhibit A are hereby adopted and confirmed.

BE IT FURTHER RESOLVED, that letters of decisions be mailed to the petitioners or their designated agent.

RESOLUTION RATIFYING ADAMS COUNTY VARIANCE REQUEST FROM
COVID-19 EXECUTIVE AND PUBLIC HEALTH ORDERS FOR GAYLORD ROCKIES
RESORT AND CONVENTION CENTER

WHEREAS, Governor Polis issued Executive Order D 2020 003 on March 11, 2020, declaring a disaster emergency in Colorado due to the presence of COVID-19. Since that time, the Governor has taken numerous steps to implement measures to mitigate the spread of disease within Colorado, and has further required that several public health orders be issued to implement his orders; and,

WHEREAS, Executive Order D 2020 044 authorizes transitioning from a stay at home model, as described in Executive Order D 2020 017 and Public Health Order 20-24 as amended, to a Safer at Home model; and,

WHEREAS, any Colorado county may request a variance from the Colorado Department of Public Health and Environment authorizing implementation of an alternative COVID-19 suppression plan that differs from part or all the requirements of Executive Order D 2020 044 or the Sixth Amended Public Health Order 20-28, Safer at Home; and,

WHEREAS, the variance request must include an alternative COVID-19 suppression plan endorsed by the local public health agency and adopted by the county commissioners, in addition to verification from local hospitals that they have the capacity to serve all people needing their care; and,

WHEREAS, the Adams County Board of County Commissioners (the "Board") determines and declares that seeking a variance for Gaylord Rockies Resort and Convention Center from the current State of Colorado public health orders will further the interests of Adams County and its citizens while balancing the need to protect our citizens from the virus; and,

WHEREAS, the Board submitted a variance request for Gaylord Rockies Resort and Convention Center to the Colorado Department of Public Health and Environment ("CDPHE") on June 17, 2020; and,

WHEREAS, CDPHE approved variance request with amendments on June 26, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the variance request from the State of Colorado from part of the requirements of Executive Order D 2020 044 and the Sixth Amended Public Health Order 20-28, Safer at Home, a copy of which is attached hereto, is hereby ratified.

BE IT FURTHER RESOLVED, that the State of Colorado's approval of the variance request, including amendments to the request, attached hereto, is accepted and approved.



June 26, 2020

Eva J. Henry, Commissioner
Charles Tedesco, Commissioner
Emma Pinter, Commissioner
Steve O-Dorisio, Commissioner
Mary Hodge, Commissioner
Adams County Board of County Commissioners
4430 S. Adams County Parkway
Brighton, CO 80601

RE: Adams County Variance Request from portions of **Public Health Order 20-28**

Dear Commissioners:

Thank you for your application to the Colorado Department of Public Health and Environment (CDPHE) of a variance request to portions of **Public Health Order 20-28 Safer at Home**. I have had an opportunity to review your request for variances regarding the Gaylord Rockies Resort and Convention Center (Gaylord), specifically concerning indoor gatherings, restaurants, and indoor and outdoor pools. This variance approval is limited to the requests associated with the Gaylord; in all other respects the requirements of the Safer at Home Public Health Order 20-28, as amended, remain in effect.

As stated in Appendix G to PHO 20-28, when reviewing a variance request, we evaluate the current prevalence of COVID-19 in the jurisdiction, including whether cases are increasing, stable, or decreasing. In reviewing Adams County's current status with respect to the COVID-19 pandemic, we note that the county has had 4,058 cases to date, with 366 of those cases occurring in the last two weeks, which is a two week incidence of 72 per 100,000 (high level). However, Adams County has an average percent positivity rate over the past two weeks of 5.05%, which places Adams County in the "medium" variance category - see [here](#) for more information. Your application describes a strong public health system in Adams County, with effective disease investigation and surveillance, and partnership with local hospitals that have the capacity to provide care to ill individuals.

Your variance request is for all of the following:

- Allow 30% occupancy or up to 449 people in Gaylord meeting rooms
- Allow 50% occupancy or 250 people in Gaylord restaurants
- Allow 50% occupancy up to 125 people in indoor pools and 250 people in outdoor pools

Adams County Variance
June 26, 2020

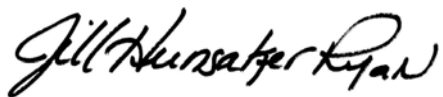
Your variance requests are approved as amended below:

- The medium variance approval allows for all indoor and outdoor spaces, in order to achieve 6 feet distancing, at 50% of the posted occupancy code ensuring a minimum 28 square feet per person not to exceed more than 100 people gathered in a confined indoor space at any given time, and not to exceed 175 in an outdoor space.
- In all of the settings at the Gaylord for which you have applied for a variance, these limits apply.

This variance approval is granted based on the facts and circumstances today as you have described them in your request. If the county were to exceed a percent positivity of 10%, notify CDPHE and then implement a mitigation plan for 2 weeks to try and restore virus transmission levels to the baseline under which the variance was approved. If after 2 weeks the levels are not restored, then the capacity limits are automatically adjusted to the maximum of the new level (low goes to medium, medium goes to high). Additionally, we note that cases and percent positivity in Adams have very recently increased, and we will be monitoring to determine if continuation of the variance at the medium level is warranted. CDPHE reserves the right to modify or rescind this variance approval as circumstances warrant. This approval is in effect until the final expiration of PHO 20-28, which will be extended in some capacity beyond the current expiration date of June 30, 2020.

I appreciate your thoughtful approach to these challenging issues and wish you all the best in your continuing efforts to ensure that Adams County residents are safe and healthy as we deal with this global pandemic. Adams County is a valued partner, and we are available to answer any questions and work with you on these matters. Please give me a call if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jill Hunsaker Ryan". The signature is written in a cursive, flowing style.

Jill Hunsaker Ryan, MPH
Executive Director



COLORADO
Department of Public
Health & Environment

Application for Variance

Name of County: Adams County

Name of Submitter: Raymond H. Gonzales

Phone Number of Submitter: 720-523-6829

Email of Submitter: RGonzales@adcogov.org

Adams County requests a variance from the following restrictions in Executive Order D 2020 044 and/or Public Health Order 20-28.

List the sections of Executive Order D 2020 044 and/or Public Health Order 20-28 that a variance is being sought for:

1. Section I.J.1, Indoor Gatherings, to allow for meetings of more than 10 people at the Gaylord Rockies Convention Center.
2. Section II.C.1, Restaurants, to allow Gaylord Rockies Resort restaurants to open to more than 50 people.
3. Section I.H.2.b, Outdoor Swimming Pools; and,
4. Section I.H.2.d, Indoor Pools, to allow for Gaylord Rockies Resort to open pool areas to more than 50 people.

Summarize alternate restrictions being proposed to replace the above-referenced restrictions and indicate where in the Plan these alternate restrictions are addressed:

Please refer to Attachments F, G, and H, for setting type-specific alternate restrictions and Item #5, Gaylord Rockies Resort & Convention Center Colorado Variance Application (uploaded), of the attached Adams County COVID-19 Suppression Plan ("Suppression Plan").

Upload your county COVID-19 Suppression Plan and documentation demonstrating approval by the county commissioners, and confirmation from all impacted local hospitals that they can serve all individuals needing their care. Provide a brief summary of each of the following elements contained in the county COVID-19 Suppression Plan and indicate where in the Plan more information can be found for each element.

1. Prevalence of COVID -19 within the county

The number of confirmed cases within Adams County has been in a steady decline since a peak in early May 2020. Daily COVID-19 related hospitalizations also continue to decline. See page 2 of the attached Suppression Plan for more detailed information.

2. Hospital Capacity

There are five hospitals located within Adams County with existing capacity to serve individuals seeking care for COVID-19 related illness. See Item #1 of the attached Suppression Plan for hospitals within Adams County and Attachment C, hospital letters of support attesting to existing capacity.





3. Local containment measures

There are four main containment measures that will enable the county to rapidly detect and contain any suspected outbreak that may occur under the variance. Item #3 of the attached Suppression Plan provides detailed information on each of these measures.

4. Conditions to determine the variance is not providing adequate COVID-19 protection and the triggers for tightening restrictions.

Please see item #4 of the attached Suppression Plan for detailed information.

 Confirm that the variance requested does not lessen or eliminate the protections for Vulnerable Individuals in the Safer at Home Order and PHO 20-28.

 Confirm that the county will collect and monitor data to evaluate the impacts of the variance. and make such data available upon request by CDPHE.

Additional information relevant to the requested variance

By signing below, I attest that I am authorized pursuant to the adoption of the COVID-19 Suppression Plan by the Board of County Commissioners to submit this variance request to CDPHE for consideration.

DocuSigned by:



1079C6526EEE460

2020-06-17

Signature

Date



Attachment A – Adams County Suppression Plan

The June 2020 Adams County Suppression Plan is designed to be a dynamic document that can be modified as time progresses, additional data becomes available, and the impacts of decisions to change and reopen economic avenues are measurable. This suppression plan is comprised of the following components:

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Attachment A – Adams County Suppression Plan	1
#1 Prevalence of COVID-19 within Adams County.....	2
#2 Hospital Capacity	5
#3 Local Containment Measures	6
#4 Conditions to Determine the Variance Is Not Providing Adequate COVID-19 Protection and Triggers for Tightening Restrictions	10
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Attachment B – BOCC Approval Letter.....	12
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Attachment F – Gaylord Rockies Indoor Meeting Events Variance Request	26
Attachment G – Gaylord Rockies Restaurants Variance Request	28
Attachment H – Gaylord Rockies Indoor and Outdoor Pools Variance Request	30



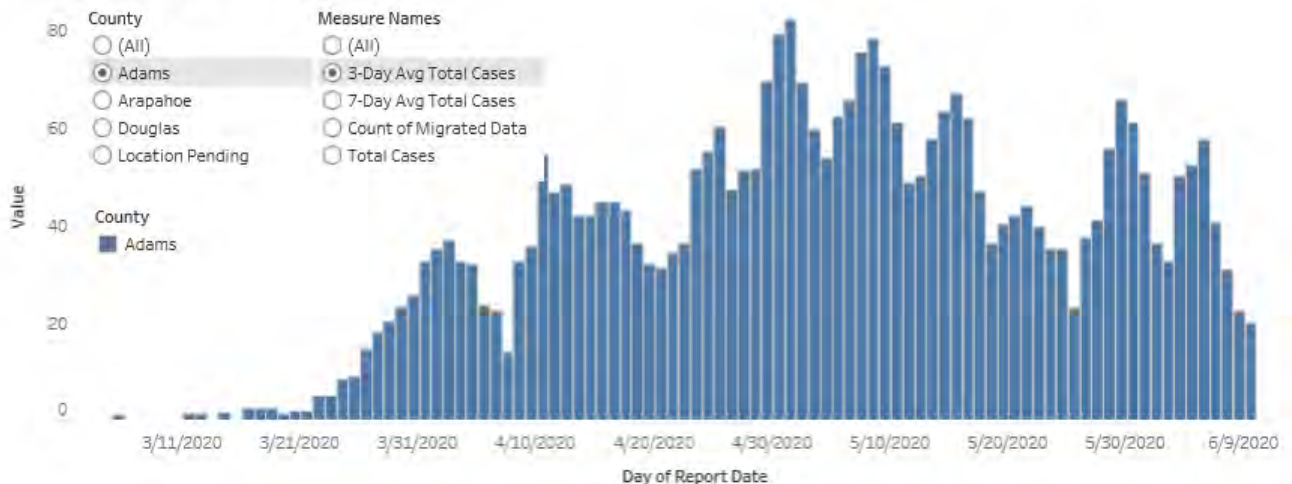
#1 Prevalence of COVID-19 within Adams County

Adams County is the fifth-most populous county in the State of Colorado, with a total population of 503,375 (2019). Adams County contains eight (8) municipalities and two (2) towns and has a population of 98,281 (2019) living within unincorporated areas of the county. The county borders extend 17 miles from north to south at its widest point and 72 miles from east to west for a total of 1,184 square miles. The majority of the land in the county is rural unincorporated. The western-most portion of the county is heavily urbanized and is part of the larger Denver Metro Area.

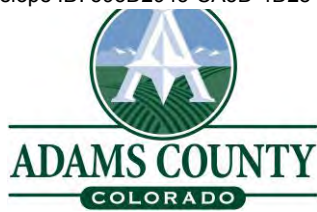
As of June 12, 2020, per Tri-County Health Department (TCHD) case data, there have been 3,698 confirmed COVID-19 cases in Adams County. These cases are distributed relatively proportionally to population in the municipalities and unincorporated areas across the county. At 770 confirmed cases, the portion of the City of Aurora located within Adams County has the highest number of cases within the county. Unincorporated areas of Adams County account for 567 confirmed cases while the remaining municipalities within Adams County have a combined total of 2,145 confirmed cases. According to CDPHE Outbreak data, as of June 3, 2020, nearly 25% of confirmed cases are associated with outbreaks in Skilled Nursing and Assisted Living Facilities (15%) and Food Manufacturing Facilities (10%) located within Adams County. Although Adams County contains the third highest number of cases in the State, there has been a decreasing trend in daily case numbers since cases peaked at the end of April and early May, as indicated in the graph below from TCHD. Since the lifting of the Stay-at-Home Order on May 8, 2020, the rolling 3-day average of confirmed cases in Adams County has continued to steadily decline.

Moving 3-Day Average Confirmed Cases

Daily COVID-19 Cases by County

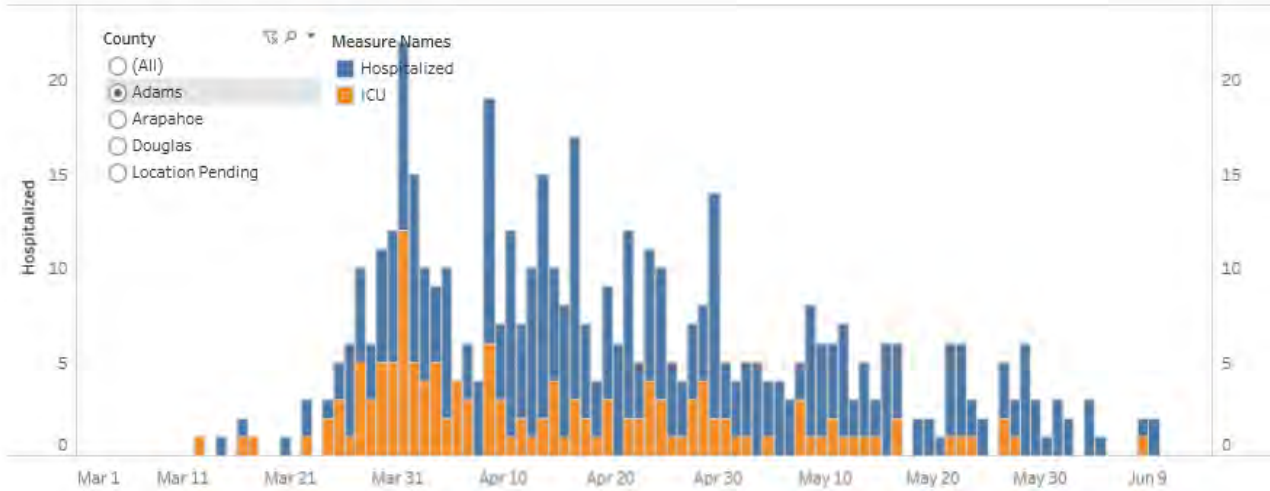


Roughly 20,899 COVID-19 tests have been administered within Adams County communities revealing a 15% positive test rate. As of June 10, 2020, 0.62% of the total population of Adams County of 503,375 have tested positive for COVID-19. There has been no sustained surge in the number of cases requiring hospitalization as a result of COVID-19 and Adams County citizens performed well in compliance with the Stay-At- Home order. The following graphs illustrates

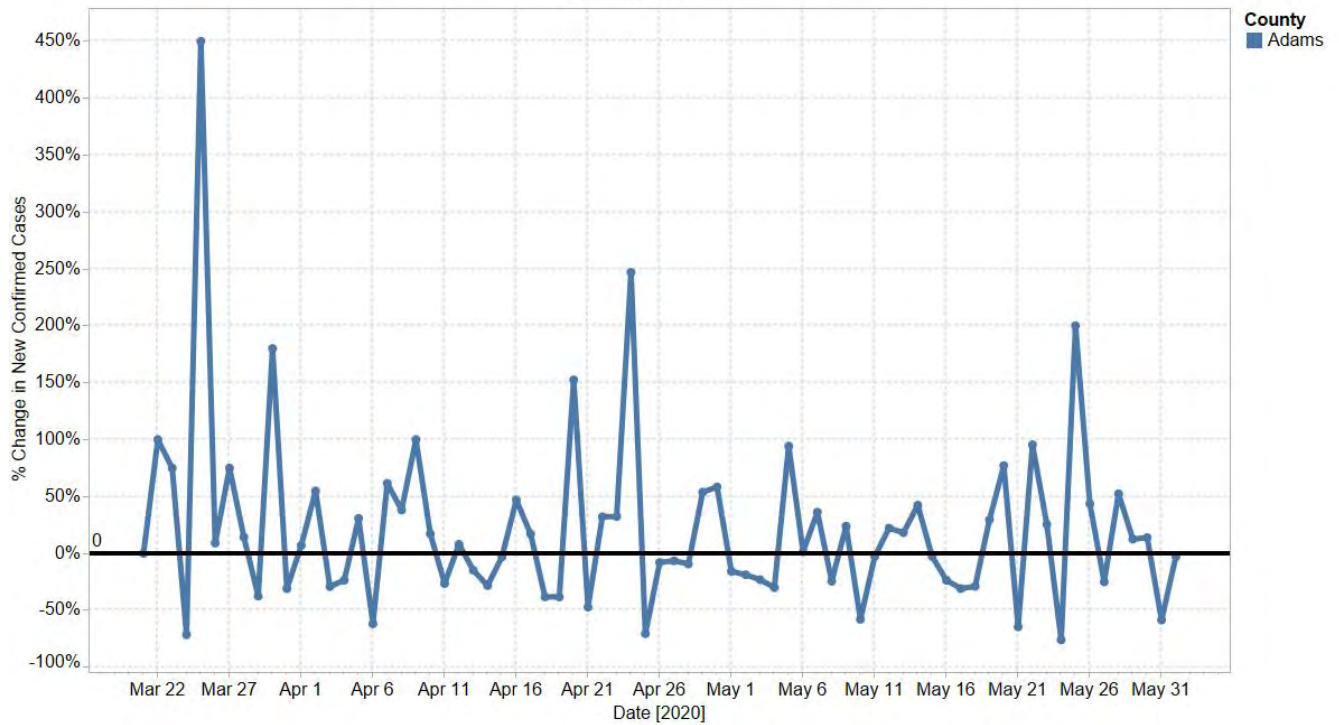


the recent trends of COVID-19 hospitalizations and new confirmed cases related to COVID-19 in Adams County.

Adams County Daily COVID-19-related Hospitalizations



Percent Change in New Confirmed Cases of COVID-19





The County Commissioners conduct regular COVID-19 updates throughout the week and receive a weekly COVID-19 situation report from the County Manager who receives new information during daily briefings held with Tri-County Health Department (TCHD). Additionally, the Adams County COVID-19 dashboard monitoring confirmed case counts and hospitalizations is maintained with TCHD data on the dedicated [AdamsCountyCOVID.org](https://www.adamscountyco.org/COVID-19) website. The County will continue to collect and monitor data from TCHD and CDPHE to evaluate the impacts of the variance and will immediately respond to threshold increases in accordance with TCHD and CDPHE.



#2 Hospital Capacity

There are five hospitals located within Adams County:

1. University of Colorado Anschutz Medical Campus – 13001 East 17th Place, Aurora, CO 80045
2. North Suburban Medical Center – 9191 Grant St, Thornton, CO 80229
3. Platte Valley Medical Center – 1600 Prairie Center Pkwy, Brighton, CO 80601
4. Children’s Hospital – 13123 E 16th Ave, Aurora, CO 80045
5. St. Anthony’s North - 14300 Orchard Pkwy, Westminster, CO 80023

See Attachment C for the letters and affirmations from the hospitals regarding the existing ability to serve individuals seeking care from a hospital in Adams County.



#3 Local Containment Measures

Local containment measures fundamental to this suppression plan include:

- Contact Tracing
- Diagnostic Testing
- Early Warning System
- Personal Responsibility

Contact Tracing

The implementation of diagnostic testing coupled with contact tracing is essential to the prevention of community spread. The Tri-County Health Department (TCHD) epidemiologists continue to investigate COVID-19 cases to control and prevent the spread of illness to others. The TCHD public health professionals are working closely with CDC, CDPHE, and other local county and municipal partners to respond to the situation carefully and share information. The TCHD has a strong infectious disease surveillance system in place that also leverages local partnerships with hospitals and clinics. They are committed to identifying cases quickly and responding to them effectively. TCHD is in the process of expanding the Operations Section in the Incident Management Team and planning to create up to 33 Contact Tracing Teams. These teams will be filled using internal TCHD staff, volunteers, and contracted staff, as needed, and as determined by number of positive cases reported to the health department.

In support of this effort to ramp up case detection, the TCHD will focus the Contact Tracing Teams' capacity to follow up on any COVID-19 positive result by PCR (polymerase chain reaction) testing. The TCHD provides updated information and resources about testing on its website and is helping to facilitate connections between Adams County and testing partners. Adams County is able to acquire more testing kits through the CDPHE streamlined ordering system.

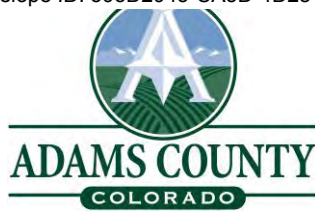
Business Specific Measures:

Gaylord Rockies Resort and Convention Center will work closely with TCHD to establish a system for rapid detection of potential COVID-19 cases and full cooperation during case investigation and contact tracing efforts.

The geographic location of the Gaylord Rockies Resort and Convention Center and expected usage is likely to preclude transmission from patrons to the larger Adams County resident population. Employees will participate in mandatory PPE and COVID-19 control measure program, as well as stringent screening protocols that promote self-reporting of symptoms or illness.

Diagnostic Testing

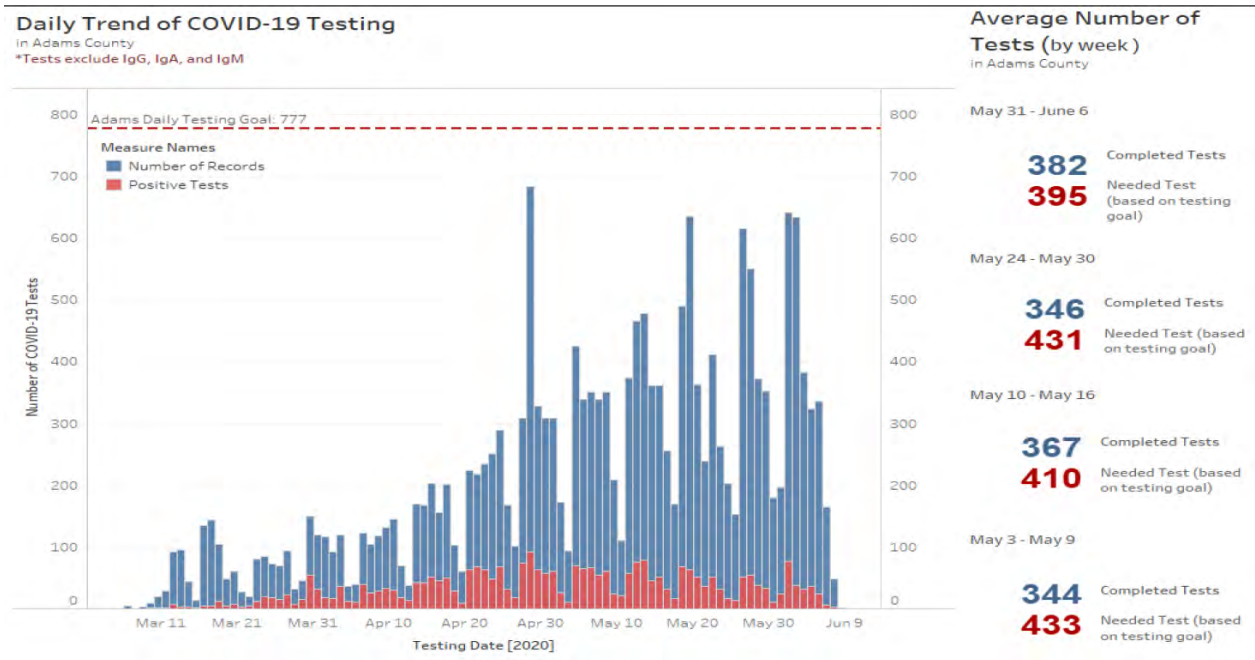
As testing supplies and personal protective equipment become more readily available and the number of testing sites increases, interpersonal transmission within Adams County from a known infected individual can be greatly reduced. By increasing community-testing options those who have contracted the virus can be diagnosed, isolated and receive any treatment deemed necessary. Symptomatic citizens can be tested at Adams County's hospitals and dozens of clinics. There are



also clinics who will test individuals who have simply been exposed to those who have tested positive or who have traveled recently. Local testing capacity is continuing to increase tremendously to those who are both symptomatic and asymptomatic. Adams County is also collaborating with TCHD staff to identify and leverage existing sites with unused capacity to ramp up testing efficiently. Currently, Adams County and TCHD have leveraged partnerships with the following clinics and agencies to provide additional testing locations to residents throughout the county:

- Salud locations in Commerce City, Brighton, and Aurora
- Walgreens in Thornton
- Thornton Fire Department: 2 testing sites each providing 300 tests/week
- Walmart at 72nd and Sheridan
- Denver Pepsi Center: testing asymptomatic individuals
- University Hospital: general public outpatient testing sites

To date, 20,899 tests for COVID-19 have been administered within Adams County with 3,111 positive tests equating to roughly a 15% positive test rate. Additionally, Tri-County Health Department is using a study by Harvard which established recommendations for each state and the appropriate level of testing. A workgroup of the Denver Metro public health agencies developed a document that outlined each county’s levels based on Harvard’s recommendations. The document utilized a methodology which divided the tests by the population and then allocated that number of tests to each county based on population. The following graphic from Tri-County Health Department shows the total tests within Adams County and the percent of those tests that came back positive. It is clear that testing capacity has increased over time.



*Testing result for previous 7 days are most likely incomplete based on time necessary to process and report test results.



Monitoring and Evaluation Systems

The Tri-County Health Department (TCHD) in partnership with Adams County tracks the following information on a daily basis to monitor the impacts of Public Health Orders:

- key public health indicators
- hospital data
- coordination with local public health agency

The County Manager receives daily briefings from TCHD, hosts weekly COVID-19 response calls with other county managers across the state, and hosts a bi-weekly *Adams County Council of Governments* meeting with municipal managers focused on COVID-19 monitoring and response throughout Adams County. Hospital information and other data received from TCHD is reviewed and provided weekly to county commissioners to help inform alternate restrictions and guide future policy recommendations on the re-opening of the County.



Personal Responsibility

The Adams County Suppression Plan includes the assumption that individuals are responsible for not going out in public if sick, isolating if displaying symptoms of COVID-19, and taking adequate precautions to protect high-risk populations including the recommendation to wear non-medical face coverings. Public gatherings may occur provided social distancing requirements can be met. Lastly, high-risk and older adult populations maintain social distancing levels seen under the Safer-at-Home and in the Vast, Great Outdoors Order. Ongoing assessments of public health measures conducted by TCHD, found that 79% of the public wore face masks within twenty business locations across Adams County.

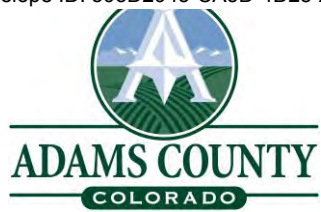
The County continues to communicate directly with residents and businesses providing up to date information on COVID-19 impacts, current public health measures, and COVID-19 case data through its website: [AdamsCountyCOVID.org](https://www.adamscountyco.org/COVID-19). The County will continue increasing public education and awareness by communicating this information throughout legacy and social media channels.



#4 Conditions to Determine the Variance Is Not Providing Adequate COVID-19 Protection and Triggers for Tightening Restrictions

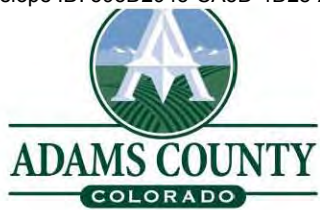
If the following County and industry specific conditions occur (these conditions do not apply to outbreaks that occur in institutionalized facilities located in the County including healthcare, long- term care and skilled nursing, jails, group homes, independent living, and more), TCHD will make a determination that the variance is not providing adequate COVID-19 protection, and determine mitigation steps and criteria for reopening for each specific industry:

- Substantial increase in hospitalizations directly related to COVID-19 over a 2-week period.
- Inability of TCHD to contact trace new cases within 24 hours of a known positive test result.
- Inability of Gaylord Rockies to assist TCHD in contact tracing efforts among guests who visited the facility during the infectious period of a known case by methods that TCHD deems appropriate (e.g., sharing line lists with TCHD of potentially exposed persons with contact information, contacting guests directly with messages developed by TCHD, etc.).
- If the business or operation experiences an outbreak the TCHD investigation team will determine further action.



#5 Gaylord Rockies Resort and Convention Center COVID-19 Suppression & Control Plan

(see separate file upload titled "Gaylord Rockies Variance Application.pdf")



Attachment B – BOCC Approval Letter

Commissioners' Office
www.adcogov.org



4430 South Adams County Parkway
5th Floor, Suite C5000A
Brighton, CO 80601-8204
PHONE 720.523.6100
FAX 720.523.6045

June 16, 2020

Executive Director Jill Hunsaker Ryan
Colorado Department of Public Health & Environment 4300 Cherry Creek South Drive
Denver, CO 80246

RE: Adams County Request for a Variance from the Safer-At-Home Executive Order and Public Health Order for Gaylord Rockies Resort and Convention Center

Dear Director Hunsaker Ryan,

The Adams County Board of Commissioners (Adams County) respectfully request a variance from some of the provisions of Governor Polis' Executive Order 2020-044 Safer-at-Home and Colorado Department of Public Health and Environment (CDPHE) Public Health Order 20-28 (sixth amendment) specifically for the Gaylord Rockies Resort and Convention Center (Gaylord Rockies).

As outlined Public Health Order 20-28 III.V and Appendix G, a variance will allow the Gaylord Rockies to implement its own reopening plans in the timeframe that best meets their needs and the community in which they are located.

The Gaylord Rockies is the largest Resort & Convention Center in Colorado with 1,500 rooms, 500,000 square foot convention center, 8 food and beverage facilities, 12,000 square foot spa, 3 pools and a lazy river occupying 43 acres in Aurora, Colorado. The Gaylord Rockies location site is surrounded by 1,000 acres of undeveloped land with no active business in a 1-mile radius; a location well away from areas of high density. The geographic location of the Gaylord Rockies and full range of in-house services (food/beverage, pool, spa, etc) lowers the risk of viral transmission between guests and surrounding resident populations by limiting social mobility and allowing for a closely monitored and thoughtful suppression/re-opening plan

The resort closed its doors on March 25th 2020 due to the COVID19 pandemic. The closure has had a significant effect on the Gaylord Rockies workforce. As a result of the resort closure caused by the ongoing pandemic, 1,226 employees were either furloughed or laid off. In addition, the resort relies on meetings and events for 80% of its income while leisure business makes up the remaining 20%.

The current Safer-at-Home restrictions does not allow the resort to effectively conduct business for several segments of its operations. For the resort to re-open its doors the following variances to the existing orders are requested:

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5

➤ Meeting / Event Gatherings Capacity:

- Current Restrictions: Limited to 10 people gatherings
- Variance Request: Meetings and events held inside the Gaylord Meeting rooms – the lesser of 30% occupancy (of meeting space) or 449 people

➤ Restaurant Capacity:

- Current Restrictions: The lesser of 50% occupancy of restaurant or 50 people
- Variance Request: Restaurant capacity – the lesser of 50% occupancy or 250 people

➤ Pool Capacity:

- Current Restrictions: The lesser of 50% occupancy of pool or 50 people
- Variance Request: The lesser of 50% occupancy or 125 people (indoor pools) and 250 people (outdoor pools)

We appreciate your consideration and collaboration in helping Gaylord Rockies Resort and Convention Center safely open up additional opportunities for business while simultaneously applying appropriate restrictions to help prevent the spread of COVID-19 within our communities.

Please let us know if there is any additional information needed to assist you in processing this request. The best point of contact would be Environmental Program Manager Katie Keefe, who can be reached at 720.523.6986 or kkeefe@adcogov.org.

Sincerely,



Commissioner Eva J. Henry,
District 1



Commissioner Charles "Chaz"
Tedesco, District 2



Commissioner Emma Pinter,
District 3



Commissioner Steve O'Dorisio,
District 4



Commissioner Mary Hodge,
District 5

BOARD OF COUNTY COMMISSIONERS

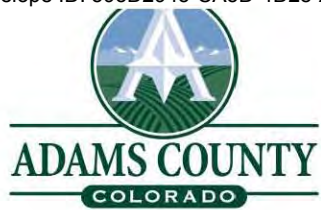
Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5



Attachment C – Hospital Letters of Support



University of Colorado Hospital
Emergency Preparedness

12401 E 17th Ave.
Aurora, CO 80045

O 720.848.6095
C 303.419.0888

uchealth.org

June 15, 2020

Dear Mr. Gonzales,

When considering any potential impact on the ability to serve individuals seeking care within the hospital, the University of Colorado Hospital (UCH) has no concern regarding the approval of this variance.

Sincerely,

Clinton J. Andersen, MA, MEP
Emergency Preparedness Program Manager

University of Colorado Hospital
12401 E 17th Ave
Aurora, CO 80045
O: 720.848.6095
C: 303.419.0888

Clinton.Andersen@uchealth.org
uchealth.org



Official Health Care Partner





North Suburban Medical Center
Emergency Preparedness

9191 Grant St.
Thornton, CO 80229
www.northsuburban.com

June 15, 2020

Dear Mr. Gonzales,

North Suburban Medical Center maintains a state of readiness for any potential influx of COVID-19 patients in Adams County. We have no objections to the requested variance for Gaylord Rockies Resort & Convention Center.

Sincerely,

A handwritten signature in black ink that reads "Ben Tice".

Benjamin Tice
Manager of Emergency Services and Preparedness
Facility Safety Officer

North Suburban Medical Center
O 303-450-4516
C 720-201-2637
Benjamin.Tice@healthONEcares.com



Wendy L. Colón, CHEP, NHDP-BC, MBA, BSN, RN
Director, Emergency Department
Colorado Associate Emergency Manager
Platte Valley Medical Center
1600 Prairie Center Parkway
Brighton, CO 80601
P:(303) 498-1909 (office)
C:(303) 929-3006 (cell)

June 15, 2020

Dear Mr Gonzales,

In response to your request for documentation in support of the Adam's County Variance, Platte Valley Medical Center will continue to monitor available ICU beds, ventilators, supply of personal protective equipment, and staffing in anticipation of and preparation for a surge or resurgence of COVID-19 patients. PVMC is prepared to serve COVID-19 patients in Adam's County.

Sincerely,

A handwritten signature in black ink that reads "Wendy L. Colon".

Wendy L. Colon, CHEP, MBA, BSN
Emergency Manager
Platte Valley Medical Center



Adams County Public Health
4430 S. Adams County Parkway
Brighton, CO 80601

June 16, 2020

Dear Mr. Gonzales:

On April 26, 2020, Governor Jared Polis issued Executive Order, D 2020 044, Safer at Home (the "**Executive Order**"). Section II.M. of the Executive Order, provides for application for variances for the Executive Order as follows:

"Any county wishing to apply for a local variance from part or all of this Executive Order must submit a written application to CDPHE certifying that the county has low case counts of COVID-19 cases or can document fourteen (14) consecutive days of decline in COVID-19 cases reported in the county. The application must include a written COVID-19 suppression plan approved by the appropriate local public health authority, all hospitals within the county (unless no hospitals are located in the county), and a majority of the county commissioners, or, in the case of the City and County of Denver, the mayor of Denver, or, in the case of the City and County of Broomfield, the city council."

Pursuant to the Executive Order, Children's Hospital Colorado ("**Hospital**") has been asked by Adams County ("**County**") to review the County's COVID-19 Suppression Plan with respect to the County's request for a Variance (the "**Variance Request**"), dated June 15, 2020, under the Executive Order.

In reviewing the County's COVID-19 Suppression Plan, and except as expressly set forth below, Hospital assumes the completeness and accuracy of all facts and assumptions set forth in the Variance Request; however, Hospital does not provide an opinion with respect to the accuracy or completeness of such facts or assumptions. Hospital is also expressly relying on completeness and accuracy of data for current and estimated rates of infection and hospitalizations in and around the County's primary service area provided to Hospital by the County and the Colorado Department of Public Health and Environment ("**CDPHE**") Finally, Hospital does not opine on the secondary effect of people traveling to or from the County's primary service area to other locations in the State or nationally.

Based on the foregoing assumptions:

1. Hospital currently has 28 ICU beds available and such ICU beds are sufficient for Hospital to provide its usual and customary care for COVID-19 patients based on the current infection data;

2. Hospital currently has 57 ventilators available and such ventilators are sufficient for Hospital to provide its usual and customary care for COVID-19 patients based on current infection data;
3. Hospital has adequate personal protective equipment (“**PPE**”) to provide its usual and customary care for COVID-19 patients based on current infection data; and
4. Hospital has adequate levels of hospital staff to provide its usual and customary care for COVID-19 patients based on current infection data.

Based solely on the foregoing, and subject to the qualifications and limitations set forth herein, Hospital believes that it can provide the services as set forth in the County’s COVID-19 Suppression Plan. Hospital believes that both the County and CDPHE should actively monitor the accuracy of, and any changes to, the assumptions and facts set forth in the Variance Request. Hospital shall update the County and CDPHE if the facts set forth in #1-4 above materially and adversely change.

Respectfully,

Heidi Baskfield

Heidi Baskfield

Vice President Population Health and Advocacy

Children’s Hospital Colorado Incident Command Liaison



We extend the healing ministry of Christ by caring for those who are ill and by nurturing the health of the people in our communities.

June 17, 2020

VIA EMAIL – RNalty@adcogov.org

Ryan M. Nalty
Director of Economic Development
Deputy Director, Community and Economic Development Department
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway
Brighton, CO 80601
T: 720.523.6842

RE: St. Anthony North Health Campus

Dear Ryan,

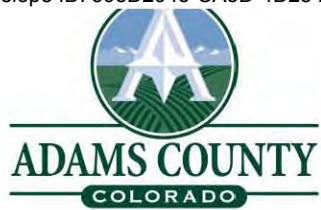
In response to your request for documentation in support of the Adams County Variance to the Amended Safer At Home Public Health Order 20-28, St. Anthony North Health Campus will continue to monitor its available ICU beds and ventilators, and it regularly monitors its supply of personal protective equipment and hospital staff in anticipation of and in preparation for a surge or resurgence of COVID-19 patients. St. Anthony North Health Campus has reviewed the Adams County Suppression Plan and it is prepared to serve COVID-19 patients from Adams County

Regards,

Centura Health
for St. Anthony North Health Campus


Kris Ordelheide *by cjs*
Senior Vice President
& General Counsel

cc: Constance Schmidt, CEO – St. Anthony North Health Campus
Andrew French, MD, CMO – St. Anthony North Health Campus
Nicole Milo, Sr. Advisor Government and Community Affairs – Centura Health
Ray Gonzales - RGonzales@adcogov.org
Brittany Morris Saunders - Brittany@sewaldhanfling.com



Attachment D – TCHD Letter of Support



June 17, 2020

Commissioner Emma Pinter
Adams County Board of County Commissioners
4430 S. Adams County Parkway
Brighton, CO 80601

Dear Commissioner Pinter,

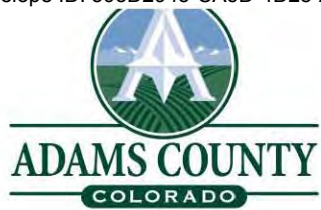
Tri-County Health Department has reviewed and supports your variance application for Gaylord Rockies Resort and Conference Center. Adams County's viral transmission as measured by new cases and hospitalizations has been declining even as testing has been increasing, and we believe that this variance provides a gradual opening and supports an important economic driver in Adams County, while protecting the public's health.

We appreciate the support from Gaylord Rockies Resort and Conference Center to assist in rapid contact notification should we experience positive cases or an outbreak associated with visitors, as well as their willingness to follow up with all guests after their visit. TCHD will continue to monitor and provide regular updates to the Board, and will immediately notify you if we have cause for concern. Thank you for your partnership throughout this response.

Regards,

A handwritten signature in black ink that reads "Jennifer L. Ludwig".

Jennifer L. Ludwig
Deputy Director



Attachment E – City of Aurora Letter of Support

Mike Coffman

City of Aurora



Worth Discovering • AuroraGov.org

Mayor

15151 E. Alameda Parkway, 5th Floor
Aurora, Colorado 80012
office 303.739.7015
fax 303.739.7594
email mcoffman@auroragov.org

June 16, 2020

Governor Jared Polis
State Capitol Building
200 E. Colfax Avenue, Suite 136
Denver, Co 80203

Executive Director Jill Hunsaker Ryan
Colorado Department of Public Health and Environment
4300 Cherry Creek South Drive
Denver, Co 80246

RE: Gaylord Rockies Resort and Convention Center request for variance from the Safer at Home Executive Order and Public Health Order

Dear Governor Polis and Director Ryan,

The City of Aurora supports the Gaylord Rockies Resort and Convention Center (Gaylord) variance request for the meeting/event gathering capacity, restaurant capacity and pool capacity.

The Gaylord Rockies is the largest Resort and Convention Center in Colorado with 1,500 rooms, a convention center of 500,000 square feet, eight food and beverage facilities, a spa that is 12,000 square feet, three pools and a lazy river occupying 43 acres in Aurora, Colorado.

The resort closed its doors on March 25, 2020 due to the COVID19 Pandemic. 1,226 employees were either furloughed or laid off as a result of the resort closure. The resort relies on meetings and events for 80% of its income and leisure business for the remaining 20% income. The current Safer at Home restrictions does not allow the resort to effectively conduct business for either segment of its business.

For the resort to re-open its doors the following variances to the existing mandates are requested:

- Meetings and events held inside the Gaylord meeting rooms limited to 30% occupancy or 449 people through August.
- Restaurant capacity limited to 50% occupancy or 250 people through August.
- Indoor pools limited to limited to 50% occupancy or 125 people through September. Outdoor pools limited to 50% occupancy or 250 people through September.

The City of Aurora supports this safe, phased and successful re-opening of the Gaylord. The Gaylord is vital to the economic health of the entire metro community. We appreciate your consideration in helping the Gaylord safely open while still applying appropriate restrictions to secure the health and safety of its guests and employees in the coming months.

Sincerely,

Mike Coffman
Mayor



Attachment F – Gaylord Rockies Indoor Meeting Events Variance Request

1. List the sections of Executive Order D 2020 091 and/or Sixth Amended Public Health Order 20- 28 that a variance is being sought for.

Adams County respectfully requests a variance from Section I.J.1 of the Sixth Amended Public Health Order 20- 28 as amended on June 5, 2020 (the “Order”) limiting indoor gatherings or events to 10 people.

Adams County requests a variance to allow Gaylord Rockies Convention Center to hold indoor meeting events up to 30% of the posted occupancy code limit or 449 people, whichever is less, adhering to strict social distancing protocols that allow for 28 sq ft per attendee, subject to the following restrictions.

Adams County proposes that the variance take effect on June 20, 2020, or as soon as possible.

2. Summarize alternate restrictions being proposed to replace the above-referenced restrictions and indicate where in the Plan these alternate restrictions are addressed.

- All high touch surfaces within lobby, restaurants, restrooms cleaned and disinfected every two hours using EPA approved disinfectants.
- Cleaning and disinfection procedures for restrooms, which involves cleaning and sanitizing high-touch surfaces including but not limited to, stall doors, toilet seats and handles, door handles, light switches, and flooring every two hours.
- Cleaning/disinfecting checklist and schedule implemented to ensure all surfaces are disinfected according to procedures.
- Management shall display signage, if necessary, to ensure that customer traffic flow into and out of convention center restrooms allows for compliance with social distancing protocols in restrooms.
- Follow ventilation system guidelines as outlined in the pertinent business reopening guidance documents from the American Industrial Hygiene Association and the American Society of Heating, Refrigeration, and Air Conditioning Engineers (see #6).
- Post signs that provide proper hygiene guidelines; signs will be posted in all bathrooms, at all entrances, elevators, and common area doors.
- Post signage explaining the cleaning/health measures that have been taken throughout the facility.
- All employees will wear proper PPE based on tasks and masks in common areas.
 - All management office employees have been provided masks and are required to wear them in the facility.
 - All attendant and cleaning staff will be required to wear masks.
 - All outside attendants will be required to wear masks.
 - Masks and gloves will be provided to all employees and made readily available



for replacement.

- All employees will receive required Personal Protective Equipment training.
 - Signage on proper donning and doffing measures will be posted throughout the work areas.
 - Security Officers, maintenance staff, and EMT staff are provided proper PPE for task hazards.
-
- Meeting room attendants and housekeeping staff have been certified in disinfectant application, trained in PPE, and will be required to don PPE.
 - Hand soap and water and/or hand sanitizer is available to all employees throughout the workday and employees are encouraged to take frequent breaks to wash hands.
 - Management shall send an email to all out of state visitors 3 days after departure asking them to assist in maintaining optimal safety within the Gaylord by notifying TCHD if they are diagnosed with COVID within the 3 week period of time following their visit.



Attachment G – Gaylord Rockies Restaurants Variance Request

1. List the sections of Executive Order D 2020 091 and/or Sixth Amended Public Health Order 20- 28 that a variance is being sought for.

Adams County requests a variance to Section II.C.1 of the Sixth Amended Public Health Order 20-28 as amended on June 5, 2020 (the “Order”) limiting “in-person dining at 50% of the indoor posted occupancy code limit, not to exceed 50 people, whichever is less.”

Adams County proposes to allow the Gaylord Rockies Resort restaurant to offer food or beverage for on-premises consumption up to 250 people or 25% of the indoor posted occupancy code limit, whichever is less, with tables spaced 8-feet apart and patrons spaced 6-feet apart between seats at different tables, subject to the following restrictions.

Adams County proposes that the variance take effect on June 20, 2020, or as soon as possible.

3. Summarize alternate restrictions being proposed to replace the above-referenced restrictions and indicate where in the Plan these alternate restrictions are addressed.

- Restaurants must adhere to all requirements of Appendix I, excluding 2.a of the PHO 20-28 (sixth amendment)
- Restaurants must adhere to the requirements listed in Section II.I and Appendix A of PHO 20-28 (sixth amendment).
- Total occupancy of customers within an indoor setting shall be limited to 25% of the posted occupancy code or a maximum of 250 people, whichever is less, ensuring a minimum of 8 feet between seats at different tables.
- Tables or groups must be limited to no more than 4 people.
- Tables spaced to provide 8 feet distance between tables and 32 square feet separation.
- Seating at bars shall be prohibited unless 6 feet of spacing can be maintained between groups of customers and preparation areas are separated from customers by at least 6 feet. Walk up service at bars is prohibited.
- Touchless ordering through the online menu system provided via website and QR smart phone application.
- Single use, paper menus provided and replace reusable menus.
- Signage and floor markings layout directional routes for individuals to follow when moving through the restaurant so as to minimize the possibility of encroaching on 6-foot social distancing.
- Do not allow customers to congregate in the lobby area or outside the doors in a manner that prevents 6-foot separation between groups.
- A reservation system will be used.
- Encourage resort guests to socially distance outside while waiting to be seated.



- Encourage notification system for resort guests via text or phone call when their table is ready.
- Resort guests are strongly encouraged to wear cloth face coverings in order to enter the business, and to keep their face coverings in place until they have reached their table.
- Tables may be pre-set immediately before customers are seated.
- Restaurant shift managers will confirm with customers that they are not experiencing any symptoms prior to seating them in the dining area. If they are, do not allow them to enter.
- Post signage that restaurants shall have the right to deny service to any guests exhibiting COVID-19 symptoms.
- Implement touchless payment methods when possible.
- Prioritize outdoor seating to the greatest extent possible.
- Place signage or staff outside the restaurant instructing walk-up customers to utilize the reservation system or to send only one member of the party to the reservation stand or counter.
- Post signs at entrances regarding face coverings, and post signs throughout the facility as needed to remind the customers of social distancing and proper hygiene guidelines.
- Implement one-way entry/exit, and directional walkways as much as possible.
- Consider options for dine-in customers to order ahead of time to limit the amount of time spent in the establishment.



Attachment H – Gaylord Rockies Indoor and Outdoor Pools Variance Request

1. List the sections of Executive Order D 2020 091 and/or Sixth Amended Public Health Order 20- 28 that a variance is being sought for.

Adams County requests a variance to the following provisions in the Sixth Amended Public Health Order 20-28 as amended on June 5, 2020 (the “Order”), Section I.H.2.b and I.H.2.d, allowing outdoor swimming pools to open, to up to 50% capacity limited to 50 people and indoor pools to open at 25% capacity, not to exceed 50 people per room maintaining 6-foot distancing, respectively.

Adams County proposes to allow pools within the Gaylord Rockies Resort to operate indoor pools at 50% posted occupancy code limit or 125 people, whichever is less, and outdoor pools at 50% posted occupancy limit or 250 people, whichever is less, with people spaced 6 feet apart, ensuring a minimum of 28 sq. ft. per person, subject to the following restrictions.

Adams County proposes that the variance take effect on June 20, 2020, or as soon as possible.

2. Summarize alternate restrictions being proposed to replace the above-referenced restrictions and indicate where in the Plan these alternate restrictions are addressed.

- Occupancy of both indoor and outdoor pool facilities shall be limited no more than 50% of the posted occupancy code with people spaced 6 feet apart, ensuring a minimum of 24 sq. ft. separation per person.
- All staff are required to wear face coverings or masks and disposable gloves at all times.
- Guests utilizing the facility should be encouraged to wear a face covering both when entering the facility and while in the facility whenever not swimming or in the pool.
- Lounge chairs are spaced out and/or removed from service to maintain social distance, allowing family units of up to 8 people together.
- Cloth chair cushions have been removed.
- Chaise lounge chairs, cabanas, and lazy river tubes are sanitized prior to and after each use.
- Signage placed used throughout pool areas, slide entrances, and pool dining areas to remind guests to maintain social distancing protocols and good hygiene protocols.
- Signage at all entrances/access points notifying guests that facility use is prohibited if they are experiencing COVID related symptoms or are sick.
- Towel desk/kiosks and all other desks and counters are sanitized frequently by hospital-grade disinfectant.
- Partitions installed at towel desk/kiosks.
- All pool areas shall be accessible only by guest key card to preclude public or non-guest usage of the facilities.



- Disposable disinfecting wipes shall be made available throughout the facilities and guests encouraged to clean shared equipment and surfaces after each use.
- Hand sanitizer dispensers will be placed at the entrance to the facility in addition to signage advising proper COVID-19 prevention measures.
- Indoor and outdoor pool areas shall be monitored by security staff through CCTV to ensure social distancing protocols are maintained and the maximum number of customers is not exceeded.
- Staff shall perform frequent environmental cleaning and disinfection of lavatories and high-touch surfaces.
- Implement one-way entry/exit, and directional walkways as much as possible.
- Ventilation system airflow will be increased to the extent practicable to increase the number of fresh air changes per hour.



GAYLORD ROCKIES™

RESORT & CONVENTION CENTER

Colorado

Variance Application

Gaylord Hotels Commitment to Clean

*Our commitment to keeping our guests, customers
and hotel associates (STARS) safe remains our utmost priority.*



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Note: All above items are clickable links and bookmarked for ease of navigation



Variance Request

Gaylord Rockies Resort & Convention Center is the largest combined resort and convention center in Colorado occupying 85 acres in Aurora, Colorado. There is 1,000 acres of undeveloped land around Gaylord Rockies and there is not an active business within a 1-mile radius of the resort.

The resort features 1,501 guestrooms, 500,000 square feet of meeting space, 8 food & beverage facilities, a 12,000 square foot spa and salon, and 4 pools including a lazy river. This one-of-a-kind facility in the State of Colorado is 2 million square feet providing an abundant amount of space for social distancing in all areas in and around the resort.

The resort closed its doors on March 25, 2020 due to the COVID-19 pandemic. 1,226 employees were either furloughed or laid off as a result of the closure of the resort. The resort relies on meetings and events for 80% of its income and leisure business for the remaining 20%.

The current "Safer at Home" Executive Order D 2020 091 restriction does not allow the resort to effectively conduct business for either segment of its business.

For the resort to re-open and return furloughed and laid off staff back to work, the following variances to the existing mandate are requested:

Location	Current Restrictions	Variance Request
Meetings and Events Gatherings <i>Section I.J.1 of the Sixth Amended Public Health Order 20-28</i>	Limited to 10 people gatherings	The lesser of 30% occupancy (of meeting space) or 449 people
Restaurant Dining <i>Section II.C.1 of the Sixth Amended Public Health Order 20-28</i>	The lesser of 50% occupancy of restaurant or 50 people	The lesser of 50% occupancy of restaurant or 250 people
Pool Areas <i>Sections I.H.2.b and I.H.2.d of the Sixth Amended Public Health Order 20-28</i>	The lesser of 50% occupancy of pool or 50 people	The lesser of 50% occupancy or 125 people (indoor pools) and 250 people (outdoor pools)



Variance Request Executive Summary

Meetings and Events Gathering Capacity

Gaylord Rockies has 500,000 square feet of meeting space divided into 4 ballrooms with 40 feet ceiling heights, 60 breakout rooms and an Exhibition Hall. This space is divided onto three separate levels and outdoor lawn spaces. The largest of the 4 ballrooms is over 47,000 square feet and has a certificate of occupancy rating of 6,280 people.

Variance Request

A capacity restriction of the lesser 30% occupancy or 449 people.

Ballroom	Occupancy Rating	Maximum Occupancy	% of Total Occupancy
Aurora	6,280 people	449 people	7%
Adams	4,490 people	449 people	10%
Colorado	4,432 people	449 people	10.1%

Health and Safety Protocols

Our meeting, convention and event attendees are of paramount importance to us and new, comprehensive cleaning and sanitizing protocols have been designed to keep attendees, and our STARS (employees), healthy and safe. All STARS (employees) are required to wear masks and applicable PPE provided by Gaylord Rockies. Guests are highly encouraged to wear a mask and will be available to them upon request. Highlights include, but are not limited to, the following:

Banquet Protocol

- Seating capacities and floor plans are reviewed on an event-by-event basis at this time. This ensures compliance with physical distancing recommendations from the state and CDC, as well as local fire department regulations. As an example, new guidelines seat no more than six people at a 72-inch round banquet table versus the 10 in previous guidelines.
- All shared equipment and meeting amenities are sanitized before and after each use or are single use if not able to be sanitized.
- All linen, including underlays, are replaced after each use.
- Buffets and coffee break stations are attended and served by an attendant to eliminate guest contact on serving utensils.
- Prepackaged food on coffee breaks and individually packaged beverages (no pitchers or carafes) are served.
- Partitions for food service lines have been installed.
- Disposable cups and glasses are used for all breaks.
- Flatware is provided as a roll-up.
- Butler passed food and beverage is suspended.
- Preset food and drink is restricted.



Variance Request Executive Summary

Meeting Space Protocol

- Seating capacities and floor plans are reviewed on an event-by-event basis at this time. This ensures compliance with physical distancing recommendations from the state and CDC, as well as local fire department regulations. As an example, new guidelines seat no more than six people at a 72-inch round banquet table versus the 10 in previous guidelines.
- Multiple general sessions/breakout tracks for groups to limit mass numbers together at one time have been implemented. Shift breakout speakers instead of breakout guests.
- Use of electrostatic disinfecting sprayers are used to sanitize areas in the convention center including meeting rooms, exhibit halls, and public spaces.
- Convention public space attendants are dedicated to regular cycles of guest touch point sanitization. High-touch points such as conference room doors, light switches and other equipment are sanitized after each group's use.
- Electrostatic disinfecting sprayers are used for deep sanitization of all meeting room hard surfaces and chairs overnight; completed before the start of the next day's sessions.
- Meeting sets on tables have been removed.
- Water carafes and water pitchers are not placed on meeting tables or water stations.
- Signage is posted outside of meeting and event rooms to remind guests of appropriate physical distancing guidelines.
- Hand sanitizer stations are placed throughout the meeting spaces, convention center, break-out spaces and corridors.
- FAQs are made available on-line to give attendees information about health & safety protocols.
- Groups can choose to test attendees for COVID-19 and manage the process holistically.

In House Security Team

Gaylord Rockies hosts an in-house 24/7 Safety Services team that is committed to providing a safe and secure environment for clients and guests. More than 300 cameras are installed throughout the building to actively monitor guest gatherings, social distancing and trace contracting.



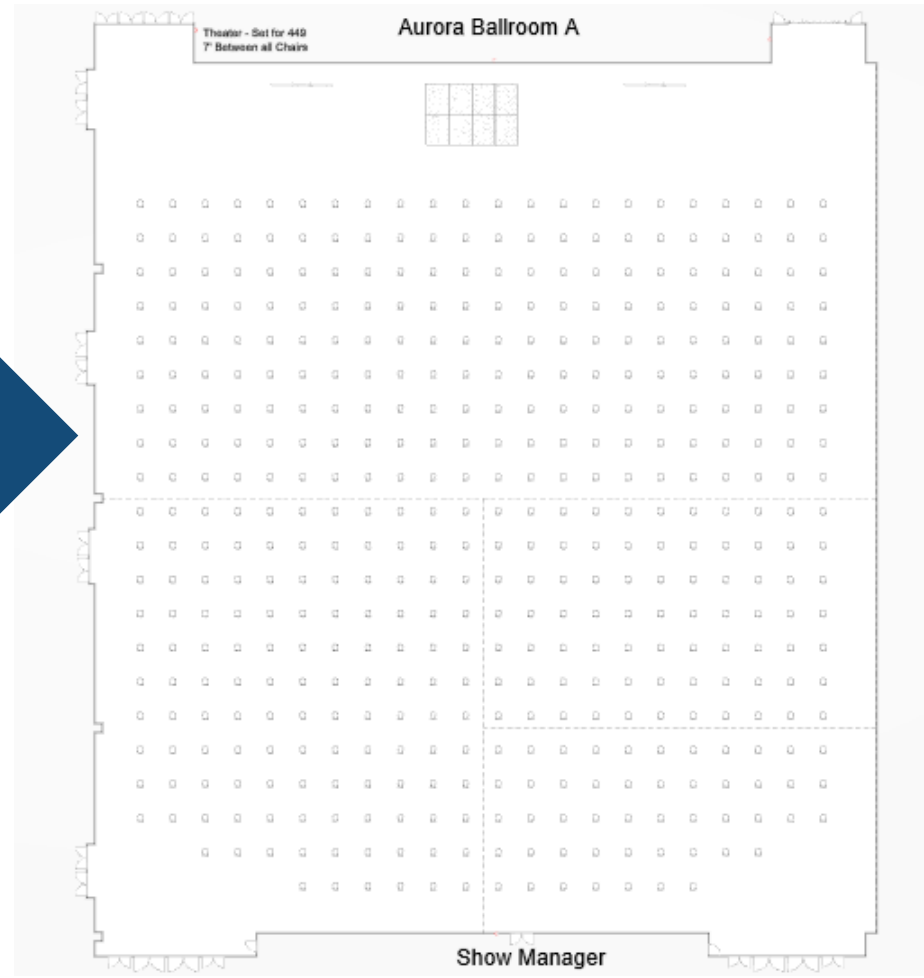
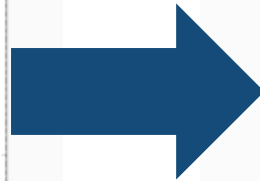
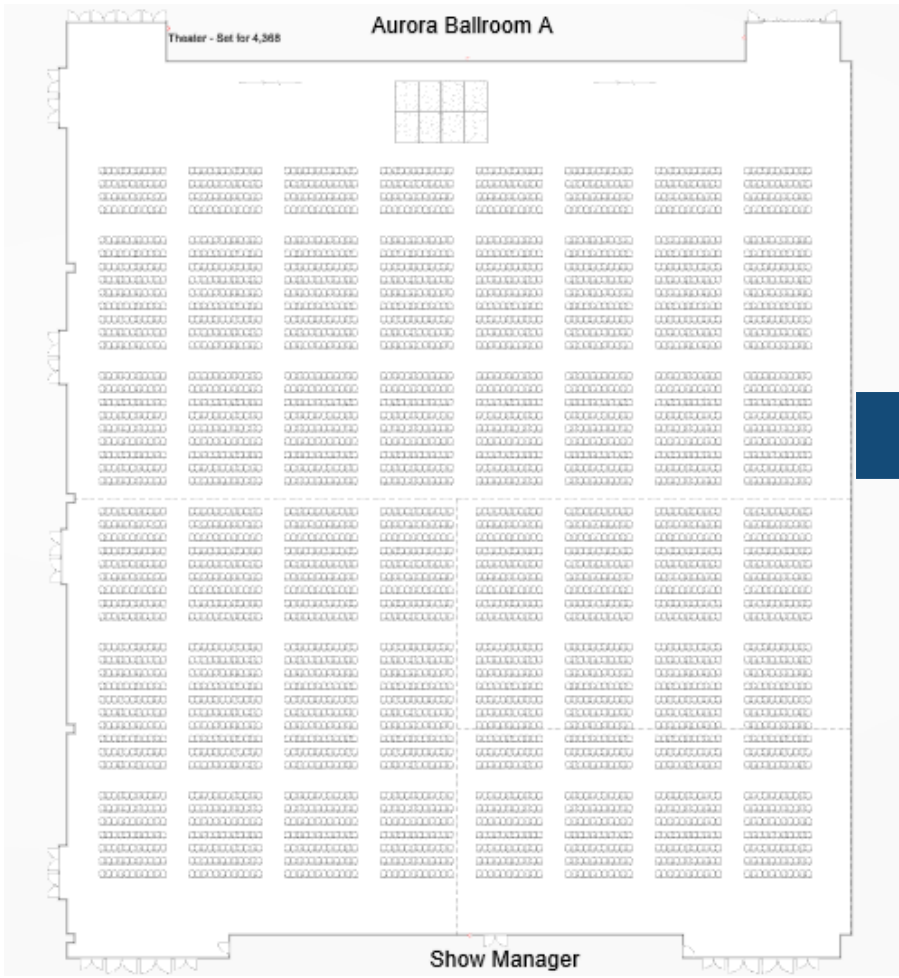
*Gaylord Hotels Commitment to Clean
Our commitment to keeping our guests, customer and hotel associates (STARS) safe remains our utmost priority.*



Variance Request Executive Summary

Sample Industry Standard Aurora Ballroom Diagram:
3 Inches Between all Chairs
Set for 4,368 Theater

Sample Socially Distanced Aurora Ballroom Diagram:
7 Feet Between all Chairs, 28 Square Foot Separation
Set for 449 Theater, 7% of 6,280 Occupancy Rating





Variance Request Executive Summary

Sample Signage and Hand Hygiene:

Convention Center Signage & Hand Sanitizers



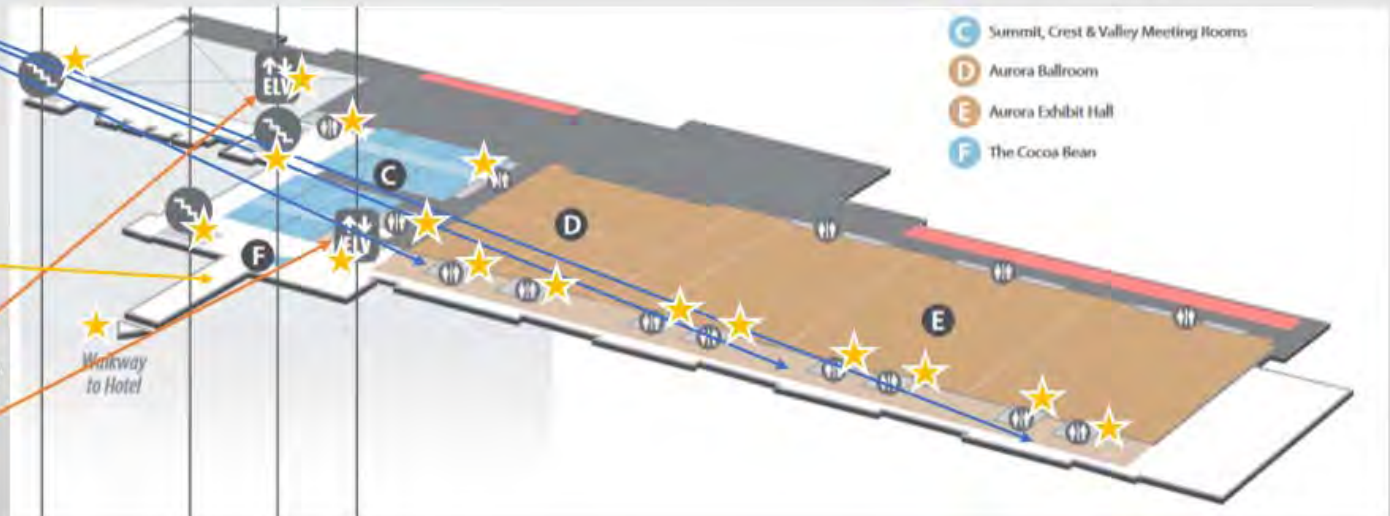
Digital on electronic reader boards throughout the convention center



Large meter board at entrance to convention center space



Clings placed on elevator doors



Displayed digitally on all meeting room identification sign



Hand sanitizer locations

Gaylord Hotels Commitment to Clean

Our commitment to keeping our guests, customer and hotel associates (STARS) safe remains our utmost priority.



Variance Request Executive Summary

Restaurant Dining Capacity

Due to the low occupancy forecast we will operate our facility with the largest of our restaurants – Mountain Pass – a 16,000 sq. ft facility, with 27 feet ceiling height and a certificate of occupancy rating of 1,104 people.

Variance Request

A capacity restriction of the lesser of 50% occupancy of restaurant or 250 people.

Restaurant	Occupancy Rating	Maximum Occupancy	% of Total Occupancy
Mountain Pass	1,104 people	250 people	23%

Health and Safety Protocols

In response to the current environment, Gaylord Rockies follows enhanced sanitation guidelines and utilizes food safe training for all hosts, servers, food runners, and chefs. To minimize risk, we have modified access to menus to include digital menus and disposable printed menus. All STARS (employees) are required to wear masks and applicable PPE provided by Gaylord Rockies. Guests are highly encouraged to wear a mask and will be available to them upon request. Specific actions and protocols include, but are not limited to, the following:

Restaurant & Bar Protocol

- Seating capacities, floor plans, and occupancy limits are limited to expand distance between diners and in compliance with state and local mandates.
- Hostess and managers manage physical distance and entries, waiting areas, and queues (in addition to signage). Peak period queuing procedures are implemented when guests are not able to be immediately seated.
- Partitions have been installed at all host stands.
- Electrostatic sprayers are used to sanitize all restaurants and bars every night.
- High-touch points are sanitized throughout the day.
- Bars, tables and chairs are sanitized between each seating.
- Restaurant attendants are dedicated to regular cycles of guest touch point sanitization.
- Digital menu options are available via mobile device to limit printed menus.
- Outlets offer take out menus, grab-and-go offerings, or counter service where appropriate.
- Check presenters, votives, pens, and all other reusable guest contact items are sanitized after each use.
- Hand sanitizer stations are placed at the entrance to each outlet.
- All food and beverage STARS are fully trained and compliant in food safety training and protocols.



Variance Request Executive Summary

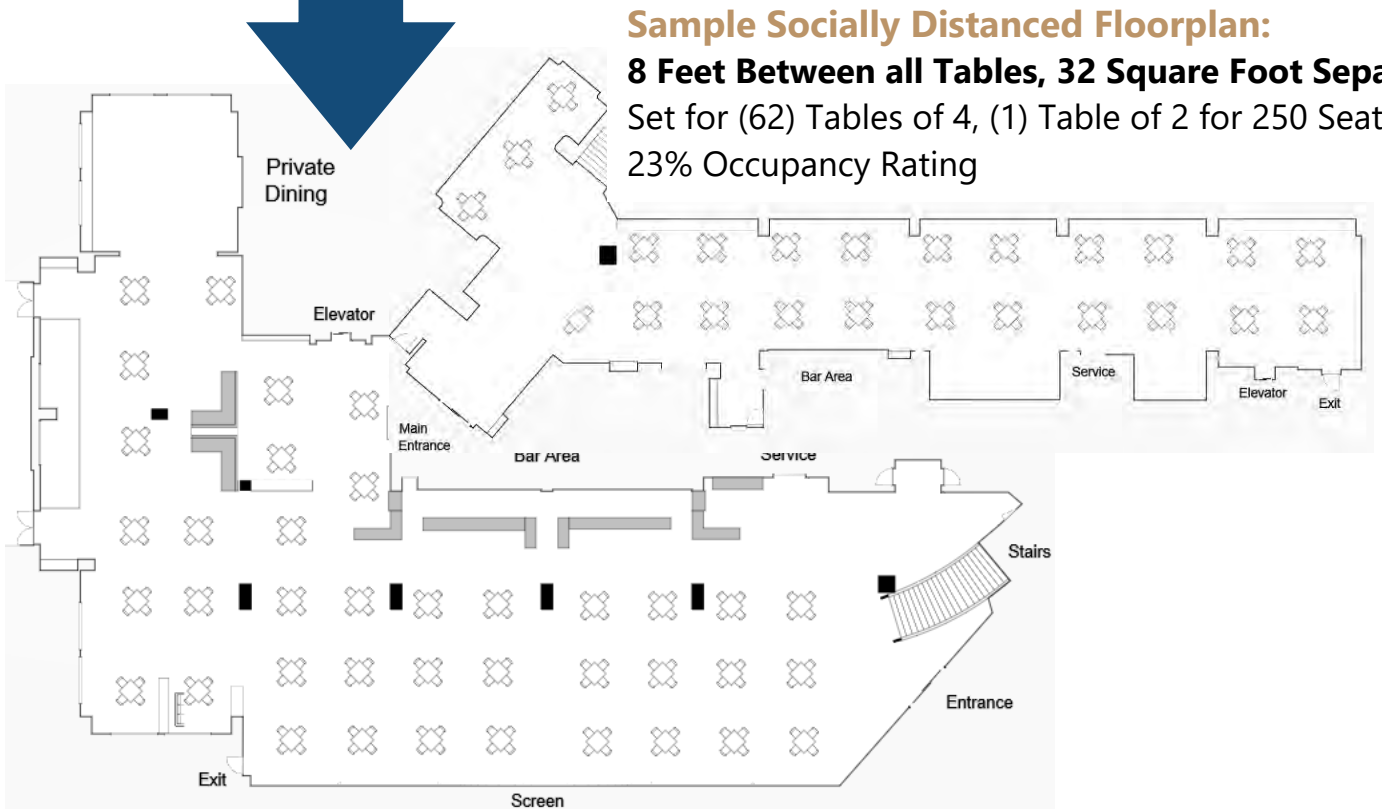
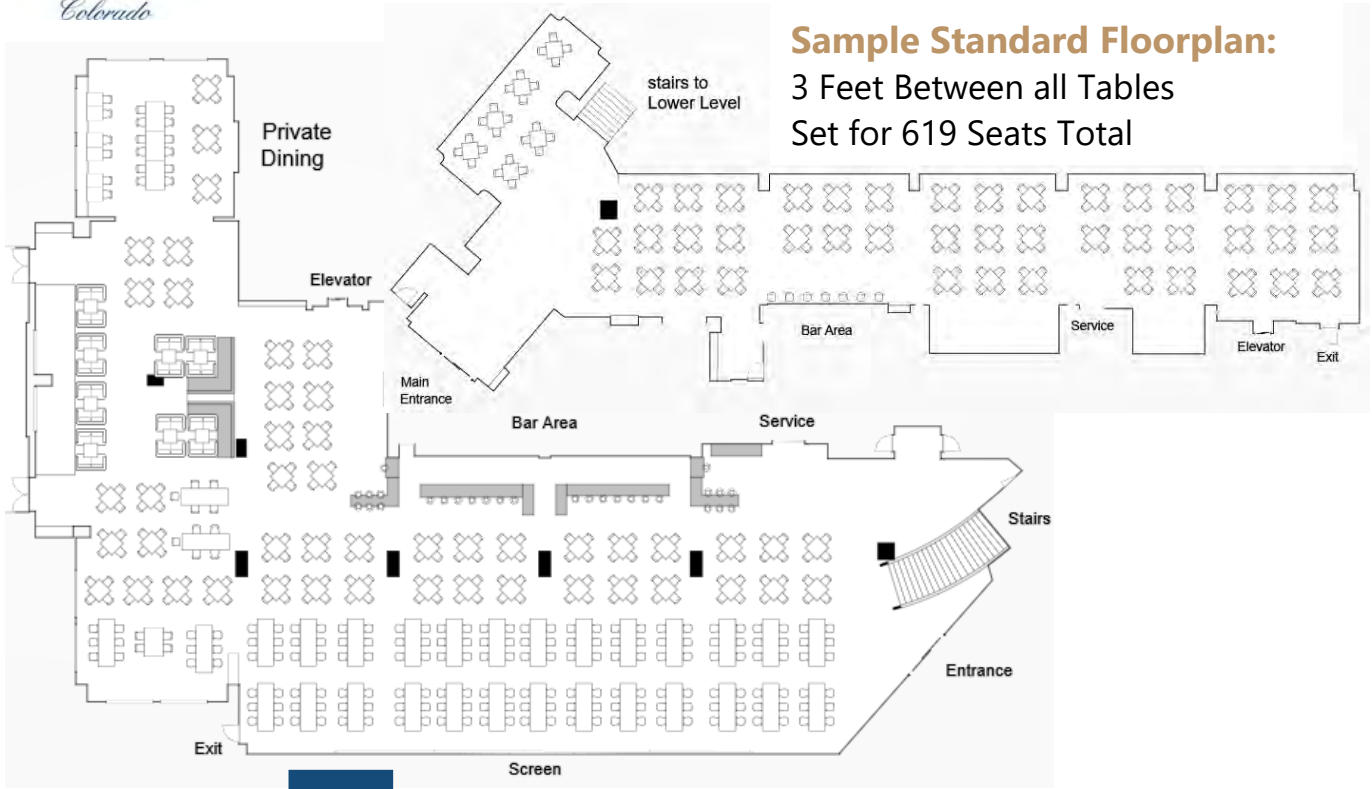
In House Security Team

Gaylord Rockies hosts an in-house 24/7 Safety Services team that is committed to providing a safe and secure environment for clients and guests. More than 300 cameras are installed throughout the building to actively monitor guest gatherings, social distancing and trace contracting.





Variance Request Executive Summary



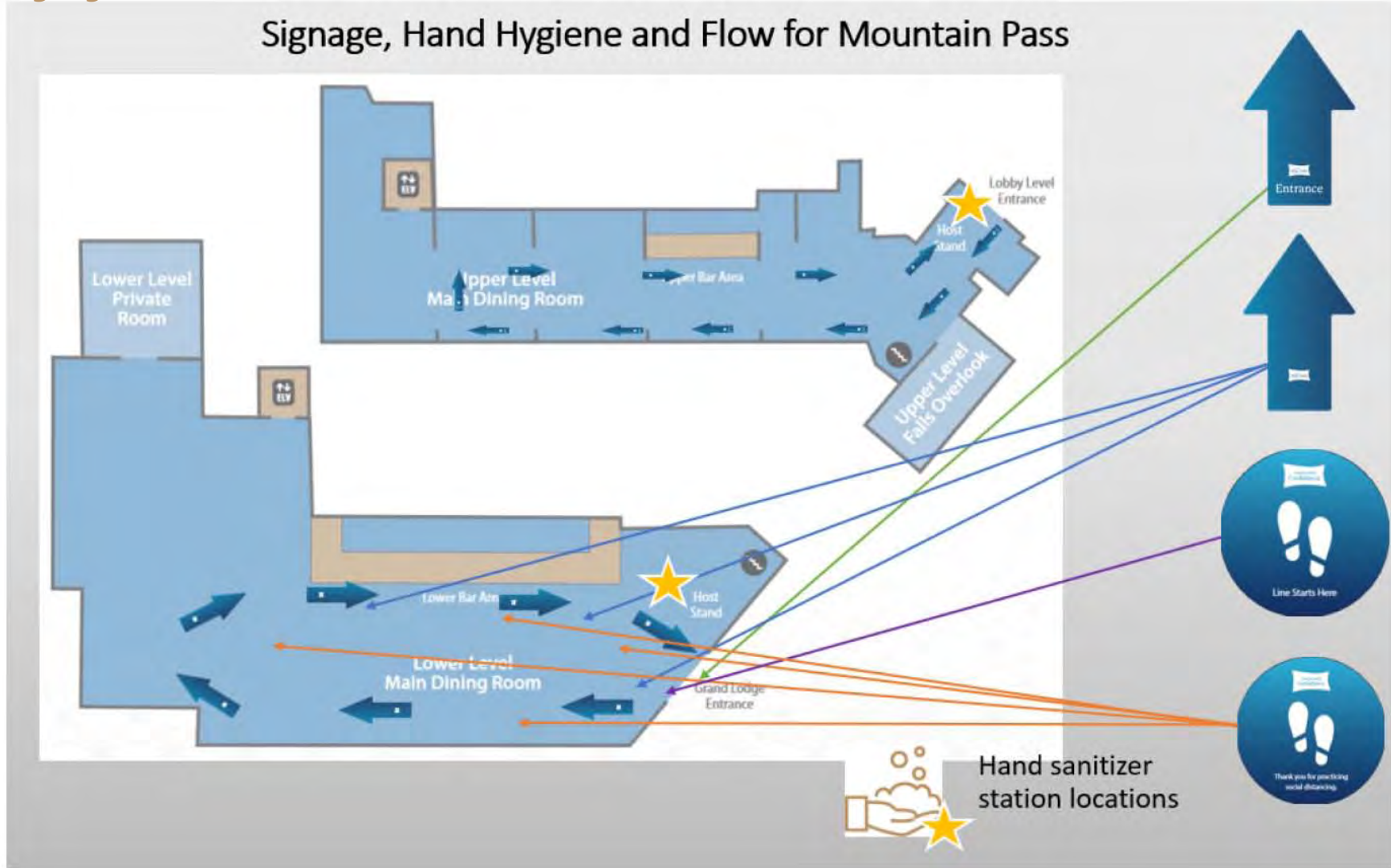
Gaylord Hotels Commitment to Clean

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Variance Request Executive Summary

Signage and Flow:



Gaylord Hotels Commitment to Clean

Our commitment to keeping our guests, customer and hotel associates (STARS) safe remains our utmost priority.



Variance Request Executive Summary

Sample Digital Signage Throughout the Restaurant:

Travel with Confidence

Our Commitment to *clean*

We take standards for hygiene and cleanliness very seriously and are taking additional steps to ensure the safety of our guests and STARS. On a daily basis, our hotel is working to ensure that we meet the latest guidance on hygiene and cleaning.

Find out more at GaylordHotelsClean.com

Travel with Confidence

- Please practice social distancing.
- Take advantage of the hand sanitizer found around the event.
- Remember to wash your hands with soap and water for 20+ seconds.
- Avoid touching your eyes, nose and mouth.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.

Travel with Confidence

Thank you for practicing social distancing.

Sample Menu QR Code

Reverse side indicates table has been sanitized

Travel with Confidence

To View a Menu, Visit: GaylordRockiesDining.com

— OR —

Use the Camera App on your Phone to Scan the QR Code

Touchless



Variance Request Executive Summary

Pool Areas Capacity

The resort hosts 4 total pools consisting of an indoor family/lap pool with a 50 foot ceiling (occupancy rating 494), outdoor infinity pool (occupancy rating 492), and lazy river (occupancy rating 864). The outdoor pool and lazy river are located on 1.6 acres of land and the indoor pools are in a 29,000 square foot building.

Variance Request

A capacity restriction of the lesser of 50% occupancy of the pools or 125 people for indoor pools and 250 people for outdoor pools.

Pool	Occupancy Rating	Maximum Occupancy	% of Total Occupancy
Indoor Family/Lap	494 people	125 people	25%
Outdoor Infinity	492 people	250 people	50%
Outdoor Lazy River	864 people	250 people	29%

Health and Safety Protocols

In response to the current environment, Gaylord Rockies follows enhanced sanitation guidelines and utilizes food safe training for all hosts, servers, food runners, and chefs. To minimize risk, we have modified access to menus to include digital menus and disposable printed menus. All STARS (employees) are required to wear masks and applicable PPE provided by Gaylord Rockies. Guests are highly encouraged to wear a mask and will be available to them upon request. Specific actions and protocols include, but are not limited to, the following:

Aquatics Protocol

- Aquatic area attendants are dedicated to regular cycles of guest touch point sanitization.
- Reservation system to control seating, access and assist in contact tracing.
- Lounge chairs are spaced out and/or removed from service to maintain social distance, allowing family units of up to 8 people together.
- Cloth chair cushions have been removed.
- Chaise lounge chairs, cabanas, and lazy river tubes are sanitized prior to and after each use.
- Signage is being used throughout pool areas, slide entrances, and pool dining areas to remind guests to maintain social distancing protocols.
- Towel desk/kiosks and all other desks and counters are sanitized frequently by hospital-grade disinfectant.
- Partitions have been installed at towel desk/kiosks.



Variance Request Executive Summary

In House Security Team

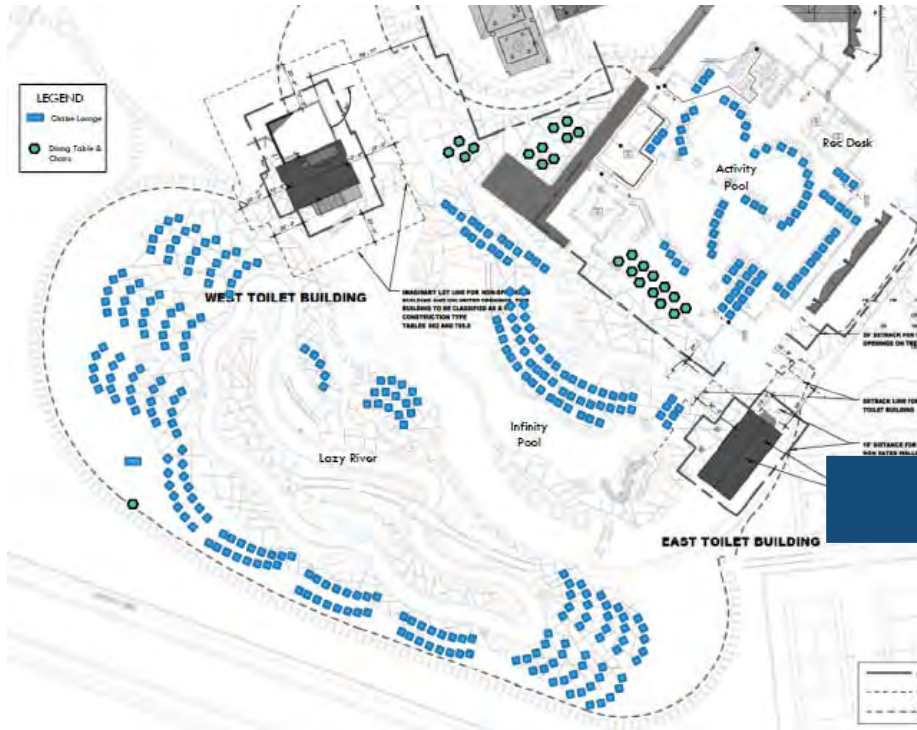
Gaylord Rockies hosts an in-house 24/7 Safety Services team that is committed to providing a safe and secure environment for clients and guests. More than 300 cameras are installed throughout the building to actively monitor guest gatherings, social distancing and trace contracting.





Variance Request Executive Summary

Sample Standard Diagram: 2 Feet Between all Spots



Sample Socially Distanced Diagram: 7 Feet Between all Spots, 28 Square Foot Separation



Gaylord Hotels Commitment to Clean

Our commitment to keeping our guests, customer and hotel associates (STARS) safe remains our utmost priority.



Variance Request Executive Summary

Sample Signage and Flow:

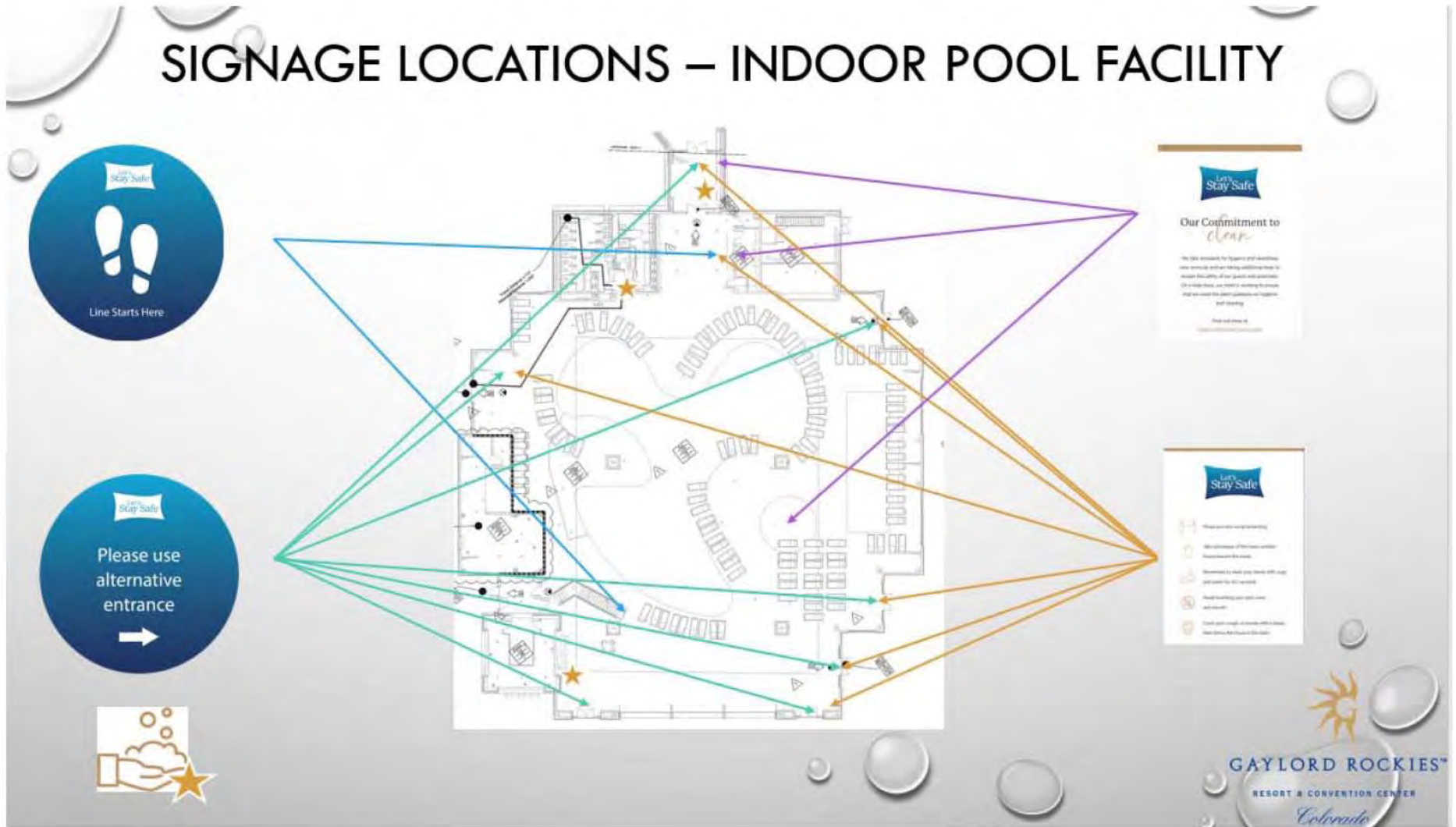
SIGNAGE LOCATIONS – ONE WAY TRAFFIC FLOW





Variance Request Executive Summary

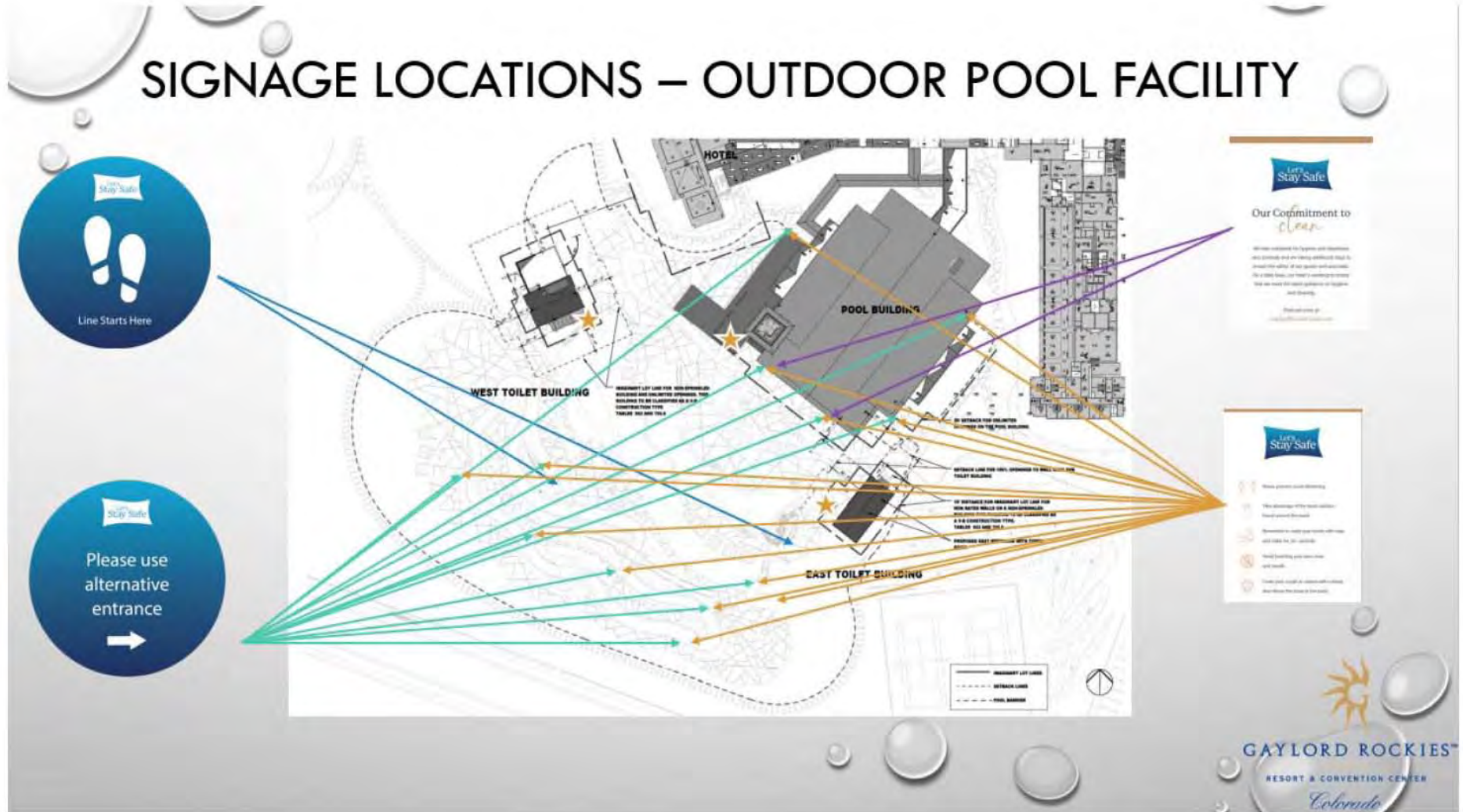
Sample Signage:





Variance Request Executive Summary

SIGNAGE LOCATIONS – OUTDOOR POOL FACILITY



Gaylord Hotels Commitment to Clean
Our commitment to keeping our guests, customer and hotel associates (STARS) safe remains our utmost priority.

Commitment to Clean

Our commitment to keeping our guests, customer and hotel associates (STARS) safe remains our utmost priority.



The COVID-19 pandemic has required us to raise our demanding standards to an even higher level with new protocols for the current circumstances. As a part of Marriott International's family of brands, we have been working with medical experts to implement a multi-pronged approach designed to meet the health and safety challenges presented by COVID-19 as outlined in Marriott's Commitment to Clean.

Health & Safety Expertise

Marriott International recently launched our Global Cleanliness Council, including experts from the field of medicine and public health to supplement the reputation of cleanliness and hospitality that the company has built throughout their history.

In addition, Vanderbilt University Medical Center (VUMC) has been selected as the official wellness advisor of Gaylord Hotels.

We've developed 200+ cleaning protocols throughout each step of our guests' journey and every physical space in the hotel. We are deploying scientifically supported practices and innovations, with focus on these specific details:

A Snapshot of Our Plan.



Technology Innovations

Enhanced technologies, including electrostatic sprayers and the highest classification of disinfectants recommended by the Centers for Disease Control and Prevention and World Health Organization are being used to sanitize surfaces throughout our hotels.



Deeper, More Frequent Cleaning

Extra-stringent daily cleaning procedures that are focused heavily on high touchpoint areas, hospital-grade disinfectants, and dedicated staff to sanitize frequently throughout the day.



Emphasis on Hygiene & Cleanliness

Each hotel will be required to have a hygiene plan. Hand sanitizing stations for guest use will be placed in all high-traffic areas and public spaces. Masks will be available to guests upon request.



Physical Distancing

Signage throughout our hotels to remind guests to maintain social distancing, occupancy limits and seating capacities reductions in compliance with local and state mandates, and partitions installed at front desks and food and beverage service lines. "Upon request only" housekeeping service and no STARS permitted into guest rooms while a guest is present unless for emergency reasons.



Contactless Service

Mobile check-in and key, service requests, and room service orders delivered right to your door via the Marriott Bonvoy™ mobile app.

Note: mobile key is currently available for all Gaylord Hotels properties except Gaylord Opryland.

Continued on reverse page.

Snapshot Continued



Food Safety Protocols

Modified operational practices for in-room dining, no self-service buffets, all food handlers trained on safe food preparation and service practices, and self- and independent audits in accordance with food safety standards as guidelines.



Tailored Options for Meetings & Events

A comprehensive protocol for cleaning, sanitizing, and maintaining physical distancing. Seating capacities and floor plans are reviewed on an event-by-event basis to ensure appropriate physical distancing and attendants dedicated to regular cycles of high-touch point sanitization areas. Support of our meeting planners in the setup and process of attendee temperature checks should they elect to conduct these.



STAR Health & Safety

Enhanced sanitation guidelines and training videos for STARS that include hygiene and sanitizing/disinfecting practices, required temperature checks, and masks and gloves available to all STARS. In addition, each property is required to have a Cleanliness Champion to help lead the hotel in how it can ensure guest and STAR safety.



On-Site Medical Expertise

We have certified Emergency Medical Technicians (EMTs) and/or a Registered Nurse (RN) on-site. All STARS are trained on how to respond swiftly and report all presumed on-property cases of COVID-19 and if the property is alerted to a presumptive case at the resort, the property will work with the local health department to follow the appropriate recommended actions.



Local Public Health Requirements

Monitoring and practice of requirements and guidance from local health authorities. Where testing or treatment of guests or associates is needed, hotels will provide appropriate resources to the available local public health options.

Safety is a Team Effort

Our meeting planners, travelers, and guests are all critical partners in preventing the spread of COVID-19 and other infectious diseases.

1. Attendees who are sick or showing symptoms should avoid traveling.
2. While onsite, practice everyday preventive actions, including:
 - Cover your coughs and sneezes.
 - Practice proper good hygiene protocols.
 - Avoid touching your eyes, nose, and mouth.
 - Modify historic high contact greetings to 'touchless' options like a nod, wave, or a bow.
 - Follow physical distancing and Personal Protective Equipment (PPE) mandates as required by state/local law, meeting planner and hotel.
3. Meeting planners to partner on communication and reinforcement of health & safety protocols.

Case Protocols

CASE NOTIFICATION. If a guest starts to feel ill, they will be encouraged to contact health authorities. Extensive crisis communications plans are in place, so that appropriate quarantine procedures and cleaning protocols may be implemented.

OCCUPIED GUEST ROOM RECOVERY PROTOCOL.

In the event of a guest with a confirmed or suspected case of COVID-19, the guest room will be removed from service to undergo a detailed cleaning protocol. The guest room will not be returned to service until it has been disinfected in accordance with the guidance issued by local health authorities. Similar recovery protocols would be implemented in public spaces, associate offices and work areas.

Updated June 8, 2020



Example Sister Property Opening Procedures

On June 8, 2020 Gaylord Texan Resort & Convention Center in Grapevine, Texas re-opened their doors. Below are examples of their protocols to ensure the health and safety of their guests and STARS (employees).



The Gaylord Texan is using a 28-page playbook prepared by brand owner Marriott International Inc. to guide its cleaning and safety practices. Workers have to sanitize everything from glass partitions to lounge chairs.



The Gaylord Texan is requiring employees to blast surfaces with electrostatic sprayers carrying hospital-grade disinfectant. Here Shelly Robb applies a spray to the lobby.



Thermal scanners are used to check the temperature of all employees. Anyone with a reading over 100.4 degrees isn't allowed to work. Here bartenders go to work inside the Gaylord Texan's water park.



A masked lifeguard surveys the scene as two guests float inside the Gaylord Texan's water park, Paradise Springs.

Tri County Health Department Self Certification

Business Name: Gaylord Rockies Resort & Convention Center (managed by Marriott International)

Facility Address: 6700 N Gaylord Rockies Blvd, Aurora, CO 80019

Approximate gross square footage of space open to the public: *Per Certificates of Occupancy from City of Aurora, Building Division*

Total: 2,001,322 sq ft

Hotel: 1,164,656 sq ft

Convention Center: 802,128 sq ft

Pool Area: 34,538 sq ft

Number of people allowed in facility: *Per Certificates of Occupancy from City of Aurora, Building Division*

Total: 40,371 ppl

Hotel: 7,696 ppl

Convention Center: 30,489 ppl

Pool Area: 2,186 ppl

Type of business per public health orders: Hotel Operation

Category	Items	Addressed?
1. Signage	1.1 Signage at each entrance of the facility or location notifying customers and employees to STOP if they are sick and ask them not to enter (CDC Signage here)	List of symptoms and notification to stay home if sick signage posted outside STARS (employee) entrance, hotel main entrance and secondary hotel entrance. Social distancing ques, protective measures and temperature check notification signs are also available. See page 1 for sample signage.
	1.2 Signage explaining safety measures being taken by the business	Posted in front of the house and heart of the house in numerous locations. Detailed Commitment to Clean document is also posted on our website and will be included in pre-arrival emails to all guests. www.GaylordHotelsClean.com is Gaylord Rockies' public facing Health and Safety Cleanliness Standards. See page 2 for sample signage.

Tri County Health Department Self Certification

	<p>1.3 Signage emphasizing the importance of</p> <ul style="list-style-type: none"> • Wearing a mask • Social distancing • Handwashing (CDC Signage) • Coughing and Sneezing Etiquette (CDC Signage) 	<p>Posted in front of the house and heart of the house in numerous locations.</p> <p>See page 3 for sample signage.</p>
	<p>1.4 Signage on how to contact a store manager or person in charge with questions or concerns related to COVID-19 store practices for protecting employee and customers.</p>	<p>A lobby greeter welcomes guests and provides guidance on proper check-in procedures, encouraging guests to utilize the Marriott Bonvoy app for mobile check in and mobile key. They also ensure social distancing measures are followed. This role can answer questions about Commitment to Clean procedures and connect a guest with leadership should they have additional questions.</p> <p>www.GaylordHotelsClean.com is Gaylord Rockies' customer facing Health and Safety Cleanliness Standards. Additional information as requested is available at GaylordRockiesClean@GaylordHotels.com as noted on final page of document.</p> <p>See page 4 for sample signage.</p>
	<p>1.5 Additional Signage Plans</p>	<p>See pages 5-11 for floor plans with signage locations, sample signage, hand sanitizer stations, social distancing stickers, alternative exits, flow patterns and more.</p>
<p>2. Measures to Protect Employee Health</p>	<p>2.1 All employees are told not to come to work if sick</p>	<p>Standard operating procedure states STARS (Employees) are not permitted to come to work when they are sick or representing COVID symptoms. Below are examples of STAR retraining on this concept.</p> <p>See page 12 for training and communication examples.</p>
	<p>2.2 Symptom monitoring protocols – including workplace temperature monitoring and symptom screening questions for COVID-19 – are in place and screening is being conducted before employees enter the work space. <i>Businesses with less than 25 employees should ask their employees to do self-checks at home before coming into work. Field-based employees should self-check and report to management daily (See CDPHE Symptom Screening Guidance)</i></p>	<p>All STARS (employees) and vendors are required to have their temperature taken prior to entering their work area. Thermal Scanners are deployed at STARS entry point to allow security officers to conduct non-invasive temperature checks of all STARS. Anyone with a temperature at or above 100.4°F or exhibiting any known symptoms of COVID-19 (following the definition of a reportable illness per the CDC) are not allowed to work. Those with a temperature at or above 100.4°F (38°C) will be subject to secondary screening in an isolated area. Those confirmed to have a temperature at or above 100.4°F (38°C) will undergo further medical assessment and be directed to appropriate medical care. STARS are recommended to check their temperature at home.</p>

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		<p>A STAR/vendor may return to work when:</p> <ul style="list-style-type: none"> ◦ They have no fever (temperature of 100.4 degrees or above) for at least 72 hours (three full days of no fever without the use of medicine that reduces fevers) and no other symptoms (e.g. cough, shortness of breath) and; ◦ At least seven (7) days have passed since symptoms first appeared. ◦ A health care provider’s note may be required upon return. <p>See page 13 for photo, signage and operating procedure.</p>
	<p>2.3 Appropriate protective gear like disposable gloves and cloth masks are provided to and used by all employees in close contact with other employees and/or the general public (See CDPHE Guidance for Wearing Masks here)</p>	<p>Appropriate PPE – masks and gloves –are provided and are required to be worn by STARS (employees) based on their role and responsibility, as well as in adherence to state and local guidelines. Anytime a STAR has direct contact with guests or their possession (ex. cash, luggage, dishwear, etc.), handles cleaning chemicals or enters a guest room, they will wear gloves in addition to the mask. STARS are also being trained on proper use and disposal of PPEs.</p> <p>See page 14 for training deck and operating procedure.</p>
	<p>2.4 All customers/clients who are able to wear a mask are asked to do so. No close-contact services that require the removal of masks are permitted. Businesses providing any close-contact services must maintain a log of customer interactions to facilitate contact tracing</p>	<p>In accordance with the Colorado State Executive Order D 2020-091 guests will be highly encouraged to wear non-medical cloth face coverings that cover the nose and mouth when in public areas. An inventory of masks will always be available for our guests.</p> <p>Relâche Spa will not offer services that require mask removal (ex. facial, facial waxing, etc) in accordance with Colorado Department of Regulatory Agencies. Couples treatments will not be offered to maintain therapist social distance. Masks will be provided for guests as they are required for all available services.</p>
	<p>2.5 Everyone who can carry out their work duties from home has been directed to do so</p>	<p>Overall active employees have reduced from 1,055 to 252. Active leaders have reduced from 219 to 90. Actual numbers in the building at the same time will vary with business demands.</p> <p>All administrative departments have reduced active team size by 50% or more to reduce office occupancy. Administrative departments stagger work from home as business demand allows to reduce total employees in office areas.</p>

Tri County Health Department Self Certification

<p>2.6 Flexible and/or remote scheduling is provided for vulnerable employees that must continue to stay at home, who may have child or elder care obligations, or who live with a person who needs to observe Stay-at-Home due to an underlying condition, age, or other factor.</p>	<p>Below guidelines are in place for isolation or quarantine STARS (employees):</p> <table border="1"> <thead> <tr> <th colspan="2" style="background-color: #00a0e3; color: white;">HOURLY ASSOCIATE</th> <th style="text-align: right; color: #00a0e3;">Remote Work Approval: General Manager</th> </tr> </thead> <tbody> <tr> <td style="background-color: #0056b3; color: white;">Quarantined for Observation</td> <td style="background-color: #d9e1f2;"> <ul style="list-style-type: none"> Utilize PTO/Vacation Based on GM's discretion, some positions may be approved for remote work </td> <td></td> </tr> <tr> <td style="background-color: #0056b3; color: white;">Isolated Due to Positive COVID-19 Diagnosis</td> <td style="background-color: #d9e1f2;"> <ul style="list-style-type: none"> Utilize PTO/Vacation As applicable apply for Family Medical Leave Act (FMLA), if eligible. This provides eligible employees to take job-protected leave with continued group health insurance and benefits Apply for Short Term Disability (if enrolled) after seven days. Covers up to six months. Apply for Leave Sharing (if not receiving Short Term Disability or any other benefit payments) </td> <td></td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2" style="background-color: #00a0e3; color: white;">MANAGER ON-PROPERTY</th> <th style="text-align: right; color: #00a0e3;">Remote Work Approval: General Manager</th> </tr> </thead> <tbody> <tr> <td style="background-color: #0056b3; color: white;">Quarantined for Observation</td> <td style="background-color: #d9e1f2;"> <ul style="list-style-type: none"> Utilize PTO/Vacation Based on GM's discretion, some positions may be approved for remote work. </td> <td></td> </tr> <tr> <td style="background-color: #0056b3; color: white;">Quarantined Due to Positive COVID-19 Diagnosis</td> <td style="background-color: #d9e1f2;"> <ul style="list-style-type: none"> Utilize PTO/Vacation Apply for Family Medical Leave Act (FMLA), if eligible. This provides eligible employees to take job-protected leave with continued group health insurance and benefits Apply for Short Term Disability (if enrolled) after seven days. Covers up to six months. Apply for Leave Sharing (if not receiving Short Term Disability or any other benefit payments) </td> <td></td> </tr> </tbody> </table> <p>FAQ Regarding STAR Inquiries:</p> <p>Q: Can I work remotely?</p> <p>A: Please discuss with your manager and if your job allows for it, we can accommodate remote work.</p> <p>Q: I am at high risk or I live with a person who is (pregnant/compromised immune system or elderly). What do I do?</p> <p>A: Please contact your Health Care provider and notify them of the potential exposure and any symptoms that you may have and follow their guidance.</p>	HOURLY ASSOCIATE		Remote Work Approval: General Manager	Quarantined for Observation	<ul style="list-style-type: none"> Utilize PTO/Vacation Based on GM's discretion, some positions may be approved for remote work 		Isolated Due to Positive COVID-19 Diagnosis	<ul style="list-style-type: none"> Utilize PTO/Vacation As applicable apply for Family Medical Leave Act (FMLA), if eligible. This provides eligible employees to take job-protected leave with continued group health insurance and benefits Apply for Short Term Disability (if enrolled) after seven days. Covers up to six months. Apply for Leave Sharing (if not receiving Short Term Disability or any other benefit payments) 		MANAGER ON-PROPERTY		Remote Work Approval: General Manager	Quarantined for Observation	<ul style="list-style-type: none"> Utilize PTO/Vacation Based on GM's discretion, some positions may be approved for remote work. 		Quarantined Due to Positive COVID-19 Diagnosis	<ul style="list-style-type: none"> Utilize PTO/Vacation Apply for Family Medical Leave Act (FMLA), if eligible. This provides eligible employees to take job-protected leave with continued group health insurance and benefits Apply for Short Term Disability (if enrolled) after seven days. Covers up to six months. Apply for Leave Sharing (if not receiving Short Term Disability or any other benefit payments) 	
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<p>2.7 All desks, individual work stations or work areas are separated by at least six feet and/or schedules are staggered to ensure six-foot distancing</p>	<p>All front desk, concierge, spa concierge, bell services pods are single occupancy workstations to allow for 6 ft spacing. Partitions are installed in all guest facing desks/pods (front desk, bell stand, spa, pool concierge, F&B counter service, banquet service, etc).</p> <p>Credit card machines have all been shifted to guest self-service and will be sanitized in between guests.</p> <p>Cubicles workspaces are being occupied strategically to ensure 6 ft distance. Office spaces are being used when possible to reduce open office areas.</p> <p>Arrival times of team members are staggered to limit group interactions at STARS (employee) Entrance, Stand Ups (shift kick offs), Rock STAR Café (employee restaurant), uniform room, etc.</p> <p>See page 15 for training deck and operating procedure.</p>																		

Tri County Health Department Self Certification

	<p>2.8 Employees are discouraged from using shared spaces (break rooms, meeting rooms, waiting areas, etc.). If use of shared space is necessary, consider the size of the room to maintain 6 foot distancing and no more than 10 people are permitted</p>	<p>STAR (employee) lounge, commuter rail shuttle and fitness center are closed for social distancing and reducing gathering locations. Engagement areas involving touch points in the heart of house are closed (interactive wellness wall, recognition nomination station, etc)</p> <p>Stand Ups (Shift Kick Offs) are moved to outdoor or larger locations to allow for social distancing and staggered to business demand to reduce attendance. Internal meetings rooms are for only necessary meetings with Microsoft Teams serving as the primary digital location for meetings. Internal meeting rooms are equipped with hand sanitizer and necessary cleaning equipment.</p> <p>Interoffice break areas will have social distance/hygiene signage and be equipped with cleaning kits for sanitizing areas in between regular routine cleanings (every 2 hours).</p> <p>Employee Restaurant (Rock STAR Café) has staggered break times to reduce occupancy and maximum capacity will be monitored by a host at the entrance to not exceed the maximum 50 guests. Separate entrance and exits have been identified and marked. Tables have been removed/rearranged to ensure social distancing. Single use and pre-packaged condiments, and silverware will be used. Seating will be sanitized after each use. Hand sanitizing and hand wash stations are available.</p> <p><u>See page 16 for training deck and diagram.</u></p>
	<p>2.9 Disinfectant and related supplies are available to all employees and guidance on daily workspace cleaning has been provided (See CDPHE Cleaning Guidance here)</p>	<p>Each office area in the building has access to a cleaning kit with the proper equipment to clean their workspace as needed. Regular cleaning will occur every 2 hours of high touch and communal areas within all work areas.</p>
	<p>2.10 Running water, hand soap and paper towels and/or hand sanitizer is available to all employees throughout the workday and employees are encouraged to take breaks to wash hands</p>	<p>Hotel is equipped with 83 public guest restrooms and 20 heart of house restrooms. This provides 103 areas for STARS (employees) to wash their hands. Additional hand sinks are located in kitchens and food services areas. Training on proper hand hygiene is provided, including washing or hand sanitizing every 20 minutes. Hand hygiene signage is posted in every restroom. In our daily meetings, our STARS are reminded that cleanliness starts with this simple act.</p> <p>Hotel is equipped with 70 hand sanitizer stands throughout the front of house for guests and STARS. Additional wall mounted hand sanitizers are in high touch areas</p>

Tri County Health Department Self Certification

		<p>in heart of house locations in addition to gallon and personal size sanitizers at desks and workstations.</p> <p>See page 17 for training deck and map of sanitizers.</p>
2.11 The facility has proper ventilation (See OSHA Ventilation Guidance here)		<p>Hotel is equipped with MERV 8 filters. Testing and Balancing (TAB) was completed January 2019 with all equipment working per design as confirmed from 3rd party inspection. See https://www.tabbcertified.org/ for additional information on certification that is accredited by the American National Standards Institute (ANSI). Hotel also has a digital maintenance management system, Transcendent, which tracks all preventative maintenance to include all HVAC.</p>
2.12 Policies are implemented to limit group interactions including staggering of shift changes, breaks, lunches, etc.		<p>Arrival times of team members are staggered to limit group interactions at STARS (employee) Entrance, Stand Ups (shift kick offs), Rock STAR Café (employee restaurant), uniform room, etc.</p>
2.13 Shields are installed between customers and employees to reduce contact where possible		<p>Partitions are installed in all guest facing desks/pods (front desk, bell stand, spa, pool concierge, F&B counter service, banquet service, etc).</p> <p>See page 18 for sample photos.</p>
2.14 Sick leave policies are flexible and consistent with public health guidance and employees are aware of and understand these policies. Businesses that do not currently offer sick leave to some or all of their employees should consider drafting non-punitive “emergency sick leave” policies.		<p>Gaylord Rockies follows Colorado Health Emergency Leave with Pay (HELP) rule. The temporary rule passed April 27, 2020 expanded CO HELP sick leave entitlements from 4 days to up to two weeks (maximum of 80 hours) of paid leave for STARS meeting guidelines of the rule. Gaylord Rockies will adhere to all updates as mandated by the State of Colorado.</p> <p>FAQ Regarding STAR Inquiries:</p> <p>Q: Should we waive the hotel’s attendance policy for the next 14 days or balance of the incubation period.</p> <p>A: We will be flexible with our attendance policy given the situation.</p>
2.15 Customers not following social distancing, masking, or hygiene requirements are asked to leave the premises.		<p>Guests who refuse to respect social distancing or hygiene recommendations that impact STARS or other guests will be addressed with our in-house security team and may result in removal from property. State and Local PPE guidelines will be enforced as mandated. Hotel will enforce the current State and Local mandated limits gatherings of individuals as required.</p>
2.16 Copies of the COVID-19 Plan have been distributed to all employees		<p>Mandatory 1.5-hour cleanliness training is occurring prior to STARS (employees) starting their first shift back at the hotel. Each STAR will receive the Commitment to Clean document and training materials at this time. Class will conclude with an</p>

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		assessment to ensure comprehension. Additional training materials and information is available on our internal Sharepoint, Teams and intranet sites.
3. Measures to Keep Employees and Customers/ Clients at Least Six Feet Apart	3.1 All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary	<p>Mandatory 1.5-hour cleanliness training is occurring prior to STARS (employees) starting their first shift back at the hotel. This training includes extensive conversations on social distancing. Each department has a role specific training checklist to address procedures when momentary closeness is required.</p> <p>STARS are not permitted into the guest’s room while a guest is present unless for emergency reasons. Masks and gloves are made available to all STARS. “Upon request only” housekeeping service.</p> <p>All guests receiving a massage are required to shower prior to the treatment and for other services they must wash their hands.</p> <p>See page 19 for sample training.</p>
	3.2 Placing signs outside the store, facility or location reminding people to be at least six feet apart, including when in line	<p>We are using signage throughout our hotels to remind guests to maintain social distancing protocols.</p> <p>See page 20 for sample signage.</p>
	3.3 Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks to public entrances with signs directing customers to use the markings to maintain distance	<p>We are using signage throughout our hotels to remind guests to maintain social distancing protocols and have removed or re-arranged furniture to allow more space for distancing. Arrows are provided on ground to control flow direction in restaurants. Entrances to hotel and flow within pool and restaurants spaces are defined by arrows, signage, and/or aisles.</p> <p>See page 20 for sample signage.</p>
	3.4 Barriers have been placed to increase space between the public and employees (e.g. cones to ensure customers remain 6-feet away when making payment at the register)	<p>Partitions are installed in all guest facing desks/pods (front desk, bell stand, spa, pool concierge, F&B counter service, banquet service, etc) to provide an extra level of precaution for our guests.</p>
	3.5 Stagger work stations or customer seating when a customer may be seated to receive a service.	<p>All front desk, concierge, spa concierge, bell services pods are single occupancy workstations to allow for 6 ft spacing. Partitions are installed in all guest facing desks/pods (front desk, bell stand, spa, pool concierge, F&B counter service, banquet service, etc).</p>

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		<p>Every other fitness machine is out of order to allow for social distancing between guests.</p> <p>Pool lounge chairs are spaced out and/or removed from service to maintain social distance, allowing family units of up to 8 people together.</p> <p>Restaurant seating capacities, floor plans, and occupancy limits are limited to expand distance between diners and in compliance with state and local mandates.</p>
<p>4. Measures to Prevent Unnecessary Contact</p>	<p>3.6 Consider providing special hours of operation for vulnerable populations.</p> <p>4.1 Contactless solutions are implemented whenever possible (contactless payment, no touch trash cans, propped doors where safe to do so, etc.). If not feasible, regular sanitation procedures are in place</p>	<p>Relâche Spa will offer reservations time slots for 1 hour prior to opening for vulnerable populations to allow their access to the spa following the through overnight cleaning.</p> <p>Guests can choose to use their phones to check in, access their rooms, make special requests and order room service that is specially packaged and delivered right to the door without contact. These “touchless” services can all be done quickly via the Marriott Bonvoy mobile app. https://mobile-app.marriott.com/en-us</p> <p>Digital menu options are available via mobile device QR code to limit printed menus. Disposable menus are available if needed.</p> <p>Credit card machines have all been shifted to guest self-service and will be sanitized in between guests.</p> <p>See page 21 for sample photos.</p>
	<p>4.2 Business practices have been adjusted to reduce close contact with customers — for example, by providing drive-through service, click-and-collect online shopping, shop-by-phone, curbside pickup, delivery, and virtual services whenever possible</p>	<p>For the protection of our guests and STARS, we have implemented “upon request only” housekeeping service and no STARS are permitted into guest rooms while a guest is present unless for emergency reasons. Masks and gloves are available to all STARS.</p> <p>Outlets offer take out menus, grab-and-go offerings, or counter service where appropriate.</p> <p>Bell services is on a request only basis. Attendants wear appropriate Personal Protective Equipment (PPE) and the bell carts are sanitized after each use. When delivering luggage to the guest’s room, it is delivered after the guest is in the room in order to ensure social distancing.</p>

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	<p>4.3 The flow of people traffic has been modified where possible (doors for entry or exit only, one way isles, etc.), while still maintaining safety such as emergency exits due to fire or other emergencies</p>	<p>Arrows are provided on ground to control flow direction in restaurants. Entrances to hotel and flow within pool and restaurants spaces are defined by arrows, signage, and/or aisles.</p> <p>See page 22 for sample photos.</p>
	<p>4.4 The use of digital files rather than paper is encouraged (invoices, agendas, forms, etc.)</p>	<p>Our business has operated as digital as possible for sustainability efforts. Microsoft Teams and Sharepoint are utilized to house information digitally for cross hotel communication. We do not operate an inner office mail procedure and invoices, employee schedules, IT requests, etc. are all digital processes.</p> <p>Hotel check in procedure has eliminated paper receipts and shared items (for example, pens).</p> <p>Digital menu options are available via mobile device QR code to limit printed menus. Disposable menus are available if needed.</p>
	<p>4.5 The sharing of tools, equipment, or other resources are limited to the greatest extent possible. If not feasible, businesses must implement thorough and frequent cleaning protocols for all shared items.</p>	<p>STARS (employees) will have dedicated work stations and equipment in all areas wherever possible. (ex. front desk pods, spa treatment rooms, housekeeping carts, cubicle areas, call center spaces, etc)</p> <p>We have implemented extra-stringent daily cleaning procedures that are focused heavily on high touchpoint areas. In public spaces, Gaylord Hotels has added to its already rigorous cleaning protocols, the requirement that surfaces are treated with hospital-grade disinfectants and that this cleaning is done with increased frequency. Public spaces, including, but not limited to, the lobby, aquatic areas, fitness centers, and meetings & convention spaces, have dedicated staff to sanitize frequently throughout the day. In guest rooms, we have added detailed cleaning practices, requiring all surfaces to be thoroughly cleaned with hospital-grade disinfectants. We also are placing disinfecting wipes in each guest room for guests' personal use.</p>
	<p>4.6 All communal gathering spaces, such as locker rooms or waiting rooms, are closed. Communal gathering spaces are strictly prohibited.</p>	<p>We are using signage throughout our hotel to remind guests to maintain social distancing protocols and have removed or re-arranged furniture to allow more space for distancing. In compliance with local and state mandates, occupancy limits and seating capacities have been reduced to allow for appropriate social distancing.</p> <p>Pool locker storage areas are closed.</p>

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		Relâche Spa locker room and waiting room is closed. Lobby furniture has been reduced and social distance signage has been added.
	4.7 All self-serve areas are closed	Vista Montagne breakfast buffet is closed. Banquet buffets and coffee break stations are attended and served by an attendant to eliminate guest contact on serving utensils. Prepackaged food on coffee breaks and individually packaged beverages (no pitchers or carafes) are served. Partitions for food service lines have been installed and STARS (employees) will be in masks and gloves. Butler serviced items have been suspended.
	4.8 Online conferencing, email, or the phone are used instead of in-person meetings, even when people are in the same building, whenever possible	STARS (employees): Microsoft Teams is used for all meetings in place of traditional in person events. Teams and Skype chat featured are used as communication vehicles in addition to phone/email. Banquet & Meetings: Seating capacities and floor plans are reviewed on an event-by-event basis at this time. This ensures compliance with physical distancing recommendations from the state and CDC, as well as local fire department regulations. As an example, new guidelines seat no more than six people at a 72-inch round banquet table versus the 10 in previous guidelines. Multiple general sessions/breakout tracks for groups to limit mass numbers together at one time have been implemented (<i>when available</i>).
5. Measures to Increase Sanitization	5.1 Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets and/or employee assigned to disinfect carts and baskets regularly	Each guest room receives a “Marriott Commitment to Clean” amenity bag containing hand sanitizer, disinfectant wipes, and a COVID-19 awareness card. Any additional amenity requests are left outside the guest room in a sealed container. All shared use recreation, fitness and pool equipment will be sanitized in between use by our staff. Pool reservations allow for a sanitation hour where guests will vacate the area and it can be sanitized in entirety. No shopping baskets are available in Rockies Marketplace or retail outlet. Guests are encouraged to use their phones to check in, access their rooms, make special requests and order room service that is specially packaged and delivered right to the door without contact. Digital Key Packets/resort information is sent to guests’ phones. Paper receipts and shared items (for example, pens), have been eliminated. Key cards are sanitized after each use.

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	5.2 Hand sanitizer is available at entrances and high-traffic locations for use by employees and customers	<p>Hotel is equipped with 70 hand sanitizer stands throughout the front of house for guests and STARS. Additional wall mounted hand sanitizers are in high touch areas in heart of house locations in addition to gallon and personal size sanitizers at desks and workstations.</p> <p>See page 5-11 for map of sanitizers.</p>
	5.3 All payment portals, pens, and styluses are sanitized after each use	<p>The frequency of cleaning and sanitizing by dedicated staff is increased in all public spaces with an emphasis on high-touch surfaces every 2 hours.</p> <p>Digital Key Packets/resort information is sent to guests' phones. Paper receipts and shared items (for example, pens), have been eliminated. Key cards are sanitized after each use.</p> <p>Non-essential amenities in guest rooms, such as non-disposable glass wear, have been removed from the room.</p> <p>Aquatic area attendants are dedicated to regular cycles of guest touch point sanitization. Chaise lounge chairs, cabanas, and lazy river tubes are sanitized prior to and after each use. Towel desk/kiosks and all other desks and counters are sanitized frequently by hospital-grade disinfectant.</p> <p>Restaurant check presenters, pens, and all other reusable guest contact items are sanitized after each use. High-touch points are sanitized throughout the day. Items on tables (condiments, votives, silverware, etc) have all been removed.</p>
	5.4 All high-contact surfaces and shared items (coffee makers, vending machines, printers, light switches, elevator buttons, doors, tables/counters, etc.) are regularly sanitized	<p>The frequency of cleaning and sanitizing by dedicated staff is increased in all public spaces with an emphasis on high-touch surfaces every 2 hours. Electrostatic sprayers are being used to sanitize areas such as public spaces, guest rooms, meeting spaces, restaurants, bars, pools, fitness centers, and back-of-the house.</p>
	5.5 Bathrooms and other high-touch areas are disinfected frequently, on a regular schedule (See CDPHE Cleaning Guidance here)	<p>The frequency of cleaning and sanitizing by dedicated staff is increased in all public spaces with an emphasis on high-touch surfaces every 2 hours.</p> <p>Electrostatic Sprayers are being utilized to apply hospital-grade disinfectant to high-touch surfaces including hotel lobbies, public spaces, guest rooms, meeting and convention areas, and heart-of-house. Using the highest classification of disinfectants recommended by the CDC and WHO to treat known pathogens, this technology is also used to sanitize areas such as public spaces, guest rooms, meeting spaces, restaurants, pool, spa, bars, the fitness center, and back-of-house.</p>

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	<p>5.6 Protocols have been established and supplies have been provided to increase the frequency of cleaning in accordance with OSHA requirements and CDPHE guidance and supplies are made available for customers to participate in sanitizing surfaces and touched objects where possible</p>	<p>We have implemented extra-stringent daily cleaning procedures that are focused heavily on high touchpoint areas. In public spaces, Gaylord Hotels has added to its already rigorous cleaning protocols, the requirement that surfaces are treated with hospital-grade disinfectants and that this cleaning is done with increased frequency. Public spaces, including, but not limited to, the lobby, aquatic areas, fitness centers, and meetings & convention spaces, have dedicated staff to sanitize frequently throughout the day. In guest rooms, we have added detailed cleaning practices, requiring all surfaces to be thoroughly cleaned with hospital-grade disinfectants.</p> <p>Electrostatic Sprayers are a new addition to our cleaning frequency to ensure hospital-grade sanitization.</p> <p>Interoffice break areas will have social distance/hygiene signage and be equipped with cleaning kits for sanitizing areas in between regular routine cleanings (every 2 hours).</p> <p>Each guest room receives a “Marriott Commitment to Clean” amenity bag containing hand sanitizer, disinfectant wipes, and a COVID-19 awareness card. Any additional amenity requests are left outside the guest room in a sealed container.</p> <p>We use disinfectant products that have been approved and certified by the U.S. Environmental Protection Agency (EPA), and other international government environmental agencies, as applicable, for use against emerging viruses, bacteria, and other pathogens. Our enhanced cleaning protocols adhere to the recommendations set forth in the EPA Emerging Pathogen Policy regarding cleaning and sanitization. We are also following the guidance of the Centers for Disease Control and Prevention (CDC), World Health Organization (WHO), and the guidance of our state and local health authorities regarding COVID-19.</p> <p>Ecolab is a global leader in infection prevention solutions with 97 years of experience. For more than 40 years, Marriott and Ecolab as worked together to ensure that we are taking appropriate measures to address a broad spectrum of viruses, including coronavirus (COVID-19). All hotels managed by Marriott in the U.S. and Canada are required to use Ecolab products and services. Together with Ecolab, we are reinforcing these measures by providing hotels with:</p> <ul style="list-style-type: none"> • Operations guidance for infection prevention and control; • Cleaning, sanitizing and disinfecting protocols; and
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		<ul style="list-style-type: none"> Continuing education on preventative actions, including proper hand hygiene. <p>In addition, the Ecolab products we have instructed our hotels to use have been identified by the American Chemistry Council Center for Biocide Chemistries (CBC) as EPA-Approved Novel Coronavirus Fighting Products.</p>
6. Measures to Prevent Crowds from Gathering	6.1 Provide services by appointment only (no walk-in or waiting)	Reservations are required for hotel and spa. Pool access is for hotel guests only and will require reservations.
	6.2 Limit the number of customers in the store at any one time to make 6-foot distancing between customers attainable. Ensure there is not crowding of patrons waiting outside the store for their turn to enter.	Retail outlets, Pool building, fitness center, Mountain Pass restaurant and Relâche Spa hostess and managers manage physical distance and entries, waiting areas, and queues (in addition to signage). Peak period queuing procedures are implemented when guests are not able to be immediately seated.
	6.3 Post an employee at the door to ensure that the maximum number of customers is not exceeded. If necessary designate employee monitors outside the store as well to assist and prevent crowds.	Pool building, fitness center, Mountain Pass restaurant and Relâche Spa hostess and managers manage physical distance and entries, waiting areas, and queues (in addition to signage). Peak period queuing procedures are implemented when guests are not able to be immediately seated.
	6.4 Placing per-person limits on goods that are selling out quickly to reduce crowds and lines	N/A
7. Other	7.1 Clear planning, preparedness and organization in the workplace is demonstrated. This includes assigning a COVID coordinator to facilitate planning and communication, developing a plan for resources like cleaning supplies and regular (daily or weekly) communication, planning for employees to be out for quarantine or caring for others, and considering how new precautions will impact workflow, etc.	<p>A key component of our plan is the identification of a Cleanliness Champion, Ashley Akright aakright@gaylordhotels.com or gaylordrockiesclean@gaylordhotels.com (Director of Operational Excellence and Innovation) which has 3 primary responsibilities: responsibilities: on-site cleanliness expertise, cleaning protocols and best practice training, and hotel pull-through of cleanliness standards.</p> <ul style="list-style-type: none"> On-site Cleanliness Expertise: The Cleanliness Champion will be certified as an expert in the most advanced cleanliness and hygiene techniques and technology. They are able to answer Associate and Guest questions. Training Lead: The Cleanliness Champion trains associates on the latest protocols and best practices to ensure a safe environment. Accountability Owner: The Cleanliness Champion is responsible for the hotel's cleanliness program pull-through leveraging standards and tools (e.g., departmental checklists). Dedicated Hygiene Specialists: These roles are identified in each department to hyper-focused on the health and safety of our guests and support continued training in departments.

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		<p>In conjunction with this team, Gaylord Rockies has medical personnel -- Emergency Medical Technician (EMT) on-site.</p> <p>www.GaylordHotelsClean.com is Gaylord Hotels customer facing Health and Safety Cleanliness Standards</p> <p>https://clean.marriott.com/ is Marriott International's customer facing Commitment to Clean information</p>
	7.2 A sign-in method is provided to enable contact tracing if needed	<p>All STARS (employees) are scheduled on their shifts in advance and vendors provide ID to our Security team upon check in to the property.</p> <p>Guests of the hotel and spa have information collected by reservations prior to arrival and confirmed at check in.</p>
	7.3 All business is operated through appointment only to the greatest extent possible	Reservations are required for hotel and spa. Pool access is for hotel guests only and will require reservations.
	7.4 Flexible refund policies that permit participant flexibility to stay home when they are sick have been considered and implemented where possible	<p>Guest cancellation policy has been updated by Marriott International give flexibility during these challenging times. Marriott Cancellation Guidelines</p> <p>Relâche Spa cancellation policy will be flexible to encourage guests to reschedule in the event they show symptoms or have possible exposure.</p>
	7.5 Workplace policies are communicated clearly, frequently and via multiple methods. Businesses must identify and address potential language, cultural, and disability barriers associated with communicating COVID-19 information to employees and customers. Information shared should be easily understood by employees and customers	Translators are available for guests and STARS (employees) as needed. Training materials are available in Spanish and online training resources are available in multiple languages.
	7.6 Business partners have been consulted and best practices have been shared with other businesses in your community (especially those in your supply chain), chambers of commerce, and associations to improve community response efforts.	<p>Colorado Hotel and Lodging Association task force on hotel industry recovery included Gaylord Rockies General Manager, Rick Medwedeff. This group shared best practices and resources as each of its 500+ members operated or is reopening through the pandemic.</p> <p>Visit Aurora, led by Bruce Dalton, President and CEO has partnered with Gaylord Rockies General Manager, Rick Medwedeff in their Safe Travel campaign and Recovery Plan to ensure our city and hotel are aligned in welcoming our local guests and convention guests as business resumes. This member-based</p>

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organization ensured the city's entire hospitality industry is aligned and sharing of best practices.

Marriott Global Cleanliness Council consists of in-house and outside experts in food and water safety, hygiene and infection prevention, and hotel operations. This council is working on developing a new generation of global hospitality cleanliness standards, norms and behaviors for our more than 7,300 properties around the globe. The Council is chaired by Ray Bennett, Chief Global Officer, Global Operations, Marriott International, and will benefit from knowledge and input from both in-house and outside experts including senior leaders from across Marriott disciplines like housekeeping, engineering, food safety, occupational health and associate wellbeing. The Council also includes advisory members Dr. Ruth L. Petran, Senior Corporate Scientist, Food Safety & Public Health for Ecolab, a global leader in water, hygiene and infection prevention solutions and services; Dr. Michael A. Sauri, Infectious Disease Specialist at Adventist Healthcare; Dr. Richard Ghiselli, Head of the School of Hospitality & Tourism Management at Purdue University; and Dr. Randy Worobo, Professor of Food Microbiology in the Department of Food Science at Cornell University.

Ecolab is a global leader in infection prevention solutions with 97 years of experience. For more than 40 years, Marriott and Ecolab as worked together to ensure that we are taking appropriate measures to address a broad spectrum of viruses, including coronavirus (COVID-19). All hotels managed by Marriott in the U.S. and Canada are required to use Ecolab products and services. Together with Ecolab, we are reinforcing these measures by providing hotels with:

- Operations guidance for infection prevention and control;
- Cleaning, sanitizing and disinfecting protocols; and
- Continuing education on preventative actions, including proper hand hygiene.







In addition, the Ecolab products we have instructed our hotels to use have been identified by the American Chemistry Council Center for Biocide Chemistries (CBC) as EPA-Approved Novel Coronavirus Fighting Products.

Vanderbilt University Medical Center (VUMC) serves as the official wellness advisor for Gaylord Hotels. A leader in medical research and one of the top-ranked academic medical centers in the United States, VUMC provides counsel for on-site operating procedures, advises on development of training and educational materials for associates (STARS), and provides expert guidance for standards and protocols relating to the unique, multi-faceted aspects of Gaylord Hotels' convention and resort business. VUMC was selected both for its nationally recognized expertise in infectious disease control and because of its local ties to

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		<p>Nashville, which is home to Gaylord Opryland, the original Gaylord Hotels property. Both VUMC and Gaylord Opryland are beacons in the Nashville community, and both are dedicated to providing their clientele with distinctive services of the highest caliber.</p> <p>See press release here: https://www.globenewswire.com/news-release/2020/05/21/2037103/0/en/Ryman-Hospitality-Properties-Inc-Selects-Vanderbilt-University-Medical-Center-as-Official-Wellness-Advisor-for-its-Phased-Reopening-Strategy.html</p>
<p>8. Additional Precautions Taken</p>	<p>8.1 New & Ongoing Training</p>	<p>In addition to training on housekeeping and hygiene protocols, STARS (employees) also complete enhanced COVID-19 awareness training, with more comprehensive training for STARS with frequent guest contact including housekeeping, food & beverage, public area attendants, hotel operations, and loss prevention. Daily refreshers and training topics will be included in pre-shift reviews, digital back of house signage and distributed via email to all STARS.</p> <p>Marriott International provides a comprehensive training playbook to ensure all leaders and STARS are equipped with the knowledge they need to stay safe and support guest safety. This playbook is updated in real time as health care professionals and CDC update best practices and standards around COVID-19.</p> <p>Every new STAR will be required to complete Marriott “Clean Matters” digital learning program as a part of their onboarding. All current housekeeping STARS have already completed this course.</p> <p>All food and beverage STARS are fully trained and compliant in food safety training and protocols.</p>
	<p>8.2 In-House Security Team</p>	<p>Gaylord Rockies hosts an in-house 24/7 Safety Services team that is committed to providing a safe and secure environment for clients and guests. All agents are trained first responders and certified for both CPR and AED. A Safety Services leadership is available 24-hours a day. The team is equipped with vehicles to patrol perimeter of hotel for safety. This team manages the STAR (employee) entrance to include symptom and temperature checks. More than 300 cameras are installed throughout the building to actively monitor guest gatherings, social distancing and trace contracting. In conjunction with this team, Gaylord Rockies has on-site medical personnel -- Emergency Medical Technician (EMT).</p> <p>Aurora Fire Station # 16 is 0.7 miles door to door to our hotel and the working relationship provides us with an added level of security as our neighbor.</p>

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		<p>See page 24 for photos.</p>
	<p>8.3 Hours of Operation</p>	<p>All restaurant, pool, spa and retail hours have been modified to allow for extensive overnight cleaning.</p>
	<p>8.4 Above Property Resources</p>	<p>Gaylord Hotels corporate and regional teams are on standby 24/7 to support the hotels and coordinate with local and regional authorities. Marriott International provides extensive resources on local intranet as well as accessibility to subject matter experts.</p>
	<p>8.5 All partners located in our facility has established cleaning protocols for the service of our guests.</p>	<p>See PDF "Attachments" tab or click here.</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  <small>PSAV Cleanliness Guidelines.pdf</small> </div> <div style="text-align: center;">  <small>PSAV - Hybrid Meeting Solutions.p</small> </div> <div style="text-align: center;">  <small>Freeman Commitment and Hy</small> </div> <div style="text-align: center;">  <small>FedEx Office Cleaning Protocols.p</small> </div> <div style="text-align: center;">  <small>Travel Traders COVID-19 Training Pi</small> </div> </div>
	<p>8.6 Case Notification Process & Guest Room Recovery Protocol</p>	<p>Gaylord Rockies has certified Emergency Medical Technicians (EMTs) on-site. If the hotel is alerted to a suspected case of COVID-19, the guest is directed toward appropriate medical care through our staff, who follow the direction of local health authorities. We then conduct additional cleaning and sanitizing protocols of all areas that the guest may have been in during their visit.</p> <p>In the event there is a guest with a confirmed case of COVID-19, that guest room is removed from service and undergoes a specific cleaning protocol by a licensed third-party expert. The guest room is not be returned to service until the room is deemed safe by the third-party and consistent with the guidance of local health authorities. Similar protocols are used to address offices and other back of house areas.</p> <p>See PDF "Attachments" tab or click here.</p> <div style="text-align: center;">  <small>Confirmed Case Response Plan.pdf</small> </div>
	<p>8.7 Tailored Options for Meetings & Events</p>	<p>A comprehensive protocol for cleaning, sanitizing, and maintaining physical distancing has been designed to keep attendees safe. Seating capacities and floor plans are reviewed on an event-by-event basis to ensure appropriate physical distancing that follows local fire department, as well as state and local health authority guidelines for proper physical distancing. This includes density reduction</p>

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in all meeting rooms and exhibit hall spaces. Convention public space attendants are dedicated to regular cycles of high-touch point sanitization areas and electrostatic sprayers are being utilized in meeting, conference and tradeshow spaces. In addition, our industry-leading team of sales and event leaders are in place to support meeting planners and attendees in navigating the post COVID-19 meetings landscape.

Banquet Event Protocol

- Seating capacities and floor plans are reviewed on an event-by-event basis at this time. This ensures compliance with physical distancing recommendations from the state and CDC, as well as local fire department regulations. As an example, new guidelines seat no more than six people at a 72-inch round banquet table versus the 10 in previous guidelines.
- All shared equipment and meeting amenities are sanitized before and after each use or are single use if not able to be sanitized.
- All linen, including underlays, are replaced after each use.
- Buffets and coffee break stations are attended and served by an attendant to eliminate guest contact on serving utensils.
- Prepackaged food on coffee breaks and individually packaged beverages (no pitchers or carafes) are served.
- Partitions for food service lines have been installed.
- Disposable cups and glasses are used for all breaks.
- Flatware is provided as a roll-up.
- Butler passed food and beverage is suspended.
- Preset food and drinks is restricted.

Meeting Space Protocol

- Seating capacities and floor plans are reviewed on an event-by-event basis at this time. This ensures compliance with physical distancing recommendations from the state and CDC, as well as local fire department regulations. As an example, new guidelines seat no more than six people at a 72-inch round banquet table versus the 10 in previous guidelines.
- Multiple general sessions/breakout tracks for groups to limit mass numbers together at one time have been implemented (*when available*).
- Use of electrostatic disinfecting sprayers are used to sanitize areas in the convention center including meeting rooms, exhibit halls, and public spaces.
- Convention public space attendants are dedicated to regular cycles of guest touch point sanitization. High-touch points such as conference room

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		<p>doors, light switches and other equipment are sanitized after each group’s use.</p> <ul style="list-style-type: none"> • Electrostatic disinfecting sprayers are used for deep sanitization of all meeting room hard surfaces and chairs overnight; completed before the start of the next day’s sessions. • Meeting sets on tables have been removed. • Water carafes and water pitchers are not placed on meeting tables or water stations. • Signage is posted outside of meeting and event rooms to remind guests of appropriate physical distancing guidelines. • Hand sanitizer stations are placed throughout the meeting spaces, convention center, break-out spaces and corridors. • FAQs are made available on-line to give attendees information about health & safety protocols. • Groups can choose to test attendees for COVID-19 and manage the process holistically.
	<p>8.8 Loading Dock Protocols</p>	<ol style="list-style-type: none"> 1. Receiving Dock <ol style="list-style-type: none"> a. In order to maintain Social Distancing, only Vendor Deliveries, Receiving Clerks and one Five Star Laundry attendant will be allowed on the Dock during regular business hours. b. Dock entrance will be cleaned to the Specifications and Guidelines of Marriott Int and Gaylord Hotels for COVID-19 and Food Service Sanitation. <ol style="list-style-type: none"> i. High Touch Areas should be cleaned every hour to COVID-19 Specifications. <ol style="list-style-type: none"> 1. Door Handles, Carts, Pallet Jacks, Dollies, MS Shift Scanners, etc. c. Deliveries will be kept at a minimum distance of 6-feet apart to maintain social distancing. d. Masks and Gloves will be required for all delivery personnel. Masks and gloves will be provided on each driver’s First Delivery, under this policy. Drivers without masks or gloves after their first delivery or who refuse to adhere to this policy will be denied access. e. Vendor Sales Reps must enter the building through STAR Entrance and follow “Commitment to Clean” protocols. <ol style="list-style-type: none"> i. Visits should be by Appointment Only

Tri County Health Department Self Certification

		<p>f. Internal STAR Parcels will be staged and quarantined for 3-business days on the Loading Dock. All External Guest Packages will continue to be handled by Fed-Ex and Travel Traders.</p> <p>2. Food Storage Areas</p> <p>a. All incoming deliveries will be received by a Material Control Receiving Clerk</p> <p>b. No STAR will have direct contact with any food that is not pre-packaged.</p> <p style="padding-left: 40px;">i. There will be a separation of duties between Clerks receiving food and non-food items to avoid cross-contamination.</p> <p>c. All Clerks will adhere to the Marriott and Gaylord Hotels VOCID-19 and Foodservice sanitation practices, including the use of Disposable Face Masks and Gloves.</p> <p>d. Received Food items will be dropped in specifically marked areas on the loading dock and Food Safety receiving policies (LSOP – Food Safety) will be followed.</p>
	<p>8.9 Front Desk/Arrival/Bell Services/Departure Protocol</p>	<ul style="list-style-type: none"> • A lobby greeter welcomes guests and provides guidance on proper check-in procedures, encouraging guests to utilize the Marriott Bonvoy app for mobile check in and mobile key. They also ensure social distancing measures are followed. • Partitions have been installed at all front desks, concierge, and bell stands. • Every other front desk station is available in order to maintain distancing. • Stanchions and floor decals provide six-foot social distancing intervals and delineators to properly space guests for line management. • Guests are encouraged to use their phones to check in, access their rooms, make special requests and order room service that is specially packaged and delivered right to the door without contact. Digital Key Packets/resort information is sent to guests’ phones. • Public space attendants are dedicated to regular cycles of guest touch point sanitization. • Electrostatic disinfecting sprayers are used to sanitize areas in the public areas. • Paper receipts and shared items (for example, pens), have been eliminated. • Key cards are sanitized after each use. • Signage is posted to explain elevator capacity to adhere to social distancing procedures.

Tri County Health Department Self Certification

		<ul style="list-style-type: none"> • Bell services is on a request only basis. Attendants wear appropriate Personal Protective Equipment (PPE) and the bell carts are sanitized after each use. When delivering luggage to the guest's room, it is delivered after the guest is in the room in order to ensure social distancing.
	8.10 Relâche Spa Protocol	<ul style="list-style-type: none"> • Lounge, Waiting Room, Steam Room are all closed in accordance with State Guidance. • Guests are required to complete a medical check list and temperature screening prior to any service. • All guests receiving a massage are required to shower prior to the treatment and for esthetician services they must wash their hands. • Therapists wear aprons that are changed after each client and they wear appropriate PPE based on the service being performed. • All treatments rooms are sanitized after each treatment.
	8.11 Pool Areas Protocol	<ul style="list-style-type: none"> • Aquatic area attendants are dedicated to regular cycles of guest touch point sanitization. • Reservation system to control seating, access and assist in contact tracing. • Lounge chairs are spaced out and/or removed from service to maintain social distance, allowing family units of up to 8 people together. • Cloth chair cushions have been removed. • Chaise lounge chairs, cabanas, and lazy river tubes are sanitized prior to and after each use. • Signage is being used throughout pool areas, slide entrances, and pool dining areas to remind guests to maintain social distancing protocols. • Towel desk/kiosks and all other desks and counters are sanitized frequently by hospital-grade disinfectant. • Partitions have been installed at towel desk/kiosks.
	8.12 Fitness Center Protocol	<ul style="list-style-type: none"> • Fitness center attendants are dedicated to assisting with the sanitization of equipment after guest use. • Every other fitness machine is out of order to allow for social distancing between guests. • There is signage on all equipment and throughout the facility to remind guests of the requirement to wipe down equipment after use. • Electrostatic disinfecting sprayers are used to sanitize all areas in the fitness center.

Tri County Health Department Self Certification

	<p>8.13 Transportation Protocol</p>	<ul style="list-style-type: none"> • Drivers and parking booth attendants wear appropriate PPE. • Seating arrangements and capacity adjustments have been implemented to limit capacity and allow for space between riders. For example, buses are loaded from back to front and each guest sits on the window seat on the left and right side skipping every other row. For town cars and SUVs, no more than four guests are permitted per SUV and no more than two guests are permitted per sedan (unless from same household). Guests are not permitted in the front passenger seat. • There is frequent sanitation of high-touch points before use and between each ride. • Hand sanitizer stations are available at key transportation entrances. • Partitions have been installed at all valet stands. • For self-parking, ticket dispensers and exit credit card payment machines are sanitized several times throughout the day.
	<p>8.14 Restaurant/Bar Protocol</p>	<ul style="list-style-type: none"> • Seating capacities, floor plans, and occupancy limits are limited to expand distance between diners and in compliance with state and local mandates. • Hostess and managers manage physical distance and entries, waiting areas, and queues (in addition to signage). Peak period queuing procedures are implemented when guests are not able to be immediately seated. • Partitions have been installed at all host stands. • Electrostatic sprayers are used to sanitize all restaurants and bars every night. • High-touch points are sanitized throughout the day. • Bars, tables and chairs are sanitized between each seating. • Restaurant attendants are dedicated to regular cycles of guest touch point sanitization. • Digital menu options are available via mobile device to limit printed menus. • Outlets offer take out menus, grab-and-go offerings, or counter service where appropriate. • Check presenters, votives, pens, and all other reusable guest contact items are sanitized after each use. • Hand sanitizer stations are placed at the entrance to each outlet. • All food and beverage STARS are fully trained and compliant in food safety training and protocols.

Tri County Health Department Self Certification

	8.15 Guest Room Protocol	<ul style="list-style-type: none">• Each room receives a “Marriott Commitment to Clean” amenity bag containing hand sanitizer, disinfectant wipes, and a COVID-19 awareness card. Any additional amenity requests are left outside the guest room in a sealed container.• Electrostatic sprayers are used to sanitize each room.• All surfaces are thoroughly cleaned with hospital-grade disinfectants.• Non-essential amenities, such as non-disposable glass wear, have been removed from the room.• “Upon request only” housekeeping service.• STARS are not permitted into the guest’s room while a guest is present unless for emergency reasons. Masks and gloves are made available to all STARS.
	8.16 Anticipated Reduction in Occupancy to Allow Social Distancing	See page 25 for graph.



Signage

[1.1 Notification to Not Enter if Sick]

List of symptoms and notification to stay home if sick signage posted outside STARS (employee) entrance and hotel main entrances. Social distancing ques, protective measures and temperature check notification signs are also available.

Example Signage:





Signage

[1.2 Safety Measures]

Posted in front of the house and heart of the house in numerous locations. Detailed Commitment to Clean document is also posted on our website and will be included in pre-arrival emails to all guests.

www.GaylordHotelsClean.com is Gaylord Rockies' public facing Health and Safety Cleanliness Standards.

Example Signage:



Our Commitment to *clean*

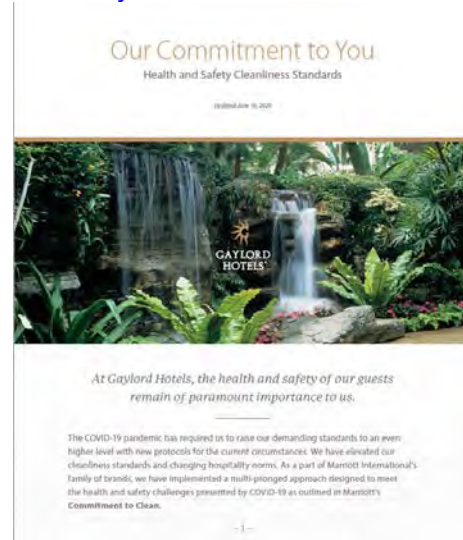
We take standards for hygiene and cleanliness very seriously and are taking additional steps to ensure the safety of our guests and STARS.

On a daily basis, our hotel is working to ensure that we meet the latest guidance on hygiene and cleaning.

Find out more at GaylordHotelsClean.com

GaylordRockies.Com Main Website:

Commitment to Clean (24 page document at www.GaylordHotelsClean.com):



2 Page Condensed Commitment to Clean:



Signage

[1.3 Hygiene Importance]

Posted in front of the house and heart of the house in numerous locations.

Travel with Confidence

All STARS should wear appropriate PPE, including a mask.

Practice social distancing and keep at least 6 feet away from other people.

Wash your hands often with soap and water for at least 20 seconds.

Cover your cough or sneeze with a tissue, then throw the tissue in the trash.

Avoid touching your eyes, nose and mouth.

Stop the Spread of Germs

Help prevent the spread of respiratory diseases like COVID-19.

6 ft

Stay at least 6 feet (about 2 arms' length) from other people.

Cover your cough or sneeze with a tissue, then throw the tissue in the trash and wash your hands.

When in public, wear a cloth face covering over your nose and mouth.

Do not touch your eyes, nose, and mouth.

Clean and disinfect frequently touched objects and surfaces.

Stay home when you are sick, except to get medical care.

Wash your hands often with soap and water for at least 20 seconds.

cdc.gov/coronavirus

Cover your Cough

— Stop the spread of germs that can make you and others sick! —

Cover your mouth and nose with a tissue when you cough or sneeze. If you don't have a tissue, cough or sneeze into your upper sleeve or elbow, not your hands.

If you don't have a tissue, cough or sneeze into your upper sleeve or elbow, not your hands.

Be sure to avoid touching your face to protect others.

Wash hands often with soap and water for 20 seconds. If soap and water are not available, use an alcohol-based hand rub.



Signage

[1.4 Further Contact for Questions]

A lobby greeter welcomes guests and provides guidance on proper check-in procedures, encouraging guests to utilize the Marriott Bonvoy app for mobile check in and mobile key. They also ensure social distancing measures are followed. This role can answer questions about Commitment to Clean procedures and connect a guest with leadership should they have additional questions.

www.GaylordHotelsClean.com is Gaylord Rockies' customer facing Health and Safety Cleanliness Standards. Additional information as requested is available at GaylordRockiesClean@GaylordHotels.com as noted on final

Information on Page 24 of Commitment to Clean Document:

■ For Further Information

Your health and safety are our Number One priority!

Your health and safety are our **Number One** priority and if you have any questions that have not been answered here, please direct your inquiry to:

Gaylord Rockies

GaylordRockiesClean@GaylordHotels.com



Signage

[1.5 Additional Signage Plans]

Below depict signage locations, sample signage, hand sanitizer stations, social distancing stickers, alternative exits, flow patterns and more.



Continued on following pages



Signage

Signage for Tour Lobby Entrance

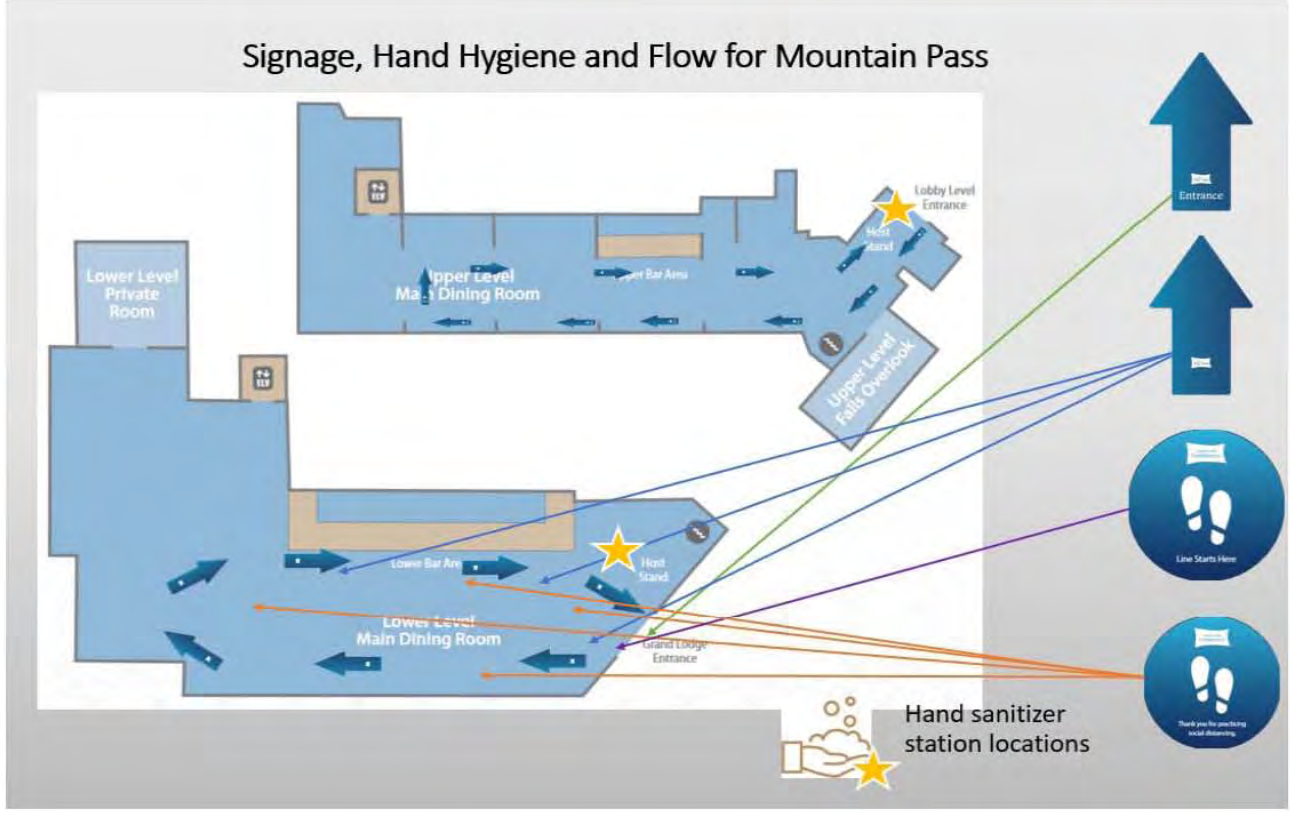
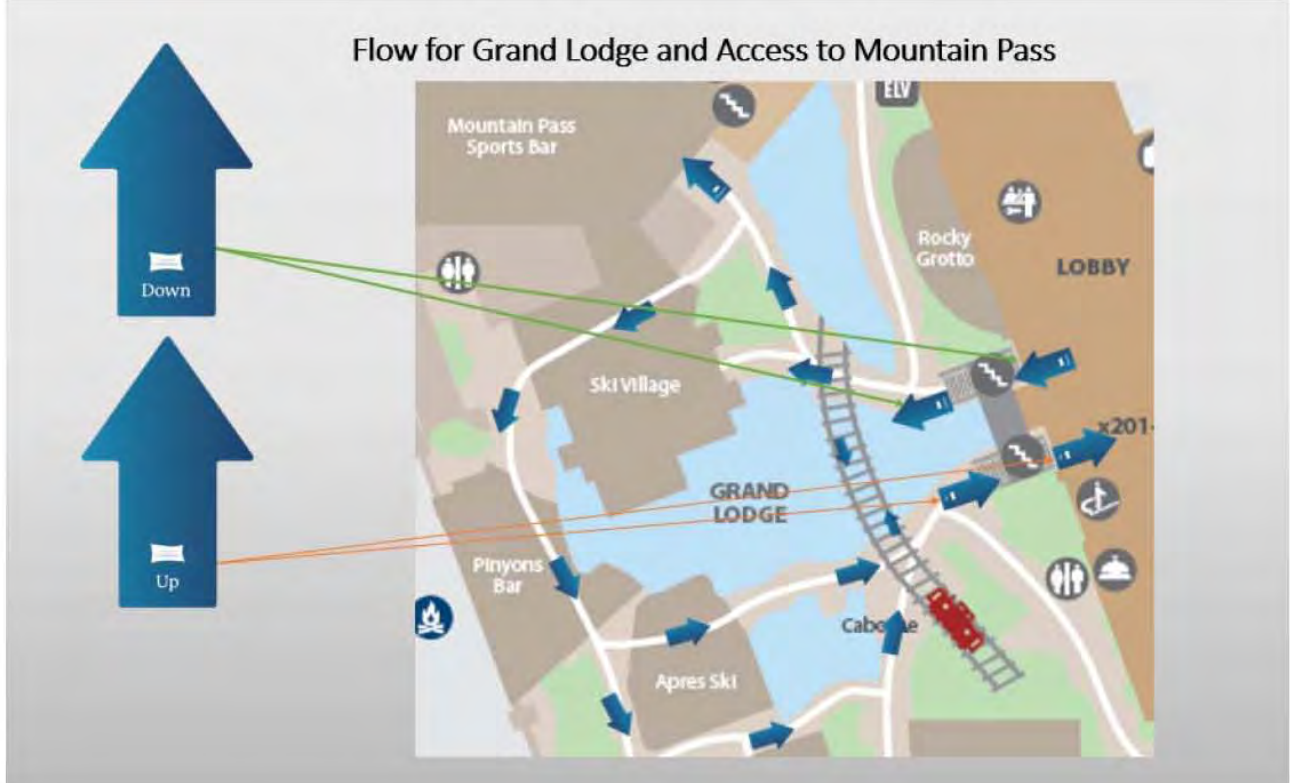


Signage for Main Lobby, Tour Lobby & Grand Lodge

	<p>Digital sign on 3 electronic reader boards in the Main Lobby and 1 in the Grand Lodge</p>		<p>Clings placed on the entrance/exit doors directing guests to the revolving (contactless) door for entry and the sliding (contactless) door for exit</p>
	<p>Digital sign on 3 electronic reader boards in the Main Lobby and 1 in the Grand Lodge</p>		<p>Multiple floor stickers placed on the floor in front of the front desk pods and bell desk reinforcing social distancing</p>
	<p>Placed at the top and bottom of the escalators from the Main Lobby to Spa and Arapahoe Springs</p>		<p>Sign stand located at the Bell Stand</p>
	<p>Cling affixed to the entrance door to Celebrity Services</p>		<p>Hand sanitizer station locations</p>
	<p>Signage stands placed at the elevator landings of the North, South and East elevators on the Main Lobby and Grand Lodge levels</p>		
	<p>Signs posted on all entry doors in main lobby and transportation lobby</p>		



Signage



Gaylord Hotels Commitment to Clean
Our commitment to keeping our guests, customers and hotel associates (STARS) safe remains our utmost priority.



Signage

Signage for Mountain Pass



Arrow cling on the floor at entrance



Arrow clings will provide guests a path to follow as they move through the restaurant

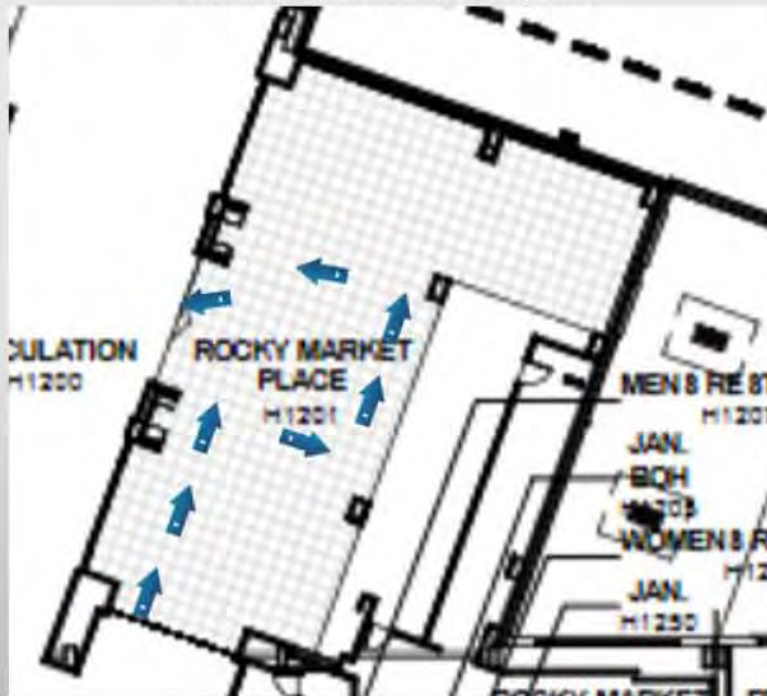


Floor sticker to identify the start of the take out line in the restaurant



Multiple floor stickers will be placed on the floor throughout the restaurant reinforcing social distancing

Flow for Rockies Marketplace



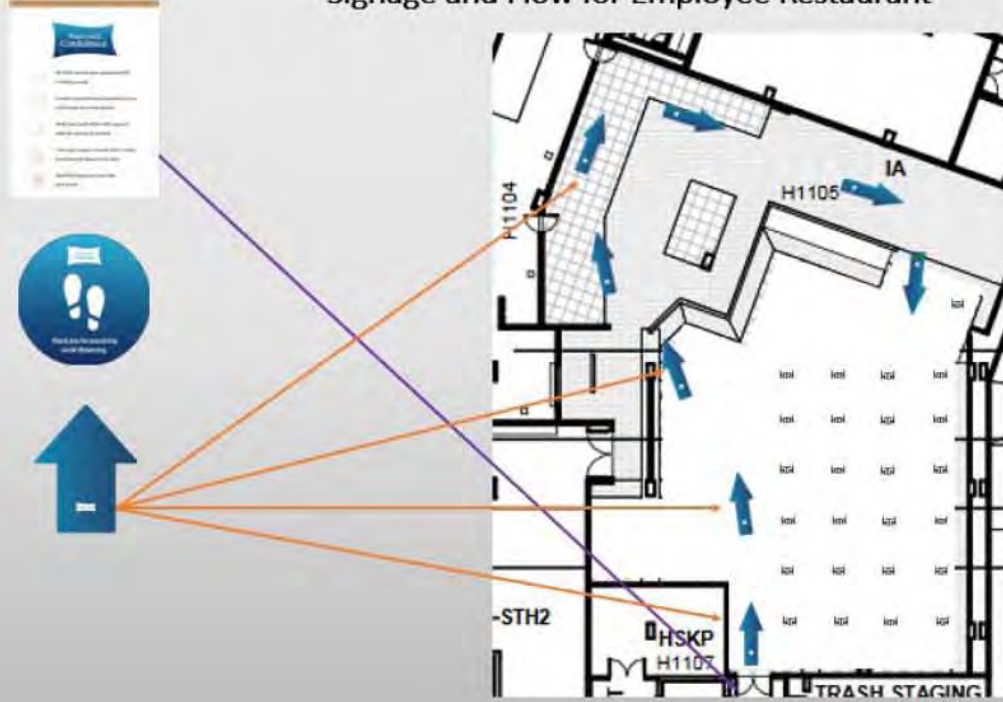
Gaylord Hotels Commitment to Clean

Our commitment to keeping our guests, customers and hotel associates (STARS) safe remains our utmost priority.

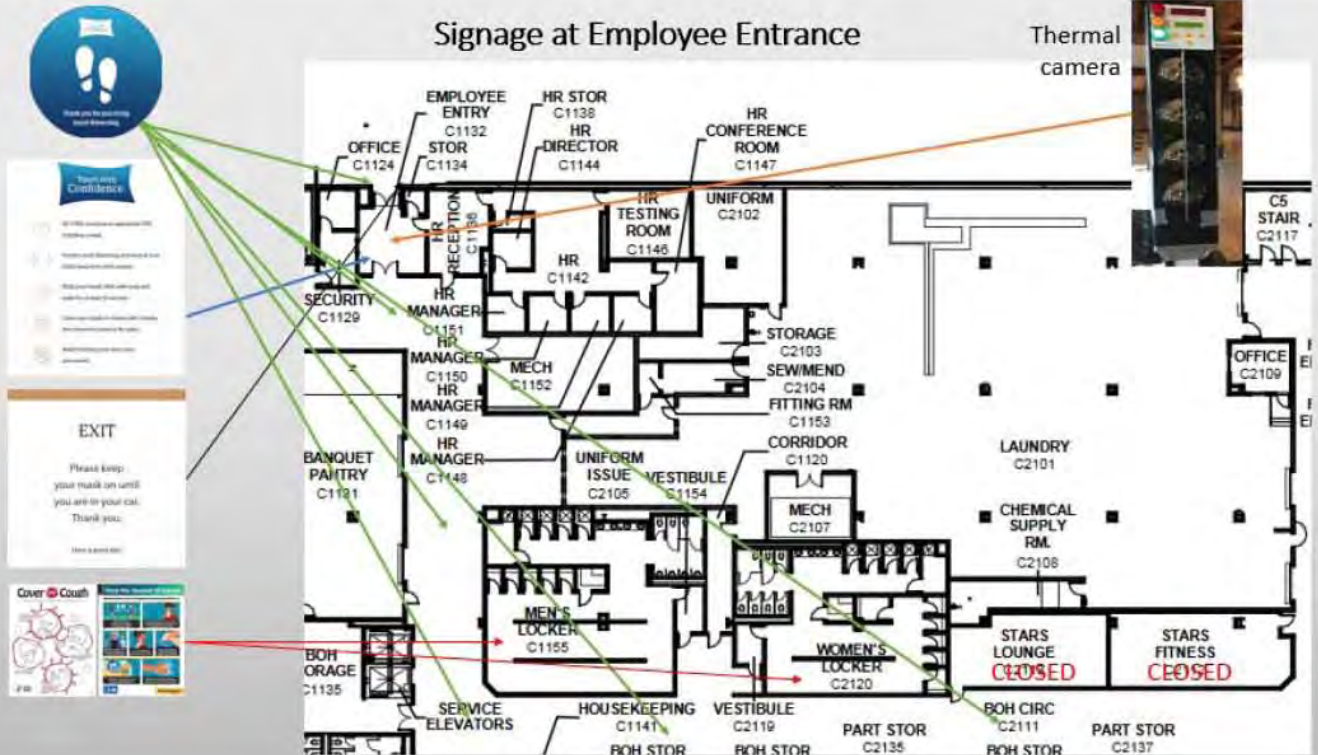


Signage

Signage and Flow for Employee Restaurant



Signage at Employee Entrance

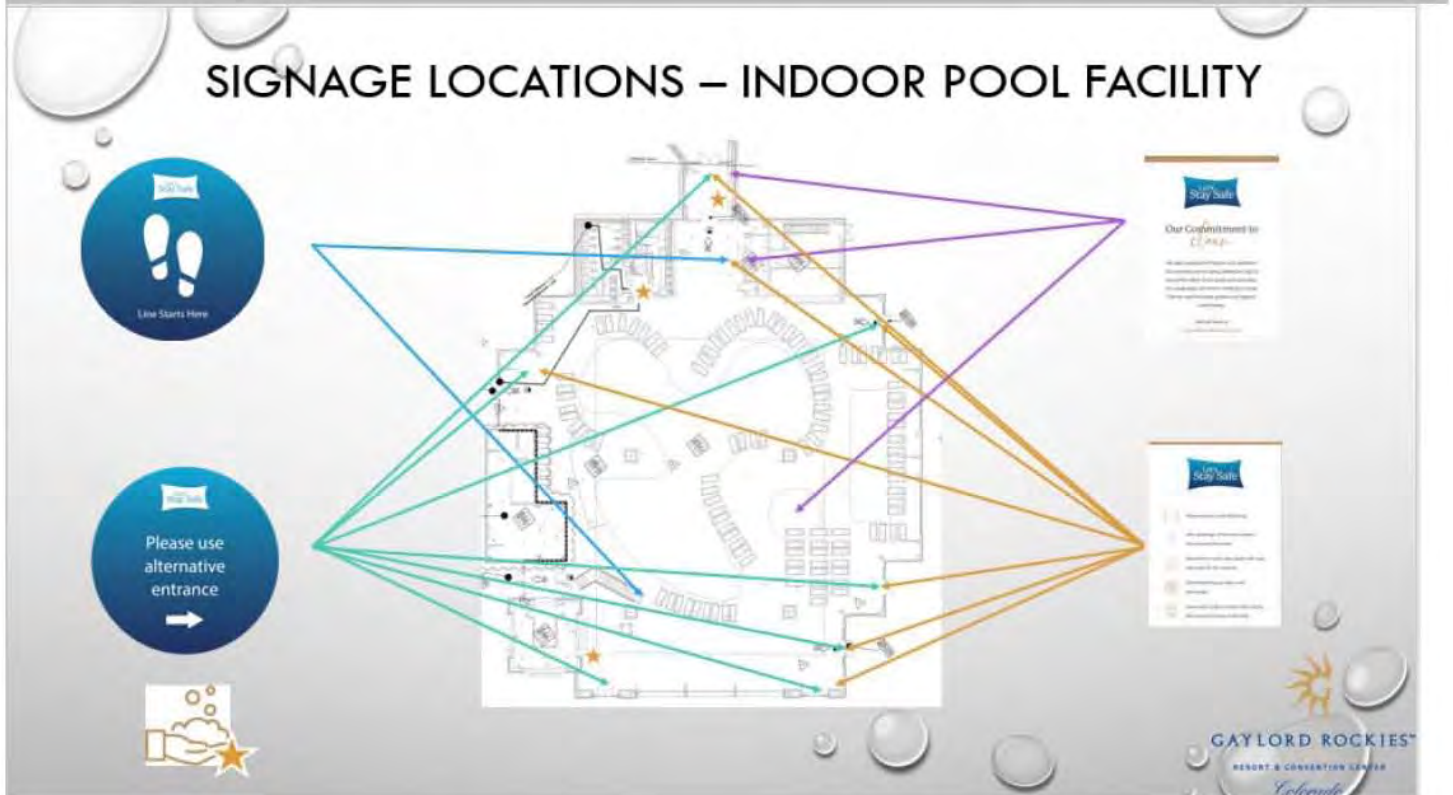
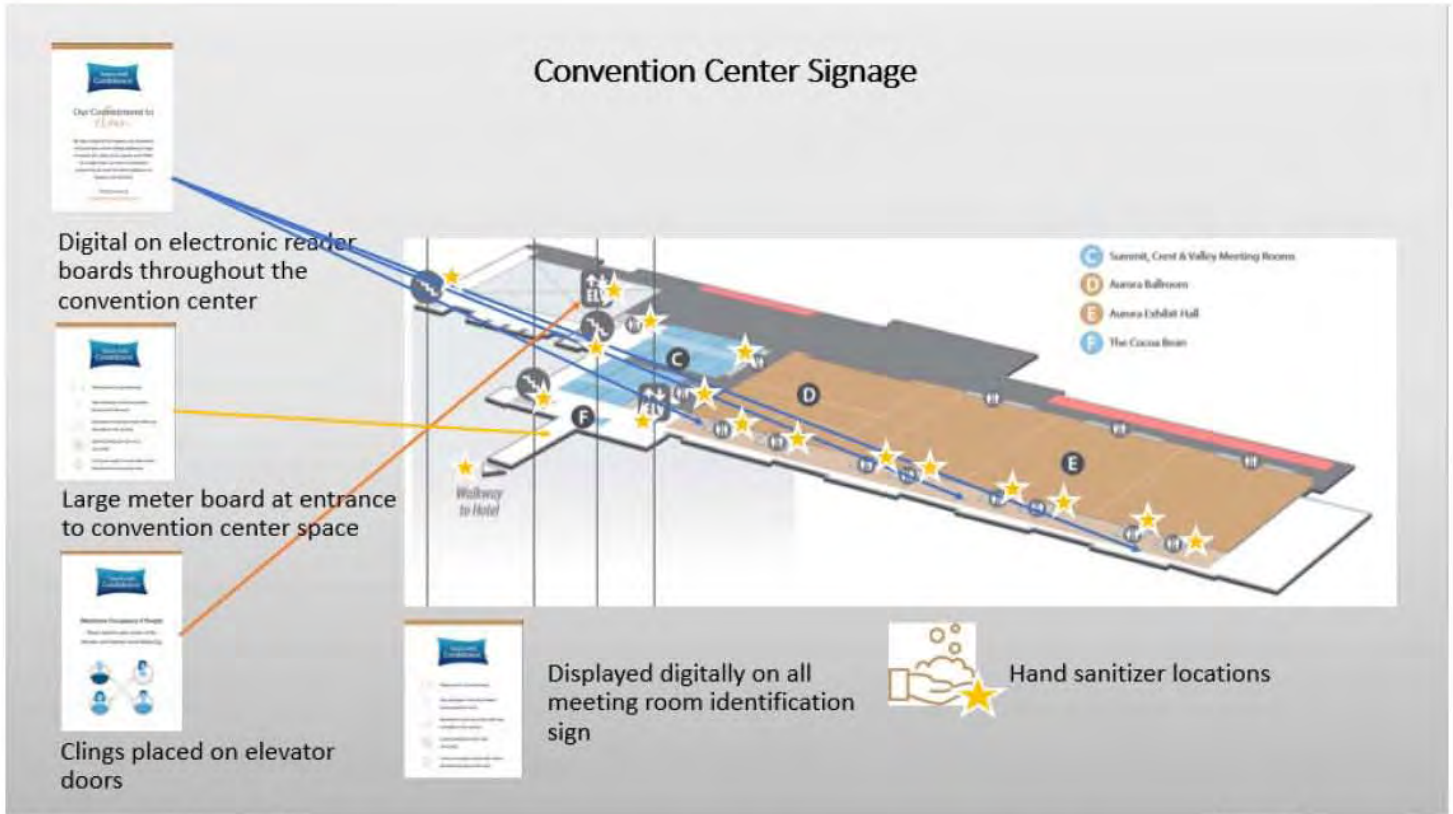


Gaylord Hotels Commitment to Clean

Our commitment to keeping our guests, customers and hotel associates (STARS) safe remains our utmost priority.



Signage

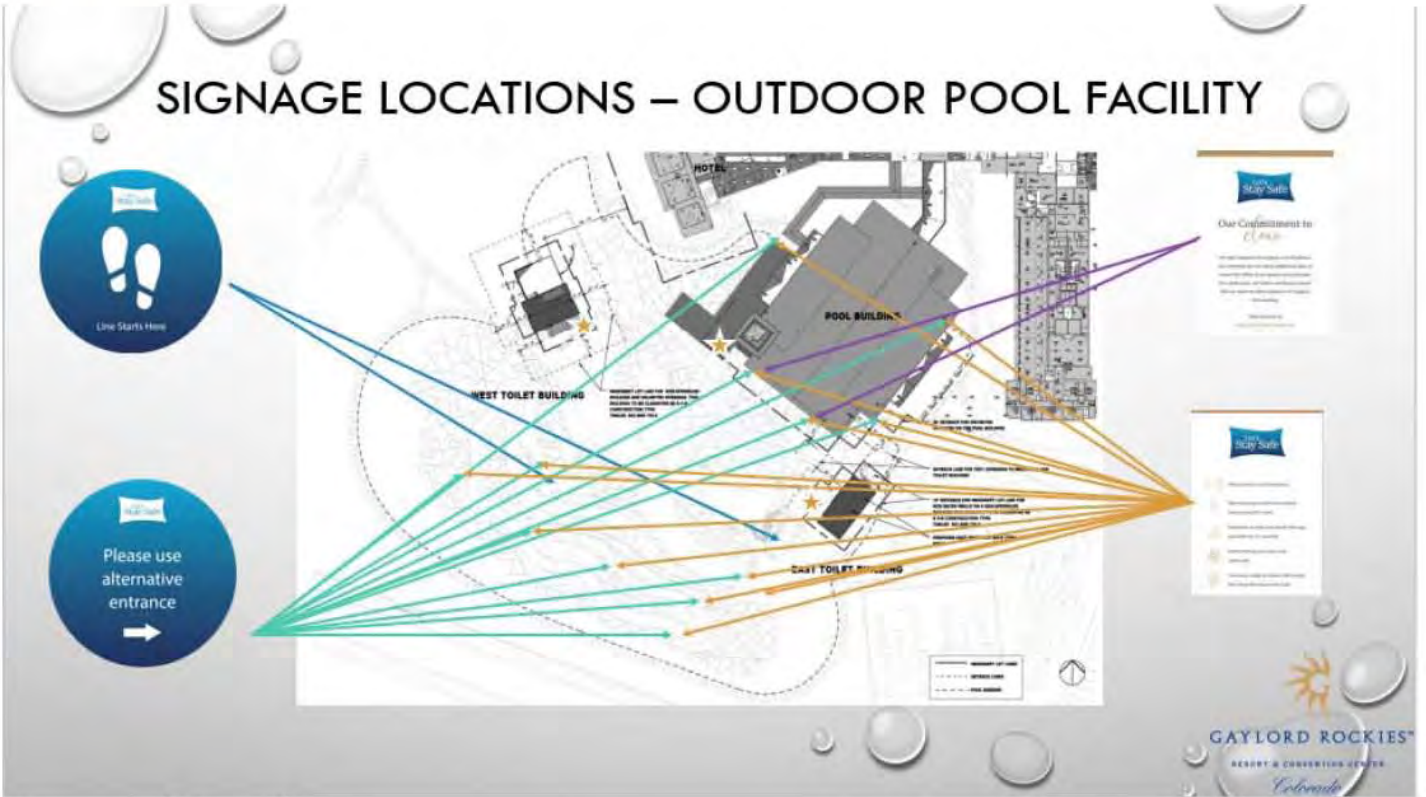


Gaylord Hotels Commitment to Clean
Our commitment to keeping our guests, customers and hotel associates (STARS) safe remains our utmost priority.



Signage

SIGNAGE LOCATIONS – OUTDOOR POOL FACILITY



SIGNAGE LOCATIONS – ONE WAY TRAFFIC FLOW





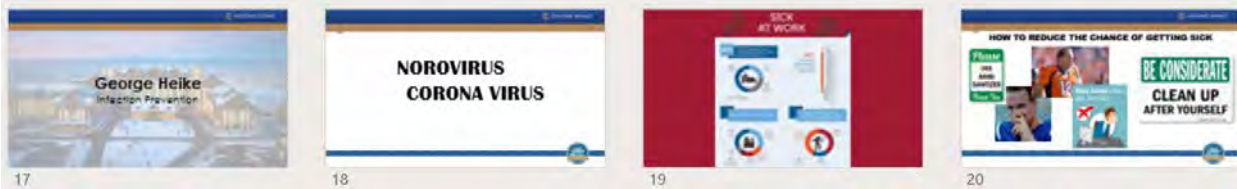
Measures to Protect STARS (Employee) Health

[2.1 Sick or Symptoms = Stay at Home]

Standard operating procedure states STARS (Employees) are not permitted to come to work when they are sick or representing COVID symptoms. Below are examples of retraining and communication.

Training on Infection Prevention (February 14, 2020)

Ahead of the pandemic announcement in the US, we trained our leaders on the importance of remaining home if you're sick, practicing proper hand washing and protocols when a virus case is identified on property. This was completed with all Leaders (Managers) at our monthly training, Leader's Loop.



Example Reminders in our Daily Publication, "Know Your Stuff":

Today: Tuesday, March 3rd

SCOREBOARD

	MTD	YTD
GSS Intent to Recommend	56.5 ↓	60.1
ESS Intent to Recommend	94.1	85.7
Elite Recognition	57.9 ↓	63.7 ↓
Department:		

HIGHLIGHTS

Please focus on prevention measures to prevent the spread of viruses! Prevention measures include:

- Wash your hands often
- Use Hand Sanitizer stations available in the Heart of House
- Wear gloves when cleaning
- Cough or sneeze securely into your sleeve
- Notify your Leaders if you are sick
- Visit the doctor for diagnosis
- Stay home and avoid contact** when sick with contagious illnesses
- Clean thoroughly after being sick

Example Reminder in our Weekly Closure Publication, Caboose Chronicles:

CABOOSE CHRONICLES

An exclusive weekly publication for Gaylord Rockies STARS to stay connected with the most updated resort information. | April 20, 2020

TAKE CARE

STAY HEALTHY

Check out the guidance as provided by the World Health Organization to help stop the spread of COVID-19.

- Avoid touching your eyes, nose, and mouth at all times.
- Cover your mouth and nose if you cough or sneeze with your elbow.
- Maintain a 2 meter distance from non family members.
- Wash your hands frequently with soap and water for at least 20 seconds.
- If you have a cough, fever and difficulty breathing, seek medical care early.
- If you begin to feel unwell, even with mild symptoms such as a runny nose or headache, **stay at home until you recover.**

Marriott Leader FAQ:

Q: What do I do if I feel sick or have symptoms?

A: If you feel sick, you should stay home from work and use PTO. Please contact your Health Care provider and notify them of the potential exposure and your symptoms.

SERVICE FOCUS

Coronavirus | Knowledge Check

Protecting our co-STARS and Guests from the Coronavirus outbreak requires a proactive approach. Knowing common symptoms and prevention measures will assist in making a difference to fight Coronavirus.

- Which person could be infected Coronavirus?
 - A. Yin has itchy eyes
 - B. Alice has been vomiting
 - C. Sam has a fever and difficulty breathing
- What could you do to avoid contracting Coronavirus?
 - A. Avoid contact with an infected person
 - B. Avoid touching infected surfaces then your mouth, nose or eyes
 - C. Wash your hands thoroughly and often
 - D. All options listed
- True OR False? Coughing or sneezing into a flexed elbow will help prevent the spread of Coronavirus
- True OR False? To prevent the spread of Coronavirus, it is crucial that you wipe down surfaces and high touch areas with approved disinfectants.
- What should you do if you suspect you might have contracted Coronavirus?
 - A. Go to a friends house
 - B. Stay at home
 - C. See a doctor immediately and stay at home while recovering.

ANSWER KEY: 1. C, 2. D, 3. TRUE, 4. TRUE, 5. C

Gaylord Hotels Commitment to Clean

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Measures to Protect STARS (Employee) Health

[2.2 Symptom Monitoring Protocols]

All STARS (employees) and vendors are required to have their temperature taken prior to entering their work area. Thermal Scanners are deployed at STARS entry point to allow security officers to conduct non-invasive temperature checks of all STARS. Anyone with a temperature at or above 100.4°F or exhibiting any known symptoms of COVID-19 (following the definition of a reportable illness per the CDC) are not allowed to work. Those with a temperature at or above 100.4°F (38°C) will be subject to secondary screening in an isolated area. Those confirmed to have a temperature at or above 100.4°F (38°C) will undergo further medical assessment and be directed to appropriate medical care. STARS are recommended to check their temperature at home.

A STAR/vendor may return to work when:

- They have no fever (temperature of 100.4 degrees or above) for at least 72 hours (three full days of no fever without the use of medicine that reduces fevers) and no other symptoms (e.g. cough, shortness of breath) and;
- At least seven (7) days have passed since symptoms first appeared.
- A health care provider’s note may be required upon return.

Symptom Checklist Signage:



If you feel unwell or have the following symptoms please do not enter the building and contact your health care provider.

- Cough**
- Fever**
- Chills**
- Muscle pain**
- Shortness of breath or difficulty breathing**
- Sore throat**
- New loss of taste or smell**

Symptoms can range from mild to severe illness, and appear 2-14 days after you are exposed to the virus that causes COVID-19.

Seek medical care immediately if someone has emergency warning signs of COVID-19.

- Trouble Breathing**
- Persistent pain or pressure in the chest**
- New confusion**
- Inability to wake or stay awake**
- Bluish lips or face**

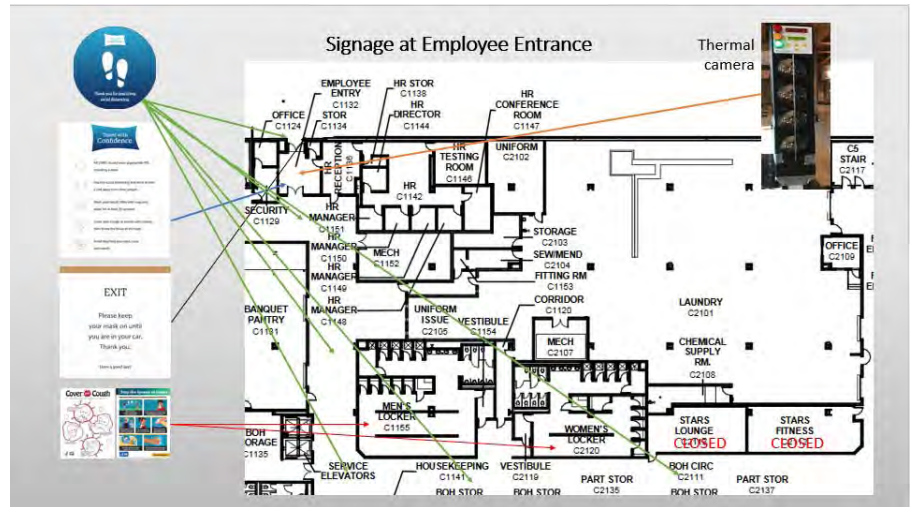
Safety Services Local Standard Operating Procedure for Temperature Checks:

[See PDF “Attachments” tab or click here.](#)



LSOP Temperature and Symptom Check.

STAR Entrance Thermal Camera/Signage:





Measures to Protect STARS (Employee) Health


[2.3 Personal Protective Equipment]

Appropriate PPE – masks and gloves –are provided and are required to be worn by STARS (employees) based on their role and responsibility, as well as in adherence to state and local guidelines. STARS are also being trained on proper use and disposal of PPEs.

Required Training Prior to STAR Returning to Work:

PROVIDING PERSONAL PROTECTIVE EQUIPMENT (PPE)

- All associates will wear a face covering as a part of their uniforms.
- Gloves will also be available to all associates in their departments
- Guests can wear personal face masks or coverings and should abide by local regulations.




Putting on the Face Mask:

- Wash or sanitize your hands!
- Determine which side of the mask is the front. The colored side of the mask is usually the front and should face away from you, while the white side touches your face.
- Prepare to position on your face. The wire side should be on the top.
- Examine your mask. Make sure it has not been compromised.
- Grasp the elastic ear straps on the side of the mask. Place a loop around each ear. Try not to touch the outside of the mask.
- Make sure it fits snug and covers your nose and mouth.
- Pinch the wire on the top of your mask, over your nose, to tighten.
- Pull the bottom of the mask over your mouth and chin.

Wearing Properly

- Never touch the outside of the mask, especially while the mask is on your face.
- Don't pull the mask below your chin to your neck while you are wearing it.
- Don't have the mask dangle from one ear.



MASKS

STARS are required to wear a face mask from their vehicle to STAR Entrance

STARS will be provided a disposable face mask and asked to keep this mask on and wear it for their entire shift. They may remove it while dining.

STARS are encouraged to bring a bag to Rock STAR Café to store mask when not in use; napkins available as alternative

Any STARS in public areas, on the Guest room floors, or working in the kitchen or dish room are required to have a mask on.

STARS working in an office or somewhere they are alone will not be required to wear a mask.

STARS working in cubicles are required to wear masks.

STARS are asked to wear their mask until they reach their vehicle at the end of their shift.

HOW TO PROPERLY REMOVE GLOVES

- Grasp the outside of one glove at the wrist. Do not touch your bare skin.
- Peel the glove away from your body, pulling it inside out.
- Hold the glove you just removed in your gloved hand.
- Peel off the second glove by putting your fingers inside the glove at the top of your wrist.

STAR Exit Mask Reminder:

EXIT

Please keep your mask on until you are in your car.
Thank you.

Have a good day!



MI Face Mask Information.pdf

Marriott Face Mask Information:

[See PDF "Attachments" tab or click here.](#)

- Turn the second glove inside out while pulling it away from your body, leaving the first glove inside the second.
- Dispose of the gloves safely. Do not reuse the gloves.
- Clean your hands immediately after removing gloves.

Gloves should always be removed before masks.



Measures to Protect STARS (Employee) Health

[2.7 Socially Distanced Workstations]

All front desk, concierge, spa concierge, bell services pods are single occupancy workstations to allow for 6 ft spacing. Partitions are installed in all guest facing desks/pods. Credit cards have all been shifted to guest self-service and will be sanitized in between guests.

Cubicles workspaces are being occupied strategically to ensure 6 ft distance. Office spaces are being used when possible to reduce open office areas.

Arrival times of team members are staggered to limit group interactions at STARS (employee) Entrance, Stand Ups (shift kick offs), Rock STAR Café (employee restaurant), uniform room, etc.

Required Training Prior to STAR Returning to Work:

OFFICE SPACE

Ensure enough space between you and any seats in your office

Sanitize your work station before and after your shift

Be mindful of what you touch if you are a Guest in someone's office- It is smart to sanitize your hands in front of the STAR before touching any of their office equipment

Bring your own pens and notebook to someone's office

Never ask someone to remove their mask for a meeting or conversation

When gathering or when in a meeting, it is required you wear a mask. Meet remote whenever possible.

Break rooms – Abide by cleaning schedule of every 2 hours. Clean and sanitize items before and after your own use.

DISINFECTING NON-FOOD CONTACT SURFACES

ENSURE ENVIRONMENTAL HYGIENE

Sample Front Desk Usage (Limiting a Dual Check In Station Area to Single Use Only):



Gaylord Hotels Commitment to Clean

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Measures to Protect STARS (Employee) Health

[2.8 Employee Restaurant, Meeting & Break Areas]

STAR (employee) lounge, commuter rail shuttle and fitness center are closed for social distancing and reducing gathering locations. Engagement areas involving touch points in the heart of house are closed (interactive wellness wall, recognition nomination station, etc)

Stand Ups (Shift Kick Offs) are moved to outdoor or larger locations to allow for social distancing and staggered to business demand to reduce STAR attendance. Internal meetings rooms are reserved for only necessary meetings with Microsoft Teams serving as the primary digital location for meetings. Meeting rooms are equipped with hand sanitizer and necessary cleaning equipment.

Interoffice break areas will have social distance/hygiene signage and be equipped with cleaning kits for sanitizing areas in between regular routine cleanings (every 2 hours).

Employee Restaurant (Rock STAR Café) has staggered break times to reduce occupancy and maximum capacity will be monitored. Seating has been rearranged to ensure social distancing. Single use and pre-packaged condiments, and silverware will be used. Seating will be sanitized after each use. Hand sanitizing and hand wash stations are available.

Required Training Prior to STAR Returning to Work:

HEART OF HOUSE STANDARDS

15/6* rule

Please refrain from Hugs & Handshakes- while you may not be worried about them, someone else may be – **what is an alternative?**

HOH elevators are limited to (4) occupants at a time

Sanitizing of HOH areas has been increased

STAR Stand Up meetings will be conducted in a larger space with appropriate physical distancing between STARS

STAR starting times may be staggered to accommodate smaller pre-shifts, less of a back up at STAR Entrance and fewer STARS in Rock STAR Café at a time

ROCK STAR CAFÉ

Reduced menu will continue with just the hot line being open daily

STARS can expect staggered dining times to reduce density

Please do your part to socially distance while dining; do not move chairs or tables at all

Single use cups will be provided for beverages (no refills)

Pre-packaged plasticware & plates will be provided

All condiments will be single use only

Tables and chairs will be wiped down after each use

Overnight – will receive specific instructions from their leader on dining

Diagrams of Employee Restaurant:



Gaylord Hotels Commitment to Clean

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Measures to Protect STARS (Employee) Health

[2.10 + 5.2 Hand Hygiene]

Hotel is equipped with 83 public guest restrooms and 20 heart of house restrooms. This provides 103 areas for STARS (employees) to wash their hands. Training on proper hand hygiene is provided, including washing or hand sanitizing every 20 minutes. Hand hygiene signage is posted in every restroom. In our daily meetings, our STARS are reminded that cleanliness starts with this simple act.

Hotel is equipped with 70 hand sanitizer stands throughout the front of house for guests and STARS. Additional wall mounted hand sanitizers are in high touch areas in heart of house locations in addition to gallon and personal size sanitizers at desks and workstations.

Required Training Prior to STAR Returning to Work:



See signage section for hand sanitizer locations throughout the hotel.





Measures to Protect STARS (Employee) Health

[2.13 Partitions]

Partitions are installed in all guest facing desks/pods (front desk, bell stand, spa, pool concierge, F&B counter service, banquet service, etc).

Sample Partition Usage:





Measures to Keep STARS (Employees) and Customers at Least Six Feet Apart

[3.1 STAR (employee) Distancing Training]

List of symptoms and notification to stay home if sick signage posted outside STARS (employee) entrance. Social distancing cues, protective measures and temperature check notification signs are also available.

Required Training Prior to STAR Returning to Work:

A training slide titled "PHYSICAL DISTANCING" with a teal background on the left. The right side is white and contains a bulleted list of measures and a circular icon of two people with a double-headed arrow between them.

- Guests and associates must practice physical distancing by standing at least 6 feet away from other people not traveling with them.
- Certain areas, such as arrival queues or gathering areas, will be marked with signage including floor decals and, if necessary, one-way guest traffic flow will be indicated.
- Lobby furniture, restaurant layouts, and other public seating areas have all been re-designed to include 6ft of space between seats
- Partitions will be installed at the front desk, concierge, Bell stand, hostess stands, valet desk outside, spa, etc.





Measures to Keep STARS (Employees) and Customers at Least Six Feet Apart

[3.2 + 3.3 Social Distance Signage]

We are using signage throughout our hotels to remind guests to maintain social distancing protocols.

Travel with Confidence

Maximum Occupancy 4 People
Please stand in each corner of the elevator and maintain social distancing.

Travel with Confidence

Please allow 3 steps between you and the guest in front of you.

Travel with Confidence

- Please practice social distancing.
- Take advantage of the hand sanitizer found around the event.
- Remember to wash your hands with soap and water for 20+ seconds.
- Avoid touching your eyes, nose and mouth.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.

Travel with Confidence

Thank you for practicing social distancing.

Travel with Confidence

Thank you for practicing social distancing.

Travel with Confidence

Thank you for practicing social distancing.



Measures to Prevent Unnecessary Contact

[4.1 Contactless Solutions]

Guests can choose to use their phones to check in, access their rooms, make special requests and order room service that is specially packaged and delivered right to the door without contact. These “touchless” services can all be done quickly via the Marriott Bonvoy mobile app. <https://mobile-app.marriott.com/en-us>

Digital menu options are available via mobile device QR code to limit printed menus. Disposable menus are available if needed.

Credit card machines have all been shifted to guest self-service and will be sanitized in between guests.

Mobile App Contactless Features:



QR Code Menus:





Measures to Prevent Unnecessary Contact

[4.3 Traffic Flow Modifications]

Arrows are provided on ground to control flow direction in restaurants. Entrances to hotel and flow within pool and restaurants spaces are defined by arrows, signage, and/or aisles.

Sample Signage:

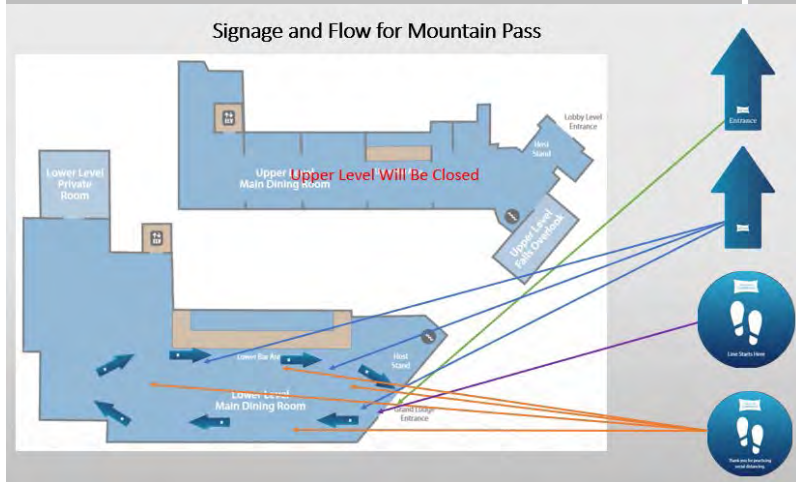
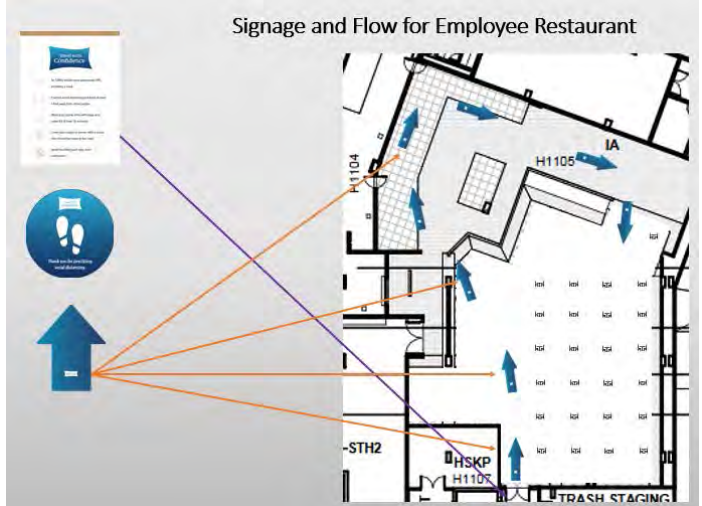
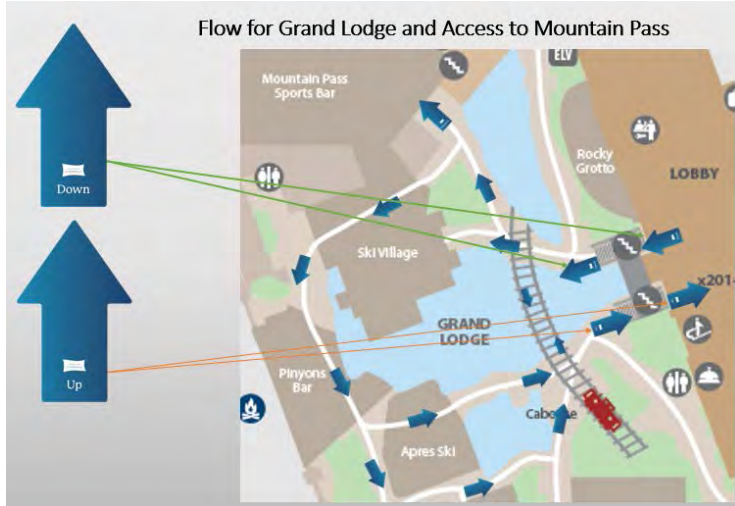




Measures to Prevent Unnecessary Contact

[4.3 Traffic Flow Modifications *continued*]

Flow Patterns:



Gaylord Hotels Commitment to Clean

Our commitment to keeping our guests, customers and hotel associates (STARS) safe remains our utmost priority.



Additional Precautions Taken

[8.2 In House Security Team]

Gaylord Rockies hosts an in-house 24/7 Safety Services team that is committed to providing a safe and secure environment for clients and guests. All agents are trained first responders and certified for both CPR and AED. A Safety Services leadership is available 24-hours a day. The team is equipped with vehicles to patrol perimeter of hotel for safety. This team manages the STAR (employee) entrance to include symptom and temperature checks. More than 300 cameras are installed throughout the building to actively monitor guest gatherings, social distancing and trace contracting. In conjunction with this team, Gaylord Rockies has on-site medical personnel -- Emergency Medical Technician (EMT).

Aurora Fire Station # 16 is 0.7 miles door to door to our hotel and the working relationship provides us with an added level of security as our neighbor.

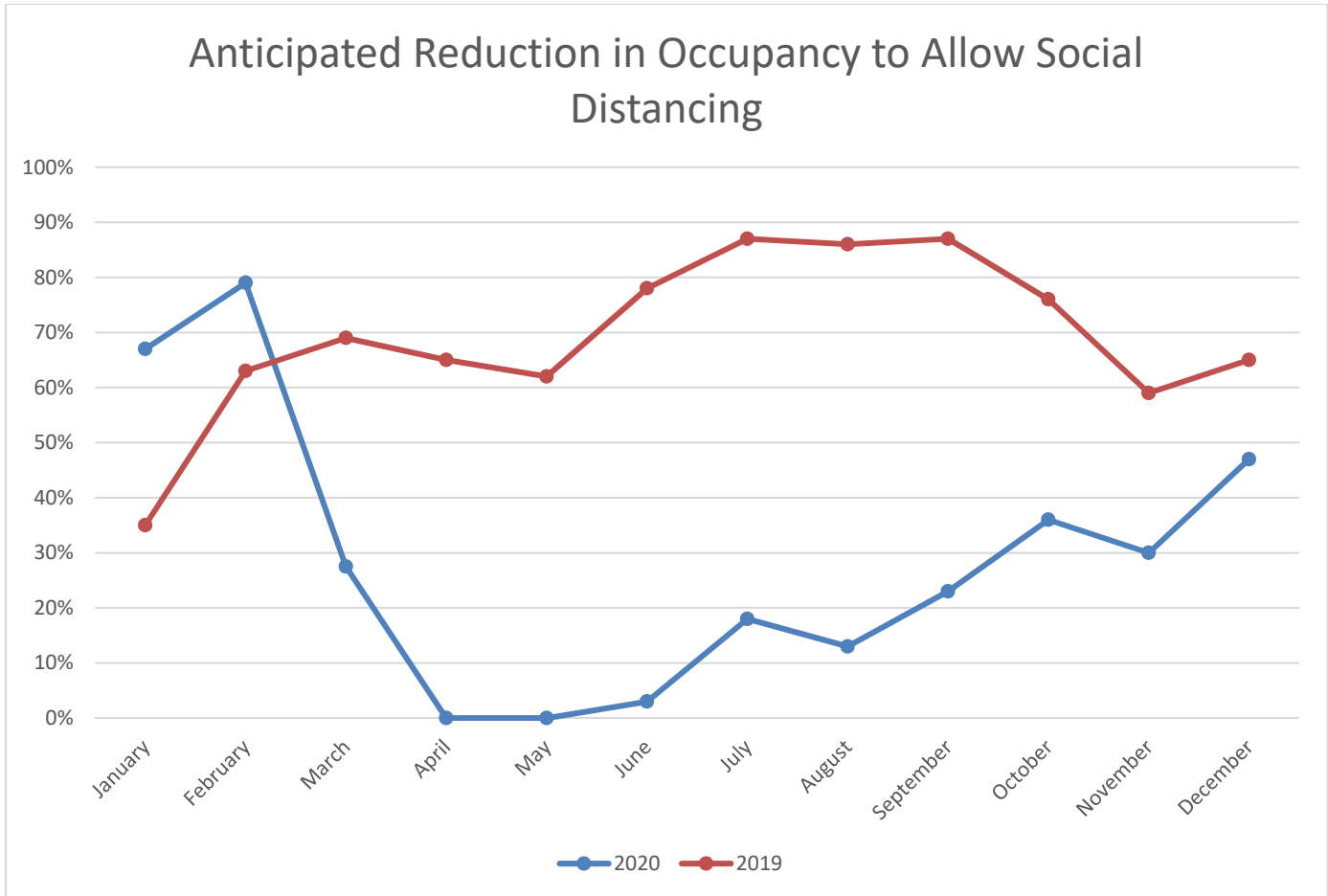
Security Monitoring:





Additional Precautions Taken

[8.16 Forecasted Occupancy]



Our Commitment to You

Health and Safety Cleanliness Standards

Updated June 10, 2020



At Gaylord Hotels, the health and safety of our guests remain of paramount importance to us.

The COVID-19 pandemic has required us to raise our demanding standards to an even higher level with new protocols for the current circumstances. We have elevated our cleanliness standards and changing hospitality norms. As a part of Marriott International's family of brands, we have implemented a multi-pronged approach designed to meet the health and safety challenges presented by COVID-19 as outlined in Marriott's **Commitment to Clean.**



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■ Health & Safety Expertise

Marriott Global Cleanliness Council consists of in-house and outside experts in food and water safety, hygiene and infection prevention, and hotel operations.

This council is working on developing a new generation of global hospitality cleanliness standards, norms and behaviors for our more than 7,300 properties around the globe. The Council is chaired by Ray Bennett, Chief Global Officer, Global Operations, Marriott International, and will benefit from knowledge and input from both in-house and outside experts including senior leaders from across Marriott disciplines like housekeeping, engineering, food safety, occupational health and associate wellbeing. The Council also includes advisory members Dr. Ruth L. Petran, Senior Corporate Scientist, Food Safety & Public Health for Ecolab, a global leader in water, hygiene and infection prevention solutions and services; Dr. Michael A. Sauri, Infectious Disease Specialist at Adventist Healthcare; Dr. Richard Ghiselli, Head of the School of Hospitality & Tourism Management at Purdue University; and Dr. Randy Worobo, Professor of Food Microbiology in the Department of Food Science at Cornell University.



Gaylord Rockies Resort & Convention Center

Vanderbilt University Medical Center (VUMC) serves as the official wellness advisor for Gaylord Hotels.

A leader in medical research and one of the top-ranked academic medical centers in the United States, VUMC provides counsel for on-site operating procedures, advises on development of training and educational materials for associates (STARS), and provides expert guidance for standards and protocols relating to the unique, multi-faceted aspects of Gaylord Hotels' convention and resort business. VUMC was selected both for its nationally recognized expertise in infectious disease control and because of its local ties to Nashville, which is home to Gaylord Opryland, the original Gaylord Hotels property. Both VUMC and Gaylord Opryland are beacons in the Nashville community, and both are dedicated to providing their clientele with distinctive services of the highest caliber.



We use disinfectant products that have been approved and certified by the **U.S. Environmental Protection Agency (EPA)**, and other international government environmental agencies, as applicable, for use against emerging viruses, bacteria, and other pathogens. Our enhanced cleaning protocols adhere to the recommendations set forth in the EPA Emerging Pathogen Policy regarding cleaning and sanitization. We are also following the guidance of the Centers for Disease Control and Prevention (CDC), World Health Organization (WHO), and the guidance of our state and local health authorities regarding COVID-19.

In addition to all Gaylord Hotels associates (STARS) completing new and additional training to ensure a safe and clean environment, every hotel has identified **dedicated hygiene specialists** who are hyper-focused on the health and safety of our guests. In conjunction with this team, every hotel has **on-site medical personnel** -- Emergency Medical Technician (EMT) and/or a Registered Nurse (RN) on-site.

■ **Our Commitment to Clean**

At Gaylord Hotels, we have implemented a multi-pronged approach designed to meet the health and safety challenges presented by COVID-19.

Below is an overview of the key components of our plan:

Technology Innovations: Enhanced technologies, including the testing of electrostatic sprayers and implementing the highest classification of disinfectants recommended by the Centers for Disease Control and Prevention and World Health Organization are being used to sanitize surfaces throughout our hotels.



Deeper, More Frequent Cleaning: We have implemented extra-stringent daily cleaning procedures that are focused heavily on high touchpoint areas. In public spaces, Gaylord Hotels has added to its already rigorous cleaning protocols, the requirement that surfaces are treated with hospital-grade disinfectants and that this cleaning is done with increased frequency. Public spaces, including, but not limited to, the lobby, aquatic areas, fitness centers, and meetings & convention spaces, have dedicated staff to sanitize frequently throughout the day. In guest rooms, we have added detailed cleaning practices, requiring all surfaces to be thoroughly cleaned with hospital-grade disinfectants. We also are placing disinfecting wipes in each guest room for guests' personal use.

Emphasis on Hygiene & Cleanliness: Each hotel will be required to have a hygiene plan. STARS will be required to be aware of and follow for personal hygiene, physical distancing and Personal Protective Equipment (PPE), in compliance with all federal, state and local public health guidance. Hand sanitizing stations for guest use will be placed in high traffic areas and public spaces.

Physical Distancing: We are using signage throughout our hotels to remind guests to maintain social distancing protocols and have removed or re-arranged furniture to allow more space for distancing. In compliance with local and state mandates, occupancy limits and seating capacities have been reduced to allow for appropriate social distancing. We have added partitions at front desks, concierge stands, and food and beverage service lines to provide an extra level of precaution for our guests; and, have implemented line management initiatives to reinforce proper social distancing. For the protection of our guests and STARS, we have implemented "upon request only" housekeeping service and no STARS are permitted into guest rooms while a guest is present unless for emergency reasons. Masks and gloves are available to all STARS.

Contactless Service: Guests can choose to use their phones to check in, access their rooms, make special requests and order room service that is specially packaged and delivered right to the door without contact. These "touchless" services can all be done quickly via the Marriott Bonvoy mobile app. *Note: mobile key is currently available for all Gaylord Hotels properties except Gaylord Opryland.*



Food Safety Protocols: At Gaylord Hotels, food handlers and supervisors are trained on safe food preparation and service practices. The company's food and beverage operations are required to conduct self-inspections using its food safety standards as guidelines, and compliance are validated by independent audits. We have also enhanced sanitation guidelines and training videos for STARS that include hygiene and sanitizing practices. In addition, the company has modified operational practices for in-room dining and has designed new approaches to buffets.



Gaylord Palms Resort & Convention Center

Tailored Options for Meetings & Events: A comprehensive protocol for cleaning, sanitizing, and maintaining physical distancing has been designed to keep attendees safe. Seating capacities and floor plans are reviewed on an event-by-event basis to ensure appropriate physical distancing that follows local fire department, as well as state and local health authority guidelines for proper physical distancing. This includes density reduction in all meeting rooms and exhibit hall spaces. Convention public space



attendants are dedicated to regular cycles of high-touch point sanitization areas and electrostatic sprayers are being tested in meeting, conference and tradeshow spaces. In addition, our industry-leading team of sales and event leaders are in place to support meeting planners and attendees in navigating the post COVID-19 meetings landscape.

STAR Health & Safety: All STARS are required to have their temperature taken prior to entering their work area. Anyone with a temperature at or above 100.4°F or exhibiting any known symptoms of COVID-19 (following the definition of a reportable illness per the CDC) are not allowed to work. STARS are trained on how to respond swiftly and report all presumed on-property cases of COVID-19 to the local health department. If the property is alerted to a presumptive case of COVID-19 at the resort, the property will work with the local health department to follow the appropriate recommended actions.

■ Gaylord Hotels Technology

We are utilizing the latest technology to ensure a sanitary environment.

Some examples:

Electrostatic Sprayers are being tested to apply hospital-grade disinfectant to high-touch surfaces including hotel lobbies, public spaces, guest rooms, meeting and convention areas, and heart-of-house. Using the highest classification of disinfectants recommended by the CDC and WHO to treat known pathogens, this technology is also used to sanitize areas such as public spaces, guest rooms, meeting spaces, restaurants, bars, the fitness center, and back-of-house.



Thermal Scanners: are deployed at each STAR entry point to allow security officers to conduct non-invasive temperature checks of all STARS. Those with a temperature at or above 100.4°F (38°C) will be subject to secondary screening. Those confirmed to have a temperature at or above 100.4°F (38°C) will undergo further medical assessment and be directed to appropriate medical care.

Mobile Technology: Guests can choose to use their phones to check in, access their rooms, make special requests and order room service that is specially packaged and delivered right to the door without contact. These “touchless” services can all be done quickly via the Marriott Bonvoy mobile app. *Note: mobile key is currently available for all Gaylord Hotels properties except Gaylord Opryland.*



Gaylord National Resort & Convention Center



Other COVID-19 Protocols

We have been asked about our specific procedures should we be alerted to a case of COVID-19 at our resort.

Case Notification. All Gaylord Hotels have certified Emergency Medical Technicians (EMTs) and/or a Registered Nurse (RN) on-site. If the hotel is alerted to a suspected case of COVID-19, the guest is directed toward appropriate medical care through our staff, who follow the direction of local health authorities. We then conduct additional cleaning and sanitizing protocols of all areas that the guest may have been in during their visit.

Guest Room Recovery Protocol. In the event there is a guest with a confirmed case of COVID-19, that guest room is removed from service and undergoes a specific cleaning protocol by a licensed third-party expert. The guest room is not be returned to service until the room is deemed safe by the third-party and consistent with the guidance of local health authorities. Similar protocols are used to address offices and other back of house areas.

Specific Actions and Initiatives

The actions listed below are an overview of the specific protocols that are being implemented during this time. Each operating department has its own customized set of procedures and is built upon the guidance and consultation of infectious disease experts in the country. We continue to refine and update our plan as our experts provide additional guidance.

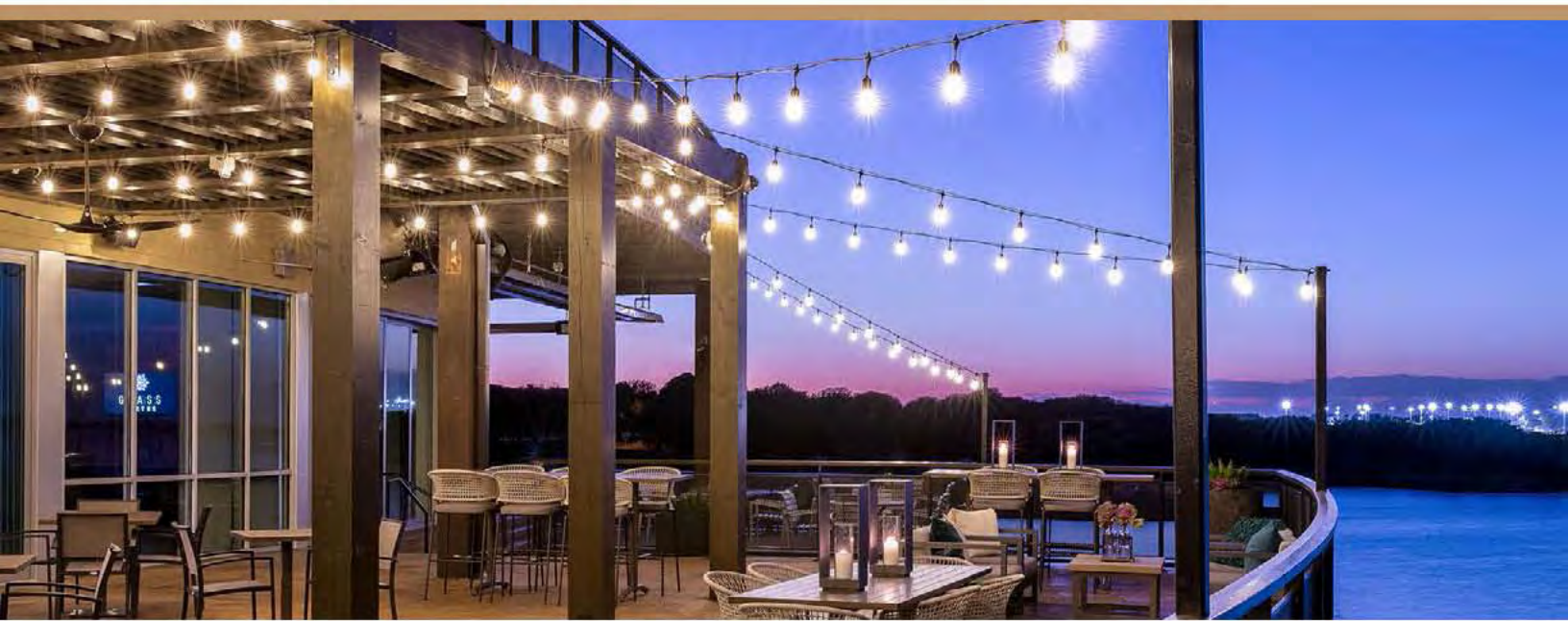


Gaylord Opryland Resort & Convention Center

Public Spaces and Leisure Amenities

The frequency of cleaning and sanitizing by dedicated staff is increased in all public spaces with an emphasis on high-touch surfaces.

Electrostatic sprayers are being tested to sanitize areas such as public spaces, guest rooms, meeting spaces, restaurants, bars, fitness centers, and back-of-the house. Additionally, hand sanitizer stations are prominently placed throughout the resorts.



Gaylord Texan Resort & Convention Center

Front Desk/Arrival/Bell Services/Departure

- A lobby greeter welcomes guests and provides guidance on proper check-in procedures, encouraging guests to utilize the Marriott Bonvoy app for mobile check in and mobile key. They also ensure social distancing measures are followed.
- Partitions have been installed at all front desks, concierge, and bell stands.
- Every other front desk station is available in order to maintain distancing.
- Stanchions and floor decals provide six-foot social distancing intervals and delineators to properly space guests for line management.
- Guests are encouraged to use their phones to check in, access their rooms, make special requests and order room service that is specially packaged and delivered right to the door without contact. Digital Key Packets/resort information is sent to guests' phones. *Note: mobile key is currently available for all Gaylord Hotels properties except Gaylord Opryland.*



- Public space attendants are dedicated to regular cycles of guest touch point sanitization.
- Electrostatic disinfecting sprayers are being tested to sanitize areas in the public areas.
- Paper receipts and shared items (for example, pens), have been eliminated.
- Key cards are sanitized after each use.
- Signage is posted to explain elevator capacity to adhere to social distancing procedures.
- Bell services is on a request only basis. Attendants wear appropriate Personal Protective Equipment (PPE) and the bell carts are sanitized after each use. When delivering luggage to the guest's room, it is delivered after the guest is in the room in order to ensure social distancing.

Relâche Spa

- Guests are required to complete a medical check list prior to any service.
- All guests receiving a massage are required to shower prior to the treatment and for esthetician services they must wash their hands.
- Therapists wear aprons that are changed after each client and they wear appropriate PPE based on the service being performed.
- All treatments rooms are sanitized after each treatment.



Gaylord Palms Resort & Convention Center

Pool/Waterpark Areas

- Aquatic area attendants are dedicated to regular cycles of guest touch point sanitization.
- Lounge chairs are spaced out and/or removed from service to maintain social distance, allowing family units of up to 8 people together.
- Partitions have been installed at towel desk/kiosks.
- Cloth chair cushions have been removed.
- Chaise lounge chairs, cabanas, and lazy river tubes are sanitized prior to and after each use.
- Signage is being used throughout pool areas, slide entrances, and pool dining areas to remind guests to maintain social distancing protocols.
- Towel desk/kiosks and all other desks and counters are sanitized frequently by hospital-grade disinfectant.



Fitness Center

- Fitness center attendants are dedicated to assisting with the sanitization of equipment after guest use.
- There is signage on all equipment and throughout the facility to remind guests of the requirement to wipe down equipment after use.
- Every other fitness machine is out of order to allow for social distancing between guests.
- Electrostatic disinfecting sprayers are being tested to sanitize all areas in the fitness center.

Transportation

- Drivers and parking booth attendants wear appropriate PPE.
- Seating arrangements and capacity adjustments have been implemented to limit capacity and allow for space between riders. For example, buses are loaded from back to front and each guest sits on the window seat on the left and right side skipping every other row. For town cars and SUVs, no more than four guests are permitted per SUV and no more than two guests are permitted per sedan (unless from same household). Guests are not permitted in the front passenger seat.
- Partitions have been installed at all valet stands.
- There is frequent sanitation of high-touch points before use and between each ride.
- Hand sanitizer and mask self-dispenser stations are available at key transportation entrances.
- For self-parking, ticket dispensers and exit credit card payment machines are sanitized several times throughout the day.



Gaylord Opryland Resort & Convention Center

■ Guest Rooms

Guest rooms are a place of respite for guests and they need to feel confident that the room is clean and a safe environment.

- Each room receives a “Marriott Commitment to Clean” amenity bag containing hand sanitizer, disinfectant wipes, and a COVID-19 awareness card. Any additional amenity requests are left outside the guest room in a sealed container.
- Electrostatic sprayers are being tested to sanitize each room.
- Non-essential amenities, such as non-disposable glass wear, have been removed from the room.



- There will be an increased frequency of filter replacements and HVAC system cleaning to filter out air contaminants and maximize fresh air exchange.
- All surfaces are thoroughly cleaned with hospital-grade disinfectants.
- “Upon request only” housekeeping service
- STARS are not permitted into the guest’s room while a guest is present unless for emergency reasons. Masks and gloves are made available to all STARS.

■ Meetings, Conventions & Events

Our meeting, convention and event attendees are of paramount importance to us and new, comprehensive cleaning and sanitizing protocols have been designed to keep attendees, and our STARS, healthy and safe.



Gaylord National Resort & Convention Center

Highlights include, but are not limited to, the following:

Banquet Protocol

- Seating capacities and floor plans are reviewed on an event-by-event basis at this time. This ensures compliance with physical distancing recommendations from the state and CDC, as well as local fire department regulations. As an example, new guidelines seat no more than six people at a 72-inch round banquet table versus the 10 in previous guidelines.
- All shared equipment and meeting amenities are sanitized before and after each use or are single use if not able to be sanitized.
- All linen, including underlays, are replaced after each use.
- Buffets and coffee break stations are attended and served by an attendant to eliminate guest contact on serving utensils.



- Prepackaged food on coffee breaks and individually packaged beverages (*no pitchers or carafes*) are served.
- Partitions for food service lines have been installed.
- Disposable cups and glasses are used for all breaks.
- Flatware is provided as a roll-up.
- Butler passed food and beverage is suspended.
- Preset food and drinks is restricted.



Gaylord Texan Resort & Convention Center



Meeting Space Protocol

- Seating capacities and floor plans are reviewed on an event-by-event basis at this time. This will ensure compliance with physical distancing recommendations from the state and CDC, as well as local fire department regulations. As an example, new guidelines will seat no more than six people at a 72-inch round banquet table versus the 10 in previous guidelines.
- Multiple general sessions/breakout tracks for groups to limit mass numbers together at one time have been implemented (*when available*).
- Use of electrostatic disinfecting sprayers are being tested to sanitize areas in the convention center including meeting rooms, exhibit halls, and public spaces.
- Convention public space attendants are dedicated to regular cycles of guest touch point sanitization. High-touch points such as conference room doors, light switches and other equipment are sanitized after each group's use.
- Electrostatic disinfecting sprayers are being tested for deep sanitization of all meeting room hard surfaces and chairs overnight; completed before the start of the next day's sessions.
- Meeting sets on tables have been removed.
- Water carafes and water pitchers are not placed on meeting tables or water stations.
- Signage is posted outside of meeting and event rooms to remind guests of appropriate physical distancing guidelines.
- Hand sanitizer stations are placed throughout the meeting spaces, convention center, breakout spaces and corridors.
- FAQs are made available on-line to give attendees information about health & safety protocols.
- Groups can choose to test attendees for COVID-19 and manage the process holistically.



■ Restaurants & Bars

In response to the current environment, Gaylord Hotels follows enhanced sanitation guidelines and utilizes food safe training for all hosts, servers, food runners, and chefs.

To minimize risk, we have modified access to menus to include digital menus and disposable printed menus.

Specific actions and protocols include, but are not limited to, the following:

- Seating capacities, floor plans, and occupancy limits are limited to expand distance between diners and in compliance with state and local mandates.
- Hostess and managers manage physical distance and entries, waiting areas, and queues (in addition to signage). Peak period queuing procedures are implemented when guests are not able to be immediately seated.
- Partitions have been installed at all host stands.
- Electrostatic sprayers are being tested to sanitize all restaurants and bars every night.
- High-touch points are sanitized throughout the day.
- Bars, tables and chairs are sanitized between each seating.



- Restaurant attendants are dedicated to regular cycles of guest touch point sanitization.
- Digital menu options are available via mobile device to limit printed menus.
- Outlets will offer take out menus, grab-and-go offerings, or counter service where appropriate.
- Check presenters, votives, pens, and all other reusable guest contact items are sanitized after each use.
- Hand sanitizer stations are placed at the entrance to each outlet.
- All food and beverage STARS are fully trained and compliant in food safety training and protocols.



Gaylord Rockies Resort & Convention Center



■ STAR Initiatives

Our STARS' health, safety, and knowledge are essential for an effective cleaning program. Here are ways we are supporting them.

Here are ways we are supporting them:

New & Ongoing Training: In addition to training on housekeeping and hygiene protocols, STARS also complete enhanced COVID-19 awareness training, with more comprehensive training for STARS with frequent guest contact including housekeeping, food & beverage, public area attendants, hotel operations, and loss prevention.

Temperature Checks: All STARS are required to have their temperature taken prior to entering their work area. Anyone with a temperature at or above 100.4°F or exhibiting any known symptoms of COVID-19 are not allowed to work.

Hand Hygiene: Frequent and proper handwashing practices and utilization of hand sanitizers are both vital to help combat the spread of viruses. In our daily meetings, our STARS are reminded that cleanliness starts with this simple act.

Personal Protective Equipment (PPE): Appropriate PPE – masks and gloves –are provided and are required to be worn by STARS based on their role and responsibility, as well as in adherence to state and local guidelines. STARS are also be trained on proper use and disposal of PPEs.



Real Time Information: Gaylord Hotels corporate and regional teams are on standby 24/7 to support the hotels and coordinate with local and regional authorities.

■ For Further Information

Your health and safety are our Number One priority!

Your health and safety are our **Number One** priority and if you have any questions that have not been answered here, please direct your inquiry to:

Gaylord Rockies

GaylordRockiesClean@GaylordHotels.com



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: July 14, 2020
SUBJECT: Property Acquisition – 13600 Riverdale Rd (Baumgartner Property)
FROM: Nicci Beauprez, Project Manager – Land & Assets
AGENCY/DEPARTMENT: Facilities & Fleet Management
HEARD AT STUDY SESSION ON: Multiple Times
AUTHORIZATION TO MOVE FORWARD: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves Agreement to Amend/Extend Contract between Adams County and Lrk, LLC, for the Baumgartner Property

BACKGROUND:

On May 5, 2020, Adams County approved a contract to purchase approximately 14.5 acres of land located at 13600 Riverdale Road. Purchasing these lands will cure the in-holding thereby connecting Riverdale Regional Park (RRP) and Riverdale Bluffs Open Space (RBOS). The title company has requested the contract be amended to correct the truncated legal description to reflect the full legal description. This Amend/Extend Contract (A/E) also memorializes additional time afforded for both the County and the Seller for various deadlines.

Recommendation is to approve the Agreement to Amend/Extend Contract.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

County Attorney's Office, Facilities & Fleet Management

ATTACHED DOCUMENTS:

Resolution

Agreement to Amend/Extend Contract

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 00027
Cost Center: 6107

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:	9010	61072005	\$2000,000
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/> \$2,000,000

New FTEs requested: **YES** **NO**

Future Amendment Needed: **YES** **NO**

Additional Note:

Purchase price remains \$2,000,000, as well as typical due diligence and closing costs associated to this transaction in addition of the purchase price.

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

**RESOLUTION APPROVING AGREEMENT TO AMEND/EXTEND CONTRACT
BETWEEN ADAMS COUNTY AND LRK, LLC, FOR PROPERTY AT 13600
RIVERDALE ROAD**

Resolution 2020-

WHEREAS, Adams County (County) has identified an approximately fifteen-acre parcel located at 13600 Riverdale Road (the “Baumgartner Property”) located between Riverdale Regional Park and Riverdale Bluffs Open Space as a strategic opportunity; and,

WHEREAS, On May 5, 2020, County approved a Contract to Buy and Sell Real Estate subject to the County’s due diligence and review; and,

WHEREAS, County and Lrk, LLC (Seller), further drafted an Agreement to Amend/Extend Contract (A/E) to memorialize the full legal description and those other terms and conditions of the A/E attached including deadlines; and,

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of the County of Adams, State of Colorado, that the Agreement to Amend/Extend Contract between Adams County and Lrk, LLC, a copy of which is attached hereto, be and hereby is approved.

BE IT FURTHER RESOLVED, that the Chair is authorized to execute said the Agreement to Amend/Extend Contract between Adams County and Lrk, LLC, on behalf of Adams County.

The printed portions of this form, except *differentiated additions*, have been approved by the Colorado Real Estate Commission.
(AE41-6-18) (Mandatory 1-19)

THIS FORM HAS IMPORTANT LEGAL CONSEQUENCES AND THE PARTIES SHOULD CONSULT LEGAL AND TAX OR OTHER COUNSEL BEFORE SIGNING.

AGREEMENT TO AMEND/EXTEND CONTRACT

Date: June 19, 2020

1. This agreement amends the contract dated March 3, 2020 and the Agreement to Amend Extend Contract dated April 13, 2020 (Contract) between Lrk, LLC (Seller), and Adams County, Colorado (Buyer), relating to the sale and purchase of the following legally described real estate in the County of Adams, Colorado:
SUB: BAUMGARTNER TRACT (Parcel# 0157127001001)

known as No. 13600 Riverdale Road, Brighton, Colorado 80602, (Property).
Street Address City State Zip

NOTE: If the table is omitted, or if any item is left blank or is marked in the "No Change" column, it means no change to the corresponding provision of the Contract. If any item is marked in the "Deleted" column, it means that the corresponding provision of the Contract to which reference is made is deleted.

2. § 3.1. **Dates and Deadlines** [Note: This table may be omitted if inapplicable.]

Item No.	Reference	Event	Date or Deadline	No Change	Deleted
1	§ 4.3	Alternative Earnest Money Deadline		X	
		Title			
2	§ 8.1, § 8.4	Record Title Deadline		X	
3	§ 8.2, § 8.4	Record Title Objection Deadline	<u>August 6, 2020</u>		
4	§ 8.3	Off-Record Title Deadline		X	
5	§ 8.3	Off-Record Title Objection Deadline	<u>August 6, 2020</u>		
6	§ 8.5	Title Resolution Deadline	<u>August 14, 2020</u>		
7	§ 8.6	Right of First Refusal Deadline		X	
		Owners' Association			
8	§ 7.2	Association Documents Deadline		X	
9	§ 7.4	Association Documents Termination Deadline		X	
		Seller's Disclosures			
10	§ 10.1	Seller's Property Disclosure Deadline		X	
11	§ 10.10	Lead-Based Paint Disclosure Deadline CBS1, 2, F1		X	
		Loan and Credit			
12	§ 5.1	Loan Application Deadline		X	
13	§ 5.2	Loan Termination Deadline		X	
14	§ 5.3	Buyer's Credit Information Deadline		X	
15	§ 5.3	Disapproval of Buyer's Credit Information Deadline		X	
16	§ 5.4	Existing Loan Documents Deadline		X	
17	§ 5.4	Existing Loan Documents Termination Deadline		X	
18	§ 5.4	Loan Transfer Approval Deadline		X	
19	§ 4.7	Seller or Private Financing Deadline		X	
		Appraisal			
20	§ 6.2	Appraisal Deadline		X	
21	§ 6.2	Appraisal Objection Deadline	<u>August 6, 2020</u>		
22	§ 6.2	Appraisal Resolution Deadline	<u>August 14, 2020</u>		
		Survey			
23	§ 9.1	New ILC or New Survey Deadline	<u>August 1, 2020</u>		
24	§ 9.3	New ILC or New Survey Objection Deadline	<u>August 6, 2020</u>		
25	§ 9.3	New ILC or New Survey Resolution Deadline	<u>August 14, 2020</u>		

Item No.	Reference	Event	Date or Deadline	No Change	Deleted
		Inspection and Due Diligence			
26	§ 10.3	Inspection Objection Deadline	<i>July 19, 2020</i>		
27	§ 10.3	Inspection Termination Deadline	<i>August 14, 2020</i>		
28	§ 10.3	Inspection Resolution Deadline	<i>August 14, 2020</i>		
29	§ 10.5	Property Insurance Termination Deadline		X	
30	§ 10.6	Due Diligence Documents Delivery Deadline		X	
31	§ 10.6	Due Diligence Documents Objection Deadline	<i>August 4, 2020</i>		
32	§ 10.6	Due Diligence Documents Resolution Deadline	<i>August 14, 2020</i>		
33	§ 10.6	Environmental Inspection Objection Deadline CBS2, 3, 4		X	
34	§ 10.6	ADA Evaluation Objection Deadline CBS2, 3, 4	<i>August 6, 2020</i>		
35	§ 10.7	Conditional Sale Deadline		X	
36	§ 10.10	Lead-Based Paint Termination Deadline CBS1, 2, F1	<i>August 6, 2020</i>		
37	§ 11.1,11.2	Estoppel Statements Deadline CBS2, 3, 4		X	
38	§ 11.3	Estoppel Statements Termination Deadline CBS2, 3, 4		X	
		Closing and Possession			
39	§ 12.3	Closing Date	<i>No later than 4 weeks after the Inspection Objection Deadline</i>		
40	§ 17	Possession Date	<i>At closing</i>	X	
41	§ 17	Possession Time	<i>At closing</i>	X	

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3. Other dates or deadlines set forth in the Contract are changed as follows:

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3.a Related to the purchase sale agreement dated March 3, 2020 and the First agreement to Amend/Extend the contract dated April 13, 2020. The Acceptance Deadline shall be 45 days from the acceptance date of the First Amend/Extend the Contract, dated April 13, 2020. (Effective date April 13, 2020) + 45 days = Acceptance Deadline May 28, 2020

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3.b The parties recognize that the First Agreement to Amend Extend Contract, was signed by Buyer on April 13, 2020, but due to schedule impacts related to the Pandemic/COVID-19 this amendment was approved by Adams County, May 5, 2020 and signed by Adams County, May 15, 2020.

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3.c The Mutual Execution of Contract (MEC) date for the Contract to Buy and Sell, dated March 3, 2020, shall be May 5, 2020.

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3.d The legal description for this property shall be changed to:

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A tract of land lying within the Baumgartner Tract described in Plat recorded May 23, 1972 in Map F13 Page 51, Reception No. 960917, County of Adams, State of Colorado, and also described as follows:

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That part of the Northeast Quarter of Section 27, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, described as:

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Beginning at the North 1/4 corner of said Section 27; thence S 00°24'01"W along the West line of said Northeast 1/4 a distance of 30.00 feet to the True Point of Beginning; thence continuing S00°24'01"W along the said West line a distance of 1228.03 feet to a point on the Westerly line of Riverdale Road; thence along said Westerly line as follows: N51°48'55"E, 389.14 feet; thence N44°59'11"E, 173.50 feet; thence N34°25'26"E, 174.09 feet; thence N31°08'47"E, 842.58 feet to a point 30.00 feet South of the North line of said Section 27; thence N90°00'00"W parallel with said North line a distance of 954.17 feet to the True Point of Beginning, County of Adams, State of Colorado.

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4. Additional amendments: **N/A**

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All other terms and conditions of the Contract remain the same.

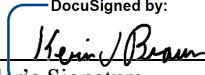
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This proposal expires unless accepted in writing by Seller and Buyer as evidenced by their signatures below and the offering party to this document receives notice of such acceptance on or before 30 days from the Sellers signature for this Agreement to Amend Extend Contract (dated June 19, 2020), 5:00 pm MDT .

Buyer's Name: Adams County, Colorado

Buyer's Signature Date

Seller's Name: Lrk, LLC

DocuSigned by:
 6/22/2020

Seller's Signature Date

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PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: July 14, 2020
SUBJECT: Adams County Parks Rules & Regulations
FROM: J. Byron Fanning jr.
AGENCY/DEPARTMENT: Parks, Open Space & Cultural Arts
HEARD AT STUDY SESSION ON 6/30/20
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves

BACKGROUND:

This item was initially brought to the BOCC on May 12th. At that time the Board asked for further clarification on drone and small unmanned aircraft. On June 30th, staff returned to study session with a revision to the proposed Rules and Regulations that included a drone and unmanned aircraft policy. The Board approved of this approach and agreed to let staff move this item forward to the Public Hearing Agenda. Here is a list of the main changes between the previous Parks Rules and Regulations and what is being proposed:

2020 Rules and Regulations	2016 Rules and Regulations
Hours are 5am to 11pm for ALL parks, trails, and open space areas.	Hours are sunrise to sunset for parks and open space areas, 5am to 11pm for regional trails.
Alcoholic beverages are allowed.	Only 3.2% beer is allowed.
Recreational gold mining using motorized/mechanized equipment is prohibited.	Silent on recreational gold mining. (Prohibition on motorized/mechanized mining is contained in our Development Regulations).
Propane grills allowed.	Silent on propane grills.
Yielding right-of-way for trail users is now defined as a regulation.	Silent on yielding/trail use.
More detail and clarification on domestic animals/livestock section.	Domestic animal/livestock section very basic.
More detail about authority, enforcement, and penalties. Gives authority to rangers.	Brief mention of authority, enforcement, and penalties.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Parks, Open Space & Cultural Arts, Community Safety and Wellbeing, and the County Attorney's Office

ATTACHED DOCUMENTS:

Resolution for the approval of the changes to Parks Rules and Regulations

FISCAL IMPACT:

Please check if there is no fiscal impact x . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/>

New FTEs requested: YES x NO

Future Amendment Needed: YES NO

Additional Note:

A RESOLUTION CONCERNING RULES AND REGULATIONS FOR ADAMS COUNTY PARKS, TRAILS, AND CULTURAL ARTS AREAS

WHEREAS, the Adams County Board of County Commissioners (“Board”) is empowered by Colorado Revised Statutes (C.R.S.) § 18-9-117 and § 29-7-101(2), as amended, to adopt rules and regulations pertaining to Adams County public recreation lands and facilities; and,

WHEREAS, Adams County, through the Board, has elected to adopt such Rules and Regulations; and,

WHEREAS, these Rules and Regulations are for the purpose of administration, protection, maintenance, regulation, and control of property which Adams County owns, leases, or otherwise manages as parks, trails, and open space areas; and,

WHEREAS, enactment of these Rules and Regulations constitutes neither a waiver of governmental immunity pursuant to §§ 24-10-101, *et seq.*, C.R.S., as amended, nor the assumption of any duties of care to any person.

NOW, THEREFORE, BE IT RESOLVED, that any prior Resolutions concerning the Rules and Regulations contained herein are superseded by the following.

RULES AND REGULATIONS FOR ADAMS COUNTY PARKS, OPEN SPACE, AND CULTURAL ARTS (POSCA)

1. Regulatory Signs

It is unlawful to violate any official rule or regulation posted on a sign.

2. Hours

Adams County’s parks, trails, open space areas, and facilities are open for daytime use only, between 5:00 a.m. and 11:00 p.m. Contracted and permitted events are excepted. No person shall enter or remain in any Adams County park, trail, open space area, or facility at any other time without authorization.

3. Resource Protection

- (a) It is unlawful for any unauthorized person to remove, move, destroy, mutilate, collect, or deface any natural or man-made object within any Adams County park, trail, or open space area, including but not limited to: trees, downed timber or branches, shrubbery, plants, flowers, rocks, fences, signs, kiosks, restrooms, tables, benches, cultural resources, motorized or mechanized mining of gold or other ores, and trash containers.

- (b) It is unlawful to plant vegetation of any type or place any other type of landscape material or establish or construct trails or other facilities for public or private use without the permission from the Adams County POSCA Department Director.

4. Domestic Animals/Livestock

- (a) Any dog or other domestic animal within an Adams County park, trail, or open space area shall be restrained by a maximum of a 12 foot leash, cord, rope, or chain and under physical control of a person, except as otherwise provided for in this section 4, or as posted with approval from the Adams County POSCA Director.
- (b) It is unlawful for any owner/keeper to allow their domestic animal(s) within an Adams County park, trail, or open space area to engage in disorderly conduct or any activity that interferes with the health, safety, or welfare of users, livestock, other domestic animals, or neighbors in the area; or which creates a nuisance, including unwanted physical contact or threatening behavior with any user, domestic animal, or livestock.
- (c) Any person who brings a dog into an Adams County park, trail or open space area shall dispose of that dog's excrement in an appropriate manner.
- (d) Dogs may be prohibited within specific Adams County park, trail, or open space areas at the discretion of the Adams County POSCA Department Director.
- (e) Horses must be under the physical control of a person at all Adams County park, trail, or open space areas except at the exhibitor and spectator areas at the Riverdale Regional Park.
- (f) Domestic animals or livestock may be tied by a lead or rope sufficient to restrain the animals, but shall not be left tied and unattended nor tied in any manner which damages vegetation or structures or which interferes with or disturbs the public's use of established trails, picnic areas, or other recreational areas.
- (g) All feed provided to livestock while on Adams County parks, trails, trailheads, or open space areas must be free of weeds and weed seeds. Livestock grazing is allowed only by lease or permission from the Adams County POSCA Department Director.
- (h) Exceptions to this Rule are permitted for the use of a dog as a service animal as long as such use is in all respects in compliance with the regulations in 28 CFR § 35.136. A service animal must be individually trained to do work or perform tasks for the benefit of its handler's disability.
- (i) Provision of emotional support, well-being, comfort, or companionship do not qualify as "work" or "tasks" which may be provided by a service animal. Emotional support, well-being, comfort, or companionship animals are not protected under the Americans with Disabilities Act (ADA) and may be restricted in certain Adams County parks, trails, open space areas, and facilities.

- (j) It is unlawful to confine any animal in a motor vehicle in such a manner that places it in a life or health-threatening situation by exposure to a prolonged period of extreme heat or cold without proper ventilation or other protection from such heat or cold.

5. Wildlife

- (a) It is unlawful for any person to feed, hunt, pursue, trap, molest, disturb, or kill any wildlife, or to allow any domestic animal to do the same, at any time within any Adams County park, trail, or open space area, except where and when such activities are permitted at the discretion of the Adams County POSCA Department Director. This provision shall not apply to any county, state, or federal government personnel authorized by the Board to carry out a wildlife management program pursuant to applicable law or county-approved rules and regulations.
- (b) It is unlawful for any unauthorized person to relocate or release any wildlife or domesticated animals within any Adams County park, trail, or open space area, unless permission is specifically granted by the POSCA Director.

6. Fishing and Boating

- (a) Fishing is permitted in accordance with the Colorado Wildlife Commission's land and water regulations, except in open space areas designated and posted with special Adams County park, trail, or open space regulations. Ice fishing is prohibited on all Adams County park, trail, and open space areas. It is unlawful to violate special fishing regulations posted within any Adams County park, trail, or open space area. Rules and Regulations, fees, and special permit requirements shall be determined by the Adams County POSCA Department Director and posted at affected Adams County park, trail, or open space areas. The Adams County POSCA Department Director may modify these regulations or create new ones when deemed necessary for repairs, wildlife, vegetation, and/or public safety concerns.
- (a) It is unlawful to use bow & arrow, seines, cast nets, and/or live traps on any body of water for the purpose of fishing within Adams County parks, trails, or open space areas.
- (b) Belly-boating for fishing is allowed in designated lakes and other boating is only allowed where posted.

7. Swimming and Skating

It is unlawful to swim, dive, ice skate, walk on ice, use any floatation device not designed for fishing, in or on any lake, pond, or stream within any Adams County Park, Trail or Open Space area, unless the area is specifically posted to allow such activity.

8. Trail Use

- (a) It is unlawful for any trail user to fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding the trail right-of-way is as follows: All users yield to equestrians, bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of-way requires slowing down to a safe speed, being prepared to stop, establishing communication, and passing safely.
- (b) The Board may, by resolution, adopt use restrictions on specific parks, trails, or open space areas when such restrictions are necessary for resource protection or safety-related issues. Such restrictions shall be posted at the parks, trailheads, or open space areas.

9. Bicycles

No person shall ride a bicycle including e-bikes or unicycle within any Adams County park, trail, or open space area except on trails where such use is designated, including day-of-use and directional designations, and at the Riverdale Regional Park. Strollers and wheelchairs are exempted from this regulation and are permitted within any Adams County park, trail, or open space area.

10. Vehicles and Parking

- (a) No person shall operate a motor vehicle, including a car, truck, motorcycle, minibike, snowmobile, four-wheel drive, or other recreational vehicle, within any Adams County park, trail, or open space area, unless the area is specifically designated and posted to permit the operation of such vehicle. Adams County and emergency vehicles on official business may be operated on parks, trails, and open space areas for maintenance, inspection, regulatory, and law enforcement purposes and are excepted from this rule. For exceptions related to disabled access, refer to Rule 10(f) (g) and (h). Violations of this Rule 10(a) may only be cited by a law enforcement officer pursuant to C.R.S. § 18-9-117, Adams County Ordinance 9, or other applicable law.
- (b) Vehicles must be parked only in designated areas, and in compliance with all posted parking signs. It is unlawful to park in a manner that impedes the safe flow of traffic. A law enforcement officer may enforce this Rule 10(b) under either C.R.S. § 18-9-117, Adams County Ordinance 9, or a separate and distinct County Parking Ordinance. Other authorized agents of Adams County may only enforce this Rule 10(b) pursuant to a separate and distinct County Parking Ordinance.
- (c) Only persons with a disability may park in spaces designated for persons with disabilities. A law enforcement officer may enforce this Rule 10(c) under either Adams County Ordinance 9 or C.R.S. § 42-4-1208. Other authorized agents of Adams County may only enforce this Rule 10(c) pursuant to a separate and distinct County Parking Ordinance.

- (d) Vehicles may not be parked, attended or unattended, when the park, trail, or open space area is closed, except with permission from the Adams County POSCA Department Director.
- (e) Any motor vehicle parked in an area that is closed, or not a designated parking area, or an area designated as a “No Parking” area may be towed at the owner’s expense in accordance with C.R.S. 42-4-1801, *et. seq.*
- (f) Individuals with mobility disabilities are permitted to use wheelchairs and/or manually-powered mobility aids on any trail open to pedestrian use so long as they are used in a safe manner. Individuals with mobility disabilities may use other power-driven mobility devices (“OPDMDs”) on all trails open for pedestrian use unless a trail has been designated as being unsafe for use by OPDMDs based upon the assessment factors found in 28 CFR § 35.137(b)(2). A current list of trails that have been designated as being unsafe for use of OPDMDs shall be kept on the Riverdale Regional Park & Open Space website.
- (g) County personnel who have been granted authority to enforce these Rules and Regulations shall have the discretion to temporarily designate additional trail segments or other facilities on Adams County areas as unsafe and as inappropriate for use of certain classes of OPDMDs. This may be based upon current conditions, such as weather, trail conditions, pedestrian traffic volume, and potential harm to the immediate environment or natural resources. OPDMD’s shall not be wider than ½ the width of the designated path.
- (h) Use of OPDMDs within any park, trail, or open space area must be in a safe manner and is at the risk of the user. OPDMDs may not be used off trail in any Adams County park, trail, or open space area.

11. Camping

- (a) It is unlawful to camp overnight, or to park any vehicle, trailer, or camper for overnight camping purposes in any Adams County park, trail, open space area, or facility.
- (b) Exceptions may only be granted for overnight RV parking permits issued by Adams County staff in association with a contracted or official county event at the Riverdale Regional Park. All permits issued for overnight RV parking will be in accordance with established policies and procedures.

12. Fires, Grills, and Generators

- (a) Open fires, including campfires, are unlawful on all Adams County parks, trails, and open space areas. Charcoal fires may be built only in designated picnic grills. All charcoal fires must be safely and completely extinguished as soon after grilling as practicable. All residue must be left in the provided grills. Propane grills are permitted. Gas generators are permitted, however must be placed on a wooden or similar base to prevent damage to native or other turf.

- (b) Exceptions may be granted only with permission from the Adams County POSCA Department Director.

13. Tents and Inflatables

Tents, booths, stands, awnings, canopies, and similar structures are prohibited unless prior consent has been granted from the Adams County POSCA Department Director. Use of stakes of any kind are prohibited. Tents, jumping castles or similar inflatables may be allowed; however, they need to be secured with weights. Unsecured tents, jumping castles, or similar inflatables are prohibited.

14. Glass Containers

It is unlawful for any person to carry or possess, outside of an enclosed vehicle, any glass bottle or other glass container within any Adams County park, trail, or open space area, except as might be required for prescribed medical treatment or for food preparation in the concession areas at the Riverdale Regional Park. Exceptions are also made for specific events under an Agreement with Adams County. Further exceptions are permitted only by obtaining permission from the Adams County POSCA Department Director.

15. Alcoholic Beverages

Possession and consumption of alcoholic beverages is permitted within Adams County park, trail, or open space areas so long as it follows all other Rules and Regulations and state law.

16. Projectiles, Weapons, Explosives and Fireworks

- (a) It is unlawful to discharge on or into any Adams County park, trail, or open space area, projectiles, weapons, firearms, and explosives of any kind (including fireworks), except as expressly mandated by Article 12 of Title 18 of the Colorado Revised Statutes, as amended. See also C.R.S. Section 30-15-302 (1)
- (b) Peace officers on official duty and engaged in official operations are excepted from this Section 16.
- (c) Nothing in this policy shall be construed to restrict or otherwise affect the constitutional right to bear arms or to defend ones' person, family, or property.

17. Littering/Dumping

- (a) It is unlawful to deposit or dispose of trash, garbage, rubbish, litter, debris, or other objects within any park, trail, or open space area, except that which is generated by legal activities conducted within the Adams County park, trail or open space area. Trash and debris legally generated within any Adams County park, trail, or open space area must be removed or deposited in a designated trash receptacle.

(b) It is unlawful to clean vehicles / livestock trailers out onto Adams County park, trail, or open space area, including the Riverdale Regional Park.

(c) It is unlawful to deposit any hazardous material within any Adams County park, trail, or open space area.

18. Advertising and Flyers Prohibited

Posting of signs, advertisements and flyers or placement of brochures in Adams County park, trail, or open space areas or on the vehicles or property of others within those areas is prohibited except for community bulletin boards located within the parks and at trailheads.

19. Commercial Activity

It is unlawful for any person, acting individually or on behalf of a business or organization, to charge a fee for any commercial activity or concession, or to provide any service, product or activity for which a fee is charged in any Adams County park, trail, open space area, or facility, unless a valid Adams County Vendor Permit has been issued for that purpose by the Adams County Parks, Open Space & Cultural Arts Department.

Individuals engaging in still camera photography, nonprofit tax-exempt entities, and anyone acting pursuant to the terms of an agreement with Adams County are exempt from this section.

20. Drones/Small Unmanned Aircraft

The Federal Aviation Administration (FAA) governs the use of public and civilian Unmanned Aircraft Systems (UAS) operations. Flying a UAS (drone or small model plane) above Adams County Property is only permitted in one of two ways.

At all times, operators must abide by all state and Federal regulations regarding operating UAS as well as strictly adhering to all procedural requirements for areas managed by the Adams County Parks, Open Space and Cultural Arts Department. It is the responsibility of the user to inform themselves of all requirements and regulations prior to operating a UAS at any Adams County location.

(a) **Drop In Operation**, a location has been designated on properties managed by Adams County Parks, Open Space and Cultural Arts Department at Riverdale Regional Park on the gravel parking area located directly north of the Adams County Museum on the west side of Park Blvd.

- i. This area will be available for drop in use during park hours unless otherwise designated and UAS operations are limited to the airspace directly above this parking lot. A permit will not be required to operate a UAS in this designated area.
- ii. This area **will not** be available for use for UAS operation when it is being utilized for permitted special events, county sponsored events, and/or the Adams County

Fair. During these events, the area will be posted with appropriate notices, and notifications will be posted on the county website.

- (b) **Permitted Operation**, the second type of allowable operation of a UAS above Adams County property is through a permitting process for commercial use such as filming or photography for marketing or research projects. Permits can be obtained through the Parks Administration Office for POSCA Director approval.
 - i. Applicants must submit the proper forms and request all appropriate permits.
 - ii. Operating times and locations for each permitted use will be reviewed as part of the application process. Applications may be denied, or a request may be made to amend times and locations due to resource, wildlife, or public safety concerns.

This Policy shall be periodically reviewed and revised, as needed.

21. Research Projects

All research projects to be conducted within any park, trail, or open space area must be reviewed and authorization granted in advance from the Adams County POSCA Department Director.

22. Special Use Permits

Special use permits are required for any group of 25 or more. Requests must include the group affiliation, dates and time of use, trails, or areas to be used, and other details of the use. If, in the opinion of the Adams County POSCA Department Director activity will cause significant impact to the natural environment or will require significant departmental resources, the county may prescribe a fee that includes the costs expected to be incurred by the department, or deny permission for the activity.

23. Other Prohibited Activities

- (a) It is unlawful to pollute land, water, or air; golf course; or to use remote-controlled land, water, airborne, or similar devices at any Adams County park, trail, or open space area unless the activity is permitted by an agreement with Adams County or outlined in this document.

- (b) Except for emergency landings, it is unlawful to take off, operate, or land with any motorized or non-motorized aircraft within any Adams County park, trail, or open space area. “Aircraft” includes but is not limited to; airplanes, helicopters, ultralights, gliders/sailplanes, and hot-air balloons except as permitted with agreement with Adams County. Additionally, Drones and other unmanned aircraft are only permitted in designated areas as noted in section 20 of this document.
- (c) Special regulations may apply to buildings open to the public on Adams County park, trail, or open space areas. These regulations shall be approved by the Board. Such regulations will be posted on site.

23. Closures

- (a) Adams County park, trail, or open space areas being managed for agricultural purposes, whether by Adams County or a lessee, are closed to the public unless trails and other related facilities are designated for another purpose by the Board. It is unlawful for any unauthorized person to enter such closed areas.
- (b) The Adams County POSCA Department Director may from time to time determine that closure of Adams County park, trail, or open space areas to the public and/or to certain animals is necessary or appropriate due to wildlife, vegetation, management review, contractual agreement, public safety concerns, and/or other resource protection needs.

24. Exceptions to the Rules and Regulations

Exceptions to these Rules and Regulations as amended, re-enacted, or re-adopted, may be granted by the Adams County POSCA Department Director for activities that involve the management of Adams County parks, trails, and open space areas, provided these activities are undertaken or overseen by department staff, or as provided in the terms of a lease or other agreement.

25. Interference

It is unlawful to interfere or attempt to interfere with any Adams County Park & Trail Ranger or other Parks, Open Space and Cultural Arts employee who is acting in the performance of their duties; or to give false or misleading information to said person.

26. Prohibited Conduct on Public Property

- (a) It is unlawful for any person to engage in any conduct or activity within an Adams County park, trail, open space area, or facility which may be reasonably expected to:
 - (i) substantially interfere with the use and enjoyment of such places by others; or,
 - (ii) interfere with the health, safety, and welfare of users of, or neighbors near, the areas; or,
 - (iii) which may constitute a general nuisance.
- (b) As used herein, “general nuisance” means an unreasonable or unlawful use of the area, including but not limited to any noise, action or odor that could substantially interfere with any other person’s lawful use or enjoyment of the area. The use of amplified sound shall constitute a general nuisance under this section unless it is made for leased events at the Riverdale Regional Park or consent has been obtained from the Adams County POSCA Department.
- (c) Violations of this Rule 29 may only be enforced by a law enforcement officer pursuant to C.R.S. § 18-9-117, or other applicable law.

27. Enforcement

- (a) Pursuant to §§ 29-7-101(2) and (3), C.R.S. et seq., as amended, it is the duty of the Adams County Sheriff, undersheriff, and deputies, as well as any county enforcement personnel authorized and appointed pursuant to those sections, to enforce the rules and regulations adopted herein; and the county courts of Adams County, Colorado, have jurisdiction in the prosecution of any violation of a rule or regulation adopted herein, unless the violation is cited under a state law that confers jurisdiction to another court.
- (b) Pursuant to §§ 29-7-101 (2) and (3), the Board hereby vests specific enforcement authority in personnel designated as Adams County Park and Trail Rangers, and unless specifically excepted herein, those individuals so vested shall have the authority and responsibility to enforce the Rules and Regulations adopted herein for Adams County park, trail, and open space areas
- (c) Any person who violates any of these Rules and Regulations may be ejected from Adams County parks, trails, and open space areas.
- (d) These Rules and Regulations are in addition to, and not in place of, all other existing laws, ordinances, rules, and regulations. Nothing in these Rules and Regulations shall be construed to limit the authority of any law enforcement officer to charge an individual for violating the provisions of C.R.S. § 18-9-117 (or any successor statute) related to unlawful conduct on public property. Law enforcement officers retain their authority to enforce local, state, and federal laws within Adam County park, trail, and open space areas.

28. Penalties

- (a) (i) Violations of any Rule or Regulation herein cited under any other applicable law, ordinance, rule, or regulation shall be charged and punishable pursuant to the applicable legal authority.
- (ii) Violation of any other Rule or Regulation adopted pursuant to this Resolution, charged by either a law enforcement officer or an authorized agent of Adams County, shall be a Class 2 Petty Offense as provided for in § 29-7-101(2), as amended, and upon conviction thereof, shall be punished by a fine of not more than three hundred dollars, or as otherwise provided by law.
- (b) Any person having the authority and responsibility to enforce these Rules and Regulations and having knowledge of any violation of the rules and regulations stated herein may issue a citation or summons and complaint to the violator stating the nature of the violation with sufficient particularity to give notice of said charge to the violator.
- (b) Unless otherwise provided for, all fines, penalties, and surcharges shall be paid into the treasury of Adams County. Court costs, if any, shall be paid directly to the Clerk of the Court by each defendant.
- (c) In addition to any penalty prescribed by law, any violation of any of the Rules and Regulations herein by any person may subject that person to immediate ejection from the Adams County parks, trails, open spaces, and facilities.

29. Copy of Rules and Regulations

The department shall make available for inspection to the public a current copy of the existing rules and regulations relating to Adams County parks, trails, and open space areas.

30. Interpretation of Rules and Regulations

- (a) It is hereby declared to be the legislative intent of the Board that the provisions of this Resolution shall be severable, in accordance with the provisions set forth as follows: If any provision of this Resolution is ruled to be invalid by any court of competent jurisdiction:
 - i. The effect of such judgment shall be limited to that specific provision or provisions which are expressly stated in the judgment to be invalid; and,
 - ii. Such judgment shall not affect, impair, or nullify the validity of application of the remainder of this resolution as a whole or any other part thereof, and the rest of this resolution shall continue in full force and effect.

- (b) The enactment of this Resolution, or any amendment thereto, shall not be construed as abating any action now pending under or by virtue of prior provisions, or discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the county under any provision existing prior to the adoption of this Resolution, or as vacating or annulling any rights obtained by any person by lawful action of the county except as shall be expressly provided for in this resolution.

BE IT FURTHER RESOLVED that any prior resolutions setting forth Rules and Regulations for Adams County parks, trails, and open space areas, which are inconsistent herewith, are hereby expressly repealed.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: 7/14/20
SUBJECT: Revision to the Open Space Sales Tax Program Policies & Procedures
FROM: J. Byron Fanning jr.
AGENCY/DEPARTMENT: Parks, Open Space & Cultural Arts
HEARD AT STUDY SESSION ON 6/30/20
AUTHORIZATION TO MOVE FORWARD: x <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves

BACKGROUND:

Proposed changes to the Open Space Sales Tax Program Policies and Procedures suggested by the Open Space Advisory Board were presented to the BOCC on June 30th by staff. There are two changes being proposed. One proposed changes it that Home Owners Associations (HOA's) not be eligible to apply for and/or receive open space grants from Adams County. The other change will move the grant cycle dates from February and July to March and September to better work within partner agency annual schedules. The BOCC agreed with these changes and approved for this proposal to move forward to Public Hearing as a consent agenda item.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Parks, Open Space & Cultural Arts and County Attorney's Office

ATTACHED DOCUMENTS:

Resolution proposing that the changes be adopted
New Policies and Procedures

FISCAL IMPACT:

Please check if there is no fiscal impact x . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

RESOLUTION APPROVING AN AMENDMENT TO THE ADAMS COUNTY OPEN SPACE SALES TAX PROGRAM POLICIES AND PROCEDURES

WHEREAS, Adams County voters approved an Open Space Sales Tax on November 2, 1999 to be used in accordance with Resolution 99-1, which placed the Open Space Sales Tax on the ballot; and,

WHEREAS, Adams County voters authorized an increase in an existing countywide sales tax from one-fifth of one percent to one-fourth of one percent, and extended the sales tax through December 31, 2026, in accordance with Resolutions 99-1 and 2004-1; and,

WHEREAS, Resolution 99-1 specifies that officers and employees of the county are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution; and,

WHEREAS, on December 3, 2007, the Board of County Commissioners adopted the Adams County Open Space Program Policies and Procedures, which set forth the process and policies governing the administration of the Open Space Sales Tax program; and,

WHEREAS, on June 24, 2013, January 6, 2014, and September 27, 2017, the Board of County Commissioners adopted amendments to the Adams County Open Space Program Policies and Procedures after input from the Adams County Open Space Advisory Board and applicants to the Open Space Grant Program; and,

WHEREAS, additional amendments are proposed to improve the process and ensure that adequate funding is available for applicants; and,

WHEREAS, the Parks, Open Space and Cultural Arts Department staff reviewed the proposed changes with the Adams County Open Space Advisory Board and applicants to the Open Space Grant Program with none objecting; and,

WHEREAS, at a regular meeting held on April 29, 2020, the Adams County Open Space Advisory Board unanimously recommended that the Board of County Commissioners approve the proposed changes.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the amended Adams County Open Space Sales Tax Program Policies and Procedures, a copy of which is attached hereto and incorporated herein by this reference, be and hereby is approved and adopted.

Adams County Open Space Program

Policies and Procedures



Newly Revised and Adopted

June 24, 2013

As Amended January 6, 2014 and November 14, 2017

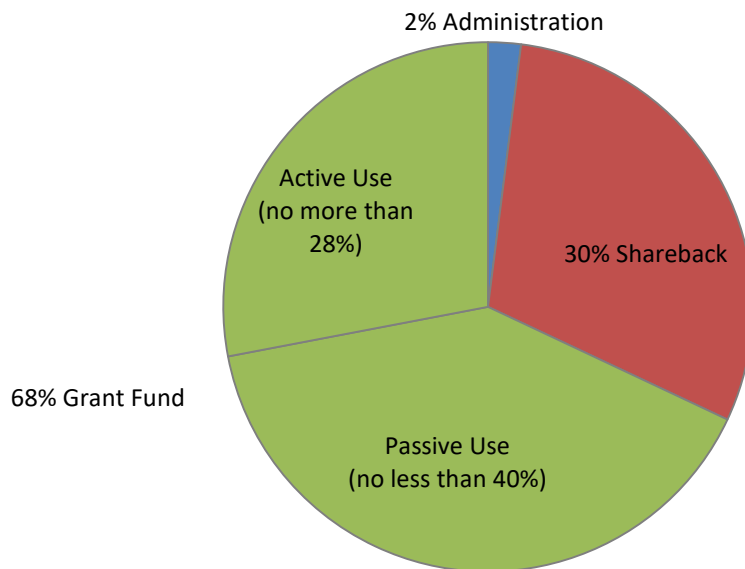
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Introduction

Adams County citizens passed an Open Space Tax on November 2, 1999, and reauthorized it on November 2, 2004, to be extended until December 31, 2026. The voter approved issue called for 68% of the proceeds from the tax to be distributed to eligible jurisdictions by a grant process. The Open Space “Tax Issue” also provides for 30% of the funds to be returned to the Cities and County based on a formula of where the tax is collected. Two percent may be used for administrative purposes. Adams County Open Space Sales Tax funds are subject to an annual independent audit.



This document is meant to provide a brief overview of each component of the Sales Tax program and provide specific guidance for use of 30% Shareback funds and the administration of the 68% Grant Fund.

2% Administration Fund

The 2% Administration Fund is the first set of funds removed from the Sales Tax revenues. These monies are used annually to fund the salaries and benefits of Open Space staff who administer the program. In addition, these funds are used for the day-to-day administration of the entire Sales Tax revenue. Major costs from this fund include public relations costs (such as promotional materials, attending local community days, and publishing an annual report), and all costs associated with coordinating two grant cycles per year. The budget for these funds is developed annually by Open Space staff and is approved by the Adams County Parks and Open Space Director, the Adams County Finance Department staff, and ultimately the Adams County Board of County Commissioners as part of the overall County budget.

Annual Report

An annual report describing projects funded with the open space funds will be made available to the residents of Adams County annually. The County will compile information based upon reporting they receive from each jurisdiction describing how 30% Shareback funds were used. The County will also compile a list of projects funded in the past year, including a brief description of each project and the amount of funding awarded.

Annual Audits

All expenditures of Open Space Sales Tax funds are subject to an annual audit. This includes projects awarded grant funds as well as funds disbursed from the 30% portion of the Sales Tax Fund.

30% Shareback Program

Purpose

The Shareback Program distributes a portion of Open Space Sales Tax revenues directly back to the taxing jurisdiction for use on either passive or active projects. The shareback is distributed as described in Section 8, b (iii) of Resolution 99-1 (Appendix A): “After payment of the administrative fee, thirty percent (30%) of the remaining Open Space Sales Tax collected shall be automatically returned to the cities, towns and unincorporated area of Adams County in the same proportion as is the ratio of Open Space Sales Tax collected within the city, town or unincorporated area to the total County sales tax collections, as computed from information provided by the Colorado Department of Revenue. This money may be used by the jurisdiction for either active or passive uses but shall not be used to augment existing parks and open space budgets”.

Distributions of these funds are made twice yearly to all qualified jurisdictions. Payments are distributed as checks to the qualified jurisdiction, or in the case of Adams County, as an internal transfer of funds.

Eligible Expenses

Shareback funds received by the qualified jurisdiction may be used for passive or active uses. However, there are some limitations to use of the shareback funds:

- As stated in Resolution 99-1 (Appendix A), “no land or interests acquired with revenues of the Open Space Sales Tax may be sold, leased, traded, or otherwise conveyed, nor may an exclusive license or permit on such land or interests be given, without the approval of such action by the Board [of County Commissioners]”.
- Funds from the 30% distribution can be used to maintain active and passive projects previously funded through the Open Space Sales Tax, but may not otherwise augment existing budgets.

Annual Reporting

In approximately January of each year, Open Space staff will distribute an annual reporting form to qualified jurisdictions. The purpose of this form is to detail how each qualified jurisdiction allocated the previous year's 30% distribution. Forms from all qualified jurisdictions must be returned to Adams County Open Space staff prior to any spring distributions being processed. The information acquired through this process will be included in the annual report.

68% Grant Fund

Purpose

The 68% Grant Fund is a competitive grant process where parks and open space projects compete for limited funds available through the Sales Tax program. Applications are reviewed by the Open Space Advisory Board (OSAB), comprised of 7 volunteer members appointed by the BoCC. The OSAB makes funding recommendations to the BoCC based on funds available and project merits. All final funding decisions are made by the BoCC.

Available Funding

The funding available in each grant cycle is comprised of the grant fund share of Open Space Sales Tax revenues for the last six months of the previous year (Spring grant cycle) or the first six months of the year (Fall grant cycle), all interest earnings on Open Space Sales Tax revenues, any unallocated monies remaining from previous revenues, and monies returned to the fund due to projects coming in under budget or projects that were unable to be completed.

Funding is limited for each grant cycle. The OSAB can elect to recommend a project be funded in full, part, or may choose not to recommend funding for the project. The BoCC will review the recommendations of the OSAB and award in full, modify the amount, or deny grant funds to specific projects.

Applicants for projects or phases of projects that were not awarded Open Space Sales Tax funds in the full amount requested in the initial grant proposal are encouraged to reapply for up to two additional grant cycles following the initial submittal, in the event the applicant deems the project worthwhile of additional funding.

Grant Cycle Timeline

Grant cycles occur twice each year in March and September. For a more detailed grant cycle schedule, visit www.adcogov.org/openspace or contact Open Space Sales Tax Grant Program staff.

Applicant Eligibility

Applicants must not have any unresolved compliance issues. The applicant must be in compliance on projects previously funded with Adams County Open Space Sales Tax Funds, including funds received

from the 30% Open Space Sales Tax distributions. Compliance includes but is not limited to completion of projects as funded and provision of information when requested or due.

Qualified Jurisdictions

The Qualified Jurisdictions are defined as the sales tax collecting entities in the County and special districts that solely provide parks or recreational facilities or programs currently include: City of Arvada, City of Aurora, Town of Bennett, Bennett Park and Recreation District, City of Brighton, City of Commerce City, City of Federal Heights, Hyland Hills Park and Recreation District, City of Northglenn, Strasburg Parks and Recreation District, City of Thornton, City of Westminster, and Adams County. Qualified jurisdictions must have an adopted Parks and/or Open Space Plan. Metropolitan Districts that provide park and recreation services among other services shall not be considered park and recreation districts for the purposes of these policies and procedures.

Sponsored Organizations

Any organization, including, but not limited to Metropolitan Districts providing services in addition to parks and recreation, other governmental entities and non-profit organizations are eligible to apply, provided they are sponsored by a qualified jurisdiction. These organizations must receive sponsorship from one of the qualified jurisdictions, as evidenced by documentation from the sponsoring qualified jurisdiction indicating their sponsorship of and support for the project. These organizations should contact the most appropriate qualified jurisdiction well ahead of the grant application due date to allow for enough time to navigate that jurisdiction's process. If seeking sponsorship from Adams County, please contact Open Space staff at least 6 weeks ahead of the grant application due date for additional information. If a qualified jurisdiction agrees to sponsor an application, the sponsored application does not count against the qualified jurisdiction's allowed number of applications per grant cycle. Home Owner's Associations (HOA's) are not eligible to apply for and/or receive open space grants.

The role of the sponsoring qualified jurisdiction is flexible, but at minimum consists of providing approval for the requesting organization to apply for the program. A more significant relationship between sponsoring qualified jurisdiction and sponsored organization is encouraged, especially for organizations new to the Open Space program, but is not required. Any additional contact between the sponsoring qualified jurisdiction and sponsored organization is optional at the will of either party.

Eligible Projects

Staff will review the application and project for conformance with the voter-approved "Tax" and the Open Space Policy and Procedures.

Facilities, including but not limited to parks, sports fields, golf courses, and recreation centers, or land must be accessible to the public, inclusive of those with disabilities, except for land acquisitions and conservation easements for agricultural preservation and habitat preservation.

Eligible Project Types

The following is a list of eligible projects for the Adams County Open Space Sales Tax Grant Program. This list comes from Resolution 99-1 (Appendix A). If a prospective project is not directly related to one

of these items, please contact Open Space staff for further discussion. Adams County Open Space Sales Tax funds in the grant program can be used for:

- Purchase, construction, maintenance of:
 - Horse, bike, running trails
 - Natural areas with limited development for fishing, hiking, walking, or biking
 - Wildlife preserves
 - Lakes for fishing with accessible walks, docks, picnic areas, and restrooms
 - Conservation easements on agricultural land
 - Environmental education programs
 - Lands and waterways as community buffers
 - River and stream corridor land
 - Unimproved flood plains
 - Wetlands
 - Preservation of cemeteries
 - Picnic facilities
- Acquisition of:
 - Fee title interest and less than fee title interest(s) in real property for open space, natural areas, wildlife habitat, agricultural and ranch lands, historical amenities, parks, and trails. Less than fee title interests include: easements (including conservation and agricultural), leases, options, future interests, covenants, development rights, subsurface rights and contractual rights, either on an exclusive or nonexclusive basis.
 - Water rights and water storage rights for use in connection with aforementioned purposes
 - Rights-of-way and easements for trails and access to public lands and to build and improve such trails and accessways
- Joint projects between counties and municipalities, recreation districts, or other governmental entities in the County
- To improve, protect, manage, patrol, and maintain:
 - Open space
 - Natural areas
 - Wildlife habitats
 - Agricultural and ranch lands
 - Historical amenities
 - Parks
 - Trails
- To pay for related acquisition, construction, equipment, operation, and maintenance costs
- To implement and effectuate the purposes of the Open Space Program
- Acquisition and maintenance of:
 - Lands with significant natural resource, scenic, and wildlife habitat values
 - Lands that are buffers maintaining community identity
 - Lands that are to be used for trails and/or wildlife migration routes
 - Lands that will be preserved for agricultural or ranch purposes
 - Lands for outdoor recreation purposes limited to passive recreational use, including but not limited to hiking, hunting, fishing, photography, nature studies, and if specifically designated, bicycling or horseback riding

- Lands with other important values such as scenic and historic sites that contribute to the County's and County municipalities' natural and cultural heritage
- Purchase, construction, equipping, and maintenance of:
 - Sports fields
 - Golf courses
 - Recreation centers
 - Lands for park purposes
 - Park and recreational improvements and facilities

In addition to eligible project types, the following list indicates Eligible Project Expenses. This list is meant to clarify eligible expenses, but is not a comprehensive list of eligible expenses. Please contact Open Space staff regarding expenses not otherwise included on this list. These items can appear in the project budget and be reimbursed for as a part of the project. They can be grant request, applicant/partner match, or in-kind contribution or any combination thereof. The following items are Eligible Project Expenses:

- Consultant costs for acquisition, planning, design, and/or construction of parks, trails, or open space (including natural areas, wildlife habitats, agricultural lands, ranch lands, and historical amenities)
- General volunteer time or Board member time (see Salary below)
- Organization fees including certification and accreditation fees (directly relating to project or program, or a requirement thereof)
- Training tuition for programs/certifications directly related to the project
- Staff time and expenses that are related to a specific project (see Salary below)
- Costs that directly relate to the planning activities (inventories, design, GIS/mapping, printing, etc)
- Existing operations and maintenance
- Public input costs (meeting rooms, mailings or other advertising, facilitation, surveys and web-based outreach)
- Acquisition of conservation easement or land for open space, park, or trail purposes:
 - Purchase price
 - Water rights
 - Mineral rights
 - Associated closing costs
 - Appraisal
 - Survey
 - Environmental assessment and cleanup
 - Baseline report
 - Mineral remoteness report, etc.
- Conservation easement stewardship endowments for passive use land acquisitions (see Conservation easement stewardship endowment below)
- Park amenities, including but not limited to:
 - Athletic fields/courts
 - Track and field facilities (including projects involving artificial turf)
 - Playgrounds
 - Swings

- Climbing structures
 - Skateparks/rinks
 - Swimming pools (indoor or outdoor)
 - Splashpads
 - Water slides
- Trails, including:
 - Bridges
 - Underpasses
 - Overpasses
- Construction and/or redevelopment of golf courses
- Development and/or redevelopment of environmental education facilities, outdoor classrooms, and natural areas intended for environmental education purposes
- Programmatic funding for environmental education
- Disc golf courses
- Whitewater parks
- Fishing piers and boat docks
- Sculptures and artwork in a park or open space, including memorials
- Outdoor amenities located at fairgrounds
- Concession stands and storage buildings located in a park or open space and used in association with activities conducted at the park or open space
- Indoor facilities, including:
 - Recreation centers
 - Buildings at fairgrounds
 - Nature Centers
- Infrastructure, including:
 - Irrigation
 - Drainage
 - Parking lot
 - Lighting
 - Utilities, etc.
- Amenities, including:
 - Restrooms
 - Drinking fountains
 - Benches
 - Landscaping
 - Picnic tables
 - Grills
 - Pavilions
 - Amphitheaters or outdoor performing arts centers when located in a park or open space
 - Signage
 - Fencing
 - Lighting
 - Historical facilities when located in a park or open space, etc.
- Eligible work completed prior to application (see Prior Completed Work below)
 - Land acquisition and design work within three (3) years of application
 - All other eligible work within one (1) year of application

- Expenses associated with on-the-ground project management
- Printing and development of parks, trails and open space related publications
- Promotional items (all to include Open Space logo, see Open Space Signage and Logo Use policy)
- Indirect costs (see Indirect Costs below)
- Non-fixed assets, including:
 - Lawnmowers
 - Snow blowers
 - Gloves
 - Shovels
 - Rakes
 - Weed eaters
 - Staff uniforms
 - Wildlife cameras, etc.
- Costs associated with volunteer programs, including:
 - Food and drink
 - Training
 - Clothing
 - Appreciation items
- Donations of the items above can be counted as in-kind match

The following are ineligible project expenses and may not appear in any form on the project budget:

- Fundraising costs
- Any meeting costs not associated with the project
- Grant writing
- Events, publications, advertising, and/or similar event items for fundraising
- Amusement parks
- Recreational program costs, including:
 - Staffing
 - T-shirts or uniforms
 - Trophies
 - Medals, etc.

Salary

Salary is an eligible project expense if it is project and/or program specific. The salary being funded must be time-limited and for specific project-related job duties, not general job duties of the position. At the time of project completion, documentation of hours spent working on the project must be provided either through timesheets or other tracking mechanism. Please speak with Open Space staff for specific questions related to salary and the documentation required.

Conservation easement stewardship endowment

A conservation easement stewardship endowment is meant to be the principle investment into a dedicated fund for use by the easement Grantee for annual stewardship and monitoring costs. The amount of the endowment allowance is determined by multiple factors that have been agreed upon by

the qualifying jurisdictions. To reflect the perpetual nature of these obligations, the amount allowed as part of a grant request may fluctuate over time to reflect current costs in staffing, etc. and current interest rates. Please contact Open Space staff regarding current conservation easement stewardship endowment practices and allowance.

Indirect Costs

Up to 10% of a project's direct costs may be requested as part of the grant request. Additional indirect costs can be included as part of the applicant match. The Open Space program strongly encourages applicants to request reasonable amounts of funding for indirect costs to ensure that the application is competitive.

Indirect costs include costs which are frequently referred to as overhead expenses (e.g., rent and utilities) and general and administrative expenses (e.g., officers' salaries, accounting department costs and personnel department costs).

Prior Completed Work

Acquisition of property and design work previously completed and related to a specific project are eligible expenses, as long as the work is completed within three years of the application date. All other expenses, as listed in the Eligible Project Expenses section, are eligible as long as the work is completed within one year of the application date. Individual expenses may be older than the deadline only if the final work is completed within the deadline timeframe. All previously incurred expenses will be expected to submit the same documentation at project closeout as work completed directly as a part of the grant project (including invoices and proof of payment).

Specific Requirements of Land Acquisitions

To meet the intent of Resolution 99-1 (Appendix A), land purchased with Open Space sales tax dollars with passive funds will be encumbered to perpetually protect the passive uses of the property. Primarily, this encumbrance will take the form of a conservation easement. In some instances, a conservation easement may not be the best tool for land preservation and a declaration of covenants, conditions and restrictions may be placed on the land in lieu of the conservation easement. These situations may include, but are not limited to: property where there is less than five acres of habitat or preservable land, sites where there are no easily identified conservation values, a redevelopment site or site where significant changes to the property are anticipated, or land purchased solely for use as a trail corridor. In all situations, it is at Open Space staff's sole discretion whether a conservation easement or declaration of covenants, conditions and restrictions will be used to protect the land's passive uses.

The negotiation, approval, and full execution of a conservation easement or a declaration of covenants, conditions and restrictions are required before such a project will be closed out. Additional information on project closeout can be found in subsequent sections. Land purchased using active funds will not be required to have an encumbrance on the property. If the acquiring organization desires to place a conservation easement on a portion of a property purchased with active funds, please contact Open Space staff for additional information.

Applying to the Program

Application Types

- Passive Project applications are for uses defined in Resolution 99-1, Section C, (ii), see Glossary of Terms, page 17.
- Active Project applications are for uses defined in Resolution 99-1, Section C, (iii), see Glossary of Terms, page 17.
- Mini Grant applications are for uses defined in either of the above sections but are geared towards smaller scale projects. A project is determined to be a Mini-Grant if the total amount of the grant request does not exceed \$5,000. Funding for mini-grants is limited to \$50,000 per year. The Mini Grant is also limited to one application per applicant, per grant cycle. Mini Grants are subject to the same requirements as both the Active and Passive Grants.

Submission Requirements

Each qualified jurisdiction or sponsored organization applying to the Open Space Program may only submit up to three (3) grants per grant cycle, up to two (2) of which may be full project applications (i.e., not mini-grants). For sponsored organizations, each project in a single grant cycle must be sponsored by a different qualified jurisdiction. Each qualified jurisdiction may only sponsor one project per grant cycle from any given sponsored organization, but there is no limit on the total number of applications a qualified jurisdiction may sponsor in any grant cycle. Sponsored applications do not count against a qualified jurisdiction's allowed number of applications per grant cycle.

Applications must be made on the pertinent Application Form. See the current Application Form for the number of completed application and all attachments that are required for submittal. Mail or deliver application to: Adams County Parks & Open Space, 9755 Henderson Road, Brighton, Colorado 80601. Applications must arrive no later than 4:30 p.m. of the specified grant application deadline date. No material will be accepted after the deadline date with the exception of additional materials or documentation requested by the Open Space staff, the OSAB or the BoCC.

The primary contact person(s) identified in the Open Space Application will be used for all official correspondence for each submitted project, including all correspondence regarding project status reports and closeout information. Please contact Open Space staff as soon as it becomes necessary to change the primary contact person.

Matching Funds

All projects must leverage the funds being requested of the Open Space Grant Program. For passive applications, applicants must provide a minimum of 30% of the total project costs toward the project. For active applications, a minimum of 40% must be provided. Any additional funds brought toward the project will be considered favorably by the OSAB during their evaluation.

In-kind sources of funds, such as donations of goods or services or volunteer hours are acceptable forms of match. All donations of goods or services must be documented in the application with a letter from the donor describing the donation and its estimated value. The use of volunteer hours is acceptable. Applicants must estimate the number of volunteer hours anticipated for completion of the project and

include in the project narrative a description of the work to be completed by those volunteers. Volunteer time should be valued at the standard rate for the state of Colorado as found at http://www.independentsector.org/volunteer_time. Please see the Glossary of Terms for additional information about what constitutes in-kind contributions.

Application Components Specific to Real Estate Transactions

For real estate transactions, applicants should obtain a qualified buyer's appraisal, see Glossary of Terms, page 17. When a qualified appraisal is not available at the time of application, applicants should provide additional information with their application verifying the purchase price they are estimating. Additional information can include, but is not limited to, recent purchases by the organization of similar land, comparable listings or sales in the area, and other information used by the applicant to determine the cost included in the application. A qualified appraisal will be required prior to project closeout, or prior to closing if funds are to be wired at the time of closing. When the applicant is seeking to buy property for a price that exceeds the qualified appraisal value, the OSAB will make recommendations on a case by case basis to the BoCC for final approval. If no appraisal was available to the OSAB and more is paid for the property than the appraised value, unless specifically requested by the grantee from the BoCC, no reimbursement will be made for a purchase price exceeding the appraised value. If the grantee wishes to be reimbursed for that additional amount, a request will be sent to the BoCC for approval prior to reimbursement.

Application Criteria and Scoring

OSAB will request presentations by applicants for all active and passive applications. Presentations for mini-grant applications are welcomed but not required. Presentations will not be scored and are for informational purposes only.

The OSAB will review projects and make funding recommendations to the BoCC based on criteria and information provided by the applicant in the Passive or Active Applications in the following categories:

- Grant Fund Use
- Project Funding
- Project Support
- Project Management and Applicant's Past Performance of Awarded Projects
- Project Location within Adams County

The OSAB utilizes standard score sheets while reviewing projects. Examples of the most recent score sheets can be requested from Open Space staff at any time. Each OSAB member ranks the projects based on their impressions of the project. Each project receives a unique ranking from each OSAB member. For example, if there are ten projects in a particular cycle, the OSAB members assign a one (1) to their highest priority project and a ten (10) to their least priority project. The rankings for each project are then totaled and projects are organized from highest ranking (lowest number of points) to lowest ranking (highest number of points). The projects are then discussed by the OSAB in rank order and funding recommendations are made.

Note: Current scoring practice is described. This process may be changed as the OSAB changes and as projects change. Any changes to OSAB scoring of projects will be shared with applicants prior to the grant cycle in which the changes will be instituted.

After Grant Award

If a press release is issued, include the following statement:

“Funds were awarded from proceeds of the Adams County Open Space Sales Tax which was passed by Adams County voters in 1999, and reauthorized in November, 2004 to be extended until December 31, 2026.”

Grant Agreement

The BoCC will publically award the grants at a public hearing. At the public hearing, Open Space staff will distribute copies of the grant agreement to each successful applicant. Signed grant agreements are due back to Open Space staff within 45 days of the public hearing. Once they are received back, Open Space staff will have the agreements signed by the BoCC and will return one fully executed copy to the applicant in either electronic or paper form. The BoCC reserves the right to add specific conditions as part of the Grant Agreement and/or Conservation Easement. A revised budget sheet shall be requested if awarded funds differ from the original grant request.

Project Due Date

All projects must be completed within two years of the grant award date. All documentation necessary to close out the project must be submitted to Open Space staff or an extension must be requested by this date. If no documentation is received by Open Space staff by the project due date, this may result in non-compliance. Please see the Grant Non-compliance section below.

Project Extension Policy

Requests for extension must be received prior to the project due date, preferably one month prior to the project due date. A sample Extension Request form is included as Appendix B, but may be updated at any time. As such, Grantee should confirm with Open Space staff the correct form to submit for their request. Project extension requests may be approved for up to 6 months at a time by Open Space staff. Grantee should include in their request progress made to date on the project, barriers to completion of the project and plans to overcome said barriers, and a timeline for project completion. If, at Open Space staff's discretion, no significant progress towards completion has been made, the extension request may be denied.

If a request for an extension is denied, Grantee will be promptly notified by Open Space staff. Upon receiving this notification, the Grantee must notify Adams County Open Space in writing as to whether or not they will complete the project as originally funded. If the Grantee is unable to complete the project as originally funded, a termination of Grant Agreement will be executed by Adams County and the Grantee will be required to deauthorize awarded funds or return all previously awarded funds for that project along with accrued interest and applicable market value adjustment within 30 days of receiving the Termination of Grant Agreement. Failure to respond to such a notification will result in an

automatic de-authorization of the grant and may result in non-compliance. Please see Grant Non-compliance section below.

Project Modification Policy

If a change to an awarded project is anticipated, Grantee should contact Open Space staff to discuss the proposed change. At that time, Open Space staff will determine whether a formal project modification should be requested. Most change requests will likely fall into one of three categories: 1) minor material change, no request necessary; 2) more significant change to project described in the application, but no change to the budget, staff approval possible, and 3) significant change that impacts the intent of the project and/or the project budget, BoCC approval necessary. If there is any question of which category the request falls into, it will be elevated to the next level for approval.

If it is deemed necessary, the Grantee must submit a Modification Request form to Adams County Open Space staff. A sample Modification Request form is included as Appendix C, but may be updated at any time. As such, Grantee should confirm with Open Space staff the correct form to submit for their request.

If necessary, this information will be forwarded to the BoCC along with a full staff report for the BoCC's consideration. If the modification request is rejected and the project cannot be completed as originally approved, the Grantee may request deauthorization of the grant award and submit a new application for the revised project for consideration in future grant cycles.

Failure to notify Adams County Open Space staff of changes to an awarded project may result in non-compliance. Please see Grant Non-compliance section below.

Grant Non-compliance

A non-compliance issue may arise due to a failure to adhere to the project due date policy, extension policy, modification policy, or at Open Space staff's discretion. At such time that Open Space staff feels a non-compliance issue has arisen, staff will forward the information and a full staff summary to the BoCC. The BoCC will review the issue and determine what if any remedy will be required. Potential consequences of non-compliance include 1) deauthorization of the current grant award, with a request to repay any funds plus interest already disbursed for the award, 2) suspension of the Grantee from participating in the Open Space Grant program as an applicant, partner, or sponsor, or 3) any other consequence deemed appropriate by the BoCC.

Open Space Signage and Logo Use

An Adams County Open Space Sign provided or approved by Open Space staff will be posted in a prominent place at the project site once the project is completed. This does not apply to projects that will not have public access (i.e. conservation easement projects or planning projects). Signs provided by the County must remain up at the project site through the reporting period (i.e., 10 years). For acquisitions funded through the Open Space program, signs must remain up on the property through the life of the sales tax. Open Space staff will periodically do audits of signs at project locations and will offer replacement signs when needed. Grantee may also ask for replacement signs at any time when a sign becomes damaged or otherwise in poor condition. Following the expiration of the Open Space

Sales Tax, signs shall remain in place until damaged or otherwise in poor condition at which time the sign may be removed and not replaced.

If the Grantee wishes not to place a separate Adams County Open Space sign, but rather to use the logo as a part of new signage to be produced for the project, a high quality digital design file of the Adams County Open Space logo can be provided by Open Space staff. Use of the Adams County Open Space logo on other permanent signage must be approved by Open Space staff prior to final production of said signage. The program logo can also be provided for other uses via digital image files at the sole discretion of Open Space staff. Any additional usage of the program logo must be approved by Open Space staff.

Reimbursement and Closeout Process

Funds will be disbursed:

- Once the project has been both physically and contractually completed as funded, or at a specified periodic reimbursement date as described in the grant agreement (subject to documentation described below).
- The documentation requested in the reimbursement process has been received and verified by staff. Documentation should indicate that all work has been completed, invoiced, and paid on the project contract, including payment of retainage, as necessary.
- If the final product of a project is a document, including but not limited to a plan, design, or construction documents, those documents must be sent to Open Space staff for inclusion in the project file and for project closeout. In addition, if a document is being developed in association with a land purchase including but not limited to surveys, baseline assessments, or environmental analysis, those documents must be forwarded to Open Space staff for project closeout.

The amount of funds disbursed will correspond to the submitted project budget. The amount of disbursement will be adjusted as necessary to maintain the level of funding originally awarded and specified in the Grant Agreement. All reimbursements will be based on the award percentage of the total project costs, up to the full award amount. At no time will the amount of reimbursement, whether periodic or final, exceed the project expenditures when in-kind contributions are used as match. Unused grant funds will be returned to the grant fund. For example, if a project is under budget the leverage amount will be based on the final cost of the awarded project and the remaining award amount will be returned to the grant fund for future reallocation. Under no circumstances will the amount of funds reimbursed by Adams County Open Space Sales Tax increase over the awarded amount represented in the Grant Agreement. An increased percentage of project costs will only be allowed if approved by the BoCC in a modification requesting such a change (see Project Modification Policy, page 13).

In the case of periodic reimbursements, all procedures for reimbursement remain the same, see All Other Projects Reimbursement Process section below. The reimbursement will be for the awarded percentage for the project for that time period. Open Space staff will keep records of all periodic reimbursements to ensure that the total never exceeds the maximum award stated in the grant agreement.

Failure to provide requested documents may result in non-compliance. All forms related to the closeout process can be found in Appendix D. Please contact Open Space staff for the most up-to-date files.

Land Acquisition/Conservation Easement Reimbursement Process

The awarded funds can be disbursed to the Grantee after closing or directly to the title company at the time of closing. The Grantee will need to provide Adams County Open Space with copies of the following documents to receive the grant award:

- Copies of All Easements/Encumbrances
- Final Contract
- Full Qualified Appraisal
- Preliminary Buyers Settlement Agreement
- Title Commitment

It is the applicant's responsibility to ensure that Open Space staff is kept informed of any changes to the date, time or location of the closing. Adams County Open Space must have the wiring instructions at least five (5) business days ahead of the scheduled closing to forward to the Adams County Treasurer's Office to set up the wire transfer. All other documents should be to Open Space staff a minimum of two (2) business days before closing to have funds wired to closing. After closing, copies of the following documents must be forwarded to the Open Space Office prior to the project being closed out:

- Grant Closeout Request Form
- Recorded Deeds specific to this transaction
- Signed Settlement Statement
- Title Policy
- Fully executed Conservation Easement must be on file with Open Space staff (for passive acquisitions)
- Associated invoices and checks
- Other applicable items

All Other Projects Reimbursement Process

For all other projects, to close out a project the applicant must submit to the Open Space Office copies of the following documentation:

- Grant Closeout Request Form
- Completed Grant Closeout Worksheet
- Copies of ALL invoices listed on Grant Closeout Worksheet
- Copies of cancelled checks (front and back) for all costs indicated on Grant Closeout Worksheet
OR
Signature of authorized Financial Officer on Grant Closeout Worksheet certifying all payments have been made
- Documentation for all in-kind donations (e.g., letter from donor stating value, invoice from business indicating value)

Reporting Following Closeout

As stated in Resolution 99-1, “no land or interests acquired with revenues of the Open Space Sales Tax may be sold, leased, traded, or otherwise conveyed, nor may an exclusive license or permit on such land or interests be given, without the approval of such action by the Board [of County Commissioners]”.

At the 5- and 10-year anniversaries of project closeout, Open Space staff will send Grantee a reporting form for all projects closed out during that timeframe, not including planning projects or environmental education programs. This form will request basic information about all closed out projects specifically what, how and why anything has changed on the project. Grantee will include dated photos of the project for Open Space staff review. If in Open Space staff’s opinion, the intent of the original project has been changed, a full report will be forwarded to the BoCC. At that time, the BoCC will review the information and determine what, if any, action will be taken, including but not limited to the return of all grant funds plus interest.

Code of Ethics

The Code of Ethics applies to all employees and officials of Adams County, including the Open Space Advisory Board. The Code of Ethics can be found on the Adams County website: www.adcogov.org

Glossary of Terms

ACTIVE USE: Lands for park purposes and other recreational uses such as sports fields, golf courses and recreation centers. Park purposes shall be defined as the construction, equipping, acquisition and maintenance of park and recreational improvements and facilities for the use and benefit of the public. (Source: Resolution 99-1, Section C, item iii, Appendix A)

DEAUTHORIZATION OF FUNDS: In cases where funds are deauthorized (i.e., non-compliance, project completed under budget) remaining funds are returned to the grant fund for future allocation to projects. When funds have been paid, either for a completed project or for periodic reimbursements, and the BoCC requests those funds be returned to the grant fund, it is at the BoCC's discretion to also request payment of interest on those funds being returned.

IN-KIND SOURCES OF FUNDS: In-kind sources of funds are donations of time, services, or goods. At no time is the applicant paying for this contribution to the project, whether directly from the project proceeds or indirectly from other funding. These sources must be documented through timesheets, invoices, or other means for project closeout purposes.

PASSIVE USE: Passive uses shall include, but not be limited to the purchase, construction and maintenance of: horse, bike or running trails; natural areas with limited development for fishing, hiking, walking or biking; wildlife preserves; lakes for fishing with accessible walks, docks, picnic areas and restrooms; conservation easements on agricultural land; environmental education programs; lands and waterways as community buffers; river and stream corridor land; unimproved flood plains; wetlands; preservation of cemeteries; and picnic facilities. (Source: Resolution 99-1, Section C, item ii, Appendix A)

QUALIFIED APPRAISAL:

- commissioned by the purchaser, another project partner that does not have an ownership interest in the property being acquired, or jointly by the seller and the purchaser;
- prepared by an experienced independent appraiser and in accordance with the IRS definitions of a qualified appraisal and of highest and best use, as defined in Treas. Reg. 1.170A-13(c)(3); and
- based upon the sales comparison method, which determines the value of the subject property by comparing sale prices of comparative properties. Adjustments are made to the sale price of each comparative property to reflect the differences between the comparison property and the subject property.
- specific about the easement value of the property, and the value of the property before and after an easement is placed on it. Information about these values is necessary to determine ability to fund the project. (If funding is for a fee acquisition, only the full fee fair market value is needed; the before and after easement values are not required.)
- effective within one year prior to closing, the grantee will be required to have an appraiser update the appraisal.

QUALIFIED JURISDICTIONS: The qualified jurisdictions are defined as the taxing entities within the county and include, but are not limited to: City of Arvada, City of Aurora, Town of Bennett, City of Brighton, City of Commerce City, City of Federal Heights, City of Northglenn, City of Thornton, City of Westminster, and Adams County.

Appendix A

STATE OF COLORADO)
 COUNTY OF ADAMS)

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton on WEDNESDAY the 6TH day of OCTOBER, 1999 there were present:

Ted L. Strickland _____	Chairman	C0600923
Elsaine T. Valente _____	Commissioner	10/08/99 14:32:16
Martin J. Flaum _____	Commissioner	BK: 5917 PG: 0756-0769
Rita Connerly _____	County Attorney	0.00 DOC FEE ADAMS CO
Lucy Trujillo, Deputy _____	Clerk of the Board	CAROL SNYDER

when the following proceedings, among others were held and done, to-wit:

RESOLUTION CORRECTING SCRIVENER'S ERROR IN RESOLUTION 99-1

WHEREAS, the Board of County Commissioners (Board) of Adams County, Colorado (County), adopted Resolution 99-1 on September 1, 1999; and,

WHEREAS, paragraph 7a contains an obvious scrivener or typographical error; and,

WHEREAS, the Board determines that the scrivener or typographical or typographical error, considered in context, is insubstantial; and,

WHEREAS, the Board, nonetheless, desires to correct the scrivener error contained within paragraph 7a of Resolution 99-1.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that Resolution 99-1, paragraph 7a be corrected to read as follows:

(a) *Imposition of Tax.* There is hereby imposed on all sales of tangible personal property at retail or the furnishing of services in the County as provided in Section 29-2-105(1)(d), Colorado Revised Statutes, as amended, a tax equal to one-fifth of one percent of the gross receipts (the "Sales Tax").

BE IT FURTHER RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that the Clerk of the Board make the above-referenced correction *nunc pro tunc* to September 1, 1999.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Strickland _____	Aye
Valente _____	Aye
Flaum _____	Aye
Commissioners	

STATE OF COLORADO)
 County of Adams)

I, Carol Snyder, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 6TH day of OCTOBER, A.D. 1999.

County Clerk and ex-officio Clerk of the Board of County Commissioners
 Carol Snyder:

By Lucy Trujillo
 Deputy

STATE OF COLORADO)
COUNTY OF ADAMS)

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton on WEDNESDAY the 1ST day of SEPTEMBER, 1999 there were present:

Ted L. Strickland _____	Chairman
Elaine T. Valente _____	Commissioner
Martin J. Flaum _____	Commissioner
Rita Connerly _____	County Attorney
Sylvia Puebla, Deputy _____	Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

RESOLUTION 99-1

A RESOLUTION CALLING AN ELECTION ON NOVEMBER 2, 1999 TO AUTHORIZE THE IMPOSITION OF A ONE-FIFTH OF ONE PERCENT COUNTYWIDE SALES TAX FOR THE PURPOSE OF PRESERVING OPEN SPACE AND CREATING AND MAINTAINING PARKS AND RECREATION FACILITIES; SETTING THE BALLOT TITLE AND BALLOT QUESTION FOR THE ELECTION; AND, PROVIDING THE EFFECTIVE DATE OF SUCH RESOLUTION

WHEREAS, the Board of County Commissioners (the "Board") of Adams County, Colorado (the "County"), has determined that it is in the public interest and desirable to the residents of the County to preserve open space in order to limit sprawl, to preserve farmland, to protect wildlife areas, wetlands, rivers and streams, and for creating, improving and maintaining parks and recreational facilities; and,

WHEREAS, there are not sufficient funds in the treasury of the County and the Board does not anticipate that existing sources of revenue will be sufficient to generate the moneys necessary to preserve open space and create and maintain parks and recreational facilities; and,

WHEREAS, the County is authorized by law to impose a sales tax on the sale of tangible personal property at retail and the furnishing of services, subject to approval of the registered electors of the County; and,

WHEREAS, the Board has determined that it is in the interests of the residents of the County to impose a Countywide sales tax at the rate of one-fifth of one percent for the period beginning January 1, 2000 through December 31, 2006, the receipts from which shall be restricted in application to the Open Space Program; and,

WHEREAS, the Board has determined that a question regarding the imposition of a sales tax for the purposes enunciated herein should be submitted by the Board to the eligible electors of the County; and,

WHEREAS, the Board has determined to set the ballot title and ballot question for the issues to be submitted at the election called by this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS, STATE OF COLORADO:

1. An election shall be held on Tuesday, November 2, 1999, at which there shall be submitted to the eligible electors of the County one question authorizing the imposition of an additional one-fifth of one percent sales tax (the "Open Space Sales Tax") on all sales of tangible personal property at retail or the furnishing of services in the County as provided in Section 29-2-105(1)(d), Colorado Revised Statutes, as amended ("C.R.S."). The question to be submitted to the registered electors shall be as follows:

ISSUE _____

SHALL ADAMS COUNTY TAXES BE INCREASED \$5.5 MILLION, AND WHATEVER AMOUNTS ARE RAISED ANNUALLY THERAFTER, BY A COUNTYWIDE SALES TAX OF ONE FIFTH OF ONE PERCENT (20 CENTS ON A \$100 PURCHASE), EFFECTIVE JANUARY 1, 2000 AND AUTOMATICALLY EXPIRING AFTER 7 YEARS, WITH THE PROCEEDS TO BE USED SOLELY TO PRESERVE OPEN SPACE IN ORDER TO LIMIT SPRAWL, TO PRESERVE FARMLAND, TO PROTECT WILDLIFE AREAS, WETLANDS, RIVERS AND STREAMS, AND FOR CREATING, IMPROVING AND MAINTAINING PARKS AND RECREATION FACILITIES, IN ACCORDANCE WITH RESOLUTION 99-1, WITH ALL EXPENDITURES BASED ON RECOMMENDATIONS OF A CITIZEN ADVISORY COMMISSION AND SUBJECT TO AN ANNUAL INDEPENDENT AUDIT AND SHALL ALL REVENUES FROM SUCH TAX AND ANY EARNINGS THEREON, CONSTITUTE A VOTER APPROVED REVENUE CHANGE.

YES _____

NO _____

2. The election shall be conducted by the County Clerk and Recorder in accordance with the Uniform Election Code and other laws of the State of Colorado, including without limitation, the requirements of Article X, Section 20 of the Colorado Constitution (hereinafter "TABOR").
3. All acts required or permitted by the Uniform Election Code relevant to voting by early voters' ballots, absentee ballots and emergency absentee ballots shall be performed by the County Clerk and Recorder.
4. The County Clerk and Recorder shall cause a Notice of Election to be published in accordance with the laws of the State of Colorado, including but not limited to, the Uniform Election Code and TABOR.
5. Pursuant to Section 29-2-104(5), Colorado Revised Statutes, the County Clerk and Recorder is directed to publish the text of this Resolution four separate times, a week apart, in the official newspaper of the county and each city and incorporated town within the County.
6. No later than October 1, 1999, the County Clerk and Recorder shall mail the Notice of Election required by Article X, Section 20(3)(b) of the Colorado Constitution.
7. If a majority of the votes cast on the question of imposing the Open Space Sales Tax shall be in favor of such question, the Open Space Sales Tax shall be imposed and shall apply to all taxable transactions, unless exempt, occurring on or after January 1, 2000, and shall be collected and administered in accordance with this Resolution and the schedules set forth in the rules and regulations promulgated by the Colorado Department of Revenue.
 - (a) *Imposition of Tax.* There is hereby imposed on all sales of tangible personal property at retail or the furnishing of services in the County as provided in Section 29-2-105(1)(d), Colorado Revised Statutes, as amended, a tax equal to one-half of one percent of the gross receipts (the "Sales Tax").
 - (b) *Transactions Subject to the Sales Tax.*
 - (i) The tangible personal property and services taxable hereunder shall be the same as the tangible personal property and services taxable pursuant to Section 39-26-104, C.R.S., and shall be subject to the same exemptions as those specified in Section 39-26-114, C.R.S., including specifically the exemption provided by Section 39-26-114(11), C.R.S., for purchases of machinery or machine tools; the exemption provided by Section 39-26-114(1)(a)(XXI), C.R.S., for the sales and purchases of electricity, coal, wood, gas (including natural, manufactured and liquefied petroleum gas), fuel oil or coke sold, but not for resale, to occupants of residences, whether owned, leased or rented by said occupants, for the purpose of operating residential fixtures and appliances which provide light, heat and power for such residences; the exemption provided by Section 39-26-114(1)(a)(XX), C.R.S.,

for the sales of food (as defined in Section 39-26-102(4.5), C.R.S.); the exemption for occasional sales by a charitable organization as set forth in Section 39-26-114(18), C.R.S.; and, the exemption for sales and purchases of farm equipment under lease or contract specified in Section 39-26-114(20), C.R.S.

- (ii) The Sales Tax shall not be imposed on the sale of construction and building materials if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other acceptable documentation that a local use tax has been paid or is required to be paid on the value thereof.
 - (iii) The Sales Tax shall not be imposed on the sale of personal property on which a specific ownership tax has been paid or is payable if: (I) the purchaser is a nonresident of, or has its principal place of business outside the County, and (II) such personal property is registered or required to be registered outside the limits of the County under the laws of the State of Colorado.
 - (iv) The Sales Tax shall not be imposed on the sale of tangible personal property at retail or the furnishing of services if the transaction has been previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule county equal to or in excess of the amount imposed by Section 7(a) hereof. A credit shall be granted against the Sales Tax payable with respect to such transaction equal in amount to the lawfully imposed sales or use tax previously paid by the purchaser or user to such other statutory or home rule county, provided that such credit shall not exceed the amount of the Sales Tax imposed by Section 7(a) hereof.
- (c) *Determination of Place at Which Sales are Consummated.* For the purpose of this Resolution, all retail sales shall be considered consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the County or to a common carrier for delivery to a destination outside the limits of the County. The gross taxable sales shall include delivery charges, when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, C.R.S., regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the County, or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of this Sales Tax shall be determined by the provisions of Article 26 of Title 39, C.R.S., and by the rules and regulations promulgated by the Colorado Department of Revenue. The amount subject to the Sales Tax shall not include the amount of any state sales and use tax imposed by Title 39, Article 26, C.R.S.
- (d) *Collection, Administration and Enforcement.* The collection, administration and enforcement of the Sales Tax shall be performed by the Executive Director of the Colorado Department of Revenue (the "Executive Director") in the same manner as the collection, administration and enforcement of the Colorado state sales tax. The provisions of Article 26 of Title 39, C.R.S. and all rules and regulations promulgated thereunder by the Executive Director shall govern the collection, administration and enforcement of the Sales Tax.
- (e) *Vendor Fee.* No vendor fee shall be permitted or withheld with respect to the collection and remittance of the Sales Tax.
- (f) *Application of Section 29-2-108, C.R.S.* The imposition of the Sales Tax will result in the 7% limitation on the total sales tax imposed by the State of Colorado, any county and city or town in any locality in the State of Colorado as provided in Section 29-2-108, C.R.S. being exceeded. Such notwithstanding, the rate of Sales Tax does not exceed the rate permitted to be imposed by the County pursuant to Section 29-2-108, C.R.S.

8. Distribution of Sales Tax Revenue. The proceeds from the collection of the Open Space Sales Tax shall be administered in the following manner:

- (a) *Open Space Advisory Board.* An Open Space Advisory Board shall be appointed by the Board of County Commissioners within ninety (90) days following approval of the election question.
 - (i) The Open Space Advisory Board shall consist of seven members, four of whom shall be residents of unincorporated Adams County and three of whom shall be residents of cities or towns located in Adams County.
 - (ii) Members shall serve four-year terms of office, except the initial term of two members from the unincorporated area of Adams County and two members from cities and towns shall be six years. Members may be re-appointed to successive terms.
 - (iii) Members shall serve at the pleasure of the Board.
 - (iv) The Board of County Commissioners shall develop a system to rotate the jurisdictions represented on the Open Space Advisory Board in a systematic fashion.
 - (v) Members shall not be compensated for their services, but may be reimbursed for reasonable expenses actually incurred in the performance of their duties in accordance with this Resolution and County policy.
 - (vi) Members shall act in accordance with law, including Colorado conflict of interest law applicable to public bodies. No member shall vote or participate in the application process regarding an acquisition or expenditure in which he or she has a financial or ownership interest, or where he or she has an ownership interest in adjacent property.
 - (vii) The Open Space Advisory Board will meet quarterly, beginning in the first quarter of 2000, or as necessary to review proposed projects. All meetings shall be held in accordance with the Open Meetings Law.
 - (viii) The Open Space Advisory Board will make recommendations to the Board of County Commissioners regarding the distribution of proceeds from the collection of the Open Space Sales Tax, substantially in accordance with the guidelines set forth in this Resolution.
- (b) *Deposit and Expenditure of Revenue.*
 - (i) The County shall establish an Open Space Fund within which all revenues and expenditures from the Open Space Sales Tax shall be accounted for.
 - (ii) Two percent (2%) of the Open Space Sales Tax collected shall be used by the Open Space Advisory Board for administrative purposes, i.e. consultants, studies, site reviews, etc.
 - (iii) After payment of the administrative fee, thirty percent (30%) of the remaining Open Space Sales Tax collected shall be automatically returned to the cities, towns and unincorporated area of Adams County in the same proportion as is the ratio of Open Space Sales Tax collected within the city, town or unincorporated area to the total County sales tax collections, as computed from information provided by the Colorado Department of Revenue. This money may be used by the jurisdiction for either active or passive uses but shall not be used to augment existing parks and open space budgets.
 - (iv) After payment of the administrative expenses and distribution of the thirty percent, moneys remaining in the Open Space Fund shall be used as directed by the Board of County Commissioners, substantially in accordance with the following guidelines:

- (1) Grant applications may be submitted to the Open Space Advisory Board by those jurisdictions having an approved open space and/or recreation plan.
- (2) The Open Space Advisory Board shall review the application and make recommendations to the Board of County Commissioners regarding approval or denial of the application. Fund distributions may be attributable to both active and passive open space uses, so long as:
 - (a) no less than forty percent (40%) shall be expended for passive open space uses, to include the purchase, construction and maintenance of: horse, bike or running trails; natural areas with limited development for fishing, hiking, walking or biking; wildlife preserves; lakes for fishing with accessible walks, docks, picnic areas and restrooms; conservation easements on agricultural land; environmental education programs; lands and waterways as community buffers; river and stream corridor land; unimproved flood plains; wetlands; preservation of cemeteries; and picnic facilities.
 - (b) no more than twenty eight percent (28%) shall be expended for active uses, to include the purchase, construction, equipping and maintenance of: sports fields, golf courses, and recreation centers.
- (v) Any funds received from the disposition of assets acquired or constructed with revenues for the Open Space Sales Tax shall be used in accordance with the above guidelines.

C. *Authorized Projects and Uses of Funds.*

- (i) Revenues collected from the Open Space Sales Tax may be used in the following manner:
 - (A) To acquire fee title interest in real property for open space, natural areas, wildlife habitat, agricultural and ranch lands, historical amenities, parks and trails;
 - (B) To acquire less than fee interests in real property such as easements (including conservation and agricultural), leases, options, future interests, covenants, development rights, subsurface rights and contractual rights, either on an exclusive or nonexclusive basis, for open space, natural areas, wildlife habitat, agricultural and ranch lands, historical amenities, parks and trails purposes;
 - (C) To acquire water rights and water storage rights for use in connection with the aforementioned purposes;
 - (D) To acquire rights-of-way and easements for trails and access to public lands, and to build and improve such trails and accessways;
 - (E) To allow expenditure of funds for joint projects between counties and municipalities, recreation districts, or other governmental entities in the County;
 - (F) To improve and protect open space, natural areas, wildlife habitats, agricultural and ranch lands, historical amenities, parks and trails;
 - (G) To manage, patrol and maintain open space, natural areas, wildlife habitats, agricultural and ranch lands, historical amenities, parks and trails;

- (H) To pay for related acquisition, construction, equipment, operation and maintenance costs;
 - (I) To implement and effectuate the purposes of the Open Space Program.
- (ii) Passive open space lands may be acquired and maintained and may include:
- (A) Lands with significant natural resource, scenic and wildlife habitat values;
 - (B) Lands that are buffers maintaining community identity;
 - (C) Lands that are to be used for trails and/or wildlife migration routes;
 - (D) Lands that will be preserved for agricultural or ranch purposes;
 - (E) Lands for outdoor recreation purposes limited to passive recreational use, including but not limited to hiking, hunting, fishing, photography, nature studies, and if specifically designated, bicycling or horseback riding;
 - (F) Lands with other important values such as scenic and historic sites that contribute to the County's and County municipalities' natural and cultural heritage.
- (iii) Active open space lands may include lands for park purposes and other recreational uses such as sports fields, golf courses and recreation centers. Park purposes shall be defined as the construction, equipping, acquisition and maintenance of park and recreational improvements and facilities for the use and benefit of the public.
- (iv) No land or interests acquired with the revenues of the Open Space Sales Tax may be sold, leased, traded, or otherwise conveyed, nor may an exclusive license or permit on such land or interests be given, without the approval of such action by the Board.
9. If a majority of the votes cast on the question of imposing the Open Space Sales Tax shall be in favor of such question, the County Clerk and Recorder is hereby directed to provide a notice of adoption of this Resolution, together with a certified copy of this Resolution, to the Executive Director of the Colorado Department of Revenue at least forty-five (45) days prior to January 1, 2000.
10. This Resolution shall serve to set the ballot title and the ballot question for the question set forth herein and the ballot title for such question shall be the text of the question itself.
11. The officers and employees of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.
12. The rate of the Open Space Sales Tax and the deposit of revenues collected for the Open Space Sales Tax as set forth in this Resolution shall not be amended, altered or otherwise changed unless first submitted to a vote of the registered electors of the County for their approval or rejection. Other provisions of this Resolution may be amended as necessary to effectuate the purposes of this Resolution by resolution adopted by the Board of County Commissioners in accordance with law.
13. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers and employees of the County and directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.
14. All prior acts, orders or resolutions, or parts thereof, by the County in conflict with this resolution are hereby repealed, except that this repealer shall not be

construed to revive any act, order or resolution, or part thereof, heretofore repealed.

15. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.
16. The cost of the election shall be paid from the County's general fund.
17. This Resolution shall take effect immediately upon its passage.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Strickland _____	Aye
Valente _____	Aye
Flaum _____	Aye
Commissioners	

STATE OF COLORADO)
County of Adams)

I, Carol Snyder, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 1st day of SEPTEMBER, A.D. 1999.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Carol Snyder:

By *Sylvia Stuebel* Deputy



Appendix B



Adams County Open Space Extension Request Form

Revised 9/2017

Date of Request:	
Grantee Name:	
Project Name:	
Contact Person:	
Phone Number:	
Email:	

Original Project Due Date:	Requested Due Date: (No longer than 6 months)
Please explain in detail the reason(s) for extending this project. Include information regarding progress made to date, items remaining to be completed and estimated timeline for completing all work.	

Attach the following:

- Copy of original timeline submitted with grant application
- Revised timeline
- Evidence of progress (Photos of project or in narrative above)

Prepared by:		Date:	
Print name:		Title:	

Appendix C



Adams County Open Space Modification Request Form

Revised 9/2017

Date of Request:	
Grantee Name:	
Project Name:	
Contact Person:	
Phone Number:	
Email:	
Project Due Date:	

Previously Submitted Leverage Summary:	Proposed Revision to Leverage Summary:
Grant Total:	Grant Total:
Total Project Costs:	Total Project Costs:
% of Funding Requested:	% of Funding Requested:

Please provide a description of the changes to the project as well as an explanation for the changes. Please provide specific details.

Attach the following:

- Copy of original budget submitted with grant application
- Revised budget
- Copy of original timeline submitted with grant application
- Revised timeline
- Evidence of progress (Photos of project or in narrative above)

Prepared by:	_____	Date:	_____
Print name:	_____	Title:	_____

Appendix D



Adams County Open Space Grant Closeout Request Form

Revised 9/2017

Project Name:	
Contact Person:	
Phone Number:	
Email:	
Reimbursement Request:	
For land acquisitions only:	
Has money already been wired to closing? <input type="radio"/> Yes <input type="radio"/> No	
Are additional funds being requested to closeout the project? <input type="radio"/> Yes <input type="radio"/> No	

Please review the appropriate project closeout checklist. Submit all documentation described on the checklist to:

Adams County Parks and Open Space
Attn: Renee Petersen or Shannon McDowell
9755 Henderson Rd.
Brighton, CO 80601

If you have questions or need assistance please contact Renee Petersen at 303.637.8072 or rpetersen@adcogov.org or Shannon McDowell at 303.637.8039 or smcdowell@adcogov.org.

I certify that all required documentation is attached or has been sent to Adams County Open Space to close out this project.

Prepared by:		Date:	
Print name:		Title:	



Adams County Open Space Grant Closeout Checklist

Revised 9/2017

Project Name:

Contact Person:

Use this checklist when closing out **ALL** projects, except land acquisitions. Provide copies of all documentation described below and this checklist to Open Space staff to begin the closeout process.

Please submit the following:

- Grant Closeout Request Form
- Completed Grant Closeout Worksheet
- Copies of **ALL** invoices listed on Grant Closeout Worksheet
- Copies of cancelled checks for all costs indicated on Grant Closeout Worksheet

OR

- Signature of authorized Financial Officer on Grant Closeout Worksheet certifying all payments have been made
- Documentation for all in-kind donations (e.g., letter from donor stating value, invoice from business indicating value)



Adams County Open Space Grant Closeout Checklist - Land Acquisition

Revised 9/2017

Project Name: _____

Contact Person: _____

Use this checklist when closing out land acquisitions. Use page 1 when funds are to be wired to closing. Use page 2 if being reimbursed after closing. Provide copies of all documentation described below and this checklist to Open Space staff to begin the closeout process.

For money to be wired directly to closing, please submit the following:

- All Easements/Encumbrances
- Final Contract
- Preliminary Buyers/Sellers Settlement Statement
- Title Commitment
- Qualified Appraisal

Following closing when money has already been wired, submit the following additional documentation to closeout the project:

- Grant Closeout Request Form
- Final Title Policy
- Recorded Deeds specific to this transaction
- Signed Settlement Statement
- A fully executed Conservation Easement must be on record with Open Space staff (for passive acquisitions)

If additional funds are being requested at the time of closeout, submit the following:

- Completed Grant Closeout Worksheet
- Copies of all invoices for additional expenses requested for the acquisition (e.g., survey, Phase I Environmental Report)
- Copies of cancelled checks for additional costs indicated on Grant Closeout Worksheet
- OR**
- Signature of authorized Financial Officer on Grant Closeout Worksheet certifying all payments have been made
- Copies of all reports or documents (e.g., Baseline, Phase I Environmental) for which additional funds are being requested.
- Documentation for all in-kind donations (e.g., letter from donor stating value, invoice from business indicating value)



Adams County Open Space Grant Closeout Checklist - Land Acquisition

Revised 9/2017

Project Name:

Contact Person:

Please submit the following documentation to closeout the project if no funds have previously been received:

- Grant Closeout Request Form
- Completed Grant Closeout Worksheet
- All Easements/Encumbrances
- Final Title Policy
- Qualified Appraisal
- Final Contract
- Recorded Deeds specific to this transaction
- Signed Settlement Statement
- A fully executed Conservation Easement must be on record with Open Space staff (for passive acquisitions)
- Copies of all invoices for any additional expenses requested for the acquisition (e.g., survey, Phase I Environmental Report)
- Copies of cancelled checks for additional costs indicated on Grant Closeout Worksheet
- OR**
- Signature of authorized Financial Officer on Grant Closeout Worksheet certifying all payments have been made
- Copies of all reports or documents (e.g., Baseline, Phase I Environmental) for which additional funds are being requested.
- Documentation for all in-kind donations (e.g., letter from donor stating value, invoice from business indicating value)



**Adams County Open Space
Project Closeout Worksheet**
Revised 12/2011

Applicant:	
Project Name:	
Awarded Amount:	\$0.00
Awarded Percentage:	0.00%
Date Awarded:	

I certify the items listed below are expenditures incurred as a result of this project and all listed expenditures have been paid by my organization.

(signature of Controller or authorized financial officer)

Please enter each invoice only once. List all Budget Categories included in that invoice in the appropriate column. Please explain in Comments if the check total does not match the invoice total.

Vendor	Invoice #	Budget Category/Categories	Invoice Total	Check #	Comment
			\$ -		
			\$ -		
			\$ -		
			\$ -		
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			\$ -		
			\$ -		
Total Project Costs			\$ -		

Reimbursement Summary	.% of Actual Project Costs	Maximum Award	Actual Award
	\$ -	\$ -	\$ -



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: July 14, 2020
SUBJECT: Intergovernmental Agreement with Arapahoe County and the City of Aurora to support a pilot project for a shared Veterans Services Officer
FROM: Alisha Reis, Deputy County Manager
AGENCY/DEPARTMENT: County Manager's Office
HEARD AT STUDY SESSION ON: January 14, 2020
AUTHORIZATION TO MOVE FORWARD: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the Intergovernmental Agreement

BACKGROUND:

On January 14, 2020, the Board of County Commissioners requested that staff work with Arapahoe County and the City of Aurora on a joint additional Veterans Services Officer to support veterans needs in the growth area around the VA Hospital.

Attached for the Board's consideration is an intergovernmental agreement in support of this effort. This will be a one-year pilot (August 1, 2020-July 31, 2021) supported 50/50 by the two counties, with the City of Aurora providing supplies and office support.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

County Manager's Office

ATTACHED DOCUMENTS:

Resolution
Intergovernmental Agreement

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 1
Cost Center: 9252

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:	7625		30,000.00
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			30,000.00
			(2020-2021)

New FTEs requested: **YES** **NO**

Future Amendment Needed: **YES** **NO**

Additional Note:

Budget will be \$15,000 for 2020 (amendment) within the Veteran’s Services cost center and \$15,000 for 2021.

RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS AND ARAPAHOE COUNTY AND THE CITY OF AURORA REGARDING A SHARED VETERANS SERVICE OFFICER POSITION

WHEREAS, Section 18(2) of Article XIV of the Colorado Constitution and Sections 29-1-201, *et seq.* and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and,

WHEREAS, each county in Colorado has a veteran's service office that offers free assistance to veterans through a veteran service officer(s); and,

WHEREAS, the City of Aurora enjoys a strong partnership with both Arapahoe County and Adams County and supports the counties' efforts to provide assistance to veterans through its veterans service offices located in Westminster (Adams) and Littleton (Arapahoe); and,

WHEREAS, with the opening of the VA Eastern Colorado Health Care System ("VA Hospital") in Aurora, the parties believe that a placement of a veteran services officer near the VA Hospital will be a great benefit to their resident veterans; and,

WHEREAS, the parties have committed to a pilot program for one (1) year to share the responsibility of a veteran's service officer position on the terms and conditions stated in this Agreement; and,

WHEREAS, during this pilot program, Arapahoe County would employ the veterans service officer, dividing the compensation evenly with Adams County, and host the position at Arapahoe County's location ten (10) minutes from the VA Hospital; and,

WHEREAS, during this pilot program, the City of Aurora will provide office supplies such as a computer, printer/fax machine, desk and chairs; and,

WHEREAS, the parties agree that this additional veteran services officer will help to meet the needs of resident veterans from the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that the Intergovernmental Agreement between the Board of County Commissioners of the County of Adams, the Board of County Commissioners of the County of Arapahoe and the City of Aurora, regarding a shared Veterans Service Officer Position is hereby approved.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is authorized to execute said Intergovernmental Agreement.

**INTERGOVERNMENTAL AGREEMENT
VETERANS SERVICE OFFICER POSITION**

This Intergovernmental Agreement (“Agreement”), dated for reference purposes on this ____ day of _____, 2020, is made and entered into by and between the CITY OF AURORA, COLORADO, a body politic, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ARAPAHOE, COLORADO, a body politic and THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS, COLORADO, a body politic, for the provision of a Veteran’s Service Officer position that will serve citizens of all three entities. Individually referred to in this Agreement as a “Party,” collectively referred to in this Agreement as the “Parties.”

WHEREAS, pursuant to Colorado Constitution, Article XIV, Section 18 and C.R.S. § 29-1-203, each Party has the legal authority to cooperate or contract with each other Party to provide any function, service, or facility lawfully authorized to each, and any such contract may provide for the sharing of costs, or other matters, for the purposes stated hereinafter; and

WHEREAS, each county in Colorado has a veteran’s service office that offers free assistance to veterans through a veteran’s service officer(s) (“VSO”); and

WHEREAS, the City of Aurora enjoys a strong partnership with both Arapahoe County and Adams County and supports the counties’ efforts to provide assistance to veterans through their veteran’s service offices located in Westminster (Adams) and Littleton (Arapahoe); and

WHEREAS, with the opening of the VA Eastern Colorado Health Care System (“VA Hospital”) in Aurora, the Parties believe that a placement of a VSO near the VA Hospital will be a great benefit to their resident veterans; and

WHEREAS, the Parties have committed to a pilot program for one (1) year to share the responsibility of a VSO position on the terms and conditions stated in this Agreement; and

WHEREAS, during this pilot program, Arapahoe County would employ the VSO, dividing the compensation evenly with Adams County, and host the position at Arapahoe County’s location near the VA Hospital; and

WHEREAS, during this pilot program, the City of Aurora will provide office equipment such as a computer and printer/fax machine; and

WHEREAS, the Parties agree that this additional VSO is needed to meet the needs of resident veterans from the area.

NOW THEREFORE, the Parties agree as follows:

I) RESPONSIBILITIES OF THE PARTIES

- A) Adams County
 - 1) Veteran's Service Officer
 - (a) Adams County shall fund 50% of one VSO FTE position for one (1) year as a pilot program. The funding responsibility for Adams County is:
 - (i) 50% of the cost of the compensation package for the VSO position
 - (ii) 50% of the cost of any conferences, training, and continuing education programs attended by the VSO during the one (1) year pilot program.

- B) Arapahoe County
 - 1) Veteran's Service Officer
 - (a) Arapahoe County will be responsible for the hiring of one VSO as contemplated by this Agreement and shall be responsible for the supervision of the VSO, and management of the workload for the VSO.
 - (b) Arapahoe County shall fund 50% of one VSO FTE position for one (1) year as a pilot program:
 - (i) 50% of the cost of the compensation package for the VSO position
 - (ii) 50% of the cost of any conferences, training, and continuing education programs attended by the VSO during the one (1) year pilot program.
 - (c) Arapahoe County shall ensure that the VSO has all necessary information that Arapahoe County can provide to perform its role for veteran residents of Adams and Arapahoe Counties, to include being trained by the current Arapahoe County veteran's services officer currently located in the Littleton office. Arapahoe will provide employment supervision and other related matters and shall invoice Adams County for 50% of the cost of the compensation of the VSO position and 50% of the cost of any conferences, training, and continuing education programs attended by the VSO during the one-year pilot program.
 - 2) Office Space
 - (a) Arapahoe County will make office space available for the VSO in the judicial services area at Altura Plaza located at Colfax and Chambers.
 - (b) The office space will include clerical support and reception.

- C) City of Aurora
 - 1) Veteran's Services Officer
 - (a) The City of Aurora shall be responsible for 100% of the cost of equipment and supplies reasonably needed by the VSO in performance of the Officer's duties during the one (1) year pilot program. Such equipment and supplies will include:
 - (i) Laptop computer, screen, mouse, printer, file cabinet, phone
 - (ii) Office supplies such as pens, pencils, paper, staplers, etc.
 - (b) The City of Aurora shall ensure that the VSO has all necessary information that the City can provide to appropriately serve veteran residents of the City of Aurora.

II) TERM OF AGREEMENT

- A) This Agreement shall commence September 1, 2020 and shall terminate on August 31, 2021 unless terminated earlier as provided in this IGA.

- B) Any Party may terminate this Agreement by giving prior written notice to the other Parties not less than ninety (90) days before the effective date of termination. Such notice shall be sent to the addresses and email addresses listed below. The terminating Party shall be responsible for its share of funding or supplies through the date of termination.

III) PAYMENT AND PROVISION SCHEDULE

- A) Arapahoe County shall provide invoices to Adams County for the payment of compensation, continuing education programs, and training due under this Agreement. Payment will be due within thirty (30) days of receipt of an invoice.
- B) The City of Aurora will provide initial office equipment and supplies, to include the computer, screen, mouse, to Arapahoe County for set up in the Altura Plaza office within thirty (30) days of the execution of this Agreement, and will provide the remainder of reasonable office supplies no later than one (1) week after the starting date of the VSO.
- C) The VSO shall submit requests for office supplies to the City of Aurora no more than once per month. The City of Aurora will work diligently to process all requests and will raise any concerns with Arapahoe County, as the employing agency.

IV) FUND AVAILABILITY

- A) The Parties acknowledge that, as of the date of this IGA, each Party has appropriated sufficient funds for this Agreement for the applicable fiscal year.
- B) The Parties acknowledge that this Agreement and/or any extension of its original term shall be contingent upon annual funding being appropriated, budgeted, and otherwise made available for such purposes and subject to each Party's satisfaction with the service received during the preceding term. Upon the agreement and with the consent of both Counties and the City, and if the Parties appropriate additional money for each subsequent fiscal year, this Agreement may be extended for additional one year terms.
- C) Maximum Contract Expenditure. Any other provision of this Agreement notwithstanding and pursuant to C.R.S. § 29-1-110, the amount of funds appropriated for this Agreement by both Adams County and Arapahoe County, each respectively, is Forty Thousand Dollars (\$ 40,000.00) for a total of Eighty Thousand Dollars (\$80,000.00) for the term of this agreement. Any potential expenditure for this Agreement outside the current fiscal year is subject to future annual appropriation of funds for any such proposed expenditure.
- D) In the event a Party believes at any time that the amount remaining in the Agreement will be insufficient to cover its responsibilities under the terms of the Agreement for the remainder of the fiscal year, that Party will immediately notify the other two Parties of such concern. If a Party cannot give adequate assurances to the other two Parties that additional funds will be appropriated to cover the projected shortfall, any Party can take whatever action it deems most appropriate, including terminating the Agreement.

V) MISCELLANEOUS

- A) Indemnification/Insurance. Each Party shall be fully responsible for its own employee(s) consistent with all applicable laws. As stated above, the VSO shall be an employee of

Arapahoe County. Each Party agrees to provide the other Party written notice within sixty (60) days of the knowledge of any claim or controversy giving rise to a claim for indemnification as provided herein.

- B) Governmental Immunity. All activities performed under this Agreement are hereby declared to be governmental functions. The Parties to this Agreement and their personnel complying with or reasonably attempting to comply with this Agreement or any ordinance, order, rule or regulation enacted or promulgated pursuant to the provisions of this Agreement shall be deemed to be operating within the scope of their duties and responsibilities and in furtherance of said governmental functions.
- C) No Waiver Under CGIA. Nothing in this Agreement shall be construed as a waiver by either Party of the protections afforded them pursuant to the Colorado Governmental Immunity Act, § 24-10-101 *et seq.*, C.R.S. (“CGIA”) as same may be amended from time to time. Specifically, neither Party waives the monetary limitations, or any other rights, immunities or protections afforded by the CGIA or otherwise available at law.
- D) Insurance.
 - 1) The City of Aurora, Arapahoe County and Adams County are all recognized as political subdivisions of the State of Colorado. As such they are governed by the Colorado Government Immunity Act.
 - 2) Each Party to this Agreement shall procure and maintain their own insurance as they deem appropriate.
- E) Third Parties. This Agreement does not and shall not be deemed to confer upon any third Party any right to claim damages to bring suit or other proceedings against either Arapahoe County or Adams County because of any terms contained in this Agreement.
- F) Severability. In the event that any of the provisions of this Agreement shall be held to be invalid or unenforceable, the remaining provisions shall nevertheless continue to be valid and enforceable as though the invalid or unenforceable parts had not been included therein.
- G) Entire Agreement. This Agreement constitutes the entire agreement and understanding between the Parties and supersedes any prior agreement or understanding relating to the subject matter of this Agreement.
- H) Modification. This Agreement may be modified or amended only by a duly authorized written instrument executed by the Parties hereto.
- I) Survival. The rights and obligations of the Parties shall survive the term of this Agreement to the extent that any performances is required under this Agreement after the expiration or termination of this Agreement.
- J) Notices. Notices to be provided under this Agreement shall be given in writing and either delivered via e-mail, by hand or deposited in the United States mail with sufficient postage to the addresses set forth herein:

ADAMS COUNTY
County Manager’s Office
4430 S. Adams County Parkway
Brighton, Colorado 80601-8206
areis@adcogov.org

Adams County Attorney’s Office

4430 S. Adams County Parkway, Suite C5000B
Brighton, Colorado 80601-8206
hmiller@adcogov.org

ARAPAHOE COUNTY:

Board of County Commissioners of Arapahoe County
5334 South Prince Street
Littleton, Colorado 80120-1136
commissioners@arapahoegov.com

Arapahoe County Attorney
5334 South Prince Street
Littleton, Colorado 80120-1136
attorney@arapahoegov.com

CITY OF AURORA

City Manager's Office, 5th Floor
15151 E. Alameda Parkway
Aurora, Colorado 80012
jtwombly@auroragov.org

City Attorney's Office, 5th Floor
15151 E. Alameda Parkway
Aurora, Colorado 80012
dbrotzma@auroragov.org

- K) Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Colorado without regard to the conflict of laws of such State.
- L) Good Faith. The Parties agree to work together in good faith in performing their obligations hereunder.

(Signature page follows)

IN WITNESS WHEREOF, the Parties have caused this Intergovernmental Agency Agreement to be executed by its duly authorized representatives as of the ____ day of _____, 2020.

CITY OF AURORA, COLORADO

Mike Coffman, Mayor

ATTEST:

Stephen J. Ruger, City Clerk

APPROVED AS TO FORM:

Aurora City Attorney's Office

BOARD OF COUNTY COMMISSIONERS,
ADAMS COUNTY, COLORADO

Chair

ATTEST:

Erica Hannah, County Clerk

APPROVED AS TO FORM:

Adams County Attorney's Office

BOARD OF COUNTY COMMISSIONERS,
ARAPAHOE COUNTY, COLORADO

Chair

ATTEST:

Clerk to the Board

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ADOPTING AND RATIFYING THE TREASURER'S WAIVER OF
INTEREST UNDER COLORADO HOUSE BILL 2020-1421, AND, SETTING OUT THE
PROCESS FOR DISTRICTS TO REQUEST ADVANCE OF TAX DISTRIBUTION DURING
TAX COLLECTION YEAR 2020 PERMITTED BY C.R.S. §39-10-104.5

WHEREAS, C.R.S. §39-10-104.5, as amended June 14, 2020, allows any county, upon approval of the Treasurer, to temporarily reduce or waive interest for late payments for the tax year 2019, due and payable 2020, during the remaining payment year from June 15, 2020 through October 1, 2020; and,

WHEREAS, the §39-10-104.5(13)(a) statute provides that any local taxing authority (hereinafter, "Authority") within the county may provide notice to the Board of County Commissioners, and, under §39-10-112, request an advance on tax distributions through October 1, 2020, if such Authority is unable to meet its operating or bond payment obligations, and, if such inability to perform is due to the waiver of interest by the County; and,

WHEREAS, the Treasurer has approved a waiver of interest on all tax payments which are received by the Treasurer's Office on or before July 31, 2020 and will review the financials of the county and the distributions of the authorities to determine whether to extend such waiver through the following month, each month through September 30, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that interest on ad valorem taxes (both real and personal property) is hereby waived through and including July 31, 2020, and up through and including September 30, 2020 if approved by the Treasurer each month thereafter.

BE IT FURTHER RESOLVED, that the Board of County Commissioners hereby adopts the procedures that the Treasurer deems necessary to effectuate C.R.S. §§ 39-10-104.5 and 112.

BE IT FURTHER RESOLVED, the Treasurer has provided notice to all taxing authorities as required by C.R.S. § 39-10-104.5(13)(a); and any Authority seeking distribution advance must request the advance on tax distribution by email to the County Treasurer Lisa Culpepper, at lculpepper@adcogov.org, on behalf of the Board of County Commissioners and the Treasurer within three (3) business days.

BE IT FURTHER RESOLVED, any advance of tax distribution made pursuant to C.R.S. § 39-10-104.5 shall be tendered and accounted for by the Treasurer, and, such advance shall be withheld by the Treasurer from each and every subsequent tax distribution beginning on January 10, 2021 (or sooner at the request of the Authority) until such advance is repaid to the county.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING:
SUBJECT: Spring 2020 Open space Sales Tax Grant Awards
FROM: J. Byron Fanning, Jr., Mary Willis, and Rae-Anne Reichow
AGENCY/DEPARTMENT: Parks, Open Space and Cultural Arts
HEARD AT STUDY SESSION ON: June 30, 2020
AUTHORIZATION TO MOVE FORWARD: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves

BACKGROUND:

Staff presented the Spring 2020 Grant Applications to the BOCC on June 30, 2020. During the presentation, there was a discussion with the BOCC regarding a proposed policy change about HOA eligibility to apply for and receive open space grants which brought this request into question. Listed below is a financial accounting of *all grant requests* and their overall impact on the fund.

On February 3rd, the Open Space Tax Grant Program received a total of 20 grant applications, including 7 passive grant applications, 9 active applications including the four mini-grant applications. The total amount requested was \$5,929,123.32, which included \$2,792,965.32 for passive projects, \$3,117,157.50 for active projects, and \$19,000.00 for mini grants. The total amount available for distribution was \$10,138,160.13.

The Open Space Advisory Board (OSAB) recommended full funding of all the applicants. If the Board of County Commissioners follow the OSAB's recommendations, the fund will carry a balance of \$4,546,692.02 to the next grant cycle.

Typically, at this meeting there would be a ceremonial, in person, awarding of the grants to the applicants. Due to Covid 19, staff asks that the BOCC acknowledge and congratulate the recipients virtually with the understanding that staff will mail the certificates to each entity upon BOCC approval.

A detailed list of projects and the Open Space Advisory Board's recommendations for funding is below.

Applicant	Project	Amount
Adams County	Rotella Park Shade Structures	\$56,067.50
Adams County	City View Park Master Plan	\$75,000
Adams County School District 14	Alsup Elementary School Replacement Playground	\$110,000
Barr Lake State Park	Barr Lake Appreciation Day 2020	\$4,000
Barr Lake State Park	Bergman Barn Restoration	\$34,361
Bennett Park and Recreation District	Facelift Phase II	\$5,000
Bird Conservancy of the Rockies	Environmental Education	\$466,235
City of Aurora	Parklane Pool Improvements	\$775,000
City of Aurora	Sand Creek Park Shelter Construction	\$170,000
City of Brighton	Aichelman Open Space Property Phase I	\$818,400
City of Commerce City	Veterans Memorial Park Renovation	\$400,000
City of Thornton	Stocking Fishing Lakes & Ponds 2020	\$5,000
City of Thornton	New Park at 88 th Avenue and Santa Fe Drive	\$824,546
City of Thornton	Thornton Trail Access and Improvements 2020	\$819,650
City of Westminster	Big Dry Creek Demonstration Habitat	\$5,000
LuBird's Light Foundation	LuBird's Inclusive Playground at Stanley Marketplace	\$200,000
Quebec Run Community HOA	Quebec Run Efficiency and Renovation Project	\$954,744
Town of Bennett	Brother's Four Playground Improvements	\$82,800
Town of Bennett	Centennial Park Improvements	\$39,000
U.S. Fish and Wildlife Service	Accessible Parking Lot and Fishing Trail at Lake Mary	\$84,319.82

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Open Space Advisory Board, Applicants

ATTACHED DOCUMENTS:

Resolution approving the award of Open Space Grant Awards.

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 28
Cost Center: 6202

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	8810		\$5,929,123.32
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			\$5,929,123.32

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING THE AWARD OF OPEN SPACE GRANT AWARDS AND
GRANT AGREEMENTS ON JULY 14, 2020

Resolution 2020 -

WHEREAS, Adams County voters approved an Open Space Sales Tax on November 2, 1999, to be used in accordance with Resolution 99-1; and,

WHEREAS, Resolution 99-1 specifies that the Board of County Commissioners shall appoint an Adams County Open Space Advisory Board to recommend projects to be funded through a grant program using 68% of the Open Space Sales Tax; and,

WHEREAS, the Adams County Open Space Advisory Board has received and reviewed grant applications submitted on February 3, 2020, for tax funds collected in the second half of 2019; and,

WHEREAS, the Adams County Open Space Advisory Board made the following recommendations to the Board of County Commissioners:

Applicant	Project	Amount
Adams County	Rotella Park Shade Structures	\$56,067.50
Adams County	City View Park Master Plan	\$75,000
Adams County School District 14	Alsup Elementary School Replacement	\$5,000
Barr Lake State Park	Barr Lake Appreciation Day 2020	\$4,000
Barr Lake State Park	Bergman Barn Restoration	\$34,361
Bennett Park and Recreation District	Facelift Phase II	\$5,000
Bird Conservancy of the Rockies	Environmental Education	\$466,235
City of Aurora	Parklane Pool Improvements	\$775,000
City of Aurora	Sand Creek Park Shelter Construction	\$170,000
City of Brighton	Aichelman Open Space Property Phase I	\$818,400
City of Commerce City	Veterans Memorial Park Renovation	\$400,000
City of Thornton	Stocking Fishing Lakes & Ponds 2020	\$5,000
City of Thornton	New Park at 88th Avenue and Santa Fe Drive	\$824,546
City of Thornton	Thornton Trail Access and Improvements 2020	\$819,650
City of Westminster	Big Dry Creek Demonstration Habitat	\$5,000
LuBird's Light Foundation	LuBird's Inclusive Playground at Stanley Marketplace	\$200,000
Quebec Run Community HOA	Quebec Run Efficiency and Renovation Project	\$954,744
Town of Bennett	Brother's Four Playground Improvements	\$82,800
Town of Bennett	Centennial Park Improvements	\$39,000
U.S. Fish and Wildlife Service	Accessible Parking Lot and Fishing Trail at Lake Mary	\$84,319.82
	Total	\$5,929,123.32

WHEREAS, the Board of County Commissioners has reviewed the recommendations by the Adams County Open Space Advisory Board; and,

WHEREAS, the Board of County Commissioners concurs with the recommendations of the Open Space Advisory Board and desires to award grants in the amounts listed above; and,

WHEREAS, all grant awards are contingent upon the full execution of a grant agreement between the Grantee and the County; and,

WHEREAS, the signed grant agreement must be received no later than 45 days from the award date.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that the above grant awards for projects submitted February 3, 2020, be and hereby are approved.

BE IT FURTHER RESOLVED, that the Chair is authorized to execute said grant agreements on behalf of “Adams County.”

BE IT FURTHER RESOLVED, that the Director of Adams County Parks, Open Space and Cultural Arts has the authority to sign as “Grantee” for the above grant agreements awarded to Adams County.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: July 14, 2020
SUBJECT: Amendment Three to the agreement for the Leader Blade Station
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement & Contracts Manager
AGENCY/DEPARTMENT: Facilities and Fleet Management Department
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves Amendment Three to the agreement for Change Order Four with Taylor Kohrs, LLC, for the Leader Blade Station Project.

BACKGROUND:

In May 2019, the Board of County Commissioners approved an agreement with Taylor Kohrs, LLC, for Construction Manager / General Contractor (CMGC) Services for the Adams County Leader Blade Station Project.

This project included Change Order One for the pre-engineered metal building and Change Order Two for the Guaranteed Maximum Price. Change Order Three was issued for a no-cost change. Change Order Four is necessary to correct unforeseen site conditions, changes in the plans, reconcile the scope and the addition of a concrete apron around the building. Work is scheduled for completion in August 2020.

Original Contract: Pre-Construction Services	\$ 5,250.00
Amendment One: Guaranteed Maximum Price and Change Orders One and Two	\$ 1,723,482.00
Amendment Two: Extend the Agreement and Change Order Three	\$ 0.00
Amendment Three: Change Order Four	\$ 43,427.58
TOTAL AGREEMENT	\$ 1,772,159.58

The recommendation is to approve Amendment Three to the agreement for Change Order Four in the amount of \$43,427.58 for a total not to exceed amount of \$1,772,159.58.

Amendment three was originally approved by the BOCC on June 2, 2020, and is being presented again to clarify the resolution.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Facilities and Fleet Management Department

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 04
Cost Center: 3164

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<u> </u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:	9055	31641801W	\$1,822,584
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u><u>\$1,822,584</u></u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT THREE TO THE AGREEMENT
BETWEEN ADAMS COUNTY AND TAYLOR KOHRS, LLC,
FOR THE LEADER BLADE STATION

WHEREAS, in May 2019, Taylor Kohrs, LLC, was awarded a construction agreement for the Leader Blade Station; and,

WHEREAS, due to unforeseen site conditions, Amendment Three for Change Order Four is needed for additional construction services to reconcile the scope, plans and construction drawings; and,

WHEREAS, Taylor Kohrs, LLC, has agreed to provide the additional construction services in the not to exceed amount of \$43,427.58 for a total agreement price of \$1,772,159.58.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment Three with Taylor Kohrs, LLC, for the Leader Blade Station is hereby approved.

BE IT FURTHER RESOLVED that the Chair is hereby authorized to sign Amendment Three with Taylor Kohrs, LLC, on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: July 14, 2020
SUBJECT: ADA Accessible Voting Machines
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Interim Finance Director Jennifer Tierney Hammer, Procurement & Contracts Manager
AGENCY/DEPARTMENT: Clerk & Recorder Elections Department
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves Amendment One for purchase of 200 Dominion American with Disabilities Act (ADA) Accessible Voting Machines and additional items from Dominion Voting Systems.

BACKGROUND:

In 2016, the County, with Board of County Commissioners approval, purchased voting machines and software from Dominion Voting Systems. This purchase was in accordance with the Colorado State, Secretary of State's review and approval of voting systems for Colorado. Dominion Voting Systems is an approved voting systems vendor for Colorado.

The Elections Department is requesting Board of County Commissioners approval of Amendment One for the purchase 200 ADA Accessible Voting Machines, transport bags, voting booths, annual licensing, and warranties. This purchase will maintain standardization with current equipment and software.

The recommendation is to approve Amendment One for purchase of Dominion ADA Accessible Voting Machines and related equipment in the not to exceed cost of \$772,000.00.

Amendment one was originally approved by the BOCC on April 7, 2020, and is being presented again to clarify the resolution.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Clerk & Recorder Elections Department

ATTACHED DOCUMENTS:

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 1

Cost Center: 1022

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<u> </u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	9215	10222004	\$1,038,900
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u><u>\$1,038,900</u></u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

This is an approved CIP request.

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT ONE FOR THE PURCHASE OF VOTING
EQUIPMENT AND ACCESSORIES FROM DOMINION VOTING SYSTEMS

WHEREAS, In 2016, the Secretary of State approved Dominion Voting Systems as the provider of Voting Machines for the State of Colorado, and Dominion Voting Systems has submitted a quote to provide Voting Machines for the Clerk & Recorder Elections Department; and,

WHEREAS, the Clerk & Recorder Elections Department is seeking approval of Amendment One for the purchase of an additional 200 American with Disabilities Act (ADA) accessible voting machines, transport bags, voting booths, annual licensing, and warranties from Dominion Voting Systems to maintain compatibility and standardization throughout the County; and,

WHEREAS, Dominion Voting Systems agrees to provide the aforementioned items in the not to exceed amount of \$772,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Amendment One for the purchase of ADA Voting Equipment and Accessories from Dominion Voting Systems is hereby approved.

BE IT FURTHER RESOLVED, that the Chair is hereby authorized to sign the Amendment One with Dominion Voting Systems on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT

CASE NO.: RCU2019-00006
CASE NAME: REBORN ANIMAL REFUGE

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- 3.2 Applicant Site Plan
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- 4.2 Referral Comments (Adams County Sheriff)
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- 5.11 Young
- 5.12 Gatchis
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- 5.15 Porter
- 5.16 Colligan
- 5.17 Lane
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- 5.19 Slack
- 5.20 Vlassis
- 5.21 Morgan
- 5.22 Sweeney
- 5.23 Wineteer
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**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT STAFF REPORT**

Board of County Commissioners

July 14, 2020

Case No.: RCU2019-00006	CASE NAME: Reborn Animal Refuge
Owner's Name:	New Direction IRA Inc. FBO Armando L. Martin IRA
Applicant's Name:	Armando Martin, Reborn Animal Refuge
Applicant's Address:	16519 Essex Road N, Platteville, CO 80651
Location of Request:	61101 East 112 th Avenue
Nature of Request:	A conditional use permit to allow an animal refuge for large mammals
Zone Districts:	Agriculture-3 (A-3)
Comprehensive Plan:	Agriculture
Site Size:	Approximately 10 acres of a 39-acre parcel
Proposed Uses:	Animal Refuge for Large Mammals
Existing Use:	Agricultural
Hearing Date(s):	PC: June 25, 2020 / 6:00 p.m. BOCC: July 14, 2020 /9:30 a.m.
Report Date:	June 26, 2020
Case Manager:	Greg Barnes
PC Recommendation:	APPROVAL with 8 Findings-of-Fact, 8 Conditions, and 2 Notes

SUMMARY OF APPLICATION

Background

Armando Martin of Reborn Animal Refuge is requesting a conditional use permit (CUP) to allow an animal refuge for large mammals on the subject property. The proposed facility will provide care and housing to mammals that are native to Colorado. The facility hopes to care for bears, lynxes, foxes, mountain lions, bobcats, wolves, and coyotes. According to their application summary, Reborn Animal Refuge will provide rescue and life-long care for captive animals who have suffered abuse, neglect, abandonment, exploitation, or have been kept illegally. Reborn Animal Refuge will not buy, sell, breed, or exhibit the animals at their facility. If this application

is approved by Adams County, the applicant must then pursue licensing with the State of Colorado's Division of Parks and Wildlife before the site can become operational.

The proposed facility will occupy ten acres of a 39-acre parcel. A driveway access is located along East 112th Avenue at the southeastern corner of the development. This portion of the site houses a 1,200 square foot small multi-purpose structure, which will be used for offices, food storage, and employee bathroom facilities. In addition, there is and an associated parking area. The structure and parking lot is gated to prevent outside visitors. The remainder of the site will be utilized for animal enclosures and habitats.

The proposed animal refuge is not open to the public. Only employees are expected to visit the site. According to the applicant, no more than four employees will be located at the site at any given time. The driveway access will be gated, and a gravel parking area will be installed on the property to accommodate employee parking.

The site also include animal keeping and farming uses which are permitted by-right in the Agricultural-3 zone district. These activities will be located along the portions of the property that are adjacent to East 112th Avenue. The larger mammals which are the subject of this conditional use permit will have habitat areas within the interior portions of the parcel, therefore limiting their view from the public roadways.

Site Characteristics:

The subject property has access from East 112th Avenue. The parcel is 40 acres and is currently used for animal keeping. The site currently has enclosures for goats and cows to graze the land. East 112th Avenue is an unpaved roadway. The applicants have been permitted to construct much of the facilities that are needed for the animal refuge with the understanding that the conditional use permit may not be approved. In the last two years, Reborn Animal Refuge has installed fencing and the 1,200 square foot multi-purpose structure. All fencing for the facility will be in accordance with standards for Global Federation of Animal Sanctuaries (CFAS) accreditation. The applicant must pursue accreditation in order to receive licensing from the State of Colorado's Division of Parks & Wildlife.

Development Standards and Regulations Requirements:

The property is designated Agricultural-3 (A-3), which is intended to provide landholdings of 35 acres or greater for agriculture and pasturage. Per Section 3-05-01 of the Adams County Development Standards and Regulations, the Community & Economic Development Director has the authority to categorize uses not included the Development Standards and Regulations. In 2018, the Community and Economic Development Director determined this use was "animal refuge for large mammals, native to Colorado" and that the use shall require a conditional use permit in the Agricultural-3 zone district. Section 2-02-08-06 of the County's Development Standards and Regulations outlines the criteria for approval of a conditional use permit. These include compliance with the County's Development Standards and Regulations; compatibility with the surrounding area, the request must be permitted in the zone district, and must address all off-site impacts. In addition, the proposed use is required to be harmonious with the character of the neighborhood, and must not be detrimental to the immediate area, or to the health, safety, or welfare of the inhabitants of the area and the County. The existing structure and fencing conform

to all setback and height regulations within the A-3 zone district, as specified in Section 3-10-07 of the Development Standards.

In addition, the proposed conditional use does not result in excessive traffic generation, noise, vibration, dust, glare, odors, or cause disruption to the surrounding area. The facility will not be open to the public, nor will visitors to the site be allowed. Furthermore, the site is suitable for the conditional use including adequate usable space, access, and absence of environmental constraints.

Future Land Use Designation/Goals of the Comp-Plan for the Area

The future land use designation on the property is Agriculture. Per Chapter 5 of the Adams County Comprehensive Plan, the Agriculture future land use designation is intended for land holdings of at least 35 acres, and for preservation of agricultural areas for long-term farming. The future land use areas designated for agriculture are also to conserve environmentally sensitive areas.

The proposed use of the property for an animal refuge is unlikely to have negative impacts on the goals of the County’s Comprehensive Plan. The use allows for animal confinement which is consistent with practices common with agricultural use.

Surrounding Zoning Designations and Existing Use Activity:

Northwest A-3 Single-Family Residential/Agricultural	North A-3 Single-Family Residential/Agricultural	Northeast A-3 Single-Family Residential/Agricultural
West A-3 Single-Family Residential/Agricultural	Subject Property A-3 Agriculture	East A-3 Single-Family Residential/Agricultural
Southwest A-3 Vacant	South A-3 Vacant	Southeast A-3 Vacant

Compatibility with the Surrounding Land Uses:

The surrounding properties to the site are all zoned Agricultural-3 (A-3). The surrounding properties are used for agriculture or developed with very low density single-family residential uses. All properties directly to the south of the site have no established use or structures. There are five single-family homes located on properties directly adjacent to the 39-acre parcel, but only one is directly adjacent to the 10-acre portion. The homes are located to the north, west, and east of the proposed facility. The subject request is compatible with the surrounding area and will not be likely to cause significant off-site impacts such as traffic, noise, or lighting to the surrounding properties.

The applicant has submitted a Safety Standards and Protocol Manual to ensure public safety and has worked with the Colorado Division of Parks & Wildlife and GFAS to ensure safety of the

enclosures. Animals, such as bears, that may present greater concern for public safety will be kept in enclosures interior to the site, and visibility from public roadways will be limited.

PLANNING COMMISSION UPDATE:

The Planning Commission considered this case on June 25, 2020. The applicant was present for the hearing. All public comments that were received by staff before 4 p.m. on June 25, 2020 were shared with the Planning Commission and posted on the County’s web site for public viewing. Any comments received after this deadline were read into the record at the hearing.

During the hearing, the Planning Commission expressed to the applicant that a notification system should be in place to alert people in the event of any escape. The applicant agreed that this measure should be taken. In addition, the Planning Commission asked what sureties were in place to care for the animals should the facility no longer exist. The applicant stated that sureties will be provided to the State of Colorado that will allow for the State to care for the animals during the time that it will take to relocate the animals.

The Planning Commission forwarded this request to the Board of County Commissioners with a recommendation of approval by a 5-1 vote, which included a recommended condition for the notification system to be implemented.

RECOMMENDATION:

Based upon the application, the criteria for approval of a conditional use permit, and a recent site visit, staff and the Planning Commission recommends approval of the request with 8 findings-of-fact, 8 conditions, and 2 notes.

Recommended Findings-of-Fact:

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

Recommended Conditions of Approval:

1. This conditional use permit shall expire on July 14, 2025 (5 years).

2. The applicant shall comply with all the requirements of the Colorado Division of Natural Resources provided in their letter dated February 22, 2019.
3. The applicant shall comply with all the requirements of the Tri-County Health Department provided in their letter dated January 29, 2019.
4. The applicant shall always adhere to the Safety Standards and Protocols, as provided with this application.
5. Variations in fence height are permitted as part of this conditional use permit to be a maximum height of 12 feet in areas where additional security is needed to enclose animals.
6. At any given time, the facility shall limit care of animals to the following quantities: three large animals per acre of habitat area, five medium animals per acre of habitat area, and seven small animals per acre of habitat area. The categorization for these animals is as follows: Large – Bears; Medium – Wolves and Mountain Lions; Small – Foxes, Bobcats, Lynxes, and Coyotes. Animals that are permitted as livestock by the Adams County Development Standards are not the subject of this conditional use permit and therefore are not subject to these conditions.
7. Perimeter fencing around the site shall be posted with “No Trespassing“ signs spaced at a minimum of every 100 linear feet along the exterior of the fencing.
8. The applicant shall establish a notification procedure for property owners and residents within one half-mile of the facility.

Recommended Notes to the applicant:

1. This conditional use permit shall expire within one year (July 14, 2021), if a building permit is not obtained for the development.
2. All applicable building, zoning, health, engineering, and fire codes shall be adhered to with this request.

PUBLIC COMMENTS

Notices Sent	Number of Responses
44	29

All property owners and addresses within one mile of this request were notified of this application. Upon the initial request for comments sent in February 2019, staff received four letters of opposition to the request and one letter of support for the request. The comments provided indicated that public safety was the greatest issue. In addition, increased traffic and concern for the wellbeing of the animals was also discussed. The comments were provided to the applicant and encouraged by staff to meet with the neighborhood to address or alleviate public concern. A second request for comments was mailed in January 2020 and yielded no additional public comments. In the week prior to the Planning Commission public hearing, staff received more comments regarding this case. At the time of this staff report, 20 letters were received by individuals or groups supporting the request, one letter was received stating no objection or concern, and eight letters were received opposing or identifying concerns with this application.

REFERRAL AGENCY COMMENTS

Staff sent the request to various referral agencies and there were no objections to the request. The Colorado Division of Parks & Wildlife and the Tri-County Health Department recommended best management practices for the operation of the facility. Staff has recommended several conditions of approval to ensure compliance with these comments.

Responding with Concerns:

Colorado Division of Wildlife
Tri-County Health Department

Responding without Concerns:

Adams County Sheriff
CDPHE
Xcel Energy

Notified but not Responding / Considered a Favorable Response:

Century Link
Comcast
IREA
Morgan County Rural Electric
Strasburg Fire
Strasburg Parks & Recreation
Strasburg Schools 31J



Pace Mealy Rd

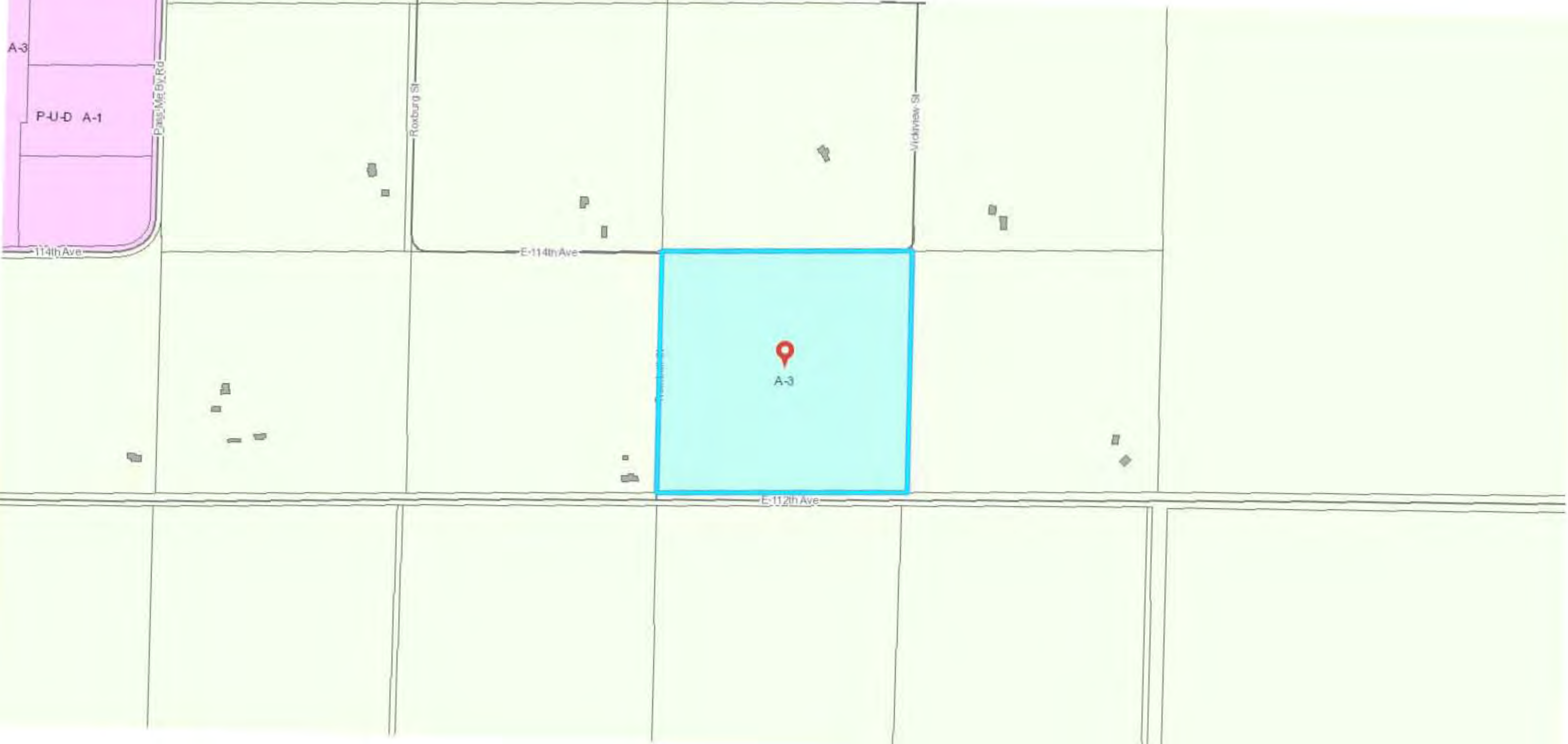
Roxburg St

Vickiway St

114th Ave

E 114th Ave

E 114th Ave



A-3

PUD A-1

114th Ave

Pass Me By Rd

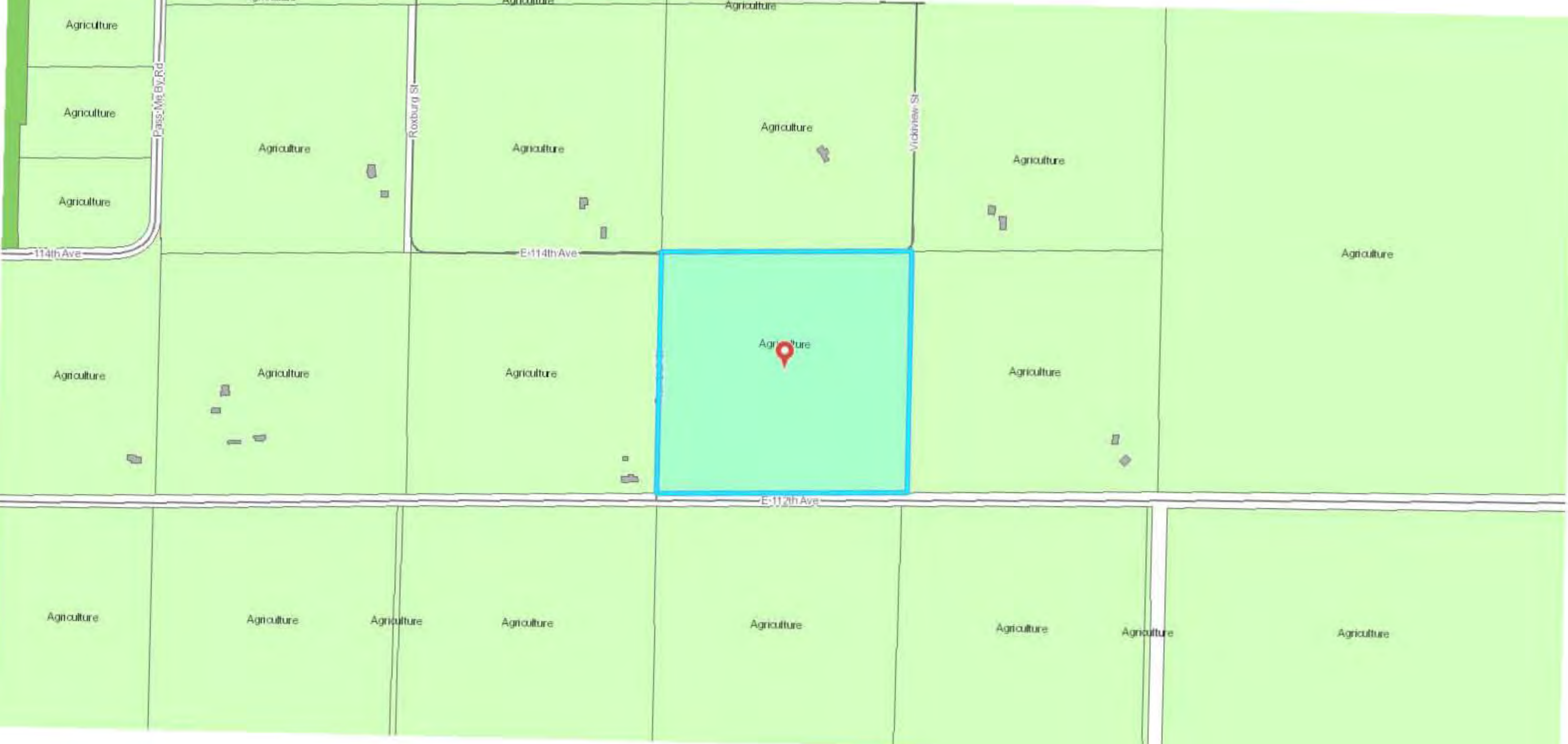
Roxburg St

E-114th Ave

Vickiway St

A-3

E-112th Ave



About Reborn

Reborn Animal Refuge's mission is to rescue and provide life-long care for captive animals who have suffered from abuse, neglect, abandonment, exploitation, or been kept illegally; and to educate the public on the captive wildlife crisis and the value of animals and their lives. We are dedicated to the rescue and protection of Colorado Native wildlife. As a true sanctuary we will not buy, breed sell or exhibit animals and promise to treat each animal with respect, love, kindness and give them back the dignity they have been denied.

General Plan

Reborn Animal Refuge of Colorado is a 40 acres facility that will be built on in 4 phases. The initial plan is to build out the first 10 acres with habitats for Bears, Lynx and/or Foxes. This is contingent on the need at the time of rescue with our first rescue being facilitated by/partnered with PETA to rescue black bears. Further rescues and buildout is depended on having the funds available to support the staff, food, maintenance and enrichment necessary to ensure optimal wellbeing and safety for all animals, new and existing. Phase I and II are expected to take 10 years to complete. Timelines may change based on funds and animal rescue needs.

Phase 1:

- Southeast 10 acres
- Staff entrance Southeast corner
- 3-4 large habitats ranging from 1-3 acres
- 1200 sq. ft multi use building
 - Food Prep/storage, administrative, storage and bathroom (septic system)
- 2 small temporary enclosures roughly ¼ acre

Phase 2:

- 10 Acres Northwest section of property
- 3 major habitats to be built out within 5 years. Shape, acreage and design will be determined by finances and animal rescue need.
 - All habitats will include 3 to 4 areas of enrichment at a minimum.
 - All habitats will be 1+ acres

Phase 3 & Phase 4: buildout will be dependent on the need and finances at the time of rescue. This plan is anticipated to be completed by 2028.

- Phase 3: 10 acres Southwest section of property
 - All habitats will include 3 to 4 areas of enrichment at a minimum.
 - All habitats will be 1+ acres
-
- Phase 4: 10 acres Northeast section of property
 - All habitats will include 3 to 4 areas of enrichment at a minimum.
 - All habitats will be 1+ acres

Reborn will not be open to the public so no visitation center is necessary.

Facility Overview

The facility overview provides a blueprint of the current plan and building out of Phase I. Phase II-IV are not included as we are not sure at this time which animals will be rescued. Please note that the habitat locations may change while the refuge is growing.

- Utilities:
 - Electric:
 - 50kv Transformer

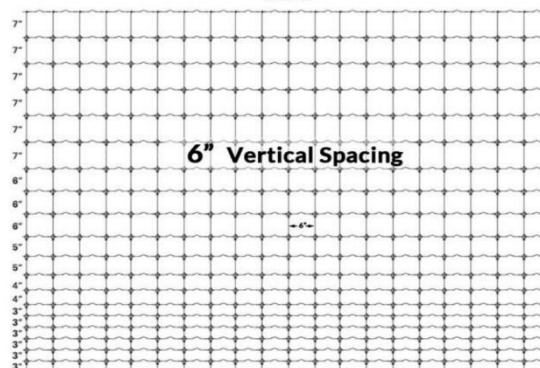
- 200amp electrical service
 - Water well
 - Dug at approximately 39.899062, -104.268605
 - Into Laramie Fox Hills aquifer
- Multi-purpose building: Nutrition/Volunteer/Construction Center
 - 24'x51' corrugated steel building
- Facilities to be covered by license
 - Location: Reborn Animal Refuge 61101 E 112th Ave Strasburg, CO 80136
 - Facilities:
 - Multi-purpose building
 - 24'x51' corrugated steel building



- Isolation facilities/Above ground housing:
 - 12' x 21' metal structure with interior insulation,
 - 4 windows (glass will be withheld where bears have access),
 - 2 doors (W & SW facing)
 - 2-3 additional housing/isolation facilities for additional habitats
- Underground den with 2 access points reinforced with concrete walls large enough to fit 3-4 black bears.
- Structures
 - Bear enrichment/play structure
 - 2 tier decking system with bridge
- Bear creek and swimming pond
 - Concrete reinforced
- Fencing:
 - Fence type:
 - Support: utility poles (8-18" thick) placed at 30' increments
 - Containment:
 - 12-gauge field fencing (pictured)

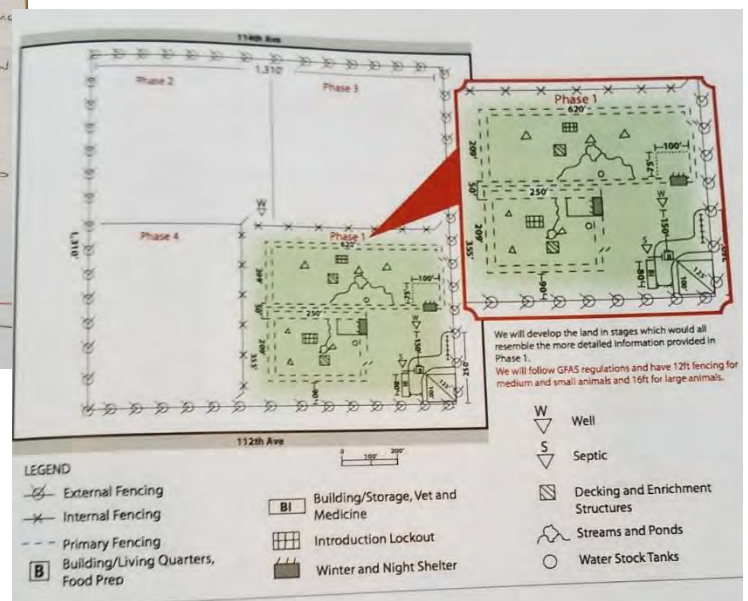
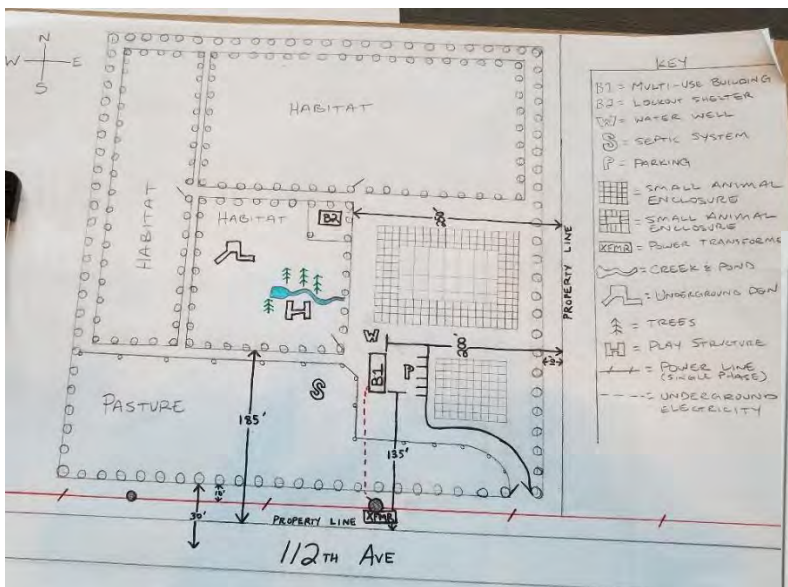
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20/96/6



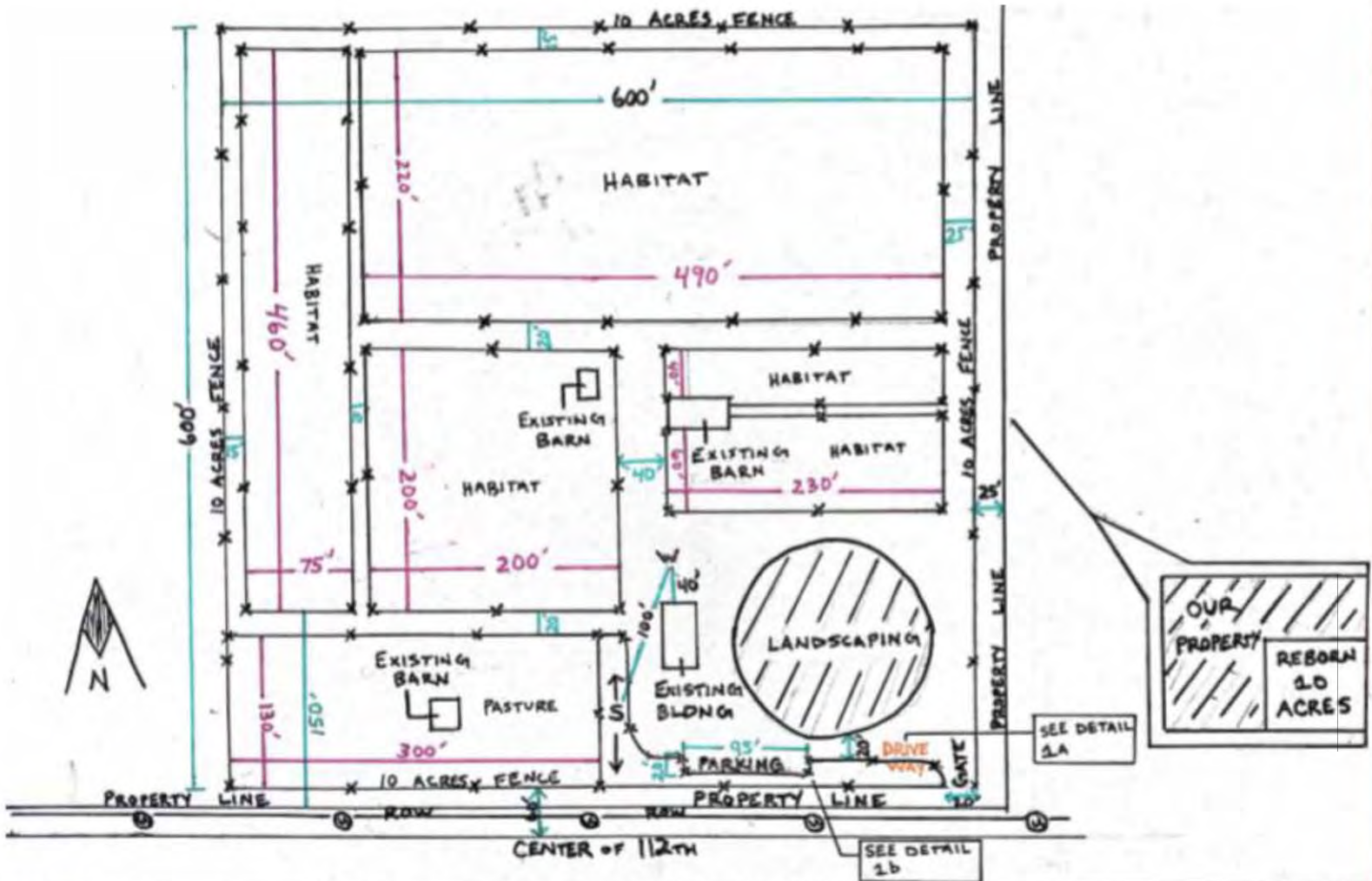
- - 12-gauge chain link (minimum) – dig guard

- 10-gauge electric fencing wire
- Areas to be fenced
 - Perimeter/Secondary Containment:
 - FENCE: 8' above ground wrapped in 12-gauge field fence
 - POSTS: (1-18" diameter) are buried: 3.5' underground with 8' exposed
 - Corners: H-braced w/ concreted post
 - BARRIER: Spliced 8' 12-gauge field fence wraps the perimeter in entirety with exception of gates
 - GATE: 16' W x 8' H
 - 2- 8x8 gates
 - 8 gauge reinforced welded wire w/ tubular galvanized steel
 - Habitat/Primary Containment:
 - Will be made up of 3 fences with two systems of containment for redundancy increasing safety.
 - FENCE: 12' above ground wrapped in 12-gauge field fence w/ ≥ 4 10-gauge hot wires
 - POSTS: (1-18" diameter) are buried: 4.5' underground with 12' exposed
 - Corners: H-braced w/ concreted post
 - BARRIER: Spliced 8' 12-gauge field fence wraps the habitat in entirety with exception of gates
 - ELECTRIC wires will be placed at 1', 4', 8', and 12'
 - Fencing will have a backup generator to supply power in the event the property loses electricity.
 - GATE: 16' W x 12' H
 - 8-gauge reinforced weld wire w/ tubular galvanized steel
 - 2' extension on top and bottom of gate
 - 2- 8'x8' gates
 - Dig Guard: chain link buried 1m underground.
- Topography: Prairie fields and grasslands. The entire acreage is primarily flat with little to no variation in altitude.





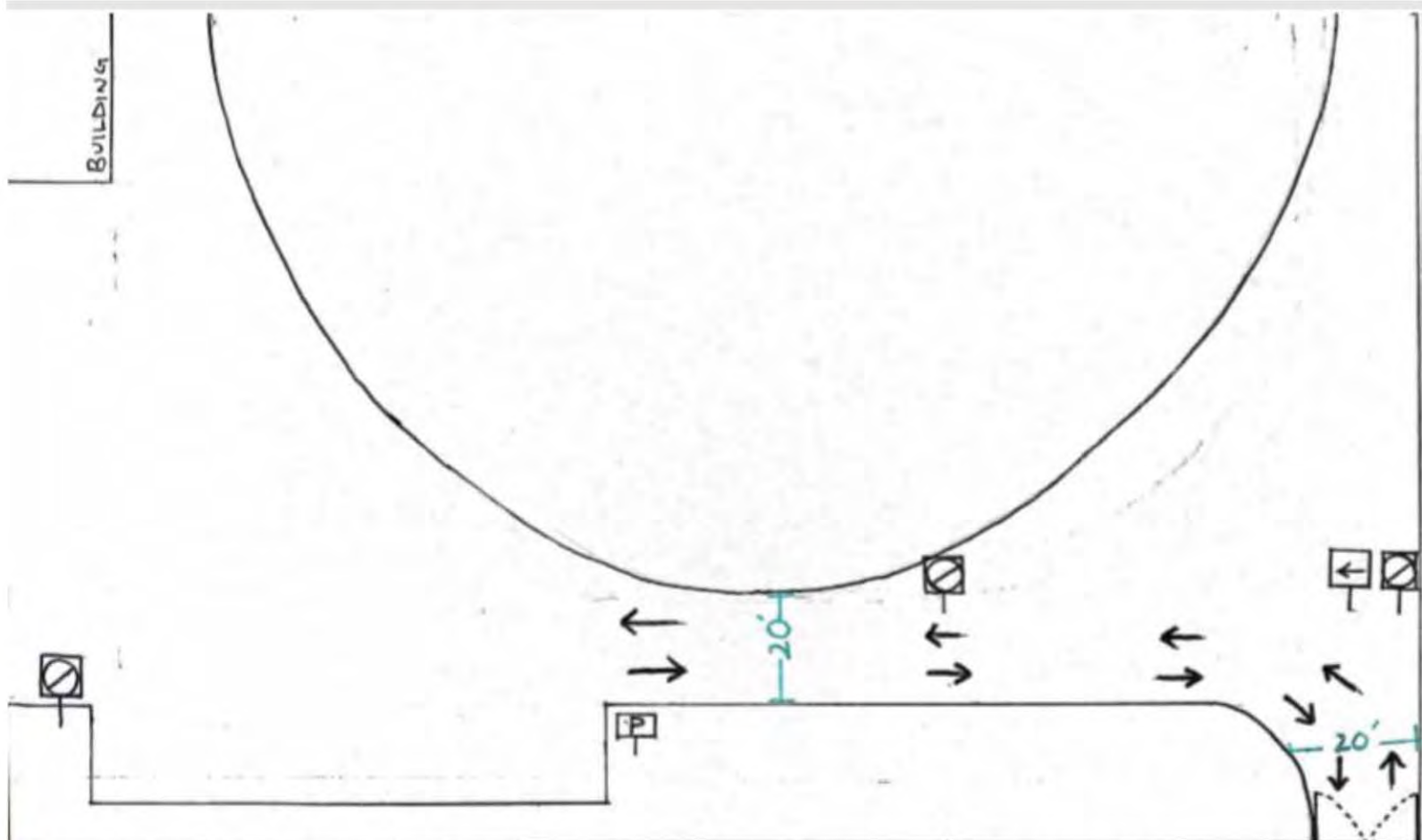
Conditional Use Permit Site Plan



<p>TITLE: REBORN ANIMAL REFUGE</p>	<p>PROJECT: C.U.P. SITE PLAN</p>	<p>DRAWN BY: <i>[Signature]</i></p>
<p>SCALE: 1" = 100'</p>	<p>DATE: 3/20</p>	<p>KEY: W = WELL (U) = UTILITY LINE S = SEPTIC ROW = ALL APPLICABLE RIGHT-OF-WAY</p>



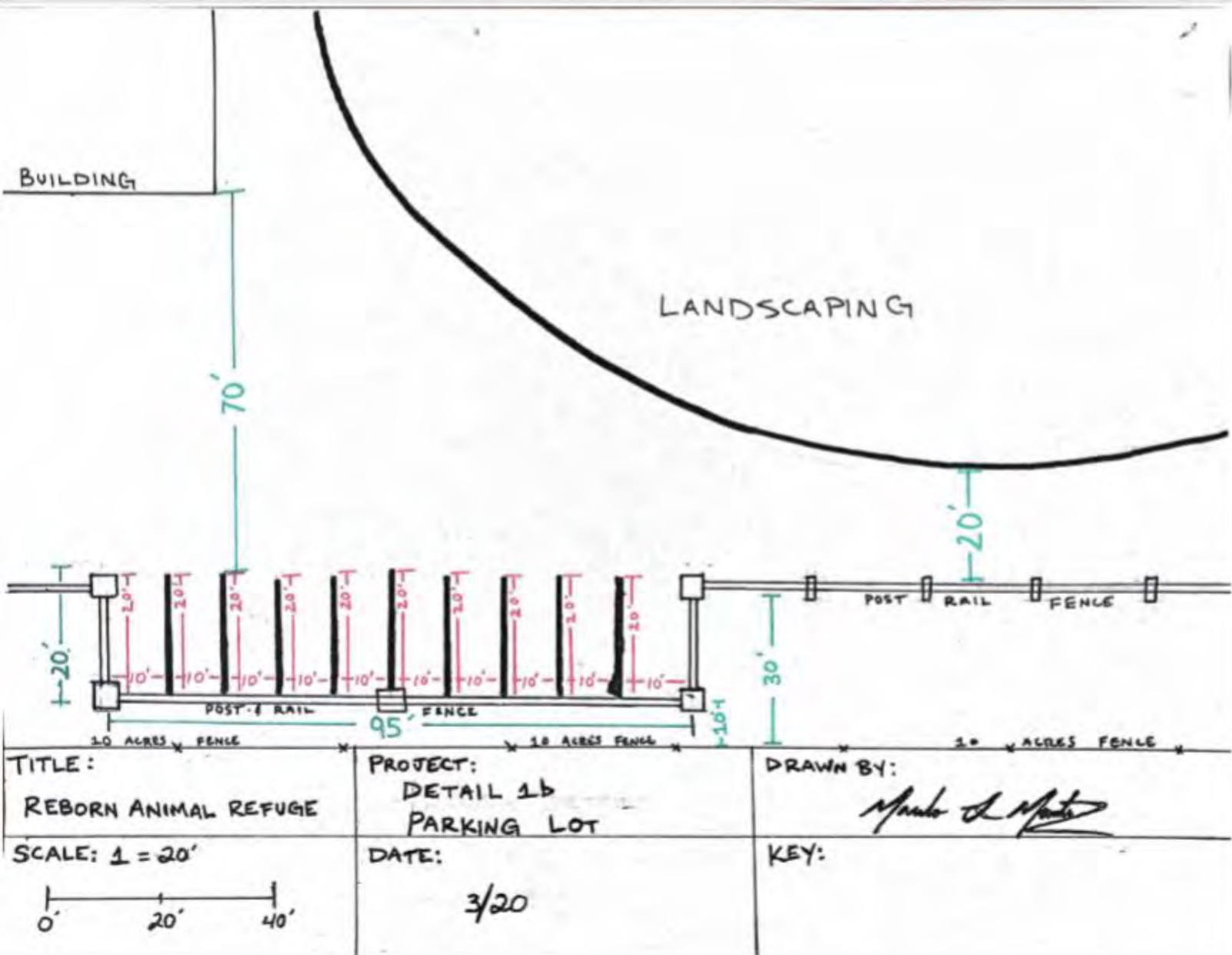
Detail 1A – Entrance Driveway



<p>TITLE: REBORN ANIMAL REFUGE</p>	<p>PROJECT: DETAIL 1A ENTRANCE DRIVE-WAY</p>	<p>DRAWN BY: <i>Mark A. Mark</i></p>
<p>SCALE: 1" = 25'</p>	<p>DATE: 3/20</p>	<p>KEY: DO NOT ENTER PARKING ONE-WAY </p>

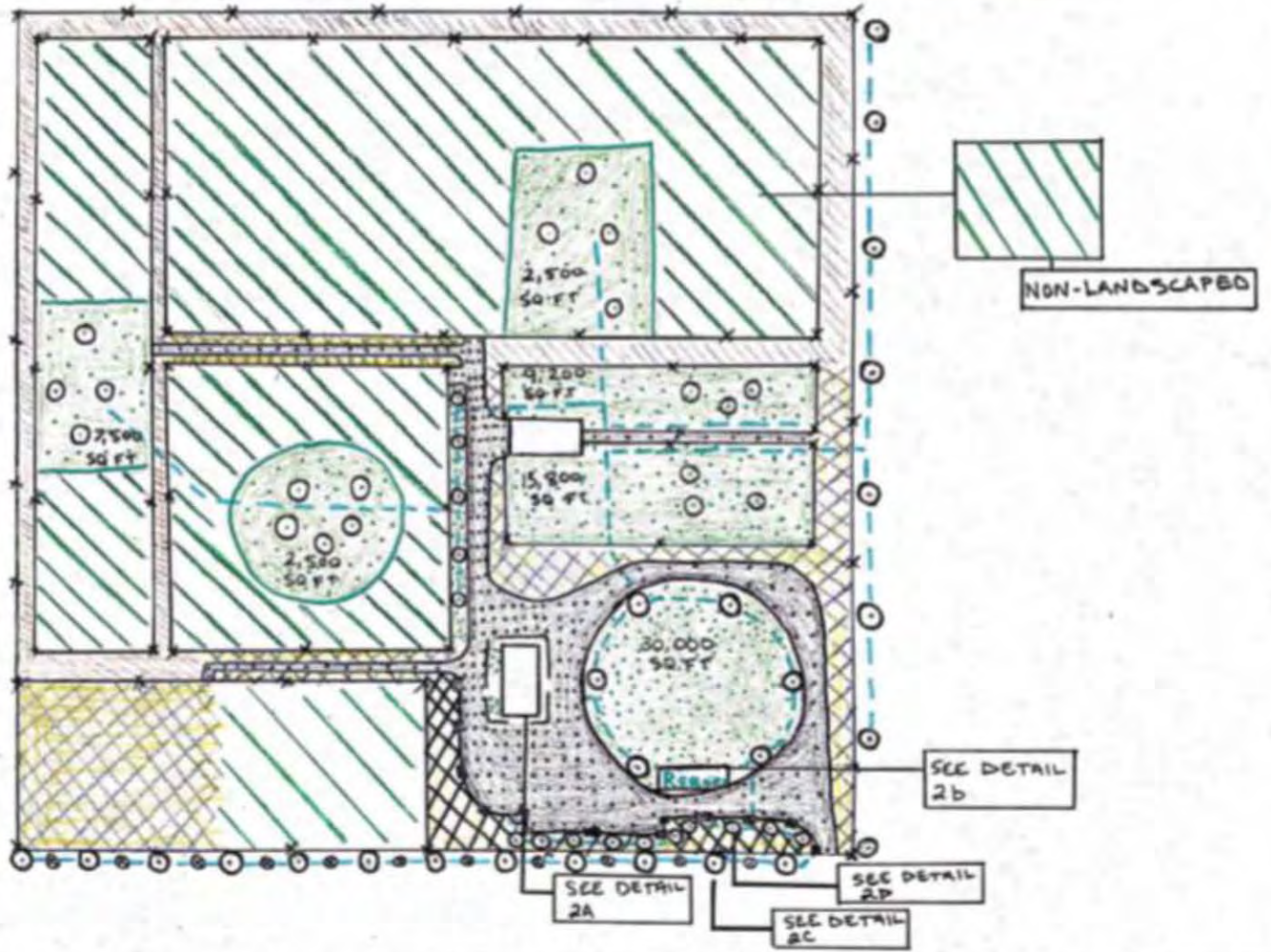


Detail 1B- Parking Lot





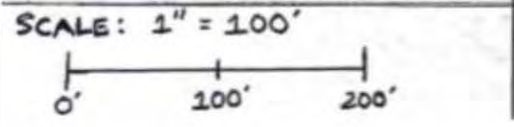
Landscape Design



TITLE:
 REBORN ANIMAL REFUGE

PROJECT:
 LANDSCAPE DESIGN

DRAWN BY:
[Signature]

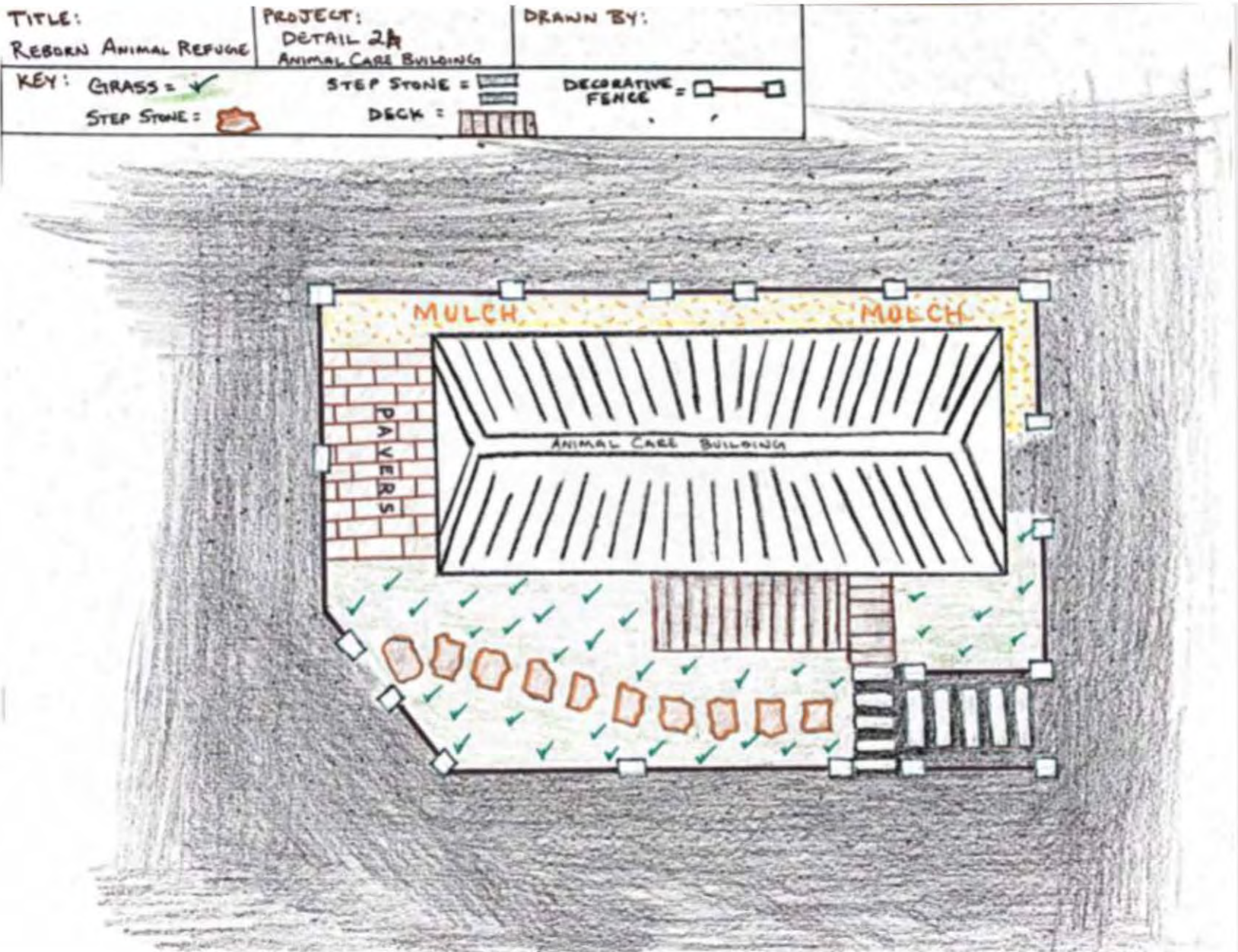


KEY: SPRINKLER LINE - [dashed line]
 TURF GRASS [green hatched]
 NATIVE GRASS SEED VARIETY BLEND [yellow hatched]

KEY: ASPHALT [stippled]
 TREE [circle with dot]
 DIRT [diagonal hatched]
 SHRUB [circle with cross]



Detail 2A- Animal Care Building





Detail 2B- Drive-Way Sign

TITLE: REBORN ANIMAL REFUGE	PROJECT: DETAIL 2B DRIVE-WAY SIGN	DRAWN BY: <i>Mark R. Smith</i>
	DATE: 3/20	



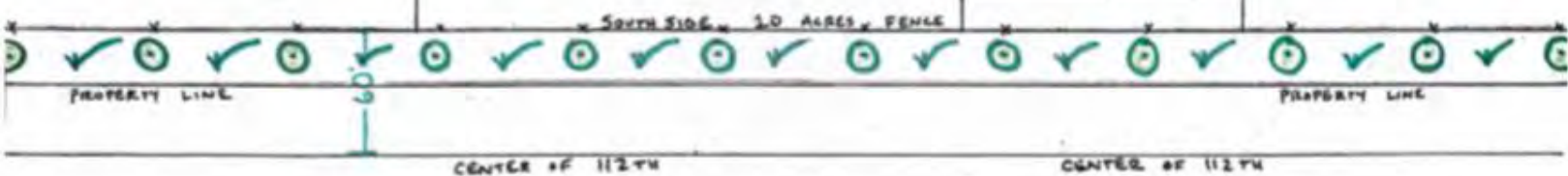


Detail 2C- Option 1 For Tree Line



SOME NEIGHBORS OPPOSE THIS OPTION BC OF SNOW DRIFT. ANOTHER OPTION HAS BEEN PRESENTED. (DETAIL 2D)

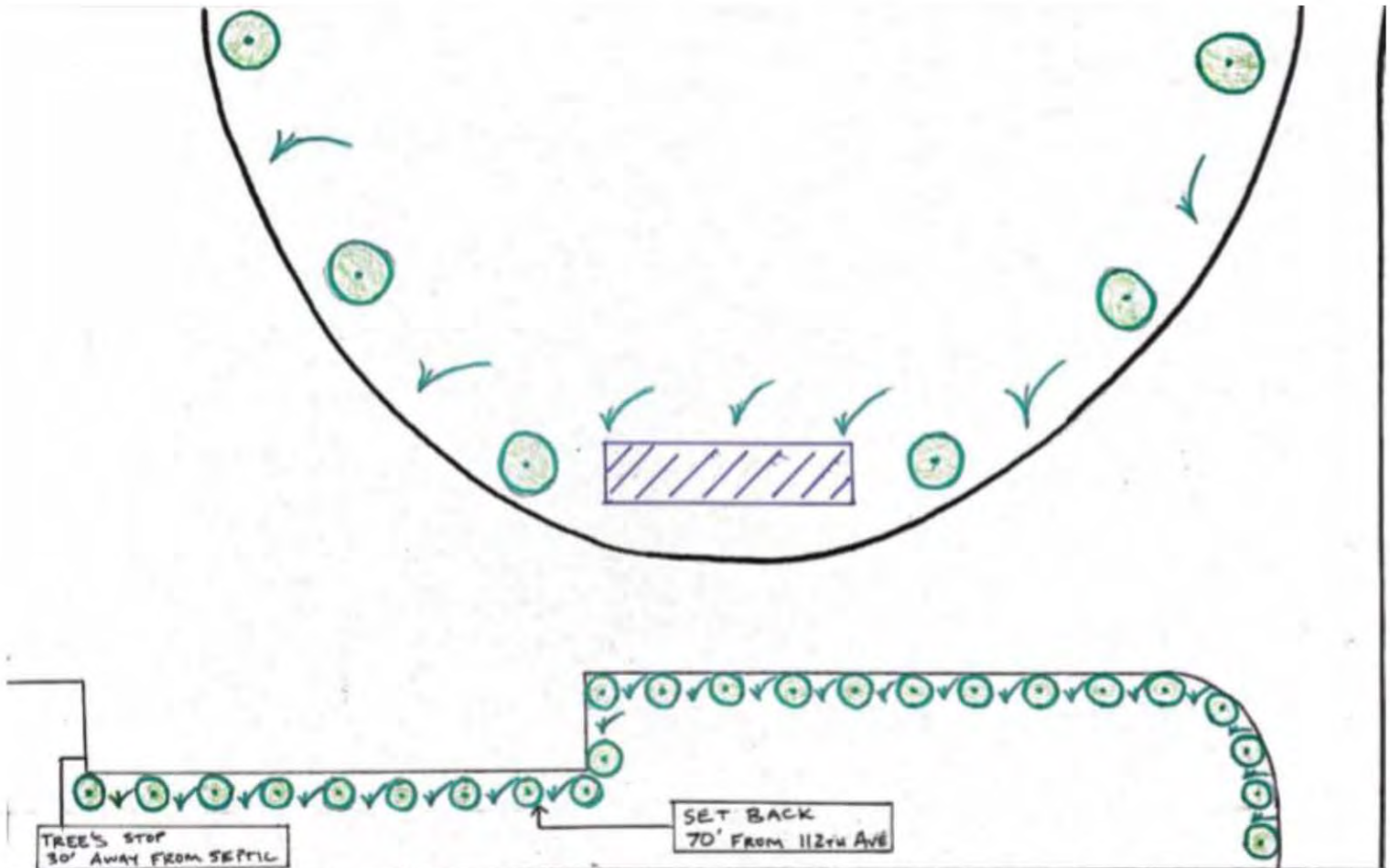
NO TREES WITHIN 30' OF SEPTIC SYSTEM PER TOLLENT HEALTH



<p>TITLE: REBORN ANIMAL REFUGE</p>	<p>PROJECT: DETAIL 2C - OPTION 1 FOR TREE LINE</p>	<p>DRAWN BY: <i>[Signature]</i></p>
<p>SCALE: 0 75' 150'</p>	<p>DATE: 3/20</p>	<p>KEY: TREE: (X) SHRUB: ✓</p>



Detail 2D- Option 2 For Tree Line



TITLE: REBORN ANIMAL REFUGE	PROJECT: DETAIL 2D - OPTION 2 FOR TREE LINE	DRAWN BY:
SCALE: 1" = 40' 	DATE: 3/20	KEY: = TREE = SHRUB = REBORN SIGN



PLN06A:

Vertical Elements of all of our posts are as follows:

- Utility wood poles ranging from 8"-30" in diameter
- 4' below grade for 8' fencing
- 5' below grade for 12' fencing
- every 4 posts concreted
- every corner concreted

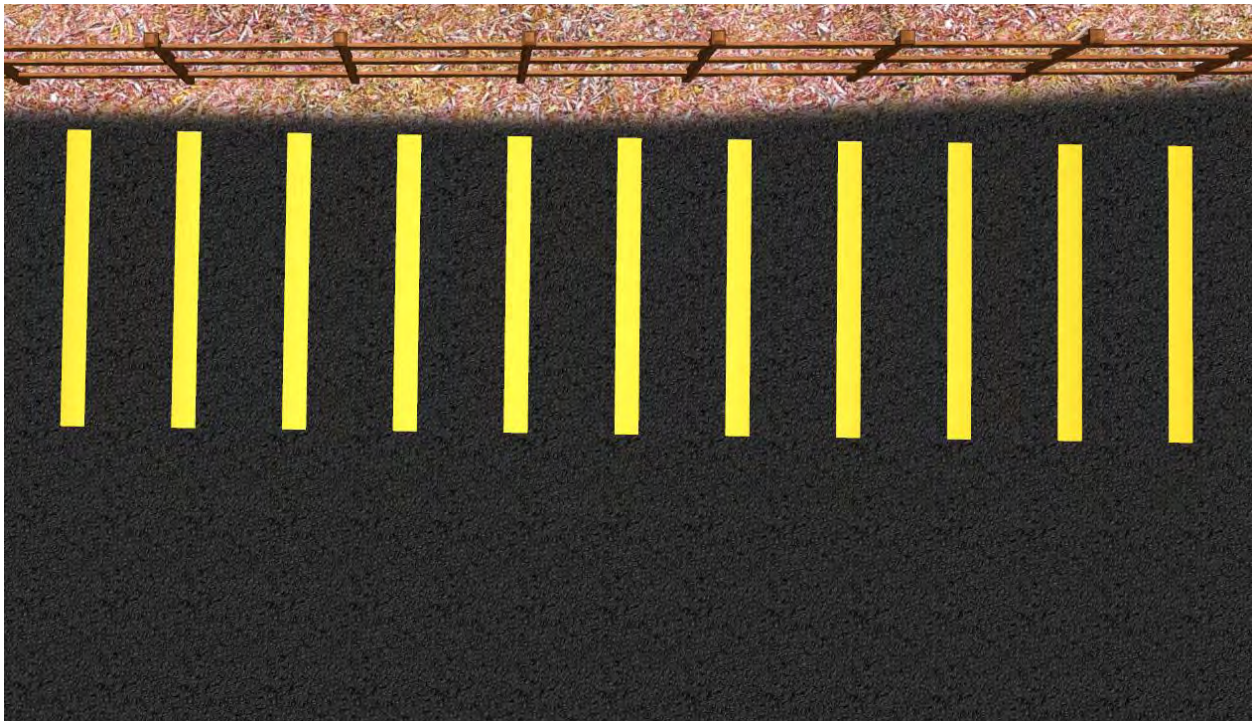
Picture of actual 8' fencing in our pasture:





PLN09A:

Parking spaces will be 20' in length per section 4-12-04-05. See Parking Lot detail 1b on pg 20





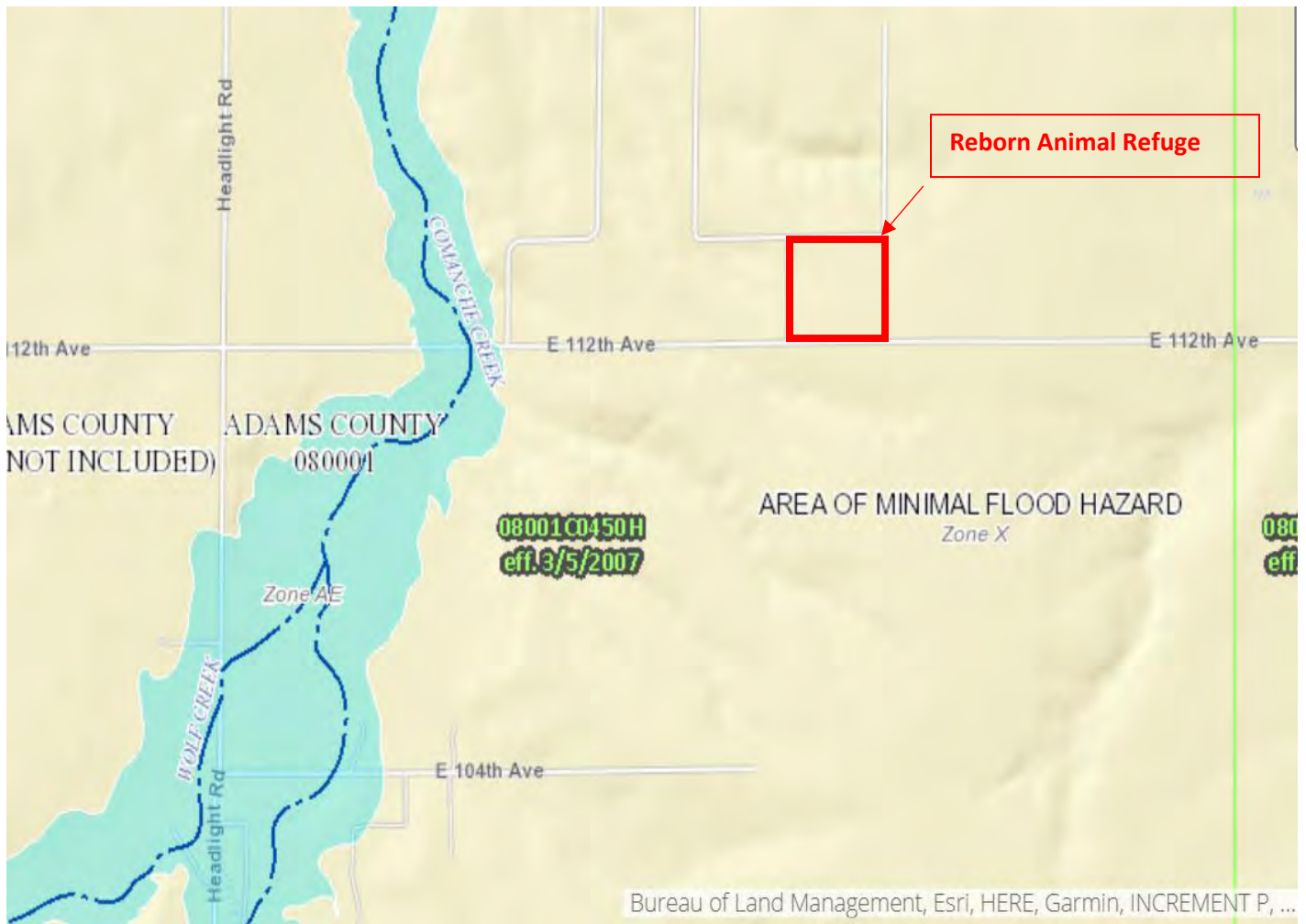
PLN10A:

The type of animal that will be rescued depends on the needs at the time we are ready to rescue, social behavior of animal (ie: special needs, animal demeanor, age, health, etc), and budget. The following is a list of potential animals that could be rescued and live at Reborn Animal Refuge:

- Black Bear
- Bobcat
- Wolf
- Coyote
- Lynx
- Brown Bear
- Mountain Lion



ENG1:



As the above map shows our property is not within the flood zone.



Reborn Animal Refuge- Safety Standards and Protocol

Reborn Animal Refuge-Safety Standards and Protocol Table of Contents	
E-1 Use of Force Continuum	Pg. 2
E-2 Escape Protocol	Pg. 3
E-3 Emergency Response Non-Escape	Pg. 5
E-4 Disaster Planning and Response	Pg. 6
A-1 Animal Standards	Pg. 8
A-2 Animal Introduction	Pg. 10
A-3 Animal Habitats	Pg.12
A-4 Perimeter Boundary Inspection and Maintenance	Pg. 19
S-1 Safety Monitoring	Pg. 19
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Reborn Animal Refuge- Safety Standards and Protocol

E-1 Use of Force Continuum

Escape Risk	Use of Force and Emergency Response Kit	Situation	Justification
LEVEL 1 Very Low	<u>Vinegar Spray</u> -High pressure spray bottle -Spray at snout or ears <u>Air Horn</u> -8oz. Can -Aim downward, not toward animal	-Animal is curiously close to hot wires -Animal is intently looking up at fence line	-Create a negative association between animal and hotwire -Redirect animal away from fence
LEVEL 2 Low	<u>Paintball Gun</u> -Powder balls (not paint) -12g Co2 -.68 caliber semi-auto -Aim at paws or hind legs	-Animal digging around hotwires -Sniffing or attempting to touch hotwires	-Establish a firm boundary of hotwires
LEVEL 3 Medium	<u>Stun Gun Stick</u> -56" stick delivering 950,000v per strike -Aim at paws or mid-section <u>Pole</u> -8' Metal pole -Aim and paws	-Animal has attempted to climb fence -All limbs are off ground -Under 6' off ground	-Dislodge animal off of fencing or poles
LEVEL 4 High	<u>Rubber or Bean Bag Bullets</u> -12 gauge shot gun -.40 caliber revolver <u>Wildlife Net Gun</u> -15' net -30-yard capture capacity -1500 psi strength	-Animal is above 6' off of the ground -Animal has peaked over the fence	-Dislodge animal off of the fencing or poles -Restrain animal in order to sedate
LEVEL 5 Very High	<u>12 Gauge Shotgun & .40 caliber revolver</u> -Lethal rounds	-Animal is combative, has climbed over fence and has reached perimeter fence	-Immobilize animal



Reborn Animal Refuge- Safety Standards and Protocol

E-2 Escape Protocol

a. Chain of Command

1a. Incident Commander

- First in charge.
- Ensures lines of communication via 2-way radio or cell phones are open.

1b. Safety Officer

- Second in charge.
- Follows command of incident commander.
- Obtains emergency response kit.
- Issues lethal and non-lethal equipment to all authorized personnel.
- Makes decision on what level of force to use per use of force continuum.

1c. Communications Officer

- Third in charge.
- Follows command of incident commander & safety officer.
- Lead of all perimeter personnel.
- In charge of setting a perimeter outside of sanctuary boundary.
- Relays information between incident commander and perimeter personnel.

1d. Senior Staff

- Follows command of communication officer.



Reborn Animal Refuge- Safety Standards and Protocol

- Calls all local emergency response authorities.
- Using vehicle establishes inside perimeter of reborn property.

1e. Volunteer(s)

- Follows command of senior staff.

2. Chain of command if all staff are not on site:

2a. Senior staff member creates a chain of command based on 1a-6a hierarchy.

2b. Each shift, an escape protocol chain of command is established based on the amount of staff and volunteers.

b. Plan of Action

1. A wide perimeter is formed outside of the perimeter fencing.
2. Vehicles are used to create a visual and noise blockade so the animal stays within perimeter.
3. Safety officer and incident commander slowly approach animal to assess the situation while getting assessment from communications officer and senior staff.
4. Level of force is decided upon assessment.
5. Contingent on the behavior of the animal, staff remain inside or close by in vehicles.
6. Proper force is used to restrain the animal.
7. All pertinent parties are notified.

c. Notification Hierarchy After Hours and Overnight

1. Executive Director
2. Police
3. Colorado Parks and Wildlife



Reborn Animal Refuge- Safety Standards and Protocol

d. Plan of Action Overnight

1. Trained personnel notifies executive director.
2. Executive director notifies police.
3. Executive director, residing on site, will form perimeter outside of Reborn boundary.
4. Overnight personnel will obtain the emergency response kit.
5. Level of force is decided upon assessment.
6. Proper force is used to restrain the animal.
7. All pertinent parties are notified.

E-3 Emergency Response (Non-Escape)

1. Emergency response kit is loaded into a fully enclosed vehicle, vet emergency line is called immediately, and if applicable animal care director and executive director are notified.
2. Dart gun is loaded with sedation medication.
3. In the event the animal is not able to be visualized from outside of the habitat, at least two personnel will drive into habitat with lethal rounds loaded and readily available, paintball gun readily available, and dart gun loaded.
4. Local authorities are contacted and informed an emergency response is active and to be on standby.
5. All volunteers and staff onsite will stand outside of the habitat fence line communicating with staff inside via 2-way radio.
- 5a. Staff outside of habitat will have level 2 emergency response equipment.



Reborn Animal Refuge- Safety Standards and Protocol

6. From a safe distance and inside of an enclosed vehicle, staff will deploy sedatives via dart gun.
7. If not already done, staff and/or volunteers will lure other animal(s) if applicable into another closed off part of the habitat while sedatives set in.
8. Once animal becomes immobile, staff will drive directly beside it using the vehicle as a barrier while keeping other animals either locked out of the immediate area or at a safe distance using level 2-4 emergency response equipment.
9. Staff will move injured or sick animal into the introduction lockout, quarantined from other animal(s) until veterinarian arrives.
10. Once all animals are safely locked out of primary habitat, staff will exit the habitat by driving into the habitat lockout, hanging the lockout hotwire, opening the entrance gate and driving out of the habitat.
11. Local authorities and directors are notified that emergency response has ended. Incident report is filled and logged.

E-4 Disaster Planning and Response

a. Inclement Weather

1. Animal Care Director and other staff will take preventative measures to monitor doppler radar weather radio and services.
2. During a high wind warning staff and volunteers are on standby, ready for an emergency response.
3. An adequate amount of transport cages will be housed off site in addition to the cages on site.
4. If time permits before a tornado or large field fire, we will deploy emergency response.



Reborn Animal Refuge- Safety Standards and Protocol

Emergency Response

- All emergency response equipment is loaded into a fully enclosed vehicle. Animal care director and executive director are notified that emergency response has been deployed.
- Dart gun is loaded with sedation medication.
- In the event the animal is out of staff sight from outside of the habitat, at least two personnel will drive into habitat with lethal rounds loaded and readily available, paintball gun readily available, and dart gun loaded.
- Local authorities and veterinarian are contacted to inform an emergency response is active and to be on standby.
- All volunteers and staff onsite will be standing outside of habitat fence line with level 2 emergency response equipment, communicating with staff inside via 2-way radio or cell phone.
- From a safe distance and inside of a closed vehicle, staff will deploy sedatives via dart gun.
- Once animals are immobilized all but a few staff members will leave property with as many trucks and transport cages as possible and drive to a safe place.
- Once animals are immobilized, staff will manually drag animals to underground den(s) and cover opening with hinged steel plates that are securely fixed to the ground. The remaining staff members will retreat to a tornado shelter made up of a 20' shipping container buried underground.
- Animals will stay housed underground until storm dissipates.



Reborn Animal Refuge- Safety Standards and Protocol

- Once weather dissipates, transport cages and trucks will return to Reborn.
- Introduction lockout (if intact) or transport cage will be set over the top of the opening of the underground den so when animal(s) come out, they are safely confined in a closed lockout.
- If enclosures or lockouts are intact and functional, animals will be placed inside these areas, remaining in transport cages.
- If there are down fences and no enclosure is functional, animals will stay in lockouts until habitats can be reconstructed.
- If time does not permit to take necessary precautions, all animals will be sedated.
- Once animals are immobilized; staff will manually drag animals to underground den(s) and cover openings with hinged steel plates that are securely fixed to the ground.
- Staff will retreat to underground tornado shelter made up of a 20' shipping container buried underground, with as many transport cages that can fit inside the tornado shelter.
- Once weather dissipates staff will assess damages and follow emergency response protocol as stated above.

Animal Standards

A-1 Animal Rescue

a. Transport Cage:

1. 5'Wx 5'Lx5'H
2. Steel plated floor





Reborn Animal Refuge- Safety Standards and Protocol

3. 2x4 10-gauge paneling for walls, door and ceiling
4. Steel cable pulley

b. Vehicle:

1. ¾ ton or 1-ton truck

c. Trailer:

1. Fully enclosed hauler trailer with A/C; open stock trailer

d. Misc:

1. Emergency response kit
2. Pain medications:

Tramadol

Meloxicam

Gabapentin

3. Sedation medication:

Tetrazole- 20ml bottle

Ketamine-20ml bottle

Xylazine-20ml bottle

f. General Transport

1. Pre-transport health examinations will be thoroughly conducted including any parasite checks, necessary vaccinations, and if applicable any required tests by Colorado Parks and Wildlife.
2. Health certificates and any required transport permits will accompany animals(s) when being transported. Designated veterinarian will prepare and sign health certificate(s).
3. Transport enclosures meet the required Animal Welfare Act transportation standards.



A-2 Animal Introduction

I.e. Intro lockout with den



a. Introduction Lockout

1. 24'Lx12'Wx12'H
2. 4"x4" 10-gauge paneling - fully enclosed
3. 2"x2"x ¼" gauge steel; uprights and support beams
4. 2 runs of 1200v electric wire along top and middle
5. 4'Lx8'H Door adaptable to transport cages
6. 5'Wx6'Lx5'H attached and lockable den

b. Transfer from Transport Cages to Introduction Lockout

1. Transport cage will be rolled by staff or picked up by forklift
2. While still locked, transport cage will be securely fastened to an opened-door introduction lockout by D-links, chain, and ratchet straps.
3. Once secured, transport cage door is unlocked and safely opened using a pulley system.
5. Once the animal is inside introduction lockout the door is safely shut and locked using a pulley system.
6. Transport cage is removed from introduction lockout.

c. Introduction Lockout Husbandry

1. All food and water are given from the outside of the lockout (unless the animal is separated inside the den, and the den door is shut and locked).
2. Scooping/cleaning only to be done while animal is separated inside den and den door is shut and locked.
3. If applicable, medications will be administered from outside of the lockout.
4. As a safety feature, a daily behavioral log notating the animal's demeanor and mannerisms (calm, rowdy,



Reborn Animal Refuge- Safety Standards and Protocol

curious, docile, etc.) will be kept to prepare staff for their release into the habitat.

5. Observations of the animal testing and reacting to the hotwire are recorded.

6. All welfare checks by staff will be conducted from outside of the lockout.

7. Daily perimeter searches around the lockout, looking for any digging, sharp objects, harmful objects, deceased animals (mice, bunnies etc.) inside lockout or any broken welds on the lockout.

8. Any issue that could be a safety concern will be immediately addressed.

d. Release from Introduction Lockout into Open Enclosure Habitat

1. Staff will be outside of the habitat on each fence line. Food will be decreased a couple days prior to encourage the animal out. A small, high value food pile will be placed into the habitat close by to incentivize the animal to exit.

2. Incident Commander will be ready to deploy emergency response.

3. All staff will be armed with lethal and non-lethal emergency response equipment.

4. From inside of a closed vehicle, staff will safely unlock the introduction lockout but the door to the lockout will remain closed and latched.

5. Staff will safely exit the habitat while introduction lockout door remains shut.

6. Introduction lockout door will be unlatched and opened using a pulley system by staff outside of the habitat.

e. Observation, Hot Wire Testing, and Acclimation Period

1. Once the animal has left the introduction lockout staff observes from outside of the habitat for the animal to "test" the electrical hotwire.



Reborn Animal Refuge- Safety Standards and Protocol

2. Staff observes and logs initial behavior.
3. Once the animal has encountered the hotwire, staff observes and logs its reaction (i.e. touched and ran, sniffed but did not touch, pulled on wire and received shock multiple times, tried to climb, etc.).
4. Depending on the response of the animal to the hotwire, staff will be ready to deploy use of force continuum.
5. If the animal responds appropriately, respecting the hotwire, a 5-hour observation period begins.
6. Once the observation period ends or night falls, the animal is lured, with high value treats, back into the habitat lockout (separate from introduction lockout).
7. If night falls and the animal fails to attempt to touch the hotwire, the animal will be lured with high value treats into either the introduction lockout or the habitat lockout for the evening, and the process will be repeated the next morning.

A-3 Animal Habitats

a. Fencing

1. Supporting posts are firmly fixed into the ground.
2. Wire mesh is buried around entire perimeter 3 ½ feet into the ground.
3. High tensile 12-gauge field fence is affixed to posts 12' high.
4. 8 runs of horizontal electrical wire are affixed to posts throughout interior of habitat.
5. Each post has a vertical hot wire and ground wire affixed to it.
6. Electric fence energizers emit 9,000v -12,000v with at least a 25-joule rating.



Reborn Animal Refuge- Safety Standards and Protocol

7. Energizers will be connected to alternate power source via generator or solar grid for continuous power supply during any outages.

8. Safety signs noting hot wires are visible to staff and volunteers.

9. A non-electrified safety barrier will be placed at least 3' away from perimeter fence.

10. Habitat fence will have state-of-the-art fence mounted, tension and tensile sensor cable. This cable senses any friction or pressure applied to the fence and sends it directly to authorized staff's cell phone as well as Reborn security cameras in real time, calling out the exact location of the alarm and the data of intrusion including:

10a. Amount of pressure i.e. 600 psi or 6psi.

10b. Duration of pressure.

10c. Either continuous or discontinuous.

10d. Environmental related (wind, rain, snow) or distinct disruption.

11. A key controlled system is used on all gates. Only authorized personnel will obtain key access.

12. A 24-hour security camera system is installed that notifies authorized staff via Wi-Fi in real time of any movement. It also can differentiate a person from an object or animal.

b. Habitat Entrance Gate Lockout

1. 500'sq x 5' H hotwire barrier inside of the habitat preventing any animal from approaching the entrance gate. A 3 ½ ft dig guard is buried in the ground to prevent digging under lockout barrier.

2. In the case of an animal emergency, a vehicle is capable of driving all the way into the entrance



Reborn Animal Refuge- Safety Standards and Protocol

lockout, with enough room to shut the habitat gate behind the vehicle, open the entrance lockout, drive into the habitat and close the entrance lockout.

c. Habitat Shelter Lockout

1. 1500'sq area inside of habitat. 8' fencing separates shelter lockout from primary habitat. The above ground animal shelter is inside shelter lockout.
2. Fencing materials and dig guard are the same as the habitat.
3. Hotwires are placed on the inside and outside of the shelter lockout to prevent an animal from climbing in or out of lockout.
4. Two 4'Wx4'H guillotine doors will be used to allow transfer of the animals in and out of the lockout and safely lock the animals in or out during cleaning maintenance.
5. Guillotine doors will have the ability to be locked in the open and closed position.
6. An 8' H electrified fence will divide the inside of the shelter lockout in half, to allow staff to enter the lockout from the perimeter and prevent an animal from being able to approach the staff gate.

d. Habitat Above Ground Shelter

1. 300'sq fully enclosed building.
2. Two 4'Wx4'H guillotine doors will be used to allow transfer of animals in and out of the shelter and safely lock the animals in or out during cleaning and maintenance of either the shelter or the lockout.
3. 2"x 4" 8-gauge welded wire divider fence with a 30" Wx5'H gate splitting the shelter in half will allow staff to safely access one side of the building with the capability to access animal side of building after animal is safely locked out.



Reborn Animal Refuge- Safety Standards and Protocol

4. 3' deep concrete footing around inside perimeter of shelter to prevent digging.

e. Habitat Underground Shelter

1. 100'sq x 5' deep den inside the primary habitat.
2. The walls will be made up of concrete cinder blocks to prevent any digging or erosion and act as an inclement weather shelter.
3. It will have a sand substrate.
4. 2x8 rafters are spaced 8" on center.
5. Roofing consists of 1" plywood, water membrane and 21-gauge corrugated sheet metal.
6. Covered by gravel and dirt for naturalistic look and to protect the shelter from any inclement weather.

f. Habitat Husbandry

1. Morning rounds and multiple daily perimeter checks are conducted to ensure:
 - 1a. All animals are accounted for and welfare check conducted to ensure good health and no injuries.
 - 1b. Any down hotwire or fencing issues.
 - 1c. Using voltage checker to ensure electrical wiring is reading proper voltage.
 - 1d. Any objects or debris that could be potentially harmful to the animals.
 - 1e. Locks are secured and working.
 - 1f. Any signs of digging.
 - 1g. Any deceased outside wildlife within habitat, lockout, or shelter.
 - 1h. Any enclosure in need of repair or defect likely to cause harm to an animal is immediately repaired or replaced while animals are locked out of that area.



Reborn Animal Refuge- Safety Standards and Protocol

2. Cleaning Safety Protocol

Primary Habitat

- 2a. Ensure animal(s) are locked out of primary habitat, the habitat lockout gate is locked, and lockout hotwires are reading proper voltage.
- 2b. Level 1 and 2 emergency response equipment will be on staff's person. The rest of the emergency response kit will be on ATV or vehicle entering habitat.
- 2c. The executive director and/or lead keeper is notified prior to any habitat gate being opened.
- 2d. Upon entering, the entrance gate is shut and half locked for a quicker exit for staff.
- 2e. The entrance lockout hotwires are hung back up but hotwire jumper is detached.
- 2f. In the case of an animal testing the shelter lockout fence while staff is in the habitat cleaning; level 1 use of force continuum is deployed and escalated as needed.
- 2g. Any use of force is recorded. Staff safely exits the habitat. Director and/or lead keeper is notified of gate being opened.

Habitat Lockout

- 2i. Ensure animal(s) are locked out of habitat lockout; either in the primary habitat or the lockout shelter.
- 2j. Ensure lockout shelter and lockout guillotine doors are secured and locked from the outside of primary habitat using pulley system.
- 2k. Level 1 and 2 emergency response equipment will be on staff's person. The rest of the emergency response kit will be on ATV, or vehicle close by staff gate.



Reborn Animal Refuge- Safety Standards and Protocol

2l. Director and/or lead keeper is notified of gate being opened.

2m. Upon entering shelter lockout through the staff gate, the gate is shut and half locked

2n. In the case of an animal testing the fence while in the habitat lockout cleaning; level 1 use of force continuum is deployed and escalated as needed.

2o. Any use of force is recorded. 3k. Staff safely exit the habitat. Director and/or lead keeper is notified of gate being opened.

Lockout Shelter

2p. Ensure animal(s) are locked out of lockout shelter.

2q. Upon entering shelter ensure lockout shelter guillotine doors are secured and locked.

2r. Level 1 and 2 emergency response equipment will be on staff's person. The rest of the emergency response kit will be in the ATV, or in a vehicle close by the staff gate.

2s. Director and/or lead keeper is notified of gate being opened.

2t. In the event that an animal is testing the fence or doors while in the lockout shelter being cleaned, level 1 use of force continuum is deployed and escalated as needed.

2u. Any use of force is recorded. 3k. Staff safely exit the habitat. Director and/or lead keeper is notified of gate being opened.

3. Feeding and Watering Safety Protocol

Primary Habitat

3a. Ensure animal(s) are locked out of habitat; either in the habitat lockout or the lockout shelter



Reborn Animal Refuge- Safety Standards and Protocol

and habitat lockout is locked and lockout hotwires are reading proper voltage.

3b. High value treats are given to keep them occupied and avoid any potential conflict between the animal(s) while staff are feeding.

3c. Level 1 and 2 emergency response equipment will be on staff's person. The rest of the emergency response kit will be in ATV or vehicle entering habitat.

3d. Director and/or lead keeper is notified of gate being opened.

3e. Entrance gate is shut and half locked.

3f. Entrance lockout hotwires are hung back up but hotwire jumper is detached.

3g. In the case of an animal testing the lockout fence while in the habitat cleaning; level 1 use of force continuum is deployed and escalated as needed. Any use of force is recorded.

3h. Food is brought into the habitat by staff and volunteers. As a safety feature high value treats are placed around habitat for stimulation and to decrease boredom.

3i. Waters are dumped, cleaned, and refilled.

3j. Stock tank waters are drained cleaned and refilled.

3k. Staff safely exit the habitat. Director and/or lead keeper is notified of gate being opened.

4. Sedation and Welfare Checks

Sedation

4a. All sedatives are given by veterinarian or authorized trained staff. Animal(s) are fasted prior to scheduled sedatives to prevent vomiting, and subsequent aspiration of gastric contents



Reborn Animal Refuge- Safety Standards and Protocol

4b. Sedatives are given with fence between person and animal

4c. During sedation process the emergency response kit is close by and readily available

Welfare checks

4d. In the event an animal appears injured or is exhibiting malaise, staff will try to lure the animal to the fence line or preferably inside the lockout shelter.

4e. A visual assessment is made to decide the severity of the situation.

4f. If judgement is made that the situation is an emergency, then emergency response and protocol is deployed.

A-4 Perimeter Boundary Inspections and Maintenance

- a. Perimeter fence is walked and checked daily after morning rounds.
- b. Looking for any poles needing backfilling, loose staples, signs of digging or intrusion.
- c. Ensuring gates are securely locked.
- d. Ensuing safety signs are still securely attached.
- e. Any indicators for repair are dated and logged for regular maintenance.
- f. Any issue that could be a safety concern is immediately addressed.

S-1 Safety Monitoring

a. Fire Extinguishers and Alarms

1. Any building with utilities installed will have fire extinguishers and fire alarms in place, regularly tested, maintained, and in good working order.
2. Staff and volunteers will be trained on use.
3. Animal Care director will follow weather patterns and notify executive director of any temperature extremes, especially during dry season.



Reborn Animal Refuge- Safety Standards and Protocol

4. During dry season, back up hoses are connected and stretched out along fence by habitats for easy hook up to water spigot.

5. 300-gallon water totes are filled and compatible with a 2" trash pump to siphon water in case of field fire.

6. All fixed equipment and utilities are inaccessible to animals and inspected daily.

b. General Staff Safety

1. Verbal contact via radios and cell phones is maintained throughout the day to reduce the risk of human error, complacency and to ensure safe contact is maintained.

2. All gates and guillotine doors are locked unless an animal is given access.

3. Double gated system is used to allow escaped route for staff/volunteers in the case an animal is in human areas within habitat.

4. Designated staff have keys to habitat gates and introduction lockouts.

5. All locks will have the same key to open to allow quick and safe opening of gates.

6. Inside shelters where animals and staff are in close proximity, a "do not cross barrier" is painted to keep staff from crossing while animal is inside shelter.

7. All staff and authorized senior volunteers are properly trained on an ongoing basis in all emergency response equipment and protocol.

8. An overall safety manual will be housed in the animal care center, accessible to all staff and volunteers containing:

8a. Phone numbers to all necessary emergency contacts including but not limited to the police, fire, vet, poison control, hospital, local health



Reborn Animal Refuge- Safety Standards and Protocol

department, Colorado State University emergency services, on call staff numbers, etc.

9. Basic Life Support training for non-medical providers will be required on annual basis.

10. AED and first aid kit will be stored in highly visible area in the animal care center.

11. Emergency response equipment is locked. Only authorized personnel will have access.

12. All staff and authorized volunteers will be required to obtain CCW for lethal and non-lethal force, plus be certified for all emergency response equipment. Training will be conducted by law enforcement personnel.

c. Security and Emergency Coverage

1. At least two personnel per animal are available to provide emergency response.

2. All personnel are available to respond to emergencies.

3. Rotating overnight shifts by qualified personnel with communication open to executive director and senior staff.

4. Two senior staff members will be living on the property just outside of Reborn perimeter with quick access to the property at all times.

5. Rotating on call duty by senior staff and volunteers to be available 24/7 for emergencies.

6. Local veterinary clinic trained and familiar with our animals will be on call 24/7 in case of emergency.

7. Local fire and police personnel who are familiar with our set up and our standards and protocol are on standby.



Reborn Animal Refuge- Safety Standards and Protocol

S-2 Sanitation

a. Waste Removal

1. 3 cubic yard dumpster, equivalent to 605 gallons, will be onsite and collected for disposal on an as needed basis. Dumpster will be tied shut daily to prevent any native wildlife from being attracted to the area.
2. Animal waste is removed from all habitats, lockouts, and shelters on a daily basis to reduce insects, odors and animal stress.
3. Food leftovers are cleaned on a daily basis to reduce insects, odors and animal stress.
4. Animal and food waste will be sealed plastic trash bag before being thrown away.

b. Cleaning and Disinfection

1. Feeding areas, shelters, waters and food containers are cleaned and disinfected daily.
2. Cleaning agents are used to reduce insects, odors and animal stress.
3. Safety protocol will be used when cleaning all areas.
4. All shelter walls are scrubbed down on a monthly basis.



Development Review Team Comments

Date: 4/30/2020

Project Number: RCU2019-00006

Project Name: Reborn Animal Refuge Wildlife Sanctuary

Commenting Division: Planner Review 3rd Review

Name of Reviewer: Greg Barnes

Date: 04/29/2020

Email: gjbarnes@adcogov.org

Complete

PLN01C - Signage will not be a consideration during the conditional use permit process. All signage will be required to obtained building permits, and approval of any XCUP will not include approval of signage.

PLN02C - Staff continues to have concern regarding compatibility and appropriateness of the proposed use for the surrounding area. Although rural in nature, area residents may oppose the use. You should be prepared to make your case at the hearing.

PLN03C - It is recommended that you meet with staff virtually on Zoom to discuss the upcoming hearings.

Commenting Division: Application Intake 3rd Review

Name of Reviewer: Greg Barnes

Date: 04/06/2020

Email: gjbarnes@adcogov.org

Complete

Commenting Division: Plan Coordination 2nd Review

Name of Reviewer: Greg Barnes

Date: 02/25/2020

Email: gjbarnes@adcogov.org

Resubmittal Required

Commenting Division: Planner Review 2nd Review

Name of Reviewer: Greg Barnes

Date: 02/25/2020

Email: gjbarnes@adcogov.org

Resubmittal Required

PLN02A: The request is for 10 acres of a 39 acre parcel. On the site plan, please add an inset map, to illustrate where the 10 acres is located on the 39-acre parcel.

PLN03A: Please provide a legal description of the Phase 1 boundary with your next resubmittal.

PLN04A: The site plan provided needs a higher resolution. It is incredibly difficult for staff to read what was submitted.

PLN05A: the landscaping plan does not meet the minimum standards of Section 4-16-10 of the Development Standards and regulations. Please read over this Section and provide us with a landscape plan that meets these requirements.

PLN06A: Thank you for the fencing detail. What will the vertical elements look like (such as posts)? Do you have any images of similar fence types?

PLN09A: Parking spaces are required to be a minimum of 18.5 feet long for 90-degree angled spaces. Please refer to Section 4-12-04-05 of the development Standards.

PLN10A: With your next submittal, please provide a list of animal types to be kept at the facility.

Commenting Division: Development Engineering Review 2nd Review

Name of Reviewer: Matthew Emmens

Date: 02/20/2020

Email: memmens@adcogov.org

Resubmittal Required

Review complete. Comment still unresolved Resubmittal required. See Doc #6040491

Commenting Division: ROW Review 2nd Review

Name of Reviewer: Marissa Hillje

Date: 02/18/2020

Email: mhillje@adcogov.org

Resubmittal Required

ROW1: Waiting on updated title. The title commitment submitted with the application is from 6/2017. Please send the County a more recent title (no older than 30 days) to review in order to ensure that any other party's interests are not encroached upon. All applicable easements/exceptions should be accurately shown and labeled on the site plan.

ROW2: E 112th Ave is classified as a rural arterial street per the 2012 Adams County Master Transportation Plan. As such it should have a half right-of-way width of 60 feet. Since the existing half right-of-way width is 40 feet, this would require a dedication of 20 feet additional right-of-way. The services of a licensed Professional Land Surveyor should be secured to create the legal description and exhibit of the right-of-way dedication. For additional information on dedication document specifics and process please go to <http://www.adcogov.org/documents/adams-county-easement-or-right-way-dedication-packet>. The right of way dedication can be a condition of approval.

Commenting Division: Planner Review 2nd Review

Name of Reviewer: Greg Barnes

Date: 01/24/2020

Email: gjbarnes@adcogov.org

Resubmittal Required

PLN01: staff can be supportive of a request for landscape relief on the proposed Tract A as specified in your application. Staff does support your request to provide native grasses to stabilize the slope, remove any invasive tree species, maintain existing mature trees where reasonably necessary, and not provide new trees in the area because of the slope and drainage facilities.

PLN02: To be clear, Tract A is the only subject property of this application. The applicant mistakenly provided information for various parcels throughout the development. This should be revised prior to final approval.

Commenting Division: Building Safety Review 2nd Review

Name of Reviewer: Justin Blair

Date: 01/21/2020

Email: jblair@adcogov.org

Complete

Commenting Division: Application Intake 2nd Review

Name of Reviewer: Rayleen Swarts

Date: 01/17/2020

Email:

Complete

Resubmittal received - 1/17/2020

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 03/06/2019

Email: gjbarnes@adcogov.org

Resubmittal Required

PLN01: The request is a conditional use permit application to allow an animal-keeping/rehabilitation facility for wildlife in the Agricultural-3 zone district.

PLN02: The request is for ten acres of a 39 acre parcel. The property is zoned Agricultural-3, and the Future Land Use designation is Agriculture.

PLN03: The request is to allow utilization of "Phase 1". We will need a legal description provided for the boundaries of Phase 1. The current legal description is for all 39 acres. Please resubmit with this item, otherwise you will be responsible to develop all 39 acres.

PLN04: The site plan that was included shows an overall layout of the 10 acres, but there's a lack of specificity that will need to be addressed. It is recommended that individual sections of the 10 acres be illustrated on separate pages. We will need specific information on the pasture, each habitat, and the office area.

PLN05: A full landscape plan is required to be submitted. This should include:

- a) 20' wide required streetscape buffer with one tree and two shrubs per 40 linear feet.
- b) The eastern property line is required to have a 5' wide landscape buffer with 1 tree per 80 linear feet
- c) landscape plans shall include tree types and specific installation details
- d) landscape plans are required to include maintenance agreement information pertaining to how plants are watered, pruned, and maintained.
- e) Landscaping is required for a minimum of 10% of the overall site. You will need to provide calculations to show that this is being accomplished. required buffers do count toward this requirement.

PLN06: Please provide specific fencing detail drawings

PLN07: Please identify site lighting and/or include a lighting plan

PLN08: What signage will be included to ensure public safety and prevent trespassing. Please provide detailed drawings.

PLN09: A parking plan is required. This includes all dimensions of travelways and parking stalls.

Commenting Division: Development Engineering Review

Name of Reviewer: Matthew Emmens

Date: 02/22/2019

Email: memmens@adcogov.org

Resubmittal Required

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0450H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, the project site is NOT located within a delineated 100-year flood hazard zone; a floodplain use permit will not be required.

ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is not within the County's MS4 Stormwater Permit area. The installation of erosion and sediment control BMPs are expected.

ENG3: If the applicant is proposing to install over 3,000 square feet of impervious area on the project site, a drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval.

The site plan received in the submittal package did not include enough information to determine what the total increase in impervious area would be. For example, the plan and site description does not state whether the parking lot and access drive would be paved and, if so, what material would be used. The site plan should identify all proposed surface types (i.e. roof tops, asphalt, gravel padding, concrete slabs...etc).

ENG4: A traffic study was not included with the submittal package (only the proposal for the study). At this time, the applicant is required to submit a Trip Generation Analysis, showing the number of vehicle trips per day that will be generated by the proposed conditional use. The Trip Generation Analysis will be used by County staff will determine if a TIS is needed and, if so, the level of TIS required. The Trip Generation Analysis must be prepared by an engineer licensed in the state of Colorado. The applicant will be responsible for constructing any roadway improvements required by the TIS.

ENG5: Prior to the issuance of any building permit(s), the developer is required to submit for review and receive approval of all construction documents (construction plans and reports). Construction documents shall include, at a minimum, onsite and public improvements construction plans, drainage report, traffic impact study. All construction documents must meet the requirements of the Adams County Development Standards and Regulations. The developer shall submit to the Adams County Development Review Engineering division the following: Engineering Review Application, Engineering Review Fee, two (2) copies of all construction documents. The development review fee for an Engineering Review is dependent on the type of project and/or the size of the project. The Development Review few can be found in the Development Services Fee Schedule, located on the following web page:
<http://www.adcogov.org/one-stop-customer-center>.

Commenting Division: ROW Review

Name of Reviewer: Marissa Hillje

Date: 02/20/2019

Email: mhillje@adcogov.org

Resubmittal Required

ROW1: The title commitment submitted with the application is from 6/2017. Please send the County a more recent title (no older than 30 days) to review in order to ensure that any other party's interests are not encroached upon. All applicable easements/exceptions should be accurately shown and labeled on the site plan.

ROW2: E 112th Ave is classified as a rural arterial street per the 2012 Adams County Master Transportation Plan. As such it should have a half right-of-way width of 60 feet. Since the existing half right-of-way width is 40 feet, this would require a dedication of 20 feet additional right-of-way. The services of a licensed Professional Land Surveyor should be secured to create the legal description and exhibit of the right-of-way dedication. For additional information on dedication document specifics and process please go to <http://www.adcogov.org/documents/adams-county-easement-or-right-way-dedication-packet>.

Commenting Division: Building Safety Review

Name of Reviewer: Justin Blair

Date: 01/29/2019

Email: jblair@adcogov.org

Complete

BSD1- Building permits would be required. Engineered plans will be required to obtain permits.

BSD2- Applicant should refer to commercial and industrial submittal requirements.

BSD3- Current adopted codes are the 2018 International Building Codes and the 2017 National Electrical Code.

BSD4- Applicant should contact Fire Department for their requirements.

Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Development Review Team Comments

Date: 3/7/2019

Project Number: RCU2019-00006

Project Name: Reborn Animal Refuge Wildlife Sanctuary

Note to Applicant:

The following review comments and information from the Development Review Team is based on the information you submitted for conditional use permit. At this time you will need to resubmit. The Development Review Team review comments may change if you provide different information during the resubmittal. Please contact the case manager if you have any questions:

Commenting Division: Development Engineering Review

Name of Reviewer: Matthew Emmens

Date: 02/22/2019

Email: memmens@adcogov.org

Resubmittal Required

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0450H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, the project site is NOT located within a delineated 100-year flood hazard zone; a floodplain use permit will not be required.

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Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 03/06/2019

Email: gjbarnes@adcogov.org

Resubmittal Required

PLN01: The request is a conditional use permit application to allow an animal-keeping/rehabilitation facility for wildlife in the Agricultural-3 zone district.

PLN02: The request is for ten acres of a 39 acre parcel. The property is zoned Agricultural-3, and the Future Land Use designation is Agriculture.

PLN03: The request is to allow utilization of "Phase 1". We will need a legal description provided for the boundaries of Phase 1. The current legal description is for all 39 acres. Please resubmit with this item, otherwise you will be responsible to develop all 39 acres.

PLN04: The site plan that was included shows an overall layout of the 10 acres, but there's a lack of specificity that will need to be addressed. It is recommended that individual sections of the 10 acres be illustrated on separate pages. We will need specific information on the pasture, each habitat, and the office area.

PLN05: A full landscape plan is required to be submitted. This should include:

- a) 20' wide required streetscape buffer with one tree and two shrubs per 40 linear feet.
- b) The eastern property line is required to have a 5' wide landscape buffer with 1 tree per 80 linear feet
- c) landscape plans shall include tree types and specific installation details
- d) landscape plans are required to include maintenance agreement information pertaining to how plants are watered, pruned, and maintained.
- e) Landscaping is required for a minimum of 10% of the overall site. You will need to provide calculations to show that this is being accomplished. required buffers do count toward this requirement.

PLN06: Please provide specific fencing detail drawings

PLN07: Please identify site lighting and/or include a lighting plan

PLN08: What signage will be included to ensure public safety and prevent trespassing. Please provide detailed drawings.

PLN09: A parking plan is required. This includes all dimensions of travelways and parking stalls.

Commenting Division: ROW Review

Name of Reviewer: Marissa Hillje

Date: 02/20/2019

Email: mhillje@adcogov.org

Resubmittal Required

ROW1: The title commitment submitted with the application is from 6/2017. Please send the County a more recent title (no older than 30 days) to review in order to ensure that any other party's interests are not encroached upon. All applicable easements/exceptions should be accurately shown and labeled on the site plan.

ROW2: E 112th Ave is classified as a rural arterial street per the 2012 Adams County Master Transportation Plan. As such it should have a half right-of-way width of 60 feet. Since the existing half right-of-way width is 40 feet, this would require a dedication of 20 feet additional right-of-way. The services of a licensed Professional Land Surveyor should be secured to create the legal description and exhibit of the right-of-way dedication. For additional information on dedication document specifics and process please go to <http://www.adcogov.org/documents/adams-county-easement-or-right-way-dedication-packet>.

Commenting Division: Building Safety Review

Name of Reviewer: Justin Blair

Date: 01/29/2019

Email: jblair@adcogov.org

Complete

BSD1- Building permits would be required. Engineered plans will be required to obtain permits.

BSD2- Applicant should refer to commercial and industrial submittal requirements.

BSD3- Current adopted codes are the 2018 International Building Codes and the 2017 National Electrical Code.

BSD4- Applicant should contact Fire Department for their requirements.

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www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Development Review Team Comments

Date: 2/25/2020

Project Number: RCU2019-00006

Project Name: Reborn Animal Refuge Wildlife Sanctuary

Commenting Division: Plan Coordination 2nd Review

Name of Reviewer: Greg Barnes

Date: 02/25/2020

Email: gjbarnes@adcogov.org

Resubmittal Required

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5

Commenting Division: Planner Review 2nd Review

Name of Reviewer: Greg Barnes

Date: 02/25/2020

Email: gjbarnes@adcogov.org

Resubmittal Required

PLN02A: The request is for 10 acres of a 39 acre parcel. On the site plan, please add an inset map, to illustrate where the 10 acres is located on the 39-acre parcel.

PLN03A: Please provide a legal description of the Phase 1 boundary with your next resubmittal.

PLN04A: The site plan provided needs a higher resolution. It is incredibly difficult for staff to read what was submitted.

PLN05A: the landscaping plan does not meet the minimum standards of Section 4-16-10 of the Development Standards and regulations. Please read over this Section and provide us with a landscape plan that meets these requirements.

PLN06A: Thank you for the fencing detail. What will the vertical elements look like (such as posts)? Do you have any images of similar fence types?

PLN09A: Parking spaces are required to be a minimum of 18.5 feet long for 90-degree angled spaces. Please refer to Section 4-12-04-05 of the development Standards.

PLN10A: With your next submittal, please provide a list of animal types to be kept at the facility.

Commenting Division: Development Engineering Review 2nd Review

Name of Reviewer: Matthew Emmens

Date: 02/20/2020

Email: memmens@adcogov.org

Resubmittal Required

Review complete. Comment still unresolved Resubmittal required. See Doc #6040491

RCU2019-00006
Reborn Animal Rescue Wildlife Sanctuary
Engineering Review Comment
2nd Review

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0450H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, the project site is NOT located within a delineated 100-year flood hazard zone; a floodplain use permit will not be required.

Applicant Response: <No Response>

County Comment: Applicant must respond to all comments.

ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is not within the County's MS4 Stormwater Permit area. The installation of erosion and sediment control BMPs are expected.

Applicant Response: <No Response>

County Comment: Applicant must respond to all comments.

ENG3: If the applicant is proposing to install over 3,000 square feet of impervious area on the project site, a drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval.

The site plan received in the submittal package did not include enough information to determine what the total increase in impervious area would be. For example, the plan and site description does not state whether the parking lot and access drive would be paved and, if so, what material would be used. The site plan should identify all proposed surface types (i.e. roof tops, asphalt, gravel padding, concrete slabs...etc).

Applicant Response: Per suggestions from the Engineer during our 1/6/20 meeting we will be filing for an exemption for the drainage report as a whole. Exemption letter will be attached.

County Response: The drainage letter and waiver request has been reviewed and, staff is in agreement with the conclusion of the letter. The request for a waiver is granted. A full drainage report will not be required either.

ENG4: A traffic study was not included with the submittal package (only the proposal for the study). At this time, the applicant is required to submit a Trip Generation Analysis, showing the number of vehicle trips per day that will be generated by the proposed conditional use. The Trip Generation Analysis will be used by County staff will determine if a TIS is needed and, if so, the level of TIS required. The Trip Generation Analysis must be prepared by an engineer licensed in the state of Colorado. The applicant will be responsible for constructing any roadway improvements required by the TIS.

Applicant Response: TIS waiver can be found on page 3&4.

County Comment: The waiver request references a "Table 1" however, the table is not included in the letter or submittal package.

ENG5: Prior to the issuance of any building permit(s), the developer is required to submit for review and receive approval of all construction documents (construction plans and reports). Construction documents shall include, at a minimum, onsite and public improvements construction plans, drainage report, traffic impact study. All construction documents must meet the requirements of the Adams County Development Standards and Regulations. The developer shall submit to the Adams County Development Review Engineering division the following: Engineering Review Application, Engineering Review Fee, two (2) copies of all construction documents. The development review fee for an Engineering Review is dependent on the type of project and/or the size of the project. The Development Review fee can be found in the Development Services Fee Schedule, located on the following web page:

<http://www.adcogov.org/one-stop-customer-center>.

Applicant Response: <No Response>

County Comment: Applicant must respond to all comments. Assuming the Traffic Impact Study waiver is approved, No engineering review will be required.

Commenting Division: ROW Review 2nd Review

Name of Reviewer: Marissa Hillje

Date: 02/18/2020

Email: mhillje@adcogov.org

Resubmittal Required

ROW1: Waiting on updated title. The title commitment submitted with the application is from 6/2017. Please send the County a more recent title (no older than 30 days) to review in order to ensure that any other party's interests are not encroached upon. All applicable easements/exceptions should be accurately shown and labeled on the site plan.

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Commenting Division: Building Safety Review 2nd Review

Name of Reviewer: Justin Blair

Date: 01/21/2020

Email: jblair@adcogov.org

Complete

Commenting Division: Application Intake 2nd Review

Name of Reviewer: Rayleen Swarts

Date: 01/17/2020

Email:

Complete

Resubmittal received - 1/17/2020

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 03/06/2019

Email: gjbarnes@adcogov.org

Resubmittal Required

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Commenting Division: Development Engineering Review

Name of Reviewer: Matthew Emmens

Date: 02/22/2019

Email: memmens@adcogov.org

Resubmittal Required

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The site plan received in the submittal package did not include enough information to determine what the total increase in impervious area would be. For example, the plan and site description does not state whether the parking lot and access drive would be paved and, if so, what material would be used. The site plan should identify all proposed surface types (i.e. roof tops, asphalt, gravel padding, concrete slabs...etc).

ENG4: A traffic study was not included with the submittal package (only the proposal for the study). At this time, the applicant is required to submit a Trip Generation Analysis, showing the number of vehicle trips per day that will be generated by the proposed conditional use. The Trip Generation Analysis will be used by County staff will determine if a TIS is needed and, if so, the level of TIS required. The Trip Generation Analysis must be prepared by an engineer licensed in the state of Colorado. The applicant will be responsible for constructing any roadway improvements required by the TIS.

ENG5: Prior to the issuance of any building permit(s), the developer is required to submit for review and receive approval of all construction documents (construction plans and reports). Construction documents shall include, at a minimum, onsite and public improvements construction plans, drainage report, traffic impact study. All construction documents must meet the requirements of the Adams County Development Standards and Regulations. The developer shall submit to the Adams County Development Review Engineering division the following: Engineering Review Application, Engineering Review Fee, two (2) copies of all construction documents. The development review fee for an Engineering Review is dependent on the type of project and/or the size of the project. The Development Review few can be found in the Development Services Fee Schedule, located on the following web page:
<http://www.adcogov.org/one-stop-customer-center>.

Commenting Division: ROW Review

Name of Reviewer: Marissa Hillje

Date: 02/20/2019

Email: mhillje@adcogov.org

Resubmittal Required

ROW1: The title commitment submitted with the application is from 6/2017. Please send the County a more recent title (no older than 30 days) to review in order to ensure that any other party's interests are not encroached upon. All applicable easements/exceptions should be accurately shown and labeled on the site plan.

ROW2: E 112th Ave is classified as a rural arterial street per the 2012 Adams County Master Transportation Plan. As such it should have a half right-of-way width of 60 feet. Since the existing half right-of-way width is 40 feet, this would require a dedication of 20 feet additional right-of-way. The services of a licensed Professional Land Surveyor should be secured to create the legal description and exhibit of the right-of-way dedication. For additional information on dedication document specifics and process please go to <http://www.adcogov.org/documents/adams-county-easement-or-right-way-dedication-packet>.

Commenting Division: Building Safety Review

Name of Reviewer: Justin Blair

Date: 01/29/2019

Email: jblair@adcogov.org

Complete

BSD1- Building permits would be required. Engineered plans will be required to obtain permits.

BSD2- Applicant should refer to commercial and industrial submittal requirements.

BSD3- Current adopted codes are the 2018 International Building Codes and the 2017 National Electrical Code.

BSD4- Applicant should contact Fire Department for their requirements.

Greg Barnes

From: Hackett - CDPHE, Sean <sean.hackett@state.co.us>
Sent: Friday, January 24, 2020 2:50 PM
To: Greg Barnes
Subject: Re: Resubmittal: Reborn Animal refuge (RCU2019-00006)

Please be cautious: This email was sent from outside Adams County

Thank you, Greg. CDPHE has no additional comments. CDPHE appreciates that the applicant confirmed that an Air Pollution Emission Notice is not required and that they confirmed that composting toilets will no longer be installed.

Thank you,

Sean Hackett
Energy Liaison



P 303.692.3662 | F 303.691.7702

[4300 Cherry Creek Drive South, Denver, CO 80246](#)

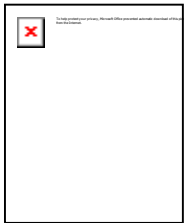
sean.hackett@state.co.us | www.colorado.gov/cdphe

Your feedback is important to us! Please [let us know](#) how I am doing.

On Fri, Jan 24, 2020 at 12:18 PM Greg Barnes <GJBarnes@adcogov.org> wrote:

In March 2019, you provided comments on an application for Reborn Animal Refuge Conditional use permit. The applicant has provided a resubmittal to the County. The resubmittal information is attached, as well as the original comments provided on this request.

If you have additional comments on this request, please provide them by February 14, 2020. Thank you!



Greg Barnes

Planner III, *Community and Economic Development Dept.*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601-8216

720.523.6853 gjbarnes@adcogov.org

RCU2019-00006
Reborn Animal Rescue Wildlife Sanctuary
Engineering Review Comment
2nd Review

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0450H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, the project site is NOT located within a delineated 100-year flood hazard zone; a floodplain use permit will not be required.

Applicant Response: <No Response>

County Comment: Applicant must respond to all comments.

ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is not within the County's MS4 Stormwater Permit area. The installation of erosion and sediment control BMPs are expected.

Applicant Response: <No Response>

County Comment: Applicant must respond to all comments.

ENG3: If the applicant is proposing to install over 3,000 square feet of impervious area on the project site, a drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval.

The site plan received in the submittal package did not include enough information to determine what the total increase in impervious area would be. For example, the plan and site description does not state whether the parking lot and access drive would be paved and, if so, what material would be used. The site plan should identify all proposed surface types (i.e. roof tops, asphalt, gravel padding, concrete slabs...etc).

Applicant Response: Per suggestions from the Engineer during our 1/6/20 meeting we will be filing for an exemption for the drainage report as a whole. Exemption letter will be attached.

County Response: The drainage letter and waiver request has been reviewed and, staff is in agreement with the conclusion of the letter. The request for a waiver is granted. A full drainage report will not be required either.

ENG4: A traffic study was not included with the submittal package (only the proposal for the study). At this time, the applicant is required to submit a Trip Generation Analysis, showing the number of vehicle trips per day that will be generated by the proposed conditional use. The Trip Generation Analysis will be used by County staff will determine if a TIS is needed and, if so, the level of TIS required. The Trip Generation Analysis must be prepared by an engineer licensed in the state of Colorado. The applicant will be responsible for constructing any roadway improvements required by the TIS.

Applicant Response: TIS waiver can be found on page 3&4.

County Comment: The waiver request references a "Table 1" however, the table is not included in the letter or submittal package.

ENG5: Prior to the issuance of any building permit(s), the developer is required to submit for review and receive approval of all construction documents (construction plans and reports). Construction documents shall include, at a minimum, onsite and public improvements construction plans, drainage report, traffic impact study. All construction documents must meet the requirements of the Adams County Development Standards and Regulations. The developer shall submit to the Adams County Development Review Engineering division the following: Engineering Review Application, Engineering Review Fee, two (2) copies of all construction documents. The development review fee for an Engineering Review is dependent on the type of project and/or the size of the project. The Development Review fee can be found in the Development Services Fee Schedule, located on the following web page: <http://www.adcogov.org/one-stop-customer-center>.

Applicant Response: <No Response>

County Comment: Applicant must respond to all comments. Assuming the Traffic Impact Study waiver is approved, No engineering review will be required.

RCU2019-00006
Reborn Animal Rescue Wildlife Sanctuary
Engineering Review Comment
2nd Review

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0450H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, the project site is NOT located within a delineated 100-year flood hazard zone; a floodplain use permit will not be required.

Applicant Response: <No Response>

County Comment: Applicant must respond to all comments.

Applicant Response: As the above map shows our property is not within the flood zone.

County Comment: This comment is closed.

ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is not within the County's MS4 Stormwater Permit area. The installation of erosion and sediment control BMPs are expected.

Applicant Response: <No Response>

County Comment: Applicant must respond to all comments.

Applicant Response: We acknowledge this comment and realize we are outside of the county's MS4 stormwater permit area. We will follow all local water quality construction requirements as well as use BMP's.

County Comment: This comment is closed.

ENG3: If the applicant is proposing to install over 3,000 square feet of impervious area on the project site, a drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval.

The site plan received in the submittal package did not include enough information to determine what the total increase in impervious area would be. For example, the plan and site description does not state whether the parking lot and access drive would be paved and, if so, what material would be used. The site plan should identify all proposed surface types (i.e. roof tops, asphalt, gravel padding, concrete slabs...etc).

Applicant Response: Per suggestions from the Engineer during our 1/6/20 meeting we will be filing for an exemption for the drainage report as a whole. Exemption letter will be attached.

County Response: The drainage letter and waiver request has been reviewed and, staff is in agreement with the conclusion of the letter. The request for a waiver is granted. A full drainage report will not be required either.

Applicant Response: We acknowledge this comment.

County Comment: This comment is closed.

ENG4: A traffic study was not included with the submittal package (only the proposal for the study). At this time, the applicant is required to submit a Trip Generation Analysis, showing the number of vehicle trips per day that will be generated by the proposed conditional use. The Trip Generation Analysis will be used by County staff will determine if a TIS is needed and, if so, the

level of TIS required. The Trip Generation Analysis must be prepared by an engineer licensed in the state of Colorado. The applicant will be responsible for constructing any roadway improvements required by the TIS.

Applicant Response: TIS waiver can be found on page 3&4.

County Comment: The waiver request references a "Table 1" however, the table is not included in the letter or submittal package.

Applicant Response:

County Comment: The applicant has provided a trip generation analysis showing that they will be generating less than 20 vehicle trips per day. A Traffic Impact study will not be required.

This comment is closed.

ENG5: Prior to the issuance of any building permit(s), the developer is required to submit for review and receive approval of all construction documents (construction plans and reports). Construction documents shall include, at a minimum, onsite and public improvements construction plans, drainage report, traffic impact study. All construction documents must meet the requirements of the Adams County Development Standards and Regulations. The developer shall submit to the Adams County Development Review Engineering division the following: Engineering Review Application, Engineering Review Fee, two (2) copies of all construction documents. The development review fee for an Engineering Review is dependent on the type of project and/or the size of the project. The Development Review fee can be found in the Development Services Fee Schedule, located on the following web page:

<http://www.adcogov.org/one-stop-customer-center>.

Applicant Response: <No Response>

County Comment: Applicant must respond to all comments. Assuming the Traffic Impact Study waiver is approved, No engineering review will be required.

Applicant Response:

County Comment: The applicant has submitted a drainage analysis and trip generation letter showing that this development will not cross the thresholds that require public roadway and drainage improvements to the site. No Engineering Review is required for this site.

This comment is closed.

Greg Barnes

From: Karl Smalley
Sent: Tuesday, February 19, 2019 2:17 PM
To: Greg Barnes
Cc: Judy Najera
Subject: Reborn Animal Refuge (RCU2019-00006)

Hi Greg,

Your Request for Comments on this case was referred to me for comment.

I have spoken with Alicia several months ago when she began this project and she filled me on her plans for the refuge. After reviewing all of the documentation submitted for review and comments the Adams County Sheriff's Office has no objections to this project.



Karl Smalley
Commander I Patrol Division Plains Section
Adams County Sheriff's Office
2550 Strasburg Road, Strasburg, Co 80136
303-622-9797 | ksmalley@adcogov.org

Character • Integrity • Transparency

Greg Barnes

From: Hackett - CDPHE, Sean [sean.hackett@state.co.us]
Sent: Wednesday, February 27, 2019 1:24 PM
To: Greg Barnes
Subject: Re: For Review: Reborn Animal Refuge (RCU2019-00006)

Mr. Barnes:

The Colorado Department of Public Health and Environment (CDPHE) appreciates the opportunity to comment on this proposal. Please note that the following requirements are not intended to be an exhaustive list and it is ultimately the responsibility of the applicant to comply with all applicable rules and regulations.

In Colorado, most businesses that are or will be emitting air pollutants above certain levels are required to report those emissions to the Division by completing an Air Pollutant Emissions Notice (APEN). This is a two in one form for reporting air emissions and to obtain an air permit, if a permit will be required. While only businesses that exceed the AQCC reporting thresholds are required report their emissions, all businesses - regardless of emission amount - must always comply with the Colorado AQCC regulations.

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

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

Uncontrolled actual emissions do not take into account any pollution control equipment that may exist.

This project may require a land development APEN. Additional information on APENs and air permits can be found at <https://www.colorado.gov/pacific/cdphe/apen-and-permitting-guidance>. This site explains the process to obtain APENs and air quality permits, as well as information on calculating emissions, exemptions, and additional requirements. You may also view AQCC Regulation Number 3 at <https://www.colorado.gov/pacific/cdphe/aqcc-regs> for the complete regulatory language. If you have any questions regarding Colorado's APEN or air permitting requirements or are unsure whether your business operations emit air pollutants, please call the Small Business Assistance Program (SBAP) at **303- 692-3175** or **303-692-3148**.

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

Regarding the use of composting toilets, if the applicant plans on using the material from these composting toilets as compost (i.e., not taking it to a landfill), they will need to follow the requirements of Section 14 of Colorado's Solid Waste Regulations (6 CCR 1007-2, Part 1), in addition to following the O-17 Regulations which govern Onsite Wastewater Treatment Systems (septic) in Adams, Arapahoe, and Douglas Counties. This requires testing of the waste material for fecal coliform or salmonella if used on-site. If they plan on using it off-site they will need to test for fecal coliform or salmonella AND arsenic, cadmium, copper, lead, mercury, nickel, selenium and zinc.

Sincerely,

Sean Hackett
Energy Liaison



P 303.692.3662 | F 303.691.7702

[4300 Cherry Creek Drive South, Denver, CO 80246](#)

sean.hackett@state.co.us | www.colorado.gov/cdphe

On Mon, Feb 11, 2019 at 11:16 AM Greg Barnes <GJBarnes@adcogov.org> wrote:

Request for Comments

Case Name: Reborn Animal Refuge

Project Number: RCU2019-00006

February 8, 2019

The Adams County Planning Commission is requesting comments on the following request: **conditional use permit application to allow an animal refuge in the Agricultural-3 (A-3) zone district.**

This request is located at 61101 East 112th Avenue. The Assessor's Parcel Number is 0173100000104.

Applicant Information: Alicia Williams
16519 Essex Road North
Platteville, CO 80651

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216, or call (720) 523-6800 by 03/01/2019 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to GJBarnes@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you for your information upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.



Greg Barnes

Planner II, *Community and Economic Development Dept.*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601-8216

720.523.6853 gjbarnes@adcogov.org

adcogov.org

Greg Barnes

From: Hackett - CDPHE, Sean <sean.hackett@state.co.us>
Sent: Tuesday, April 7, 2020 9:22 AM
To: Greg Barnes
Subject: Re: For Review: Reborn Animal Refuge (RCU2019-00006)
Attachments: Jefferson County (RCU2019-00006).pdf; APEN 223 (1).PDF

Please be cautious: This email was sent from outside Adams County

Good morning, Greg:

In looking at CDPHE's previous comments (attached), it looks like we provided comments about the possibility of the applicant needing to obtain an Air Emissions Notice (APEN). Although not specifically mentioned in the previous comments, if land disturbance activities disturb 25 acres or more or last more than six months, then the applicant will need to submit an APEN-223 form for land disturbance activities (attached). Also, regarding the use of composting toilets, CDPHE's Hazardous Materials and Waste Management Division commented that if the applicant plans on using the material from these composting toilets as compost (i.e., not taking it to a landfill), they will need to follow the requirements of Section 14 of Colorado's Solid Waste Regulations (6 CCR 1007-2, Part 1), in addition to following the O-17 Regulations which govern Onsite Wastewater Treatment Systems (septic) in Adams, Arapahoe, and Douglas Counties. This requires testing of the waste material for fecal coliform or salmonella if used on-site. If they plan on using it off-site they will need to test for fecal coliform or salmonella AND arsenic, cadmium, copper, lead, mercury, nickel, selenium and zinc.

However, in looking at the document attached to your email, it doesn't look like the applicant has addressed CDPHE's comments. Also, the "[01/24/2020 - Applicant Resubmittal](#)" link on the Adams County current lane use cases website appears to be broken. Can you please let me know if the applicant still intends to use composting toilets at this location and send me the information in the "01/24/2020 - Applicant Resubmittal" link or any other information you think CDPHE's air quality, water quality, and solid and hazardous waste programs might need to review this resubmittal?

Thank you,

Sean Hackett
Energy Liaison



4300 Cherry Creek Drive South, Denver, CO 80246
Office Phone 303.692.3662 | Cell Phone 303.587.1423
sean.hackett@state.co.us | www.colorado.gov/cdphe

Your feedback is important to us! Please [let us know](#) how I am doing.

On Tue, Apr 7, 2020 at 8:43 AM Greg Barnes <GJBarnes@adcogov.org> wrote:

Hello, I wanted to inform you that Adams County has received a resubmittal of a land use application for Reborn Animal Refuge (RCU2019-00006). We are informing you of this resubmittal, because you provided comments during the last review. The applicant's response to you comments are attached. If you have any additional comments on this case, please email them to me by April 27, 2020. Thanks!



Greg Barnes

Planner III, *Community and Economic Development Dept.*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601-8216

720.523.6853 gjbarnes@adcogov.org

adcogov.org



COLORADO

Parks and Wildlife

Department of Natural Resources

Northeast Regional Office
6060 Broadway
Denver, CO 80216
P 303.291.7227 | F 303.291.7114

February 22, 2019

Greg Barnes
Adams County
Community and Economic Development Department
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601-8216

RE: Conditional Use Permit Application to Allow an Animal Refuge in the Agricultural-3 (A-3) Zone District (Case Number RCU2019-00006)

Dear Mr. Barnes:

Thank you for the opportunity to comment on the Reborn Animal Refuge Wildlife Sanctuary conditional use permit application to allow for the captivity of wildlife species native to Colorado, such as black bears and foxes. The mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

The proposed Reborn Animal Refuge Wildlife Sanctuary is located at 61101 East 112 Avenue, Strasburg, Adams County, Colorado (parcel # 0173100000104). The 40-acre proposed facility will be built in 4 phases with completion around year 2028. CPW understands there will be no public access. The proposed conditional use application's location is currently surrounded by single family homes and agricultural land.

District Wildlife Manager Serena Rocksund recently visited this site and has been in communication with Reborn Animal Wildlife Sanctuary members. The main impacts to wildlife from this proposal include fragmentation and loss of habitat. Fragmentation of wildlife habitat has been shown to impede the movement of wildlife across the landscape. Open space areas are more beneficial to wildlife if they connect to other natural areas. The areas of wildlife habitat that most closely border human development show heavier impact than do areas on the interior of the open space. However, when open space areas are smaller in size, the overall impact of the fragmentation is greater (Odell and Knight, 2001). By keeping open space areas contiguous and of larger size the overall benefit to wildlife increases dramatically.

CPW would expect a variety of wildlife species to utilize this site on a regular basis, most notably, small to mid-sized mammals, song birds, and raptors. The potential also exists for



large mammals such as deer and pronghorn to frequent this site. Raptors and other migratory birds are protected from take, harassment, and nest disruption at both the state and federal levels. If an active nest is discovered within the development area, CPW recommends that buffer zones around nest sites be implemented during any period of activity that may interfere with nesting season. This will prevent the intentional or unintentional destruction of an active nest.

For further information on this topic, a copy of the document “Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors,” is available from your local District Wildlife Manager. Following the recommendations outlined in this document will decrease the likelihood of unintentional take through disturbance.

If a prairie dog colony is discovered within the project area, the potential may also exist for the presence of burrowing owls. Burrowing owls live on flat, treeless land with short vegetation, and nest underground in burrows dug by prairie dogs, badgers, and foxes. These raptors are classified as a state threatened species and are protected by both state and federal laws, including the Migratory Bird Treaty Act. These laws prohibit the killing of burrowing owls or disturbance of their nests. Therefore, if any earth-moving will begin between March 15th and October 31st, a burrowing owl survey should be performed. Guidelines for performing a burrowing owl survey can also be obtained from the local District Wildlife Manager.

If prairie dog colonies are present, CPW would recommend prairie dogs either be captured alive and moved to another location or humanely euthanized before any earth-moving occurs. The possibility of live-trapping and donating to a raptor rehabilitation facility may also exist. If interested, please contact the local District Wildlife Manager. Be aware that a permit and approval from county commissioners may be required for live relocation.

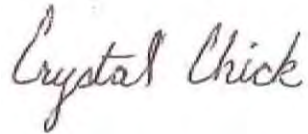
Future employees or volunteers should be informed that wildlife such as fox, coyotes, and raccoons might frequent the development area in search of food and cover. Coyotes, foxes, cottontail rabbits, and raccoons are several species that have adapted to living in urban environments. CPW recommends that people working in this area take the proper precautions to prevent unnecessary conflicts with wildlife. Due to the potential for human-wildlife conflicts associated with this project, please consider the following recommendations when educating future employees and volunteers about the existence of wildlife in the area:

- Pet foods and bowls should be kept indoors.
- Garbage should be kept in secure containers to minimize its attractiveness to wildlife. Trash should be placed in containers with tight seals and remain indoors until shortly before pickup.
- Feeding of Colorado wildlife, with the exception of birds, is illegal.
- “Living with Wildlife” pamphlets are available through CPW offices or online.

In order to become a licensed Provisional Wildlife Sanctuary in Colorado, Reborn Animal Refuge Wildlife Sanctuary must submit an application to CPW. The application must be complete and meet all requirements of Colorado Wildlife Commission Regulation (WCR) #1105.A. In addition, WCR #1105.A.6 states that the applicant must provide certification that the proposed possession of wildlife is not in violation of any city or county ordinance and submission of any required local permits.

Thank you again for the opportunity to comment on the Reborn Animal Refuge conditional use permit application to allow for the captivity of wildlife species native to Colorado, such as black bears and foxes, at 61101 East 112 Avenue, Strasburg, Adams County, Colorado (parcel # 0173100000104). Please do not hesitate to contact us again about ways to continue managing the property in order to maximize wildlife value while minimizing potential conflicts. If you have any further questions, please contact District Wildlife Manager Serena Rocksund at (303) 291-7132 or serena.rocksund@state.co.us.

Sincerely,

A handwritten signature in cursive script that reads "Crystal Chick". The ink is dark and the signature is fluid and legible.

Crystal Chick
Area 5 Wildlife Manager

Cc: M. Leslie, T. Kroening, S. Rocksund



February 28, 2019

Greg Barnes
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Reborn Animal Refuge, RCU2019-00006
TCHD Case No. 5438

Dear Mr. Barnes,

Thank you for the opportunity to review and comment on the Conditional Use Permit to allow an animal refuge in the Agricultural-3 (A-3) zone district located at 61101 East 112th Avenue. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application and meeting with the applicant on February 27, 2019 to discuss the proposal further, TCHD the following comments.

On-Site Wastewater Treatment System (OWTS) – New or Expanded

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. TCHD has no objection to the property being served by an OWTS provided that the system is permitted, inspected and operated in accordance with TCHD's current OWTS Regulation. Based on the applicant's description, a permit for the installation and final approval of the OWTS is required. The applicant should ensure the pasture habitat is fenced off from the OWTS, including the soil treatment area, so the animals do not inhibit the proper functioning of the OWTS. Moreover, Tri-County Health Department Regulation Number O-17, Table 6 requires minimum horizontal distances to site features including water wells. Table 6 outlining these setbacks can be found here: <https://www.tchd.org/DocumentCenter/View/4570/Regulation-O-17-Final-Version---Aug-22-2017?bidId=>.

In order to start the permitting process, the applicant may contact our Commerce City office by phone at 303-288-6816 or in person at 4201 E. 72nd Avenue. More information, including a list of septic professionals, is available at <http://www.tchd.org/269/Septic-Systems>.

Animal Boarding Facilities

Animal washdown water shall be managed to avoid nuisance conditions and contamination of surface and groundwater. Nuisance conditions may include soil erosion, fly, odor, and mosquito problems associated with stagnant water. Also, to prevent human exposures to West Nile Virus and other mosquito-borne diseases, the applicant should not allow water to pond or stagnate on the site, as these conditions support mosquito breeding. The applicant should eliminate mosquito breeding areas from animal habitats by keeping water in troughs or by using dunks, pellets of bacteria that are non-toxic to animals, but that kill mosquito and fly larvae that are developing in water.

TCHD recommends that the applicant develop a Waste Management Plan indicating how animal waste will be managed in daily operations. The applicant should make arrangements with a manure hauling company for disposal of animal wastes. This is the recommended method for management of animal feces and other solid wastes associated with boarding facilities, such as hair, excess food, urine-soaked bedding, etc. These materials should be disposed in an on-site dumpster with a fly-tight cover that is regularly serviced by the waste-hauling contractor.

Liquid wastes (urine or washdown water) shall not be discharged into any on-site drainages, irrigation ditches or ponds. Washdown waters must be discharged in a way that does not create nuisance conditions or impact water quality. We recommend that "dry" methods, such as sweeping and shoveling, be used as much as possible to clean habitats and pens.

Please feel free to contact me at 720-200-1585 or aheinrich@tchd.org if you have any questions.

Sincerely,



Annemarie Heinrich, MPH/MURP
Land Use and Built Environment Specialist

cc: Sheila Lynch, Monte Deatrich, Michael Weakley, Jeff McCarron, TCHD



January 29, 2020

Greg Barnes
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Reborn Animal Refuge, RCU2019-00006
TCHD Case No. 6112

Dear Mr. Barnes,

Thank you for the opportunity to review and comment on the Resubmittal of the Conditional Use Permit to allow an animal refuge in the Agricultural-3 (A-3) zone district located at 61101 East 112th Avenue. Tri-County Health Department (TCHD) staff previously reviewed the application for the Conditional Use Permit and responded with comments in a letter dated February 28, 2019. TCHD received a response from the applicant on January 24, 2020 and the applicant has responded to our comments satisfactorily.

Please feel free to contact me at 720-200-1585 or aheinrich@tchd.org if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "AHF".

Annemarie Heinrich Fortune, MPH/MURP
Land Use and Built Environment Specialist

cc: Sheila Lynch, Monte Deatrich, TCHD



April 9, 2020

Greg Barnes
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Reborn Animal Refuge, RCU2019-00006
TCHD Case No. 6225

Dear Mr. Barnes,

Thank you for the opportunity to review and comment on the Resubmittal of the Conditional Use Permit to allow an animal refuge in the Agricultural-3 (A-3) zone district located at 61101 East 112th Avenue. Tri-County Health Department (TCHD) staff previously reviewed the application for the Conditional Use Permit and responded with comments in a letter dated February 28, 2019. TCHD received a response from the applicant on January 24, 2020 and the applicant has responded to our comments satisfactorily.

Please feel free to contact me at 720-200-1585 or aheinrich@tchd.org if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "AHF".

Annemarie Heinrich Fortune, MPH/MURP
Land Use and Built Environment Specialist

cc: Sheila Lynch, Monte Deatrich, TCHD



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

March 1, 2019

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Greg Barnes

Re: Reborn Animal Refuge, Case # RCU2019-00006

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the conditional use permit plans for **Reborn Animal Refuge** and has **no apparent conflict**.

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

Greg Barnes

From: Ed Cain [edcain2@yahoo.com]
Sent: Thursday, February 28, 2019 1:14 PM
To: Greg Barnes
Subject: Reborn Animal Refuge RCU2019-00006

Community and Economic Development Department
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601-8216
Attn: Greg Barnes
Re: Case-Reborn Animal Rescue Project Number RCU2019-00006

Dear Sir,

I wish to comment on the proposed Reborn Animal Rescue at 16601 112Th Avenue, Strasburg CO 80136. I am opposed to the animal refuge for the following reasons.

The property in question is located at the south end of a section of land that is a residential area. We were one of the last houses built on this section of land and have lived here for over 14 years. With new homes under construction nearby, there are 23 homes within one mile of this proposed refuge. There is a large cattle operation to the south of the property, just across the road as well as a smaller operation to the north just ½ mile away. A number of the homes have other animals such as: horses, chickens, ducks, dogs and cats. There is also a family owned meat processing facility approximately ½ mile away.

I have a number of comments/questions that follow:

1. Will there be 24 hours staff on the grounds? If so, is the building approved as a residential facility?
2. They state that they will have 200 amp electrical service. Is that adequate to support the building and the miles of electrical fencing? My home is provided with 200 amp service. Have electrical requirements of the building and electrical fencing been designed/reviewed by a Professional Electrical Engineer or Licensed Electrician?
3. Will the emergency back-up generator be provided with an automatic transfer switch? What is the time delay on the switch over?
4. They say that they are going to have 3 meters of dig guard installed. They have been installing the fencing for a number of months but we have not seen them trenching or “ditch witching” along the fence lines.
5. What type and amounts of insurance will they be required to carry? Will they have to submit proof of insurance annually to the county?

6. They state there will be no visitors, but the property is bounded on three sides by county roads. What will keep people from coming to see once the word gets out that there are bears here? I am sure donors will want to see what their money is providing. There have already been instances of people coming out and entering adjacent properties asking about the refuge and in some cases harassing the homeowners.

7. Will the county require annual financial reports to see that the operation is viable and not subject to abandonment as Loins Gate in Agate?

8. I viewed the animation that they have on their website and it shows visitors coming to the building and a walkway all around the first habitat that will be housing bears. It also does not show any homes or other building on adjacent properties, giving the impression that it is in the middle of farmland and not a residential area.

This facility is not being constructed in the middle of farming land. It is being built next to two housing areas "The goal post area" from 112th and Trumbull Street and the other Pass Me By road.

I do not believe that the property is suitable for a wild animal refuge/reserve. Please deny the permit. I would like to be informed of any public hearing dates and receive the staff report. Notification can be sent to edcain2@yahoo.com or Edward Cain 11700 Vicki View Street, Strasburg CO.

Sincerely yours,

Edward Cain

To the attention of Mr. Greg Barnes, Case Manager: Regarding case name *Reborn Animal Refuge*, case number RCU2019-00006

Dear Mr. Barnes,

As I write this letter regarding the proposed animal refuge in Strasburg, I find myself profoundly conflicted. Conceptually, I believe that wild animal rescue and rehabilitation is an important aspect of protection and preservation. Being an animal lover who cares deeply for the wildlife of Colorado, it's easy to support any cause that would further conservation and education, and under other circumstances, I would wholeheartedly be a champion of this proposed mission.

Unfortunately, the proposal outline set forth by Reborn Animal Refuge leaves me with many questions and misgivings. Currently, the property upon which my family lives shares one corner with the forty acres of the future animal refuge. Our residence is a mere 2,000 feet from phase 1 of their current construction. Even though the refuge has not yet opened, we have already dealt with several mistaken individuals who have trespassed on our property looking for Reborn Animal Refuge. On two of these occasions, the individuals became combative and even hostile when informed they were at a private residence. Because of these encounters, we were forced to install a gate on our driveway as well as a comprehensive security system. These are actions we never would have taken if not for these occurrences. In their proposal, the management of Reborn Animal Refuge has not discussed how they would mitigate curious onlookers and visitors.

Although the information I have been given states that they will not be open to the public, the refuge proposal specifically maintains that this project will serve to "educate the public" without expanding on what, exactly, that entails. Currently in the state of Colorado, owning a bear is not permissible by law. I'm assuming that Reborn Animal Refuge is attempting to circumvent that legality by branding their endeavor as "educational". Since I will be living next door to this "educational" facility, I think it is only fair that I be given a comprehensive and exhaustively conclusive explanation regarding the owner's qualifications, pertinent education, and appropriate licenses.

Additionally, although the proposal describes in cursory detail the materials used for fencing the animal enclosure, I do not possess any knowledge regarding the prolonged confinement of apex predators. Therefore, I have absolutely no way to gauge how appropriate this fencing is for the animals living within (and keeping them within). In addition to having two small children, we also have dogs and free range mixed poultry. The proposal states that they will have a 1m underground fence to prevent digging; however, it's fairly easy to do a bit of internet sleuthing to discover that foxes can effortlessly dig under a 3 foot fence. In fact, foxes have been known to burrow in dens down to 8 feet

underground.ⁱ Before I could feel even remotely comfortable to living next to such a concentration of non-native predators, I would need a more wide-ranging explanation of how and why their enclosure materials are suitable for ensuring the safety of my family and animals. I have been referred to the Colorado Department of Parks and Wildlife for more information on this issue, but as of the writing of this letter, no phone calls have been returned.

A third issue that I feel was not addressed in the proposal concerns how feeding and waste management will be handled. As a family, we have visited the Keenesburg Wildlife Sanctuary several times. Despite the sheer size of the enclosure, we always noticed the foul odors of animal waste and the smell of decomposing meat- presumably from the feeding of carnivores. I realize, of course, that this is a natural and inevitable outcome of keeping animals and as livestock keepers ourselves, we are not unfamiliar with the smell of animal waste. However, Reborn Animal Refuge will have a much smaller area with a large concentration of predators and will clearly be dealing with issues quite different from traditional ranch owners. Who will be responsible for the removal of waste and how frequently will this happen? How will they manage the increase in flies from the diet of the carnivores? In this area, the wind predominately blows from a southern direction in the summer. This means that our home will be downwind from the facility. How will this affect our quality of life in the summertime? How will this affect our property values?

My final concern is in regards to the overall safety of the animals that will be located on the property. I have lived in this area for several years, and we have encountered some significantly violent weather events. These events have included 75 mph winds that have damaged buildings and funnel clouds that have resulted in weak tornadoes. Other common events include baseball sized hail, flooding, and sub zero temperatures in the winter. Article III, section 1108 of the Rules and Regulations of Wildlife Parks and Unregulated Wildlife put out by the Colorado Department of Parks and Wildlife argues that violent weather events are a topic that must be addressed by potential licensees.ⁱⁱ Nowhere in the proposal did I see how the animals will be protected in the event of a dangerous weather incident or severely inclement weather. Additionally, although the owners have included a generator in their plans, I highly doubt they realize how frequently power outages are in this region. During particularly violent storms, it's not uncommon for the electricity to be out for several days. Are they equipped with someone to be on hand for as long as it takes to ensure their generator is working appropriately?

While I self identify as an animal advocate and am 100% supportive to the rehabilitation of animals, I find myself with serious misgivings about this particular project. The proprietors of Reborn Animal Refuge have already completed a large portion of their construction while those of us in close proximity struggle with multiple weighty questions about how and why their project will be a successful and welcome part of our residential neighborhood. We have already had to take previously unimaginable action to protect our property from individuals associated with Reborn Animal Refuge and I anticipate that the problem will only increase once they open. So far, the amount of information I have been given on this refuge has only raised more questions, and I will certainly rest easier with those

questions given appropriate answers. Until this happens, I do not currently see how the proposed location for Reborn Animal Refuge will be suitable for this area.

Sincerely,

A concerned neighbor

ⁱ Heptner, V.G, (1998). *Mammals of the Soviet Union*. National Technical Information Service, Springfield

ⁱⁱ <https://cpw.state.co.us/Documents/RulesRegs/Regulations/Ch11.pdf>. Accessed February 23, 2019

Greg Barnes

From: Sharon Cain [gtnsage@yahoo.com]
Sent: Thursday, February 28, 2019 9:08 AM
To: Greg Barnes
Subject: Reborn Animal Refuge RCU2019-00006

Community and Economic Development Department

4430 South Adams County Parkway, Suite W2000A

Brighton, CO 80601-8216

Attn: Greg Barnes

Re: Case – Reborn Animal Rescue Project Number - RCU2019-00006

Dear Sir,

I wish to comment on the proposed Reborn Animal Rescue for 16601 112th Ave, Strasburg, CO 80136. I oppose the animal refuge for the following reasons:

1. I live in close proximity to the property as do about 20 other families. I believe this area is too densely populated to house a wildlife sanctuary. It would take only minutes for an animal to be at a home with children, dogs, and/or farm animals causing much damage to life. I have enclosed the map of the area provided where I have indicted all plots with homes and families.
2. I question that this parcel would be a quiet place for the animals with so many homes with cars, trucks, tractor going by all day long. In addition, 112th is a very, very busy road with grain trucks during harvest season.
3. A few years ago the utility company planned a power line through this area and moved it many miles north because of the community of homes in this area. If the area is too densely populated for the utility company it is too densely populated for a wild animal sanctuary. Even more families have moved into the area to enjoy the peace and quiet of the rural life not to live a short distance from a wild life sanctuary.
4. This property is bounded on three (3) sides by roads. Therefore, once word gets out about the sanctuary, we would have increased traffic in the area. People would park on the dirt roads and go up to the fences to see the animals – a dangerous situation – the fences are too close to the roads and easily accessible to children putting their hands through the fence or on the live fence. This is definitely a safety issue.
5. If the refuge is not manned 24 hours a day, I have concern for the animals in case of a wildfire. Have they made plans to evacuate the animals? It takes the fire department about 20 minutes to respond to a call this far from Strasburg. What about a tornado?
6. I also have concern that with the fences so close to the road that during the winter, it will cause drifting and then deny access to and from our homes especially in the case of an emergency. Yes, wire fences do cause snow drifts.
7. I spoke with a realtor. The realtor believes that the property values will go down once the sanctuary is in place. Few people would want to buy this close to a sanctuary.
8. There is a well run sanctuary less than thirty (30) miles away – The Wild Animal Sanctuary in Keensburg.
9. I do not believe that this property is large enough for the large animals they propose to rescue. They would be going from one small cage to a little larger cage with no trees or grass.

For these reasons, I do not believe that this property is suitable for a wild animal sanctuary. Please deny the permit. I would like to be notified of any public hearing dates and receive the staff report. Notification can be sent to gtnsage@yahoo.com or Sharon Cain, 11700 Vickiview Street, Strasburg, Co 80136.

Sincerely yours.

Sharon Cain





Reborn Animal Refuge
RCU2019-00006

For display purposes only.

ADAMS COUNTY
 This map is made possible
 by the Adams County GIS
 Department. We accept no
 responsibility for its accuracy.

Greg Barnes

From: Bob Santillana [Rsantil987@cfl.rr.com]
Sent: Sunday, February 17, 2019 11:18 AM
To: Greg Barnes
Subject: Project number RCU2019-00006

Pursuant to the request for comments from your office on the possible zoning for the Reborn Animal Refuge dated February 8, 2019 we are letting you know our view. After reviewing the included information, we have no objection to parcel number 0173100000104 being used for an animal refuge.

Thank you,
Robert & Lori Santillana

Greg Barnes

From: Bob Stewart <hillsidecountryhomes@yahoo.com>
Sent: Monday, February 03, 2020 2:02 PM
To: Greg Barnes
Subject: Re: Reborn Animal Refuge Wildlife Sanctuary
Attachments: image001.jpg

Please be cautious: This email was sent from outside Adams County

I spoke with her and expressed my grave concerns regarding fencing and construction of shelters with the types of animals that will be going in there. We have safety concerns regarding ourselves and our livestock which is adjacent to this property.

20 years ago we were adjacent to the Kiowa Animal Sanctuary and my wife was attacked by an ostrich.

We would like to be part of the process. Please advise of us any meetings.

Bob Stewart

*Black Gold Angus Ranch
Bob's Cell~303-906-6510
Fax~1-888-686-6373*

On Monday, February 3, 2020, 11:54:10 AM MST, Greg Barnes <gjbarnes@adcogov.org> wrote:

Hi Bob,

This is out of my purview as an urban planner. I'd recommend contacting Serena Rocksund at the Colorado Division of Parks & Wildlife. If she's not the right person, she may know who is. I've copied her on to this e-mail.



Greg Barnes

Planner III, *Community and Economic Development Dept.*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601-8216

720.523.6853 gjbarnes@adcogov.org

adcogov.org

From: Bob Stewart <hillsidecountryhomes@yahoo.com>
Sent: Monday, February 03, 2020 10:38 AM
To: Greg Barnes <GJBarnes@adcogov.org>
Subject: Reborn Animal Refuge Wildlife Sanctuary

Please be cautious: This email was sent from outside Adams County

Hello,

There appears to be something wrong with this situation. It looks like a gypsy camp has been set up and I am wondering if the animals are being cared for properly.

What happened to the camel??

Please call me to discuss further.

Bob Stewart

303-906-6510

Black Gold Angus Ranch

Bob's Cell~303-906-6510

Fax~1-888-686-6373

Greg Barnes

From: Donald Zilles [donaldzilles@gmail.com]
Sent: Thursday, February 21, 2019 6:05 PM
To: Greg Barnes
Subject: Reborn Animal Refuge

RCU2019-00006

Regarding the planed refuge. After consideration of the proposal I, like other neighbors are not liking the idea. Most of us have animals around here, let be dogs, chickens, cows, lamas, ect. Understandably they are taking measures to keep these their rescues contained some of the few that are listed are nocturnal. This being said, not if, but when one does escape most likely the damage will be done before anyone would know it. I myself have dogs, chickens, and ducks. I'm also in the process of making my property to have cows, pigs, sheep, and possibly some other animals. My neighbor has dog, horses, and cows. So on and so on. what guarantees do we have of nothing happening to are animals.

From: [Morgan Bartlett](#)
To: [Jen Rutter](#)
Subject: 1RCU2019-00006 (reborn anymal refuge
Date: Wednesday, June 24, 2020 3:04:12 PM

Please be cautious: This email was sent from outside Adams County

Mr/Ms Rudder:

There are 3 letters sent by the neighbors with questions to reborn animal refugee which have not been answered. We need all those questions to be answered by Reborn.

Morgan Bartlett

From: [Heidi](#)
To: [Jen Rutter](#)
Subject: case # RCU2019-0006
Date: Wednesday, June 24, 2020 4:17:56 PM
Attachments: [ATT36119.vcf](#)

Please be cautious: This email was sent from outside Adams County

J Rutter,

I am a neighbor to the proposed Reborn Animal Refuge. I live approximately one-half mile from the proposed site, in a residential development of almost two dozen single-family homes.

My concern is that the 40 acre parcel seems inadequate housing for numerous large animals and is not a good fit for the surrounding neighborhood.

Furthermore, the infrastructure of unpaved county roads will not support additional traffic.

Please take these concerns into consideration when evaluating the conditional use permit.

Heidi Kollasch

1505 Roxburg St

Strasburg, CO 80136

From: [BRIANNA GLASSBURN](#)
To: [Jen Rutter](#)
Subject: Case number RCU2019-00006/RebornAnimalRefuge
Date: Wednesday, June 24, 2020 11:23:38 AM

Please be cautious: This email was sent from outside Adams County

Hello, I'm emailing you in support of reborn Animal refuge.

RCU2019-00006

Thanks,

Brianna Glassburn

Sent from my iPhone

From: [Ed Cain](#)
To: [Jen Rutter](#)
Subject: Planning Commission Meeting Comments for RCU2019-0006
Date: Wednesday, June 24, 2020 2:52:51 PM

Please be cautious: This email was sent from outside Adams County

Hello

This is in response to RCU2019-0006.

They only have two building permits and neither appears to be completed/finalized.

There appears to be no Building Permit for the large barn they started building this year.

There is only one of their four habitats in phase one that is at least one acre.

What is their educational plan and where will it be held, if no visitors are allowed at the site?

Are they a Licensed Provisional Wildlife Sanctuary by The Colorado Parks and Wildlife Division?

Do they have an On-Site Water Treatment System approved by the Tri-County Health Department?

As it stated in our original letters, this refuge is not compatible with the large lot Residential area out here.

We also think that their emergency plans are not realistic. A wildfire is raging and they plan to tranquilize a 300 lb bear and drag into an enclosure or truck?

What education does the staff have to care for the animals?

Ed and Sharon Cain

From: khfalcons@gmail.com
To: [Jen Rutter](#)
Subject: RCU2019-00006, Reborn Animal Refuge
Date: Wednesday, June 24, 2020 2:55:23 PM

Please be cautious: This email was sent from outside Adams County

Mr Rutter;

Thanks for posting the information regarding the Reborn Animal Refuge case pending before the Planning Commission. I am a neighbor directly north of the facility. After reviewing the proposal, I noticed several comments provided by my neighbors have not been addressed. Could you please have the applicants address each substantive comment provided before proceeding. I am especially interested in seeing the final Waste Management Plan requested by TCHD, issues regard real estate values, and more details regarding traffic management around the facility.

Thanks,

Kelly Hogan, PhD

Sent from my iPhone

From: [Stephanie Wolff](#)
To: [Jen Rutter](#)
Subject: RCU2019-00006
Date: Wednesday, June 24, 2020 1:28:18 PM

Please be cautious: This email was sent from outside Adams County

I am in support of Reborn Animal Rescue
[Sent from Yahoo Mail on Android](#)

From: [Jennifer Young](#)
To: [Jen Rutter](#)
Subject: RCU2019-00006//Reborn Animal Refuge
Date: Wednesday, June 24, 2020 11:38:43 AM

Please be cautious: This email was sent from outside Adams County

I am in support of Reborn Animal Refuge

Sent from my iPhone

From: [Konstantina Gatchis](#)
To: [Jen Rutter](#)
Subject: RCU2019-00006/RebornAnimalRefuge
Date: Wednesday, June 24, 2020 11:42:17 AM

Please be cautious: This email was sent from outside Adams County

Hello-

To whom it may concern

Im in support of Reborn Animal Refuge:)

RCU2019-00006/RebornAnimalRefuge

Thank you!

From: [Alyssa Newman](#)
To: [Jen Rutter](#)
Subject: RCU2019-00006/RebornAnimalRefuge
Date: Wednesday, June 24, 2020 4:25:39 PM

Please be cautious: This email was sent from outside Adams County

I am writing to support Reborn Animal Refuge in their application. Reborn will provide an excellent opportunity for education and outreach to schools and local communities about the captive wildlife crisis. They are diligent, knowledgeable, and passionate about their work. The organization cares not only for the animals they protect, but also safety and sustainability of the land and community.

Thank you,
Alyssa Newman, NP-C
Nurse Practitioner

From: [Alicia Williams](#)
To: [Jen Rutter](#)
Subject: RCU2019-00006/RebornAnimalRefuge
Date: Wednesday, June 24, 2020 1:01:45 PM

Please be cautious: This email was sent from outside Adams County

I'm in favor of Reborn Animal Refuge

From: [Candice Porter](#)
To: [Jen Rutter](#)
Subject: RCU2019-00006/RebornAnimalRefuge
Date: Wednesday, June 24, 2020 11:57:45 AM

Please be cautious: This email was sent from outside Adams County

I am in support of Reborn Animal Refuge. They are a wonderful organization and do good work helping animals.

RCU2019-00006/RebornAnimalRefuge

Thanks,

Candice Porter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail, delete and then destroy all copies of the original message.

From: [danielle-c](#)
To: [Jen Rutter](#)
Subject: RCU2019-00006/RebornAnimalRefuge
Date: Wednesday, June 24, 2020 12:27:35 PM

Please be cautious: This email was sent from outside Adams County

I am in support of Reborn Animal Refuge.

Thank you,
Danielle Colligan

From: [Lauren Lain](#)
To: [Jen Rutter](#)
Subject: RCU2019-00006/RebornAnimalRefuge
Date: Wednesday, June 24, 2020 9:53:30 AM

Please be cautious: This email was sent from outside Adams County

I've been a long time donor and supporter of Reborn. I have seen them transform from a start up organization to a fully functioning animal sanctuary. I trust they have the skill and knowledge to care for wild animals, which is why I continue to support!

Lauren Vanderhoof
248-606-5858

From: [Nicole Glassburn](#)
To: [Jen Rutter](#)
Subject: RCU2019-00006/RebornAnimalRefuge
Date: Wednesday, June 24, 2020 12:52:03 PM

Please be cautious: This email was sent from outside Adams County

Hello,

Im in support of Reborn Animal Refuge.

Thank you,
Nicole Glassburn

From: [Nadia Vanbibber](#)
To: [Jen Rutter](#)
Subject: RCU2019-00006/RebornAnimalRefuge
Date: Tuesday, June 23, 2020 1:45:05 PM

Please be cautious: This email was sent from outside Adams County

RCU2019-00006/RebornAnimalRefuge

Reborn Rocks! I am in full support of this sanctuary. Adams county definitely needs this sanctuary!
How cool!

From: [Sheree Slack](#)
To: [Jen Rutter](#)
Subject: RCU2019-00006/RebornAnimalRefuge
Date: Tuesday, June 23, 2020 7:46:13 PM

Please be cautious: This email was sent from outside Adams County

Hello,

Animal conservation is so important and more relevant than ever, especially after we have all seen the horrible abuse on the tiger king documentary. Adams County will be making history with this approval to bring wild animals to a safe, humane sanctuary within their county!

Sheree Slack MS, APRN, AGNP-C

From: [Constantina Vlassis](#)
To: [Jen Rutter](#)
Subject: RCU2019-0006/REBORN ANIMAL REFUGE
Date: Wednesday, June 24, 2020 11:19:42 AM

Please be cautious: This email was sent from outside Adams County

Hello my name is Constantina Vlassis and I am in support of Reborn Animal Refuge.

My contact details are 719-421-9299

Thank you,
Constantina Vlassis

From: [Dawn Morgan](#)
To: [Jen Rutter](#)
Subject: RCU201900006/RebornAnimalRefuge
Date: Wednesday, June 24, 2020 1:06:53 PM

Please be cautious: This email was sent from outside Adams County

To whom it may concern,

I am writing in regard to RCU2019-00006/RebornAnimalRefuge.

Im in support of Reborn Animal Refuge.

Kindest regards,
Dawn Morgan

From: [Emily Sweeney](#)
To: [Jen Rutter](#)
Subject: Reborn Animal Refuge
Date: Wednesday, June 24, 2020 3:25:00 PM

Please be cautious: This email was sent from outside Adams County

Case# RCU2019-00006/RebornAnimalRefuge

I support Reborn Animal Refuge.

Sincerely,
Emily Sweeney

From: [bout3fitty](#)
To: [Jen Rutter](#)
Subject: Reborn Animal Refuge
Date: Tuesday, June 23, 2020 8:28:57 AM

Please be cautious: This email was sent from outside Adams County

Hello,

I am writing in reference to case RCU2019-00006/RebornAnimalRefuge.

This is a very smart team with a well thought-out strategy and plan of action. The county and the community have nothing to worry about.

Sincerely,

Steve Wineteer

To the attention of Mr. Greg Barnes, Case Manager: Regarding case name *Reborn Animal Refuge*, case number RCU2019-00006

Dear Mr. Barnes,

I am writing you once again in response to the proposed Reborn Animal Refuge plans in Strasburg, Co. Since the writing of my last letter, the construction of phase I of their animal refuge has continued unabated. Unfortunately, most of the questions posited in my previous letter have gone unanswered and the updated proposal located on the Adams County website has only brought up significantly more concerns.

To begin with, I must respectfully disagree with the author who argued that Reborn Animal Refuge would be “harmonious with the character of the neighborhood” and will not result in “excessive traffic generation, noise, odors or disruptions”. With all due respect, the author has clearly not spent enough time in this area or in the surrounding town. My family and I have had to spend the last 2 years listening to the incessant construction noises as Reborn Animal Refuge complete phase 1 of their development. Due to the hilly topography of this region, the sound carries almost perfectly to our front yard. As with many of our neighbors, my family and I were initially drawn to this area because of the peace and quiet it offers. Reborn Animal Refuge has filled the previous silence with the relentless drone of heavy machinery and their proposal indicates we still have another decade of construction noise pollution to enjoy.

Additionally, the refuge has not yet opened and *already* there has been a significant increase in traffic to our neighborhood. Reborn Animal Refuge is bordered on three sides by public roads that residents depend upon to go to and from home. It has been astonishing to see the upsurge in cars parked along the dirt roadways in front of the refuge, presumably attempting to get a glimpse of what is going on inside the fences. Strasburg Colorado and the surrounding I-70 corridor are not exactly Las Vegas in terms of things to do. As the popular saying goes “If you build it, they will come”. Once word gets out that there are non-native apex predators to be gawked at free of charge through a fence, vehicles *will* come from surrounding regions. Unfortunately, there are no parking facilities on our narrow dirt roads, so residents will have to deal with a dangerous influx of obstacles and people on streets that aren’t well kept up to begin with. The risk of accidents and trespassing on private property will create increased liability, police presence and hardship for residents. I brought this up in my previous letter, and I am profoundly disappointed that this glaring problem has not been addressed whatsoever.

My third issue has to do with the problem of odor. In section S-2 part a, Reborn Animal Refuge states that waste and food leftovers will be cleaned on a daily basis and their dumpster will be emptied “as needed”. Although I appreciate that gesture, I do not think that will be sufficient to mitigate the odors of non-native large carnivores. There is a distinct reason why smelling like a zoo is considered an insult in our culture. I have visited other animal sanctuaries with similar waste disposal policies and the foul odors are still unbearable. My husband and I have spent years

renovating our home and property to increase the value. I shudder to think what living downwind of a high concentration of large predators will do to our resale value. Heaven help us if a home showing happens to be on a particularly hot, windy summer day. In addition to resale value, the proximity of this refuge will also decrease our quality of life. Due to the nature of my job, I am home during the summer and my children and I spend almost all of our days outside. I can argue empirically that having to contend with the unpleasant smells of carnivore waste and diet on a daily basis will ruin our enjoyment of our own home. Keeping the inevitable by products of animals in a metal dumpster that will only be emptied “as needed” will not be enough to eliminate offensive odors.

Safety of my property and family is yet another of my main concerns. In their Use of Force Continuum (section E-1), Reborn Animal Refuge acknowledges the possibility that an animal might, indeed escape the fenced compound. Their risk chart details the level of threat as well as the use of force that will theoretically neutralize that threat. Out of curiosity, I looked up the running speed of a black bear and was intrigued to find that it is over double that of a human. Indeed, when sprinting, a black bear can outrun a racehorse (www.bearsmart.com)! Clearly, this means that escape attempts can likely happen before even the most attentive staff member can react and reach for the appropriate use of force tool. Because Reborn Animal Refuge has in writing that there is the possibility for animal escape, I am wondering what kind of insurance plan they have to compensate their neighbors in the event of property damage or the death of pets/livestock. Black bears have an extraordinary sense of smell (up to 5 miles) and who knows what tantalizing scents they may find in the prairie? Although it is true that black bears are native to Colorado, they are not native to the Eastern 1/3 of the state and prefer mountainous habitats. We have suddenly found ourselves having discussions regarding spending thousands of dollars to bear proof our property. Since we do not live in a habitat where bears are an indigenous species, we should never have had to have this outrageous conversation. Again, how is this going to affect potential buyers to our house? I would not feel comfortable buying a home in such close proximity to predators that are not native to the area, nor would most families.

Moreover, after having read their disaster planning and response, I am left feeling puzzled regarding the feasibility of this plan. Reborn Animal Refuge states that they will monitor weather and “if time permits” prior to inclement weather or field fire, they will take action to protect the animals. Section E-4 part a details the staff response to sudden weather and fire threats to the animals. It indicates that two staff members are required to sedate and “drag” animals to an underground bunker for protection. Although it sounds like a reasonable response to protect animals, I cannot imagine that this process can be undertaken in the time it takes for the wild winds in this region to whip a fire out of control. Furthermore, in the summers, it is not uncommon for us to be under tornado warnings every day, sometimes several times a day. Should a funnel cloud develop in the middle of the night, does Reborn Animal Refuge have two trained staff members on site to sedate and relocate animals in a timely fashion? If not, then what is the response time for an appropriately trained team to come and care for the trapped and frightened animals who cannot flee from their confines? I saw no indication that this facility will be staffed 24 hours a day, and this

might be problematic in the event of a weather/fire event, sick animal or, God forbid, animal escape.

Since the writing of my last letter, a new problem has arisen that I feel must be addressed immediately. The recent Netflix series “Tiger King” has exposed the public to the sometimes horrific world of keeping large wild animals in captivity. I am, of course, in no way insinuating the proprietors and volunteers of Reborn Animal Refuge bear any resemblance to Joe Exotic or Carole Baskin, but the public may not see it that way. Seeing the images of animals kept in cages and squalor was upsetting, as well as the animals who were slaughtered by the “sanctuaries” that claimed to protect them. Due to the release of this series, the interest of the general public has been piqued and there has been an outcry against many of these establishments. Again, living in proximity to a refuge that bears more than a passing resemblance to several of the institutions demonized by “Tiger King” will not do anything to help our property value. I cannot think of any rational human who would want to willingly live next door to someone they associate with Joe Exotic.

Similarly, this calls to mind the events of April 20, 2017 in Elbert County, Colorado. On that day, the proprietors of Lion’s Gate Animal Sanctuary euthanized all of their rescued animals because their permit to move their facility was denied. The permits of Reborn Animal Sanctuary must be reevaluated in 5 years. Do they have a contingency plan in place for the safety and care of the animals should the permit be denied? Also, they survive solely on donations from the general public. Economists have recently forecasted a severe economic downturn that may result in a deep recession or depression. Does Reborn Animal Refuge have a plan in place should funding dry up due to a decrease in donations?

After Adams County received the first batch of public comments, Reborn Animal Refuge was encouraged to make contact with its neighbors and answer questions to clear up concerns. That was over a year ago and my neighbors and I have only been met with silence (aside from the ceaseless construction noise). Barring the belligerent trespassers I mentioned in my first letter, I have had no communication from Reborn Animal Refuge, despite the fact we share a property line. It goes without saying that the lack of open communication has not done much to improve their perception in the neighborhood. When added to the increase in traffic, odor, and myriad safety concerns, I can objectively say that Reborn Animal Refuge is not “harmonious with the character of the neighborhood”. The only outcomes of their presence in this area is a significant decrease in home values and quality of life for residents. The primary reason most people move to this rural area is for peace, quiet and isolation. With this animal refuge as part of our neighborhood, I fear that these benefits will soon be gone. When we moved to this area, we did not dream that we would ever consider having a contingency plan in place due to the possibility of an escaped bear. I reiterate emphatically once again that Reborn Animal Refuge is not appropriate for this area.

Sincerely,

A concerned neighbor



P.O.Box 968 Wylie TX 75098

as seen on [Discovery](#) channel

June 22, 2010

Ref case #: RCU2019-00006/RebornAnimalRefuge

To whom it may concern:

My name is Chemyn Reaney, and I am currently the Assistant Volunteer Coordinator at In-Sync Exotics Wildlife Rescue & Educational Center in Wylie, Texas. We are a non-profit wildlife sanctuary, specializing in exotic cats. We currently house over 70 cats including tigers, lions, leopards, cougars, cheetahs, lynx, bobcats and servals. I have been with the organization for 16 years and served on the Board of Directors for 13 years.

Brett Kenschaft was a full-time Animal Keeper and then a volunteer with us from January of 2017 through August of 2018, when he moved back to Colorado. He was an excellent member of our team, and strictly followed all our extensive safety protocols. He also trained new team members on safety and animal-care.

We are verified by the Global Federation of Animal Sanctuaries, as Reborn Animal Refuge will be. GFAS has very strict requirements, including safety protocols, policies and training, in addition to strict animal care standards. Sanctuaries that are verified by GFAS are the best in the world, with excellent safety records.

If you have any questions or would like additional information, please contact me at creaney@insyncexotics.com or 817-312-6069.

Sincerely,

Chemyn Reaney
In-Sync Exotics Wildlife Rescue & Educational Center

In-Sync Exotics is a 501-C-3 Non-Profit Corporation – Texas charter: # 01577341
USDA License #: 74-C0043 – Phone: 972-442-6888 – Fax: 972-442-4137
Email: insyncexotics@aol.com Web Site: insyncexotics.com

IN MEMORY OF KENYA



Strasburg Veterinary Clinic

Reed A. Hanks, DVM
Luisa M. Taylor, DVM
Judith A. Vetter, DVM
Anna Jensen, DVM
Shireen Zolghadri, DVM
Alison Bush, DVM

June 24, 2020

To whom it may concern,

I am writing on behalf of Strasburg Veterinary Clinic, who provides primary care for Reborn Animal Rescue (Case # RCU2019-00006/rebornanimalrefuge). Our clinic has been working with Reborn for 1 year providing care to cattle, goats, sheep and horses. It has been a pleasure working with the rescue and all the employees during this time. The staff at this rescue goes above and beyond with animal care and are always eager to learn proper nutrition, husbandry and medicine of each species brought onto the property. The facility is very well maintained, and animals have plenty of space, food, shelter and enrichment activities. Current animals on the property receive high quality feeds and are up to date on preventative care including vaccines, deworming and dentistry. Reborn has always been quick to address any potential illness in their animals and carefully monitors each case in a detail oriented and compassionate manner. I believe Reborn Animal Sanctuary would be a great new home for any creature in need. Please do not hesitate to contact me with any question or concerns regarding this case.

Sincerely,


Anna Jensen, DVM

From: [Ricki Hart](#)
To: [Jen Rutter](#)
Subject: Ref case #: RCU2019-00006/RebornAnimalRefuge
Date: Wednesday, June 24, 2020 10:32:16 AM

Please be cautious: This email was sent from outside Adams County

This email is in reference to my knowledge of Brett Kenschaft's experience with sanctuary work. He was a volunteer and staff member at In Sync Exotics Wildlife Rescue & Educational Center in Wylie, Texas when I was a volunteer there. He was there from January of 2017 until August of 2018 when he moved back to Colorado. I have been a volunteer there for 16 years doing animal care and enrichment, starting our annual Children's Camp and doing off site presentations to schools and other organizations. We are a non-profit wildlife sanctuary currently housing 70 exotic cats including tigers, lions, servals, bobcats, cheetahs, cougars, leopards and lynx.

Brett was an excellent addition to our volunteer program and then our staff. He followed all of our very extensive safety protocols without a hitch and was highly valued as a trainer of new members because of his thoroughness and knowledge of our procedures.

We are proud to be verified by the Global Federation of Animal Sanctuaries as they only verify the best sanctuaries in the United States. They have very strict requirements and Reborn Animal Sanctuary will also be verified by them. That means the best in safety protocols and animal care standards and excellent safety records.

Ricki Hart rickihart43@yahoo.com Saving one animal may not change the world, but surely, for that one animal, the world will change forever! www.insyncexotics.org www.facebook.com/insyncexotics

From: [Susan Merriman](#)
To: [Jen Rutter](#)
Subject: Sanctuary
Date: Wednesday, June 24, 2020 3:19:07 PM

Please be cautious: This email was sent from outside Adams County

I don't disagree or agree having a sanctuary close by. I have concerns pertaining to how close it is to families and families with children and their safety. Concerns of animals that become at large from their quarantine areas. What is their protocol for the safety of the community around the sanctuary and how is it the community informed. Concerns of high traffic destruction of the roads and maintenance of the road along with entering personal property areas. Also growing hemp on the Sanctuary ; is hemp being grown for profit for the sanctuary or personal use. Concerns for animal Waste, how is it collected, stored and discarded. Also will this sanctuary increase wild life; increase of coyotes ect. with families that have pets, and farm live stock. Concerns pertaining to property value around this area along with property taxes. Also will there be personnel on site 24 hours, seven days a week and year-round.

From: [Robin White](#)
To: [Jen Rutter](#)
Subject: Support for Reborn Animal Refuge, Case Number RCU2019-00006/RebornAnimalRefuge
Date: Tuesday, June 23, 2020 10:51:23 AM

Please be cautious: This email was sent from outside Adams County

In regards to case number RCU2019-00006/RebornAnimalRefuge, I'm in support of RebornAnimal Refuge.

Best,
Robin White



Request for Comments

Case Name: Reborn Animal Refuge
Project Number: RCU2019-00006

February 8, 2019

The Adams County Planning Commission is requesting comments on the following request: **Conditional use permit application to allow an animal refuge in the Agricultural-3 (A-3) zone district.**

This request is located at 61101 East 112th Avenue. The Assessor's Parcel Number is 0173100000104.

Applicant Information: Alicia Williams
16519 Essex Road North
Platteville, CO 80651

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216, or call (720) 523-6800 by 03/01/2019 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to GJBarnes@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you for your information upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Greg Barnes
Case Manager



Request for Comments

Case Name: Reborn Animal Refuge Wildlife Sanctuary
Case Number: RCU2019-00006

January 24, 2020

The Adams County Planning Commission is requesting comments on the following application: **conditional use permit for an animal refuge in the Agricultural-3 (A-3) zone district**. If you have previously provided comments on this case, your comments are already on the public record. You may amend your comments at any time. This request is located at 61101 E 112th Avenue. The Assessor's Parcel Number is 0173100000104.

Applicant Information: ARMANDO MARTIN
16519 ESSEX RD N
PLATTEVILLE, CO 80651

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by 03/20/2019 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to GJBarnes@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Greg Barnes



Public Hearing Notification

Case Name:	Reborn Animal Refuge
Case Number:	RCU2019-00006
Planning Commission Hearing Date:	Thursday, June 25, 2020 at 6:00 p.m.
Board of County Commissioners Hearing Date:	Tuesday, July 14, 2020 at 9:30 a.m.

May 29, 2020

A public hearing has been set by the Adams County Planning Commission and the Board of County Commissioners to consider the following request: Conditional use permit for an animal refuge in the Agricultural-3 (A-3) zone district. The Assessor's Parcel Number is 0173100000104, and the address is 61101 East 112th Avenue.

Applicant Information: Alicia Williams
Reborn Animal Refuge
16519 Essex Rd N
Platteville, CO 80651

The Planning Commission meeting will be held virtually using the Zoom video conferencing software and members of the public will be able to submit comments prior to the start of the public hearing that will then be entered into the record. For instructions on how to access the public hearing via telephone or internet, or to submit comment, please visit <http://www.adcogov.org/planning-commission> for up to date information.

The Board of County Commissioners meeting is broadcast live on the Adams County YouTube channel and members of the public will be able to submit comments prior to the start of the public hearing that will then be entered into the record. The eComment period opens when the agenda is published and closes at 4:30 p.m. the Monday prior to the noticed meeting. For instructions on how to access the public hearing and submit comments, please visit <http://www.adcogov.org/bocc> for up to date information.

These will be public hearings and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. The full text of the proposed request and

additional colored maps can be obtained by accessing the Adams County Community and Economic Development Department website at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

A handwritten signature in black ink, appearing to read "Greg Barnes". The signature is written in a cursive style with a large initial "G".

Greg Barnes

Planner III

gjbarnes@adcogov.org

(720) 523-6853



Referral Listing
Case Number RCU2019-00006
Reborn Animal Refuge Wildlife Sanctuary

Agency

Contact Information

Adams County Attorney's Office

Christine Fitch
CFitch@adcogov.org
4430 S Adams County Pkwy
Brighton CO 80601
720-523-6352

Adams County CEDD Development Services Engineer

Devt. Services Engineering
4430 S. Adams County Pkwy.
Brighton CO 80601
720-523-6800

Adams County CEDD Environmental Services Division

Jen Rutter
4430 S Adams County Pkwy
Brighton CO 80601
720-523-6841
jrutter@adcogov.org

Adams County CEDD Right-of-Way

Marissa Hillje
4430 S. Adams County Pkwy.
Brighton CO 80601
720-523-6837
mhillje@adcogov.org

Adams County Development Services - Building

Justin Blair
4430 S Adams County Pkwy
Brighton CO 80601
720-523-6825
JBlair@adcogov.org

Adams County Parks and Open Space Department

Aaron Clark
mpedrucci@adcogov.org
(303) 637-8005
aclark@adcogov.org

Adams County Sheriff's Office: SO-HQ

Rick Reigenborn
(303) 654-1850
rreigenborn@adcogov.org

Adams County Sheriff's Office: SO-SUB

SCOTT MILLER
720-322-1115
smiller@adcogov.org

CDPHE

Sean Hackett
4300 S Cherry Creek Dr
Denver CO 80246
303.692.3662
sean.hackett@state.co.us

303.691.7702

Agency

Contact Information

CDPHE	Sean Hackett 4300 S Cherry Creek Dr Denver CO 80246 303.692.3662 sean.hackett@state.co.us
CDPHE	Sean Hackett 4300 S Cherry Creek Dr Denver CO 80246 30 sean.hackett@state.co.us
CDPHE - AIR QUALITY	Richard Coffin 4300 CHERRY CREEK DRIVE SOUTH DENVER CO 80246-1530 303.692.3127 richard.coffin@state.co.us
CDPHE - WATER QUALITY PROTECTION SECT	Patrick Pfaltzgraff 4300 CHERRY CREEK DRIVE SOUTH WQCD-B2 DENVER CO 80246-1530 303-692-3509 patrick.j.pfaltzgraff@state.co.us
CDPHE SOLID WASTE UNIT	Andy Todd 4300 CHERRY CREEK DR SOUTH HMWMD-CP-B2 DENVER CO 80246-1530 303.691.4049 Andrew.Todd@state.co.us
Century Link, Inc	Brandyn Wiedreich 5325 Zuni St, Rm 728 Denver CO 80221 720-578-3724 720-245-0029 brandyn.wiedrich@centurylink.com
Code Compliance Supervisor	Eric Guenther eguenther@adcogov.org 720-523-6856 eguenther@adcogov.org
COLORADO DIVISION OF WILDLIFE	Eliza Hunholz Northeast Regional Engineer 6060 BROADWAY DENVER CO 80216-1000 303-291-7454 eliza.hunholz@state.co.us
COLORADO DIVISION OF WILDLIFE	Serena Rocksund 6060 BROADWAY DENVER CO 80216 3039471798 serena.rocksund@state.co.us

Agency

Contact Information

COMCAST

JOE LOWE
8490 N UMITILLA ST
FEDERAL HEIGHTS CO 80260
303-603-5039
thomas_lowe@cable.comcast.com

Intermountain Rural Electric Asso - IREA

Brooks Kaufman
PO Box Drawer A
5496 North US Hwy 85
Sedalia CO 80135
303-688-3100 x105
bkaufman@intermountain-rea.com

MORGAN COUNTY RURAL ELECTRIC

KEVIN MARTENS
P.O. BOX 738
FORT MORGAN CO 80701-0738
970-867-5688
kmartens@mcrea.org

NS - Code Compliance

Gail Moon
gmoon@adcogov.org
720.523.6833
gmoon@adcogov.org

STRASBURG FIRE PROTECTION DIST #8

GERRI VENTURA
PO BOX 911
STRASBURG CO 80136
303-622-4814
gventura@svfd8.org

STRASBURG PARKS AND REC DIST.

Angie Graf
P.O. BOX 118
STRASBURG CO 80136
(303) 622-4260
angie@strasburgparks.org

STRASBURG SCHOOL DISTRICT 31J

Monica Johnson
56729 E Colorado Ave
STRASBURG CO 80136
303-622-9211
mjohnson@strasburg31j.org

TRI-COUNTY HEALTH DEPARTMENT

MONTE DEATRICH
4201 E. 72ND AVENUE SUITE D
COMMERCE CITY CO 80022
(303) 288-6816
mdeatrich@tchd.org

TRI-COUNTY HEALTH DEPARTMENT

Sheila Lynch
6162 S WILLOW DR, SUITE 100
GREENWOOD VILLAGE CO 80111
720-200-1571
landuse@tchd.org

Tri-County Health: Mail CHECK to Sheila Lynch

Tri-County Health
landuse@tchd.org
.

Agency

Contact Information

Xcel Energy

Donna George
1123 W 3rd Ave
DENVER CO 80223
303-571-3306
Donna.L.George@xcelenergy.com

ARNOLD DALE L AND
ARNOLD BONNIE L
10655 HEADLIGHT RD
STRASBURG CO 80136-8703

LINNEBUR JOHN E
42891 WCR NO. 4
ROGGEN CO 80652

ARNOLD TROY AND
ARNOLD TAMMY
60001 E 112TH
STRASBURG CO 80136

MCMAINS JEAN L AND
JENSON DAVID KEITH
5755 S TRUCKEE CT
AURORA CO 80015-5914

BLACK GOLD ANGUS RANCH LLC
60370 E 104TH AVE
STRASBURG CO 80136-8715

MERRIMAN ROLLIE D AND
MERRIMAN SUSAN J
11890 VICKIEVIEW ST
STRASBURG CO 80136

BLPJ ENTERPRISES LLC
6162 S POPLAR ST
CENTENNIAL CO 80111-4518

MONTOYA NATLEE JO AND BOONE MICHAEL D AND
MONTOYA PEARL
12181 APPLEWOOD CT
BROOMFIELD CO 80020-7982

CHRISTENSEN KAYLA D
CHRISTENSEN FRANK J
695 S 1ST AVE
BRIGHTON CO 80601-3003

NEW DIRECTION IRA INC FBO ARMANDO L MARTIN I
RA
1070 W CENTURY DR STE 101
LOUISVILLE CO 80027-1657

CMH HOMES INC
5000 CLAYTON RD
MARYVILLE TN 37804-5550

PARKER JAMES H SR ET AL
13115 PENSACOLA PL
DENVER CO 80239-3715

COLORADO STATE LAND
5312 W 9TH ST STE 130
GREELEY CO 80634-4438

PASSMEBY ROAD REVOCABLE TRUST
1312 17TH ST UNIT 128
DENVER CO 80202-1508

HERRERA VICTOR AND
HERRERA YAJAHIRA
1355 PITKIN ST
AURORA CO 80011-7714

PERSON JOHN F AND
PERSON JANIE L
2991 ECLECTIC CT
WATKINS CO 80137-7117

KORODY KAREN
345 WELLINGTON ST
NORTHGLENN CO 80234

SANTILLANA LORI T AND
SANTILLANA ROBERT
1400 QUEEN ELAINE DR
CASSELBERRY FL 32707-3934

L AND L LAND CO
47500 E 144TH AVE
BENNETT CO 80102

BALDWIN TIMOTHY L AND
CHOIN CAROL A
OR CURRENT RESIDENT
11698 ROXBURG ST
STRASBURG CO 80136-8716

BAUGHMAN EDWARD R AND
BAUGHMAN MARLA
OR CURRENT RESIDENT
11809 PASS ME BY RD
STRASBURG CO 80136

MURDOCH DEAN F AND
MURDOCH LAURIE ANN
OR CURRENT RESIDENT
12033 PASS ME BY RD
STRASBURG CO 80136-8900

CAIN EDWARD MICHAEL/SHARON LEE CO TRUSTEES
OF THE CAIN RESIDENCE TRUST THE
OR CURRENT RESIDENT
11700 VICKIVIEW ST
STRASBURG CO 80136-8725

PITTS RICH AND
PITTS WENDY
OR CURRENT RESIDENT
11959 PASS ME BY RD
STRASBURG CO 80136-8929

CHAVEZ ERIKA AND
CARDENAS JUAN
OR CURRENT RESIDENT
11885 PASS ME BY RD
STRASBURG CO 80136-8933

REPOSA APRIL M
OR CURRENT RESIDENT
11897 ROXBURG ST
STRASBURG CO 80136

CHRIS TODD A
OR CURRENT RESIDENT
60893 E 114TH AVE
STRASBURG CO 80136

RIGGENBACH JONATHAN AND
RIGGENBACH JENNIFER L
OR CURRENT RESIDENT
11900 ROXBURG ST
STRASBURG CO 80136-8711

FONTES JOHN B AND
FONTES CAROL L
OR CURRENT RESIDENT
61641 E 112TH AVE
STRASBURG CO 80136-8701

SCHMIDT FLORIAN AND
SCHMIDT SONJA
OR CURRENT RESIDENT
60885 E 112TH AVE
STRASBURG CO 80136

HEITER SHANE
OR CURRENT RESIDENT
11500 VICKIVIEW ST
STRASBURG CO 80136-8738

ZAMUDIO JAVIER
OR CURRENT RESIDENT
11661 PASS ME BY RD
STRASBURG CO 80136-8928

HOGAN KELLY M
OR CURRENT RESIDENT
61103 E 114TH AVE
STRASBURG CO 80136-8704

ZILLES DONALD
OR CURRENT RESIDENT
11899 VICKIVIEW ST
STRASBURG CO 80136-8725

HOLLAND JUSTIN D
OR CURRENT RESIDENT
60301 E 112TH AVE
STRASBURG CO 80136-8700

CURRENT RESIDENT
59955 E 114TH AVE
STRASBURG CO 80136-8705

KOLLASCH TERRY L AND
KOLLASCH HEIDI HAUGEN
OR CURRENT RESIDENT
11505 ROXBURG ST
STRASBURG CO 80136

CURRENT RESIDENT
60001 E 112TH AVE
STRASBURG CO 80136-8706

MASON PHYLLIS N
OR CURRENT RESIDENT
11695 ROXBURG ST
STRASBURG CO 80136-8716

CURRENT RESIDENT
11898 ROXBURG ST
STRASBURG CO 80136-8711

CURRENT RESIDENT
11890 VICKIVIEW ST
STRASBURG CO 80136-8725

CURRENT RESIDENT
11697 VICKIVIEW ST
STRASBURG CO 80136-8738

CURRENT RESIDENT
12101 PASS ME BY RD
STRASBURG CO 80136-8900

CURRENT RESIDENT
11737 PASS ME BY RD
STRASBURG CO 80136-8931

CERTIFICATE OF POSTING



I, J. Gregory Barnes do hereby certify that I posted the property at 61101n E. 112th Avenue on June 5, 2020, in accordance with the requirements of the Adams County Development Standards and Regulations.

J. Gregory Barnes

Reborn Animal Refuge

RCU2019-00006

61101 E. 112th Avenue

July 14, 2020

Board of County Commissioners Public Hearing
Community and Economic Development Department

Case Manager: Greg Barnes



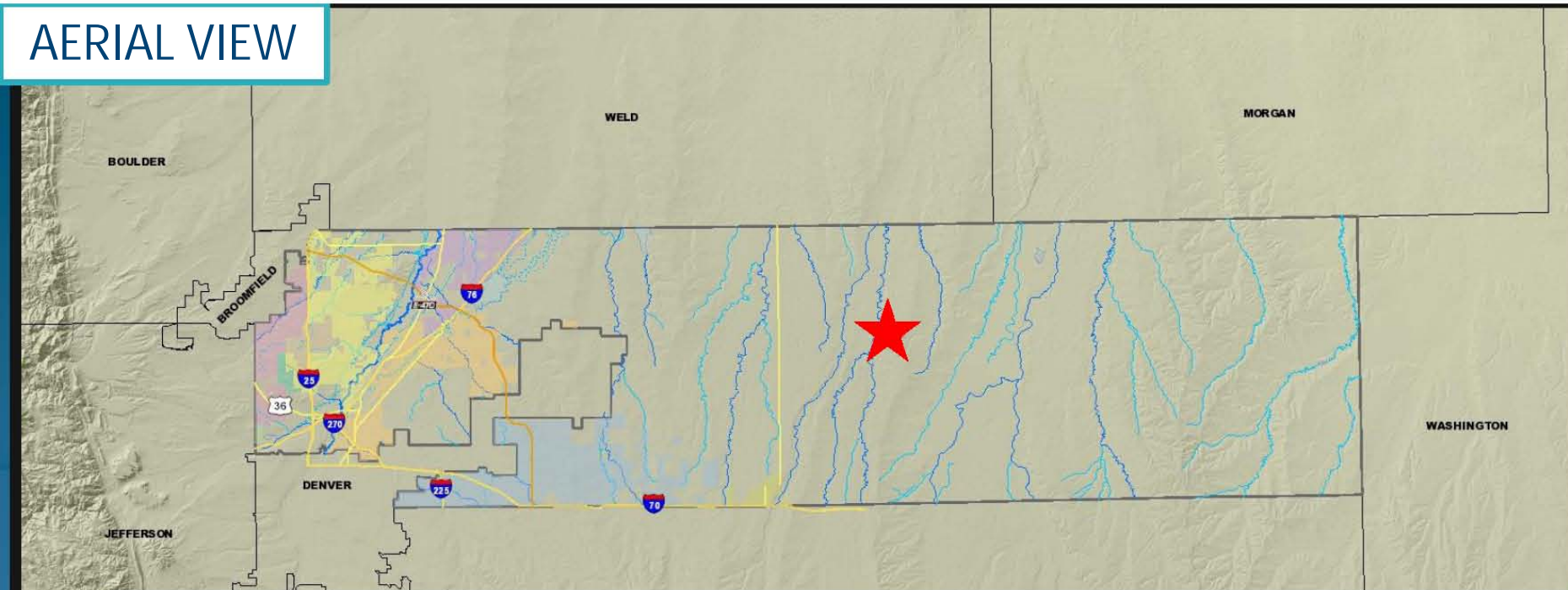
Request

Conditional Use Permit to allow an animal refuge in the Agricultural-3 (A-3) zone district.

Background

- Reborn Animal Refuge
 - Long-term, life care to animals
 - Not open to the public
 - CUP is NOT for exotic animals (non-native to Colorado)
 - These animals are not allowed
 - CUP for “animal refuge” - all species native to Colorado
 - Black Bear
 - Brown Bear
 - Mountain Lion
 - Lynx
 - Bobcat
 - Coyote
 - Wolf
 - Fox

AERIAL VIEW



Pass Me By Rd.

E. 112th Ave.

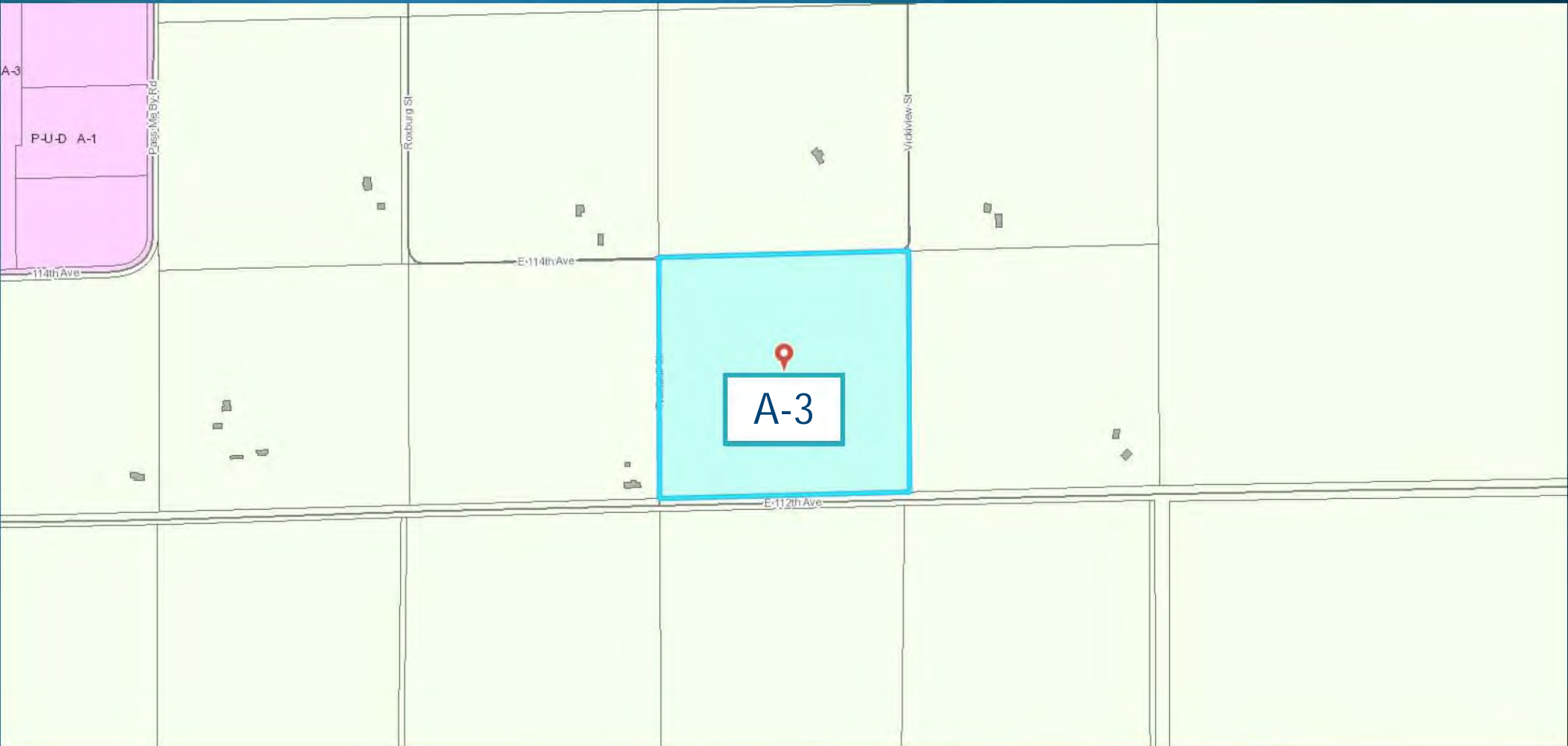
AERIAL CLOSE-UP



ZONING MAP

Agricultural-3 Zoning

- Very low density residential
- Intensive Agricultural Uses
- Minimum lot size 35 acres

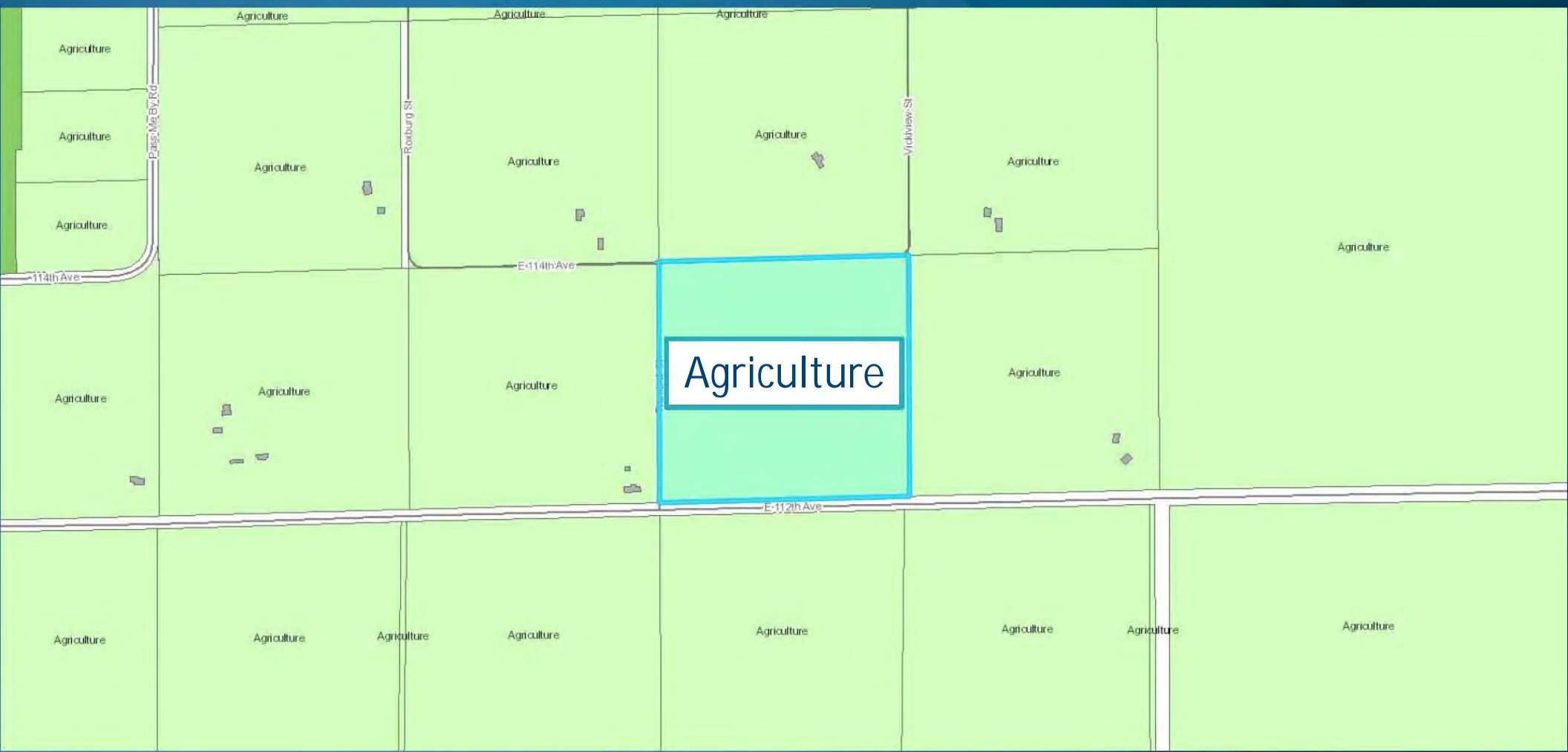


Agricultural-3 Zone District

- 35-acre minimum lot size
- Subject property is 40 acres
- Lowest density uses
- Intensive animal Keeping for agricultural uses

FUTURE LAND USE MAP

- ## Agriculture
- Very low density residential
 - Intensive Agricultural Uses
 - Land Preservation

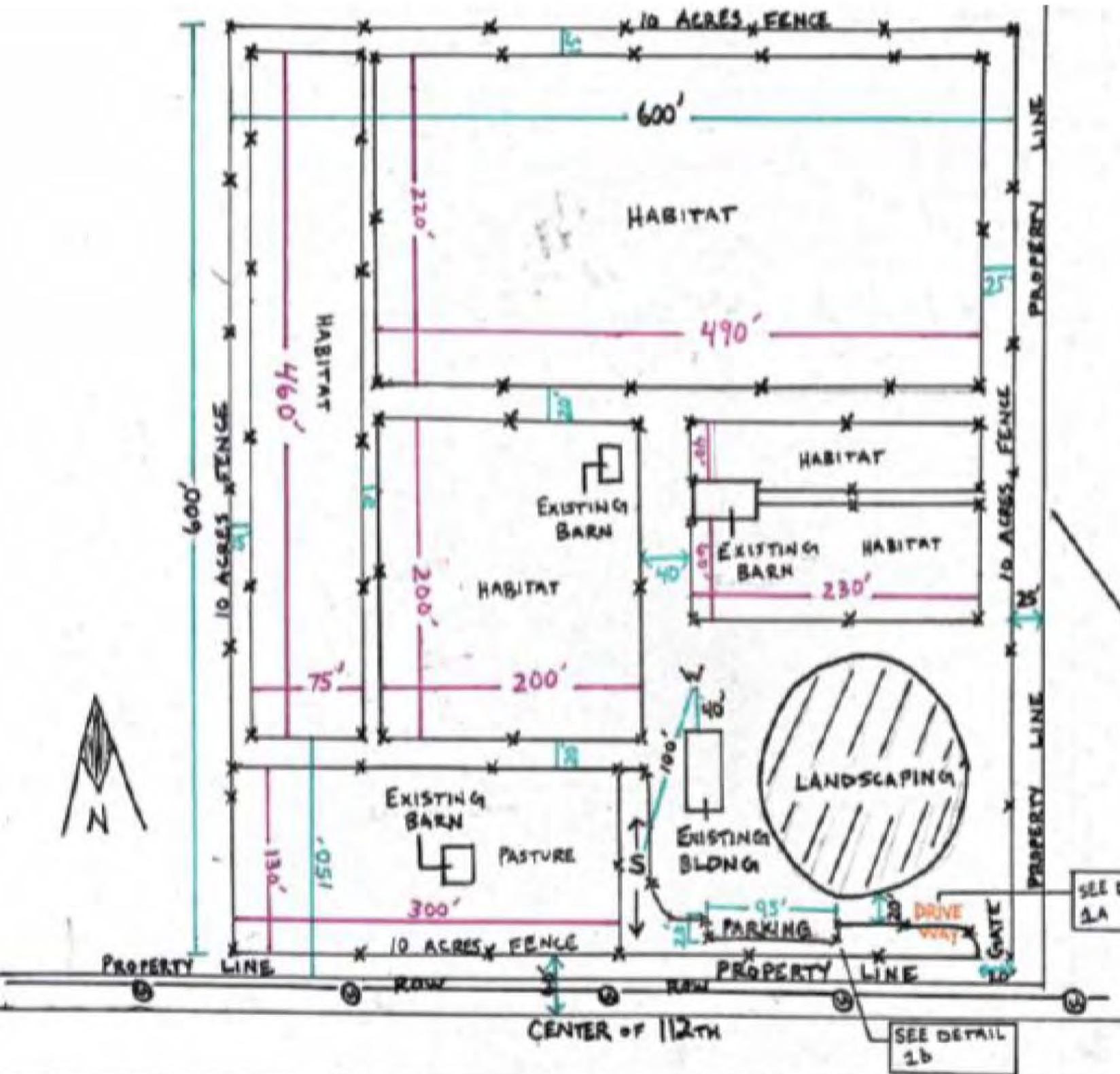


Criteria for Conditional Use

Section 2-02-09-06

1. Permitted in zone district
2. Consistent with purpose of regulations
3. Comply with performance standards
4. Harmonious & compatible
5. Addressed all off-site impacts
6. Site suitable for use
7. Site plan adequate for use
8. Adequate services

SITE PLAN



SEE DETAIL 2A

SEE DETAIL 2B



Small Creek/ Pond

Enrichment areas consists or posts, decks, culverts

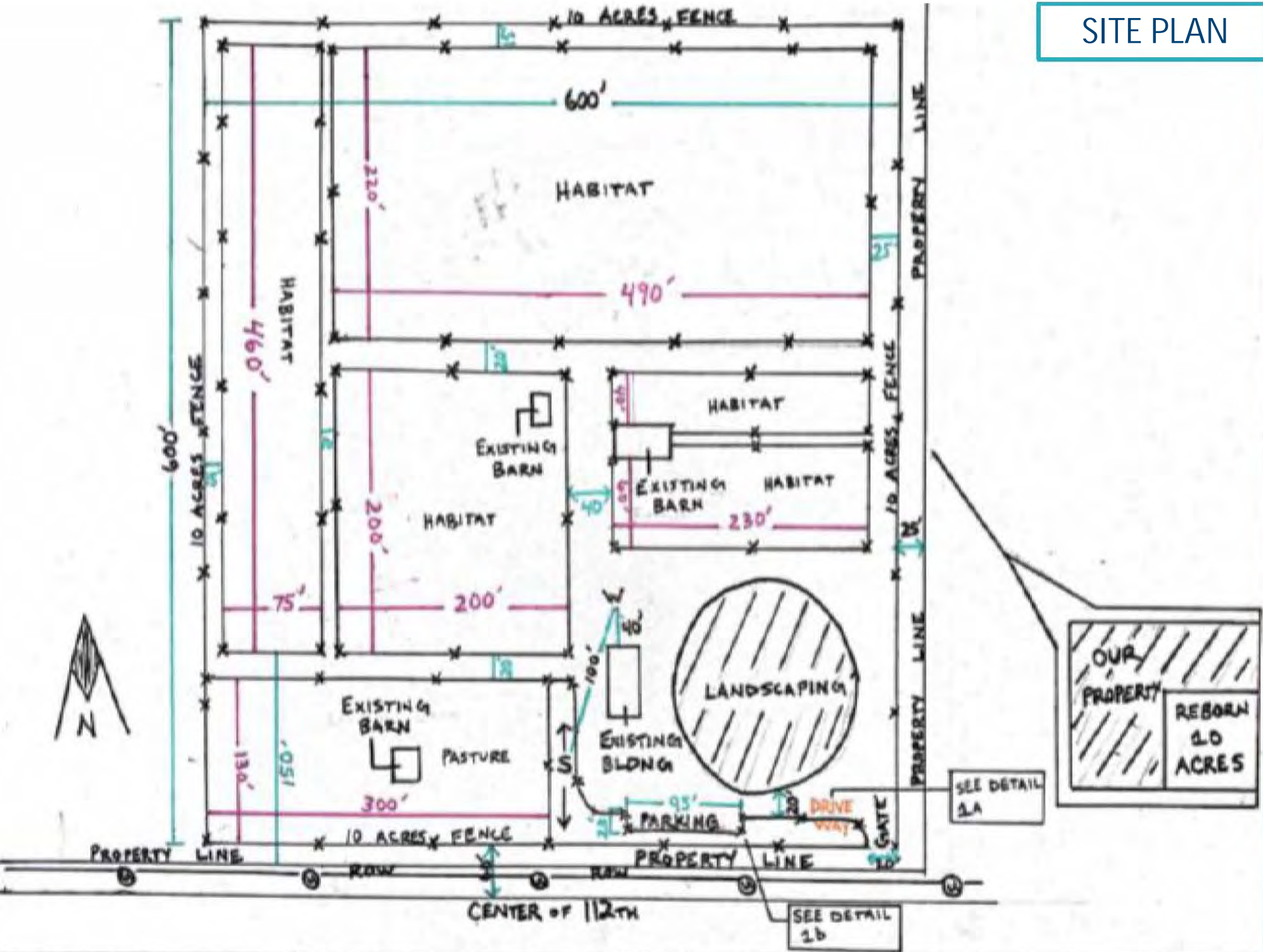
Underground den

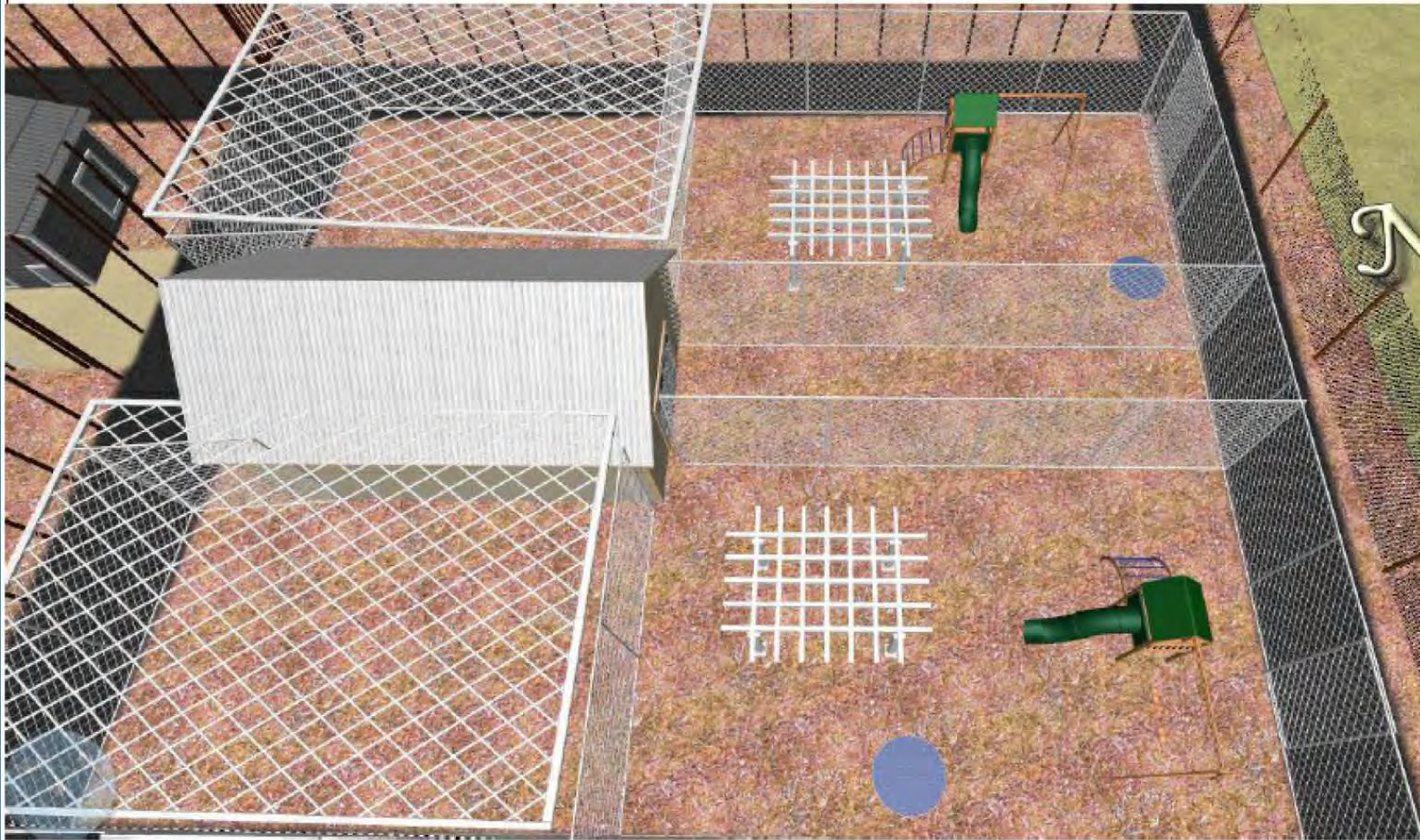
Above ground shelter inside separate lockout from habitat

12' high tensile field fence

8 runs of electrified wire

SITE PLAN





Two separate fully enclosed lockouts with indoor outdoor access

Lockouts comprised of 6 gauge paneling with guillotine doors

One center aisle barn with separate lockouts inside

Two habitats each has:

12' high tensile field fence

8 runs of electrified wire

Underground den

Enrichment structures

Shade structures

Water stock tanks

Fencing Design

- Coordinated with the Colorado Division of Parks and Wildlife
- Utility wood poles ranging from 8"-30" in diameter
- 4' below grade for 8' fencing
- 5' below grade for 12' fencing
- Every 4 posts concreted
- Every corner concreted















Referral Comments

Referral agencies

- Adams County Sheriff (no concerns)
- CDPHE (no concerns)
- CPW (operational conditions)
- TCHD (operational conditions)
- Xcel (no concerns)

Property owners and residents within 1 mile:

Notifications Sent	Comments Received
44	29

Referral Period

- Comments from 29 individuals or groups
 - 20 individuals provided comments supporting the use
 - All appear to be from individuals outside of notification area
 - 1 comment provided “no objection” nor concern of the use
 - Appears to be from individual inside the notification area
 - 8 comments with concern or objection to the use
 - All appear to be from individuals inside the notification area
 - Personal safety
 - Safety for neighboring animals
 - Perceived increase in traffic volumes
 - Perceived increase in noise
 - Potential for odor / waste management
 - Concern for the care of animals at the facility
 - Natural disaster planning / hazard mitigation
 - Perceived reduction in property values

Summary

- Staff determination is the request and the proposed use of the property is consistent with:
 - A-3 zone district is the appropriate district for this use
 - Request can reasonably conform to the purpose of the Development Standards
 - Off-Site impacts can be mitigated through conditions and operating procedures
 - Limited duration (five years) to allow reassessment after a trial period.

Planning Commission

Hearing: June 25, 2020

Concerns Noted: Emergency Alert System
 Financial Surety if Facility Closed

5-1 Vote for Approval

Recommendation

Approval of Conditional Use Permit (RCU2019-00006)
based on 8 Findings-of-Fact, 8 conditions, and 2
notes.

Recommended Conditions

1. This conditional use permit shall expire on July 14, 2025 (5 years).
2. The applicant shall comply with all the requirements of the Colorado Division of Natural Resources provided in their letter dated February 22, 2019.
3. The applicant shall comply with all the requirements of the Tri-County Health Department provided in their letter dated January 29, 2019.
4. The applicant shall always adhere to the Safety Standards and Protocols, as provided with this application.
5. Variations in fence height are permitted as part of this conditional use permit to be a maximum height of 12 feet in areas where additional security is needed to enclose animals.
6. At any given time, the facility shall limit care of animals to the following quantities: three large animals per acre of habitat area, five medium animals per acre of habitat area, and seven small animals per acre of habitat area. The categorization for these animals is as follows: Large – Bears; Medium – Wolves and Mountain Lions; Small – Foxes, Bobcats, Lynxes, and Coyotes. Animals that are permitted as livestock by the Adams County Development Standards are not the subject of this conditional use permit and therefore are not subject to these conditions.
7. Perimeter fencing around the site shall be posted with “No Trespassing” signs spaced at a minimum of every 100 linear feet along the exterior of the fencing.
8. The applicant shall establish a notification procedure for property owners and residents within one half-mile of the facility.

Recommended Note

1. This conditional use permit shall expire within one year (July 14, 2021), if a building permit is not obtained for the development.
2. All applicable building, zoning, health, engineering, and fire codes shall be adhered to with this request.



COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT

CASE NAME: HENDERSON AGGREGATES PIT
CASE NO.: EXG2019-00002

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- 3.3 Roadway Maintenance Plan

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- 4.3 Referral Comments (CDPHE)
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Exhibit 6- Associated Case Materials

- 6.1 Certificate of Posting
- 6.2 Neighborhood Meeting Summary
- 6.3 Request for Comments
- 6.4 Public Hearing Notice
- 6.5 External Referral Agency Labels
- 6.6 Property Owner Labels
- 6.7 Posting Certificate



**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
STAFF REPORT**

Board of County Commissioners

July 14, 2020

CASE No.: EXG2019-00002	CASE NAME: Henderson Aggregates Pit Expansion
Owner's Name:	Henderson Aggregates, Ltd.
Applicant's Name:	Ben Frei, Henderson Aggregates, Ltd.
Applicant's Address:	7321 E. 88 th Avenue, Suite 100, Henderson, CO 80640
Location of Request:	50000 E. 72 nd Avenue, Bennett, CO 80102
Parcel Numbers:	0181500000401, 0181502100002, and 0181500000337
Nature of Request:	Conditional Use Permit to expand existing mining operations (extraction) use.
Zone District:	Agricultural-3 (A-3)
Site Size:	± 129.15 acres
Proposed Uses:	Extraction and Disposal (gravel mine)
Hearing Date(s):	PC: June 25, 2020 / 6:00 p.m. BoCC: July 14, 2020 / 9:30 a.m.
Report Date:	June 18, 2020
Case Manager:	Greg Barnes
PC Recommendation:	APPROVAL with 8 Findings-of-Fact, 6 Conditions Precedent, 22 conditions, and 2 notes.

SUMMARY OF PREVIOUS APPLICATIONS

On June 25, 2001, the Board of County Commission (BoCC) approved a conditional use permit (EXG2001-00004) application for a gravel mining operation on one of the three subject properties (parcel number: 0181500000401) for a period of five years. On March 13, 2006, the BoCC approved an extension of the use (EXG2005-00006) for a period of ten years. On March 8, 2016, the BoCC approved another extension of the use for an additional ten years. In addition, an inert fill operation was approved on the site with the conditional use permit extension (RCU2015-00041). The other two parcels that are part of the subject application (Parcel numbers 0181500000337 and 0181502100002) were not included in the previous requests.

SUMMARY OF APPLICATION

Background:

Ben Frei of Henderson Aggregates, Ltd. has filed an application for a conditional use permit to expand the existing extraction (gravel mining) operations at 50000 East 72nd Avenue. The site (known as Henderson Aggregates Pit) is located east of Highway 79 and south of East 72nd Avenue. The gravel mining operation was formerly owned by David Lincoln and was previously known as Bennett Sand & Gravel. Henderson Aggregates, Ltd. acquired the gravel mine subsequent to the most recent conditional use permit approval in 2016. The operation is considered dry alluvial mining and has no exposure to groundwater. The proposed request, if approved, will allow mining activities in the area to continue for another ten years to 2030.

This request is to expand an existing gravel mine operation (extraction use) in the area to two adjacent parcels (0181502100002, and 0181500000337) on the northern side of the mine. In conjunction with this conditional use permit application, a land survey plat has been filed with Adams County to combine all three parcels into a single 129-acre parcel.

Site Characteristics:

The site is approximately four miles northeast of the Town of Bennett, and approximately one mile southeast of the intersection of State Highway 79 and East 72nd Avenue. Truck traffic out of the mine will enter East 72nd Avenue at its intersection with Provost Road. Traffic would then travel westbound for approximately one mile to reach Highway 79. The three subject properties are approximately 129 acres and a land survey plat has been filed combining them into a single parcel. Currently, the site is accessed through a private driveway that runs from intersection of East 72nd Avenue and Provost Road on the northeast corner of the site. East 64th Avenue dead-ends into the southwestern corner of the site, however there is no access into the site from East 64th Avenue, and no truck traffic in and out of the mine will be traveling on this public roadway.

The southeastern corner of the site is located within a 100-year floodplain. The Kiowa Creek meanders through the southeastern portion of the site. The proposed mining activity will not encroach into this floodplain.

Development Standards and Regulations Requirements:

Per Section 11-02-198 of the County's Development Standards and Regulations, the subject request is classified as an Extraction and Disposal Use. In accordance with Section 3-07-01 of the Development Standards and Regulations, a Conditional Use Permit is required for the operation of an Extraction and Disposal Use in the A-3 zone district.

Per Section 3-10-01 of the County's Development Standards and Regulations, the purpose of the A-3 zone district is to provide land primarily in holdings of at least thirty-five (35) acres for dryland or irrigated farming, or other related food production uses. Due to the temporary nature of the use, and sparse density of surrounding developments, the subject request will not

substantially impact surrounding development. All the surrounding properties to the site are also zoned A-3.

Performance standards for mining extraction uses are defined in Section 4-10-02-03 of the County’s Development Standards and Regulations. These standards include approval by the Colorado Department of Natural Resources, approval of a mining plan and a reclamation plan, and methods for preventing insect breeding in pools and puddles of stagnant water. The applicants have addressed all these standards in their application, and full compliance is expected. A reclamation plan was submitted to the County with this application and reviewed by staff. Reclamation of the site will include filling of the mined areas, grading, and re-vegetation with non-irrigated grasses. Mosquito control measures are addressed in the Design and Operations Plan as well (see Exhibit 2.2), and standing water is expected to be managed within 4-14 days with increased evaporation strategies.

Future Land Use Designation:

The Future Land Use Designation on the property is Agriculture. Per Chapter 5 of the County’s Comprehensive Plan, the purpose of the Agriculture Land Use is to preserve areas for long-term farming, conserve environmentally sensitive areas, separate and define urban areas, prevent urban nuisance complaints, limit the extension of services where they are costly and difficult to provide, and conserve environmentally-sensitive areas. The subject request is temporary. Once the extraction use has been completed, the property is expected to be reclaimed into usable land. Reclamation of the site will include placement and seeding of cover material over fill areas.

Surrounding Zoning Designations and Existing Use Activity:

Northwest A-3 Vacant/Agricultural	North A-3 Residential/Agricultural	Northeast A-3 Residential/Agricultural
West A-3 Residential/Agricultural	Subject Property A-3 Extraction	East A-3 Residential/Agricultural
Southwest A-3 Residential/Agricultural	South A-3 Vacant/Agricultural	Southeast A-3 Residential/Agricultural

Compatibility with the Surrounding Land Uses:

All the surrounding properties are used residentially, agriculturally, or are vacant. These properties range in size from 35-316 acres. The closest dwelling unit to the subject site is approximately 150 feet to the west of the mine. Existing extraction activities on the property have been ongoing since 2001.

Although the previous mine operator had no history of complaints to Adams County, the current mine operator has received several complaints from neighbors of this operation. These complaints included dust, traffic volume and safety, and diminishing road quality of East 72nd

Avenue. Henderson Aggregates, Ltd. has responded to these concerns by entering into an agreement with Adams County to allow for the applicant to make improvements to East 72nd Avenue to mitigate these concerns. The applicants entered into a Roadway Maintenance Agreement with Adams County in October 2019. In addition, a deceleration lane is planned for Highway 79 traffic turning eastbound on East 72nd Avenue.

PLANNING COMMISSION UPDATE:

The Planning Commission considered this case on June 25, 2020. The applicant was present for the hearing. All public comments that were received by staff before 3 p.m. on June 25, 2020 were shared with the Planning Commission and posted on the County’s web site for public viewing. Any comments received after this deadline were read into the record at the hearing.

During the hearing, the Planning Commission expressed concern with the hours of operation for the facility. The applicant agreed that the hours of operation were excessive during most times, however the flexibility to perform later hours during an emergency were needed. The applicant and the Planning Commission agreed to 6 a.m. to 8 p.m. with an option for increased hours to be granted on a case-by-case basis by the County.

The Planning Commission forwarded this request to the Board of County Commissioners with a recommendation of approval by a 5-1 vote, which included a modification to the condition regulating the hours of operation.

RECOMMENDATION:

It is staff’s determination that the request is consistent with the surrounding area, will not be detrimental to development of surrounding property; therefore, staff is recommending approval of the request with 8 findings-of-fact, 6 conditions precedent, 22 conditions, and 2 notes.

Findings-of-Fact:

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations
3. The conditional use will comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.

8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

RECOMMENDED CONDITIONS OF APPROVAL

Recommended Conditions Precedent:

1. The applicant shall obtain and provide to Adams County all required and approved DRMS permits prior to commencing any mining activities at the site.
2. The applicant shall provide a copy of the final Groundwater Well Monitoring Plan as approved by DRMS.
3. The Applicant shall provide a copy of its APEN as submitted to Colorado Department of Public Health and Environment (CDPHE) for mining operations.
4. The applicant shall notify Adams County upon Notice of Startup form submission to the Air Pollution Control District as may be required by new or modified Construction Permit.
5. The applicant shall submit to Adams County its Mosquito Control Program as approved by Tri-County Health Department.
6. Mining on the newly added area shall not proceed until a “Notice to Proceed” is issued by Adams County Department of Community and Economic Development, after applicant has demonstrated all Conditions Precedent have been completed.

Recommended Conditions:

1. Applicant shall notify the County of all complaints from any well owner within 600 feet from the site boundary and necessary actions taken to address impacts within 30 days of filing such reports with DRMS. For subject wells put to beneficial use prior to commencement of mining activities, applicant will begin to implement one or more mitigation measures if mining and reclamation activity is determined to be a significant contributing factor to groundwater changes requiring mitigation.
2. Reclamation activities and sequential extraction of material shall be followed to keep the total disturbed areas at any one time to a minimum.
3. To minimize light pollution impact to active nocturnal or resting diurnal wildlife species, all site lights shall be motion-activated and downward directed-directed.
4. A setback buffer consisting of a minimum 50 feet from the riparian plant community along the length of Kiowa Creek shall be maintained and protected from mining activities in accordance with ACDSR Section 4-11-02-04-02.5.b.
5. As recommended in the Resources Review, the applicant shall conduct a raptor nest survey one week before disturbing any new area from April 1 through August 31. If raptor nests are found, vegetation shall not be removed as part of land disturbing activities. The applicant shall keep records of all nest survey results and make these available to the County upon request.
6. The applicant shall install a wind gauge, such as an anemometer, in the vicinity of mining and crushing operations to monitor wind speeds and shall cease both mining and crushing activities when wind speeds exceed a sustained 25 mph and when gusts exceed 35 mph occur. Records of cessation due to high winds shall be maintained on site for one year past the record date.

7. Fugitive dust control measures prescribed within the facility's Air Pollutant Emission Notice permit issued by CDPHE, must always be in place and functioning to ensure on-site visible emissions do not exceed 20% at any time. There must be no off-property transport of visible emissions.
8. Per the executed Roadway Maintenance Agreement between Adams County and AFS dated December 6, 2019, the applicant shall cooperate with the County to share the costs of repair, maintenance, and reconstruction for East 72nd Avenue.
9. An Annual Reclamation Report shall be submitted to Adams County by January 31st of each year. The Annual Report shall be the same report as is submitted to the DRMS
10. Aboveground petroleum storage tanks used for equipment fueling must be placed within secondary containment and meet applicable fire code requirements.
11. If fuel will be stored on this site:
 - a. All fuel storage at this site shall be provided with secondary containment, which complies with Division of Oil and Public Safety Storage Tank Regulations; and
 - b. Fueling areas shall be separated from the rest of the site's surface area, and protected from storm water; and
 - c. Applicant shall make available for review by its Spill Prevention, Control, and Countermeasures Plan.
12. All fluid spills such as hydraulic and oil from maintenance of equipment, shall be removed and disposed of at a facility permitted for such disposal.
13. The hours of operation shall be from 6:00 a.m. to 8:00 p.m, Monday-Saturday. If there is an emergency that requires material outside of the stated hours of operation, the applicant shall a written request to the Director of Community & Economic Development for an extension of operation hours. The Director of Community & Economic Development or his or her appointed designee shall provide a response within one business day.
14. This site is subject to inspections from Adams County staff, during reasonable working hours. Adams County may or may not give notice of an inspection prior to the inspection.
15. The Conditional Use Permit for extraction shall expire on July 14, 2030.
16. All haul trucks shall cover their loads pursuant to C.R.S. 42-4-1407, or as amended.
17. Kiowa Creek runs on a section of the southeastern corner of the property. The Applicant shall be required to continually evaluate and avoid erosion and encroachment of extraction activities to the bank of the river, and construct creek bank protection when necessary.
18. All rollers or mechanical equipment emitting high-pitched noises must be immediately replaced or repaired. Adams County will be the final arbitrator regarding the intensity of noise emitting from the conveyor system.
19. All applicable operational standards found in Sections 4-10-02-03, Extraction and Disposal Uses, and 4-13, Operational Standards, of the Adams County Development Standards and Regulations shall be followed.
20. All complaints received by the applicant concerning offsite impacts, and the resolution of those complaints, shall be conveyed to the Department of Community & Economic Development. Offsite impacts shall be responded to and resolved immediately by the applicant. Disputes concerning offsite impacts may be resolved by the Department of Community and Economic Development and may be justification for a Show Cause Hearing before the Adams County Board of County Commissioners.
21. The applicant shall comply with all the requirements of the Colorado Division of Parks and Wildlife provided in their letter dated September 2, 2019.

22. The applicant shall comply with all the requirements of the Tri-County Health Department provided in their letter dated December 30, 2019.

Recommended Note to Applicant

1. The applicant shall obtain a separate Conditional Use Permit for the concrete and aggregate recycling operations prior to commencement of those operations.
2. The applicant shall obtain a separate Conditional Use Permit for any inert filling operations beyond those approved by RCU2015-00041.

PUBLIC COMMENTS

Number of Property Owners Notified (1 Mile)	Number of Public Comments Received by Staff
63	10

At the time of application, Adams County notified all property owners and residents within one mile of the three subject properties. During the initial public referral period (August-September 2019), six comments were received. Five of those six commenters expressed dissatisfaction with the ongoing operations. These comments included concerns over traffic, air pollution, noise, hours of operation, and roadway damage. Since the initial referral period, the applicant entered into the Roadway Maintenance Agreement with the County and made improvements on East 72nd Avenue to mitigate dust and road damage concerns. Staff did not receive any further updates from the original five commenters until the cases were scheduled for public hearing. The additional commenter expressed dissatisfaction with the amount of right-of-way a deceleration lane on Highway 79 may cause along the frontage of their property. Since the case was scheduled for hearings, many of the original commenters have re-expressed their concerns and opposition to the case. Four new commenters provided feedback for the county since the cases were scheduled for hearings. Three letters of support were received, and one additional letter of concern or opposition. All comment letters have been included in this packet with this staff report.

COUNTY AGENCY COMMENTS

The County has recommended six conditions precedent and 22 conditions to mitigate off-site impacts of the operation. Significant improvements along East 72nd Avenue have been completed during the review of this application.

REFERRAL AGENCY COMMENTS

Staff sent the request to various referral agencies and there were no objections to the request. Several agencies recommended best management practices for the operation of the facility. Staff has recommended several conditions of approval to ensure compliance with these comments.

Responding with Concerns:

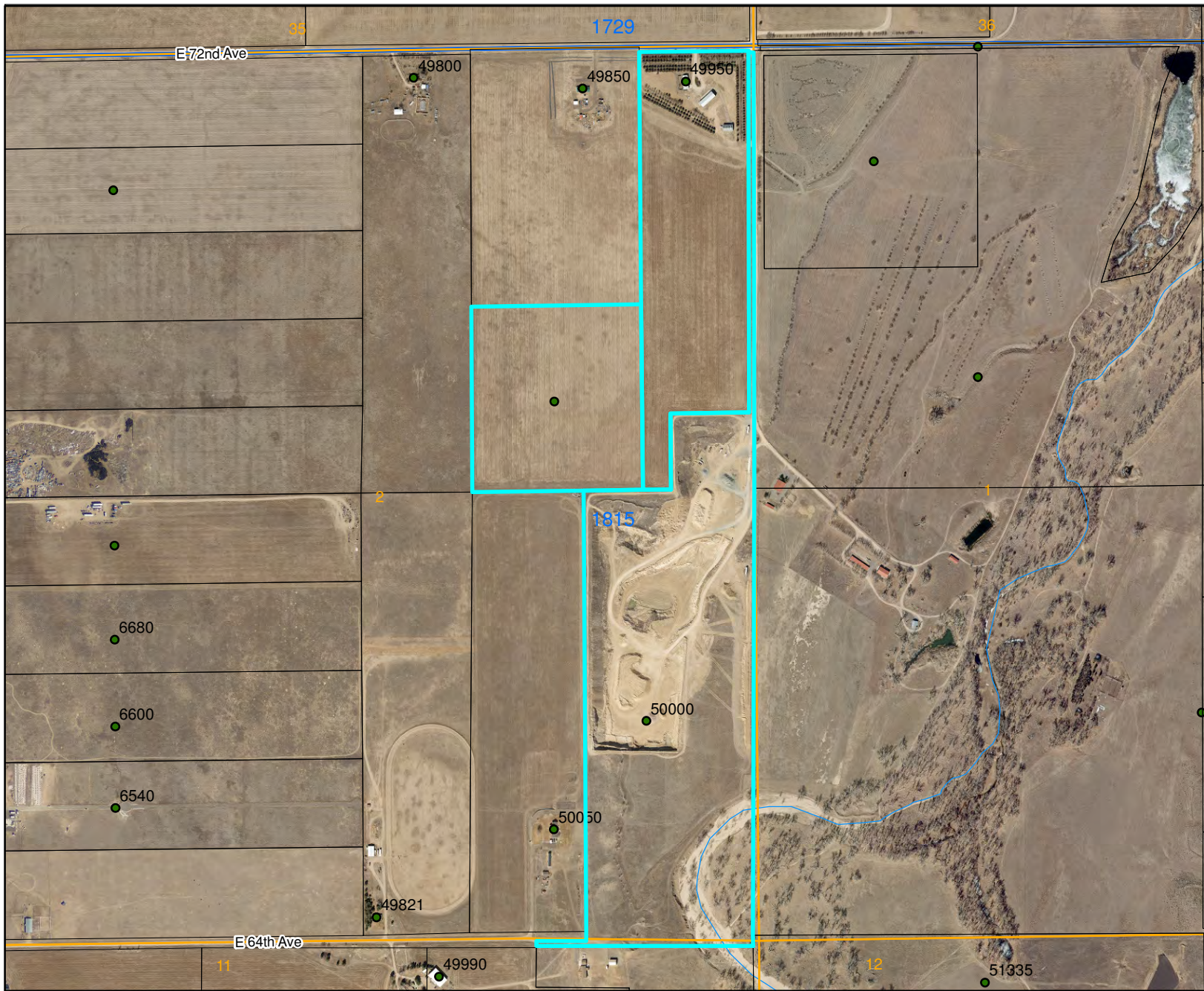
Colorado Department of Public Health & Environment (CDPHE)
Colorado Division of Parks & Wildlife
Tri-County Health Department (TCHD)

Responding without Concerns:

Bennett Fire
Intermountain Rural Electric Association (IREA)
Xcel Energy

Notified but not Responding / Considered a Favorable Response:

Adams County Sheriff
Bennett Parks & Recreation
Bennett Schools 29J
Century Link
Comcast



Legend

- Railroad
- Major Water
- Zoning Line
- Sections

Zoning Districts

- A-1
- A-2
- A-3
- R-E
- R-1-A
- R-1-C
- R-2
- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
- C-5
- I-1
- I-2
- I-3
- CO
- PL
- AV
- DIA
- P-U-D
- P-U-D(P)

Henderson Aggregates

RCU2019-00040

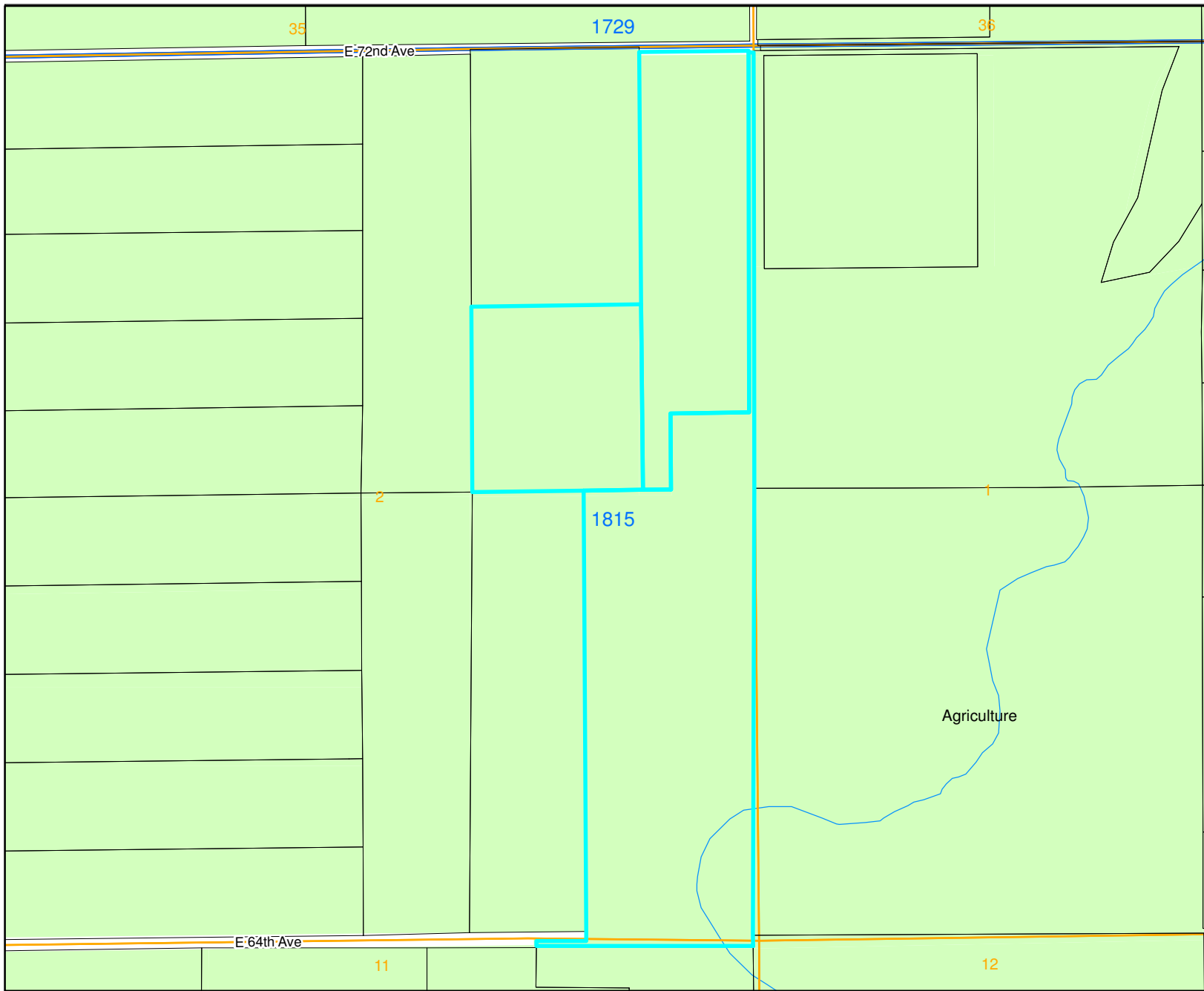


For display purposes only.



ADAMS COUNTY
COLORADO

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Legend

- Railroad
- Major Water
- Zoning Line
- Sections

Zoning Districts

- A-1
- A-2
- A-3
- R-E
- R-1-A
- R-1-C
- R-2
- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
- C-5
- I-1
- I-2
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- P-U-D(P)

Henderson Aggregates

RCU2019-00040

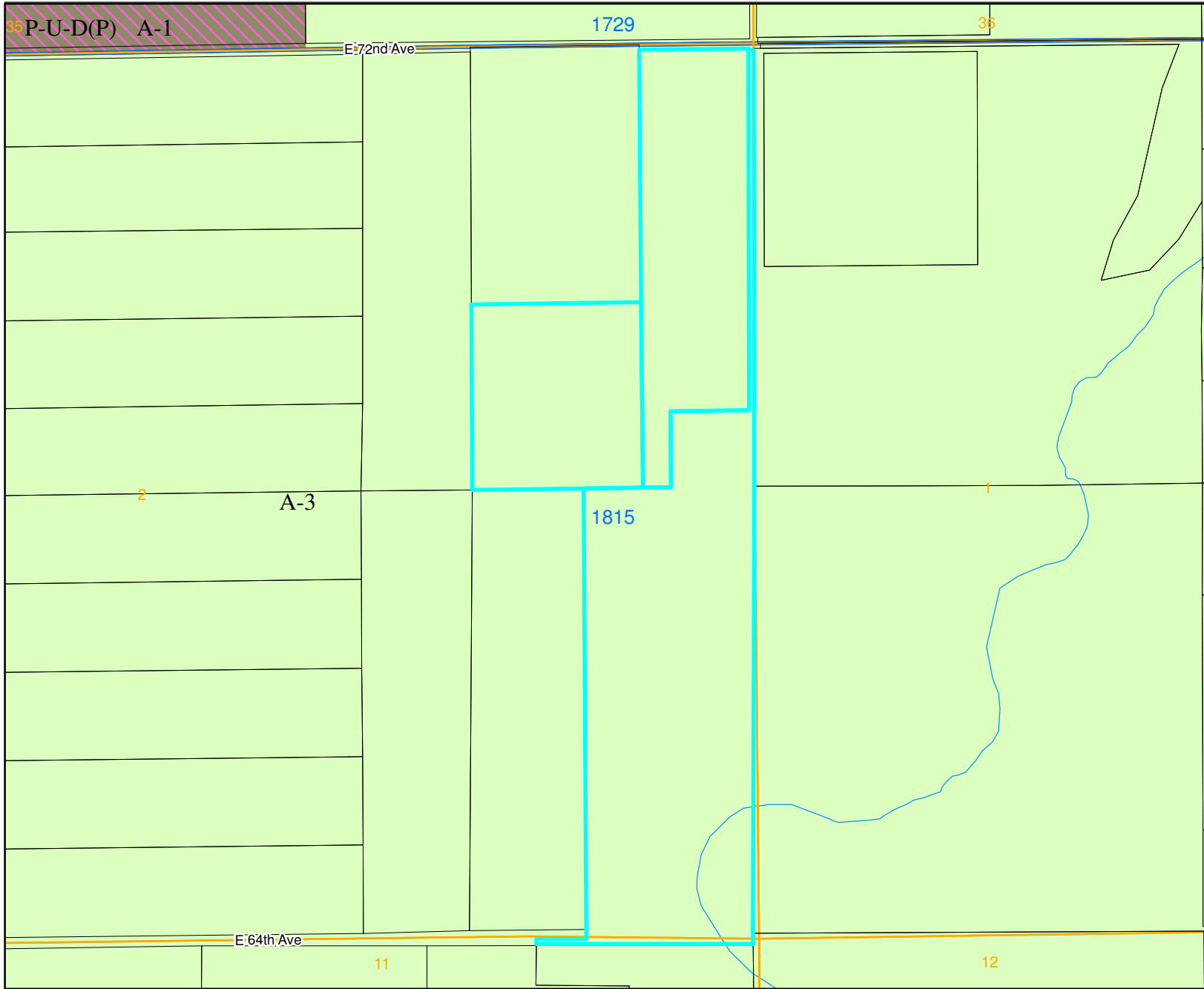


For display purposes only.



ADAMS COUNTY
COLORADO

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Legend

- Railroad
 - Major Water
 - Zoning Line
 - Sections
- Zoning Districts**
- A-1
 - A-2
 - A-3
 - R-E
 - R-1-A
 - R-1-C
 - R-2
 - R-3
 - R-4
 - M-H
 - C-0
 - C-1
 - C-2
 - C-3
 - C-4
 - C-5
 - I-1
 - I-2
 - I-3
 - CO
 - PL
 - AV
 - DIA
 - P-U-D
 - P-U-D(P)

Henderson Aggregates
RCU2019-00040



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ADAMS COUNTY
 COLORADO
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CONDITIONAL USE PERMIT PLAN REQUEST EXPLANATION

This is an application for expanding the permitted mining operation at 50000 E 72nd Avenue, Bennett Colorado since the original mining application in 2001. An approval for the application to extend the mining Conditional Use Permit (CUP) for an additional 5 years to 2021 and supplement it with the importation of inert fill was granted RCU2015-00041 without public opposition. The existing approximately 43 acre mining site has two adjacent parcels 0181502100002 and 0181500000337 approximately 25 and 35 acres respectively that would be included into the existing permit.

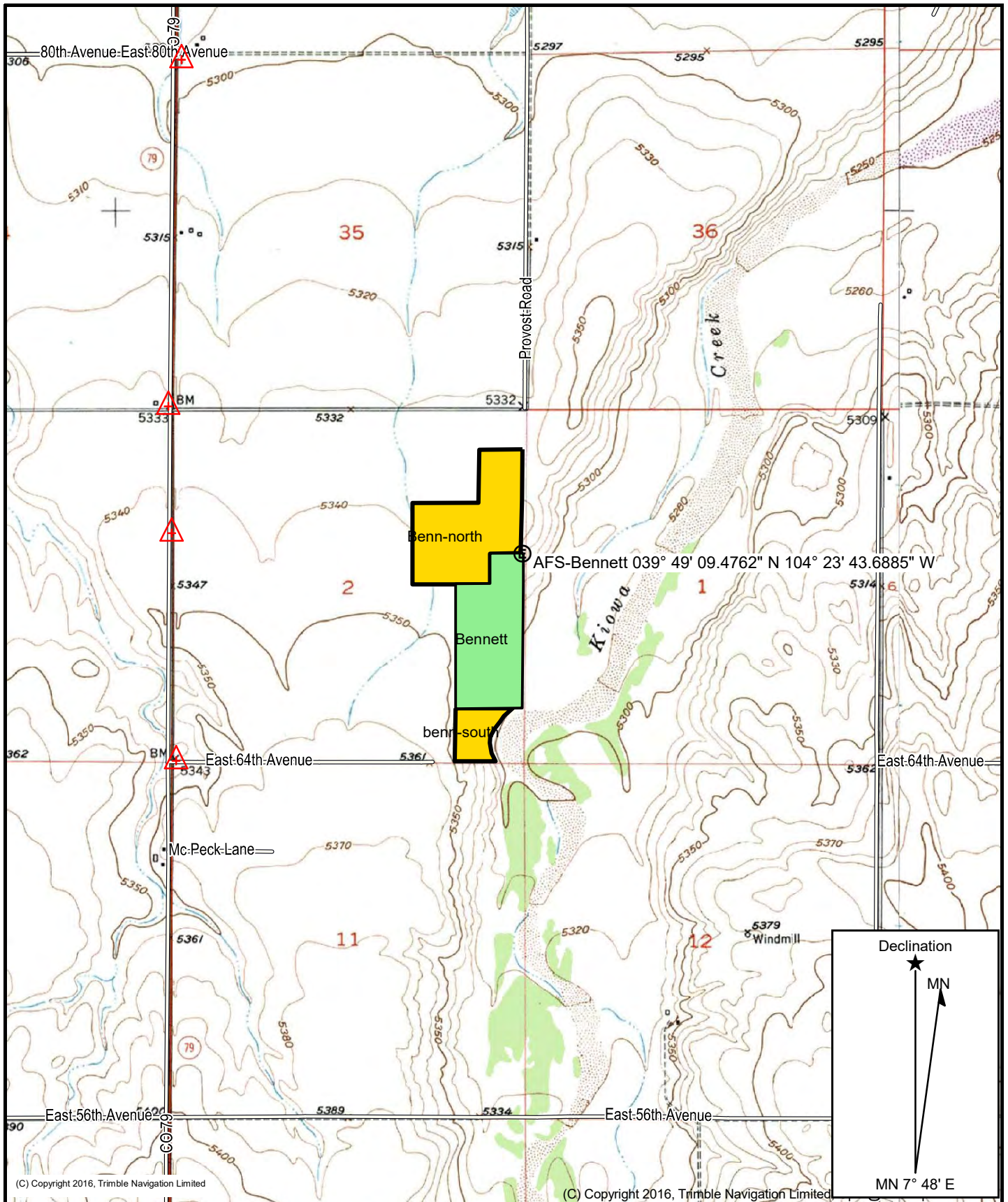
This is a dry alluvial mining operation with no exposure of groundwater. The mining operation conforms to all requirements of Section 11.340 of the Zoning Regulations, and the original permit was approved by the Division of Reclamation, Mining and Safety (DRMS). The expanded mining operations have been applied for at DRMS and the permit application is included with this application and found in Sup Item 3.

The site has an air permit, and a stormwater permit. The drainage is retained on site in the mining pit. Inert filling operations is described in this application and will be done in compliance with the DRMS mining permit and conditions set by Adams County with this CUP application. A traffic study was performed by an independent traffic engineering company and a copy of the draft report is included with this application. Traffic flow is predominantly northbound on SH79 to 72nd Avenue then east to the site entrance. The applicant has agreed to enter into a roadway maintenance agreement with Adams County.

This request expands the size and life of the mining operations. Final grades and reclamation of the mine are included in the DRMS permit application. A decision from DRMS on the mine permit is expected in August 2019. The expanded mine will need less inert materials for backfilling and is limited in scope compared to the previous CUP (RC2015-00041). Acceptance of inert fill will be done following the Inert Fill Plan in the mining permit.

Other aspects of the proposed development plan are:

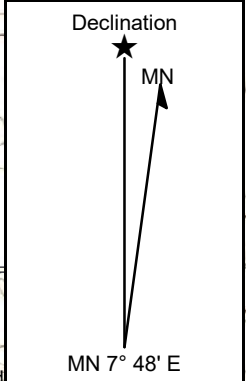
- Proof of Ownership with a Warranty Deed
- Proof of Water and Sewer Services – Water from well permit #83410-F is used on site. Portable toilets are used at the facility for site personnel and drivers.
- Proof of Electricity and Gas services is shown by the utility bill provided in Item 7 attached
- Legal descriptions found in Item 8 attached
- Certificate of Taxes Paid are found in Item 9 attached
- Certificate of Notice to Mineral Estate Owners/and Lessees are found in Item 10 attached.



Name: BENNETT
 Date: 01/29/19
 Scale: 1 inch = 2,000 ft.

Parts of the NE/4NE/4, SE/4NE/4,
 SW/4NE/4, NE/4SE/4, & SE/4SE/4, SEC. 2,
 T-3-S, R-63-W, 6TH P.M., ADAMS
 COUNTY, COLORADO

Albert Frei and Sons, Inc.
AFS- Bennett Pit
MAP EXHIBIT B-1 - VICINITY MAP



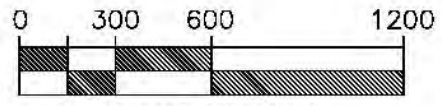
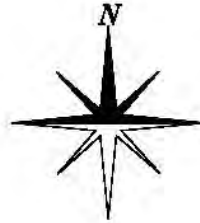
(C) Copyright 2016, Trimble Navigation Limited

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AFS

ALBERT FREI & SONS

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 phone: (303) 287-4656 | fax: (303) 289-2865
AFS- BENNETT PIT - M-2001-038
 Map Exhibit E-1 - Reclamation Plan Map (Revised 1-24-19)



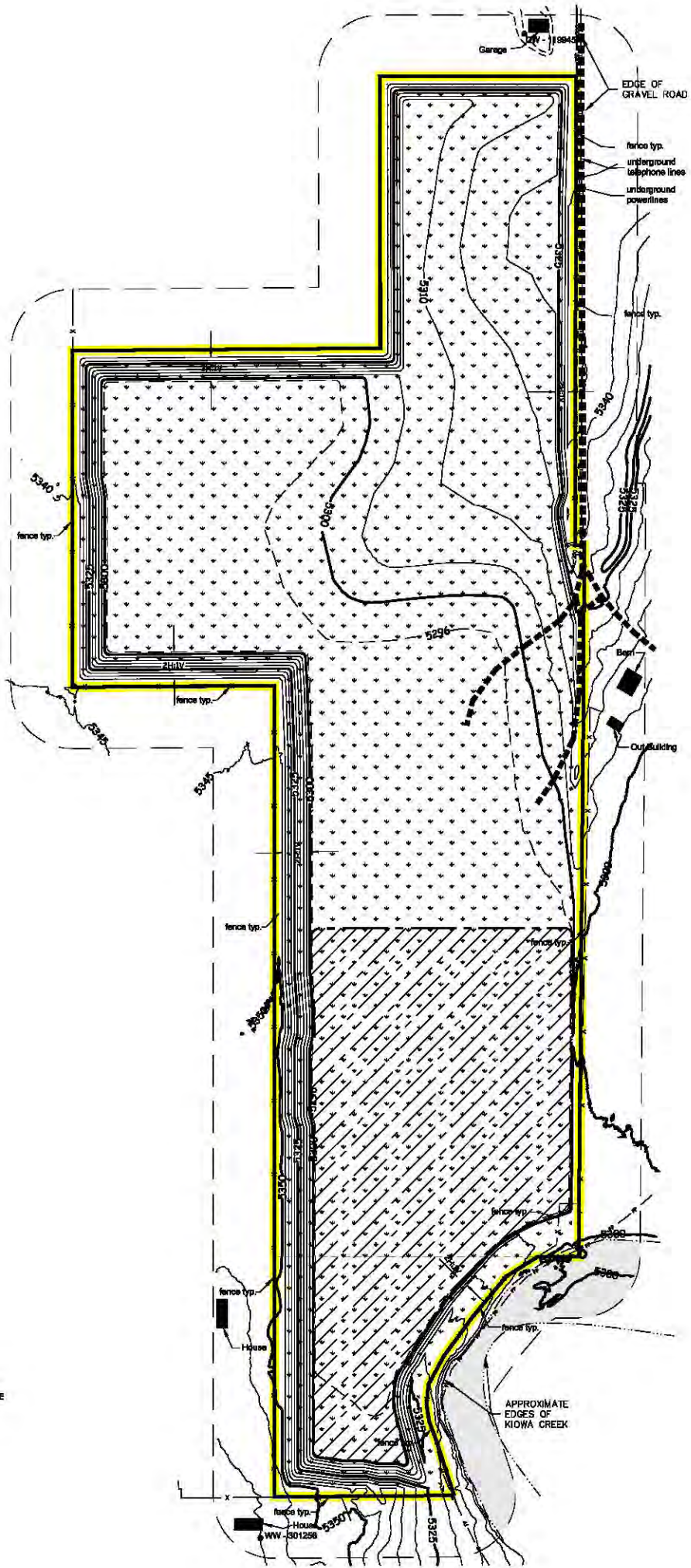
SCALE 1"=600'

LEGEND

- PERMIT BOUNDARY// AFFECTED LANDS
- 200 FOOT LIMIT
- BURIED COMMUNICATION LINES
- BURIED ELECTRIC LINES
- CREEK BANK
- FLOOD PLAIN BOUNDARY
- FENCE
- ROADS (HAUL, ACCESS) (TYP.)
- TOPO CONTOUR
- WATER WELL / PERMIT #
- MINING DIRECTION
- BUILDINGS
- RECLAIMED AREA
- POTENTIAL DEVELOPED WATER STORAGE

Environment, Inc.
 PREPARED BY: ENVIRONMENT, INC.
 7965 VANCE DR., # 205A
 ARVADA, CO 80005
 (303) 423-7287
environment@afs.com

Parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SEW $\frac{1}{4}$, Section 2, T-3-S, R-63-W
 of the 6th P.M., County of Adams, State of Colorado






248E

Henderson Aggregates

Expansion of Conditional Use as Gravel Mining and Inert Filling

Legend

-  Existing CUP Henderson Aggregates
-  Expansion Parcels
-  Hwy 79 and 72nd Ave

Hwy 79 and 72nd Ave

E 72nd Ave

35

Provost Rd

79

Kiowa-Bennett Rd

E 64th Ave

Mc Peck Ln

3000 ft






Google Earth

© 2018 Google

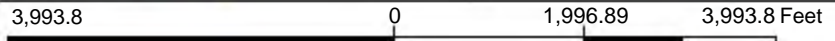




Legend

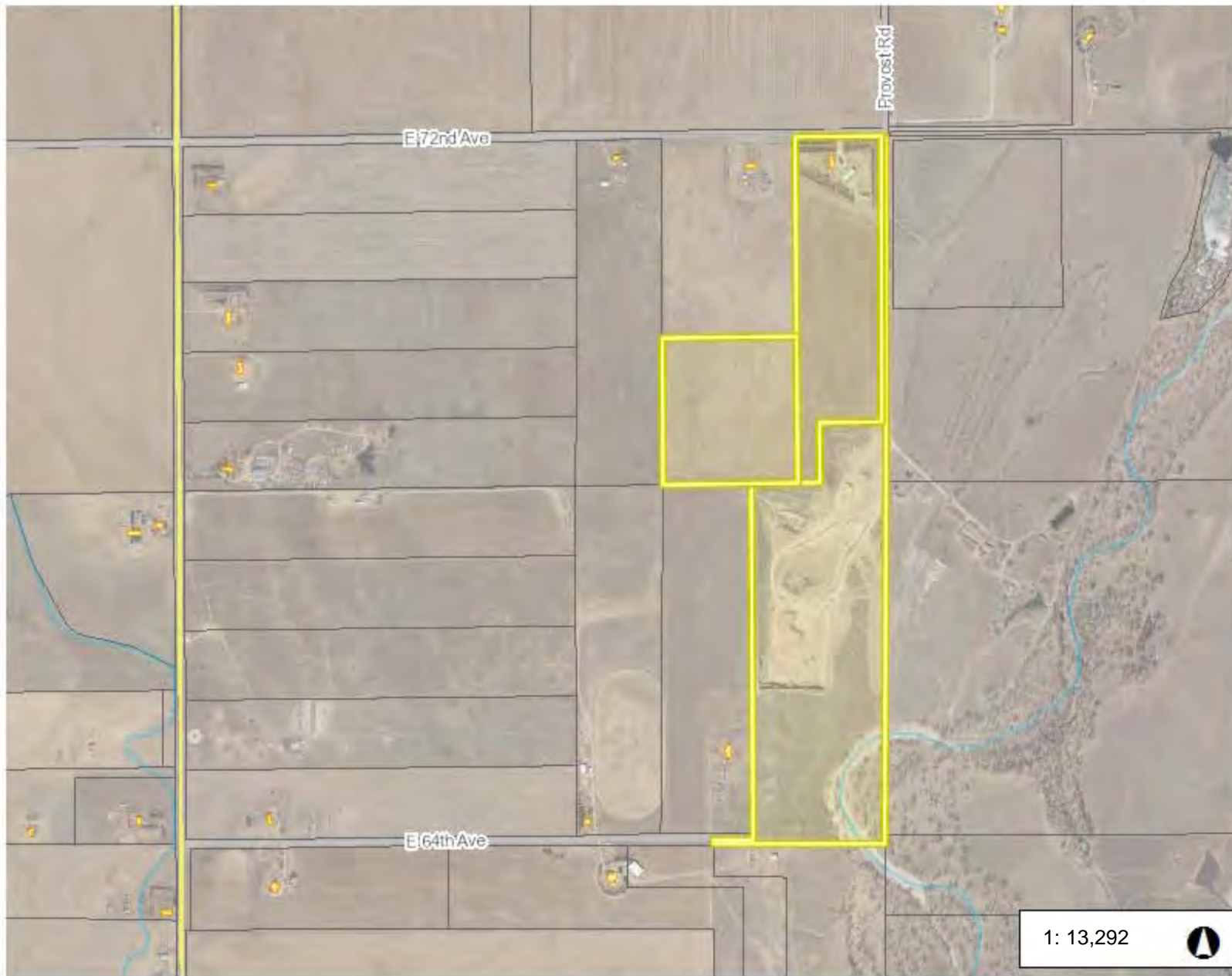
-  Lake
-  River
-  Parks and Open Space
- Highways**
- Highways (< 20,000)**
-  Interstate
-  Highway
-  Tollway
- Streets**
- Streets (20,000 - 50,000)**
-  Streets
-  Ramp
-  Parcels
-  Building
-  County Boundary
- City**
-  Arvada
-  Aurora
-  Bennett
-  Brighton
-  Commerce City
-  Federal Heights
-  Lochbuie
-  Northglenn
-  Thornton
-  Westminster

1: 23,963 



Notes

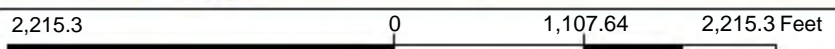
Henderson Aggregates, Ltd Mining CUP Application Area



Legend

- Lake
- Lake
- River
- Parks and Open Space
- Highways**
- Highways (10,000 - 20,000)
 - Interstate
 - Highway
 - Tollway
- Streets**
- Streets (10,000 - 20,000)
 - Streets
 - Ramp
- Parcels
- Building
- County Boundary
- City**
- Arvada
- Aurora
- Bennett
- Brighton
- Commerce City
- Federal Heights
- Lochbuie
- Northglenn
- Thornton

1: 13,292



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

South parcel mining permitted.
Northern two parcels are included in mining permit application

Environment, Inc.

LARRY E. O'BRIAN
FOUNDER

STEVAN L. O'BRIAN
PRESIDENT

June 17, 2019

7985 VANCE DRIVE, SUITE 205A
ARVADA, COLORADO 80003
303-423-7297
FAX 303-423-7599

RECEIVED

JUN 17 2019

DIVISION OF RECLAMATION
MINING AND SAFETY

Mr. Jared Ebert
Division of Reclamation, Mining & Safety
1313 Sherman St., Suite 215
Denver, CO 80203

Dear Mr. Ebert;

RE: Albert Frei and Sons, Inc. - AFS-Bennett Pit
M-2001-038 - Adequacy Response 01

On behalf of my client Albert Frei and Sons, Inc, I am responding to your adequacy review letter dated April 12, 2019. I have included your review points that need to be addressed in the order presented so the questions and answers will be in this document for easy reference.

Rule 6.4.4, Exhibit D – Mining Plan

1. Page 6 of the mining plan indicates groundwater elevation under the southern part of the mine is approximately 5394 feet. Based on the Exhibit C Existing Conditions Map, the southern end of the permit area has a ground elevation ranging from 5350 feet to 5325 feet. Please clarify the depth of groundwater and the two foot maximum depth of excavation?

That is a typo on my part it should have read 5294. I have corrected the elevations noted on page 6 and provided a copy for the file.

2. Page 6 of the mining plan indicates the top of the shale on the north side of the property may be higher than 5394 feet. According to the Exhibit C, Existing Conditions Map, the ground elevation on the north side of the permit boundary is 5340 feet. Please clarify the depth of the shale layer on the north side of the permit area?

Again it was a typo and should have been 5294. The underlaying shale slopes to the south and west from a highpoint of 5315 to 5298 towards the mid part of the mine. This means it varies from 15 to 40 feet below the existing surface elevation in that area.

3. Page 6 of the mining plan indicates all stormwater will be collected on the site and treated before being released if it contacts the disturbed area. Please describe how the water will be treated? If storm water collection basins will be used or another type of impoundment, please depict these features on the Exhibit C-1 Mining Plan Map.

The treatment proposed consist of allowing the water to soak into the gravel layer that underlays the mine floor of the mine so it returns to the ground water table or the silt in the runoff will have settled enough to meet the discharge permit limits. Low spots on the mine floor collect the runoff so having designated basins is not needed.

4. Please describe the nature of the stratum immediately beneath the material to be mined.

The entire permit area is underlain by a claystone or siltstone that is gray to dark gray with some orange staining (iron). The claystone is listed as very stiff to hard and plastic, while the siltstone is sandy with low plasticity. Both are impervious, but tend to weather and get softer when exposed. We expect mining to reach this underlying bedrock on the northern two-thirds of the mine. In the south area where the Potential Developed Water Storage area is shown the floor will be sandy gravel until/if the liner is installed, then the floor of the reservoir would be the bedrock.

5. It does not appear, AFS is proposing to use explosives at the site? Please confirm. If so, please addressed the requirements of Rule 6.4.3(I).

No explosives will be used nor will blasting be done at this mine, the material is easily mined using conventual sand and gravel mining methods. I added this statement to Page 5.

6. Please clarify the type of processing that occurs at the site.

At this time the only processing taking is the screening of the raw materials, no washing or crushing takes place. This material requires no treatment with chemicals or hazardous materials.

Rule 6.4.5, Exhibit F – Reclamation Plan

7. Albert Frei and Sons (AFS) is proposing to continue to import inert fill into the site for use in backfilling the pit slopes and mine floor as stated on Page 6 of the reclamation plan as originally approved with Technical Revision No. 1 (TR01). TR01 specified a phased approach to backfilling and estimated the void volume to be filled. It does not appear mining and reclamation will be conducted in a phased approach based on the revised mining and reclamation plan. Please describe any revision to the timing and duration of the inert fill operation.

We took the phasing plan out because Albert Frei and Sons will mine the area faster then the original permit holder and staging is not conducive with their operating practices. The inert material will be piled, as it is delivered, along the final perimeters of the mine where the 3:1 slopes will be built. The plan is to follow mining on lope areas with placement of the inert material until enough is available to complete the final slope. Fill material will be accepted during the life of the mine until the volume needed to reclaim the slopes has been received or mining ends. Once sufficient fill, is in place along any section of slope it will be graded 3h to 1v, covered

with finer material, re-soiled and seeded. How fast this happens depends on how much material is available and this mine is not operated as an inert fill facility.

8. Please approximate the volume of inert fill to be used at the site given the revised mining and reclamation plan?

At this time Albert Frei and Sons, Inc. estimates that 600,000 yards ± of inert material would be accepted at the mine.

9. The current inert fill plan indicates the permanent slopes will be no steeper than a 3H:1V ratio. With AM01, the applicant is proposing final reclamation slopes of 2H:1V ratio. Please provide a general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids.

Recent inter company discussions have lead to a decision to retain the 3h to 1v sloping plan around the area to be mined and remove references to 2h to 1v from the permit amendment. I have attached a revised Exhibit C-1-Mining Plan and Map Exhibit F - Reclamation Plan Map showing the 3h to 1v slopes and corrected Pages 5, 8, 9, 53, & 61 to remove any reference to 2:1 .

10. Page 10 and 11 of the reclamation plan state that a U.S. Army Corp of Engineers Permit will be obtained if wetlands or waters of the U.S. will be affected during the mining operation. Exhibit G and Exhibit M state that there are not wetlands or waters of the U.S. at the site. While on the pre-operation inspection, Ben Frei indicated a wetlands evaluation may be conducted at the site. If wetlands are identified within the permit area, please update the Exhibit C map to depict their location. If wetlands are identified, within the proposed mine area, please develop a protection plan for these wetlands until the required U.S. Army Corp Permits are in place if necessary.

A copy of the finalized environmental assessment report that was done for the mine area by ERO Resources is attached for the file. It reports that there are no wetlands or Waters of the U.S. in the permit area. Therefore, no U.S. Army Corps of Engineers permit will be required. The statement on Pages 10 and 11 was placed there to explain that a permit would be obtained if required. A copy of the ERO letter to eh U.S. Fish and Wildlife Service requesting concurrence on the lack of endangered species at the mine is attached. Once the USFWS confirmation letter is received a copy will be delivered to the Division for the file.

Rule 6.4.7, Exhibit G – Water Information

11. Page 14 of the Exhibit G states that off-site runoff is/or will be diverted around the disturbed area. Please revise the Exhibit C-1 Map to depict the diversion structures used to accomplish this. Please describe and provide a cross section of the diversion structures.

These diversion structures will be simple dirt ditches placed along the up gradient side of the mine's perimeter with the material from the ditch being placed along the pit side of the ditch. Usually a motor grader is used to create the ditch/berm. Their intent is to keep off site surface

flows of storm water from entering the disturbed area. I added a line and label showing their approximate location and a Typical Cross Section sketch of the proposed diversion structure.

12. Page 14 of Exhibit G implies the groundwater level is at 5094 feet. As discussed above, please clarify the depth of groundwater.

This is another typo it should have been 5294. I have fixed page 14 and included a copy for the file.

13. The applicant states storm water from the disturbed area will be retained on site. Based on the Exhibit C and F Maps, it appears the site will positively drain to the southeast during mining of the northern three quarters of the site. Please submit a brief statement or plan showing how water from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution offsite at the southeast end where surface run-off is likely to flow, both during and after the operation.

Nothing is needed on the lower end of the mine since any storm water that falls in the mine now collects on the mine floor where it evaporates or soaks into the ground. In the southeast corner of the mine the gravel is approximately 7 feet deep so there will never be a point where the mine floor will daylight out to the surface where it would run off the permit area. During the mining operation and until reclamation is complete the mine floor is graded to direct water runoff away from the active mining area so it soaks into the ground. No stormwater will be retained for more than 72 hours.

14. Given the nature of the mining operation described, the operator does not propose to conduct any dewatering? Please confirm.

No dewatering is planned at this time, we are committed to staying 2 feet above the groundwater table. If the developed water storage facility option is implemented then some dewatering may be necessary. Dewatering, its impacts and mitigation methods will be discussed in the Technical Revision that will be filed to allow the use of this option.

Rule 6.4.8, Exhibit H – Wildlife Information

15. The wildlife exhibit included the original wildlife statement from the 2001 permitting process. Since that time it is likely the threatened and endangered species list has been updated. Please evaluate the presence of any current threatened or endangered species at the site.

Albert Frei and Sons, Inc., retained ERO Resources to evaluate the mine site for wildlife issues and their report is attached. They found no habitat for Threatened or Endangered species on the mine area or in close proximity of the mine perimeter.

16. The reclamation plan indicates that temporary displacement of wildlife will result from the mining operation. In accordance with Rule 3.1.8, all aspects of the mining and reclamation plan shall take into account the safety and protection of wildlife on the mine site, at processing sites, and along all access roads to the mine site with special attention given to critical periods in the

life cycle of those species which require special consideration (e.g., elk calving, migration routes, peregrine falcon nesting, grouse strutting grounds). Please discuss the measures the operator will use to protect wildlife during the mining and reclamation operation.

We believe the Mining and Reclamation Plans do take into the impacts to wildlife. Because it is a continuation of an existing operation and the wildlife are likely acclimated to the noise and human activities. So the continuation of the mine will not increase the impacts already there. The speed limits in the mine, and the mining staff is directed to be aware of wildlife that may enter the mine operating hours and what to do if they find any on the active mining area that came on after hours limit impacts. Using wildlife friendly wire fencing, instead of chainlink allows the wildlife that enter the mine a way to safely leave instead of block their way. The impacts are temporary in nature during the active mining times as the area is open enough of so any wildlife can skirt the active areas or have use of other parts of the property where no activities are taking place. The ERO Resources report discusses impacts to wildlife on the mine and to paraphrase the report, when the vegetation is removed the area will no longer be desirable to wildlife until it is reclaimed. It also noted there are no wildlife corridors or other sensitive species that occur on the site that would be affected by the project. More information is provided starting on Page 6 of the ERO report.

ERO Resources made a recommendation to submit an endangered species habitat assessment to the U.S. Fish and Wildlife Service for concurrence with their findings, ERO to file that request on or around June 4, 2019 and once a reply is received it will be filed with the Division for the file. They also recommend doing a nest survey one week before disturbing any new area during the breeding season, April 1 to August 31. AFS will follow the recommendations for not removing vegetation during that time if raptor nests are found. Records of the inspection will be kept in the Company records for inspection, if needed.

The speed limit along the main access road and within the mine is limited to 10 mph to help mitigate the truck traffic entering and leaving the mine will have on the larger wildlife species. Prior to startup of daily activities the site is inspected to assure there are no wildlife in the mine that would be affected by the daily activities. Usually the larger animals that over night in the mine leave once humans enter the mine area, if this does not happen they are chased out of the active area.

Rule 6.4.12, Exhibit L – Reclamation Costs

17. The cost estimate submitted with the application covers 30 acres of affected land. Based on the proposed mining plan, no phasing of the mining is planned and page 4 indicates a maximum disturbance scenario will be used to allow flexibility for the mine to be developed from both ends of the deposit. If the applicant would like to use a phased 30-acre bonding approach, please revise the mining plan to accommodate this and define the phases accordingly, or provide an estimate for the maximum disturbance scenario.

That was not our intent on page 4, it was to allow for a plan that covers the existing and proposed disturbance area of 30 acres. During our review of that plan we realize that we are

close to the 30 acres currently bonded. For this reason I have revised Page 4 and Exhibit L Reclamation cost to increase the area to cover 60 acres. Under this plan mining and reclamation would run concurrently on the mine area as needed.. Under this plan we will bond for, existing and proposed disturbance areas rather than a maximum area, this means that we are not limited to 60 acres in the future. Rather that at this time the amount covered by the bond will be 60 acres, that includes areas that are actively being affected by mining, processing and partial reclamation areas that will have been mined, graded and vegetated but not yet ready for release. If this changes then Albert Frei and Sons, Inc., will file a Technical Revision to increase the amount of the bond prior to exceeding the 60 acres.

Rule 6.4.19, Exhibit S – Permanent Man-made Structures

18. For each of the permanent man-made structures within 200 feet of the affected land, please either provide:

a. provide a notarized agreement between the applicant and the person(s) having an interest in the structure, that the applicant is to provide compensation for any damage to the structure; or

Structure agreements were mailed on February 11, 2019 to the five structure owners around the mine. Henderson Aggregates is a subsidiary of Albert Frei and Sons, Inc. so that structure agreement was executed in house. We have one in place for the Lincoln's but sent a second as a precaution. Of the remaining 4 we have received 3 back. Only the Copeland Trust has not returned one as of this date. Attached are copies of the Executed Structure Agreements received.

b. where such an agreement cannot be reached, the applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or.

A Geotechnical analysis for the Copeland structures is provided since a structure agreement was not received from them.

c. where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

The Utilities within 200 feet returned signed agreements.

Rule 1.6.2 –Notice Requirements

19. Please submit the proof of publication of the required notice in accordance with Rule 1.6.2(1)(d) and Rule 1.6.5.

Attached is a copy of the Proof of Publication for this permit area. It was published in the Eastern Colorado News, the adjudicated paper of notice for eastern Adams County starting on April 19 and running once a week ending on May 10, 2019.

20. Please submit documentation a copy of the notice required in Rule 1.6.2(1)(d) was mailed or personally served immediately after the first publication of the notice to all Owners of Record of the surface and mineral rights of the affected land; and the Owners of Record of all land surface within 200 feet of the boundary of the affected land.

Attached are copies of the return receipt cards for the Owners of Record within 200 feet of the permit area. They are for the second notices mailed on April 19, 2019.

Additional information added to permit exhibits

Albert Frei and Sons, Inc. has added a section to **Exhibit C - Mining Plan** to address using some of the topsoil/overburden to install temporary sight berms along the mine boundary in two locations. These berms will not remain when reclamation is completed at the material will be used to resoil slopes. Another section as added to explain the mining setback change to the south line that was required after the *Geotechnical Analysis* was completed.

Frei install 4 ground water monitoring wells along the south boundary of the mine on June 4, 2019. Even though they do not plan to expose ground water at this time, the elevation data collected for the first 13 months and then once quarterly, will establish the historic ground water background data if needed in the future. In addition, throughout the life of the mine AFS is committed collecting a water quality sample, one time per year from the central most well. In other words one sample per year for one well. This data will be retained in the company office and can be inspected upon request.

These changes are shown on **Map Exhibit C-1 - Mining Plan Map**.

Agency Comments

The Division has received comments from the Colorado Division of Water Resources and the US Army Corp of Engineers. Enclosed are their comment letters for your review.

U.S. Army Corps of Engineers (rec. 3/26/19)

A wetland determination was prepared for the mine and it was determine no waters of the US will be affected by this operation nor will mining take place within the 100 floodplain of Kiowa Creek. The U.S. Fish and Wildlife Service will be contacted since mining will take place within 300 feet of Kiowa Creek. No fill will be placed in water of the US or wetlands therefore a 404 permit is not needed.

Division of Water Resources (rec. 3/18/19)

Albert Frei and Sons, Inc. understands the DWR's comments and agree with the four points they have raised. The application packet contains commitments to comply with each.

- 1 - The floor of the mine and mining will stay at least 2 feet above the groundwater table.
- 2 - Water used for industrial purposes will come for a source approved for that use.
- 3 - If the option to build developed water storage reservoir on the mine site is chosen the reservoir area will be constructed within the 1999 SEO Guidelines.

- 4 - Stormwater runoff intercepted by this operation will soak into the ground or be released to the stream system within the time required by DWR.

Public Objections

21. The Division has received public objections from the following people:

- a. Victoria Katchen and Mark Faber
- b. Alethea Copeland
- c. Jennifer Curtis and Kimberly Chainhalt
- d. Kelsey Magnuson
- e. Nancy Donaldson - added via email
- f. Elva & Joe Munzo - added via e-mail
- g. David Murphy 5/24/19
- h. Jennifer Curtis and Kimberly Chainhalt 5/24/19

Their objection letters are attached for your review. Concerns related to noise, truck traffic, hours of operation, visual impacts, affects on property values and other social or economic concerns are issues not subject to DRMS jurisdiction. However, please address any jurisdictional issues raised by the objectors.

Many of the objections raised, deal with items not subject to the Division of Mining, Reclamation and Safety jurisdiction as you noted. In addition, many of the objections listed have been addressed in the original amendment submittal or address in this adequacy review. For sake of brevity I will, whenever possible, refer to our response in this adequacy review or the page number in the amendment application when the answer can be found. Where each party raises a unique or different objection, it will be addressed directly. I will start with the unique letters first and then deal with the obvious form letters next.

Ms. Katchen and Mr. Faber raised 2 objections that are jurisdictional

Concerned dry up of areas water resources. - Frei has committed to staying 2 feet above any ground water surface to avoid impacting area water resources. See the information provided starting on page 14 of the application packet and our responses to items #11, thru 14 above.

Raised concern of water quality and quantity in the area. - According to the OSE records their well is owned by Linda Cook and is located approximately 1500 feet northeast of the NE corner of the mine at an estimated elevation of 5349 and is 280 feet deep with the static water level listed at 135 feet. The groundwater table is on the south end of the mine is 5294. This is approximately 5350 feet from their well. The floor is approximately 84 feet above the static water level reported in their well permit. There is no hydrologic connection between the surface and this deep water source. For this reason the mining operation cannot introduce sediments into the deep aquifer or influence their well flow characteristics.

Ms. Copeland raised 3 objections that are jurisdictional.

1. Impacts to wetlands - there are no wetlands on the mine site and Albert Frei and Sons will not disturb areas outside the permit boundary.

4. Reclamation to original standards - A mine site can not nor is an operator required to reclaim it to its previous conditions. Once the material is mined the land shape will always be different. Starting on page 8 of the amendment book Albert Frei and Sons, Inc. describes how the site will be reclaimed.
- 7 Wildlife concerns - This is an existing operation and any impacts to wild life occurred in the first year of operation. We addressed this concern in our response to items # 15, 16 & 17 above and have had a wildlife assessment done by ERO Resources showing that the mine will have a limited impact to wildlife in the area. This report will be included in the copy place for public review in the Adams County Clerks office.

Ms Curtis, Ms Chainhalt, Ms. Magnuson, Ms. Donaldson, Mr & Mrs Munzo and David Murphy raised 20 objections in common that are jurisdictional in my opinion for the Division of Mining, Reclamation and Safety . Since it appears for the dates that Ms. Curtis or Ms. Chainhalt wrote the base letter (4/6/19) and 3 of the other objectors copied it in part, I will use their numbering format for the objection responses. Following these responses I will respond to any other objections each party raised above what was presented in the list.

7. Unknown liquids and solid materials have been dumped the pit area.
We know of NO unknown liquids or solid material dumped in the permit area in the past. After Albert Frei and Sons, Inc. assumed reclamation responsibilities for the permit area, any material delivered to the mine is qualified as Inert Material according to Division of Mining, Reclamation and Safety and Adams County regulations.
10. Plan for noxious weed mitigation.
See Weed Control Plan starting on Page 63 of the permit application packet.
12. Will explosives be used in the mining operation?
No explosive will be used at the mine. See Response to Item #5 in this document.
13. Any chemicals used in the mining or processing of materials?
No chemical will be used in the mine for mining or processing nor are any needed.
14. Depth of the gravel and sand deposits and how deep will the pit dig to excavate the materials.
The depth is discussed on page 3, shown on the Reclamation Plan Map as varying from 5 to 45 feet deep. Also, see page 14 for numeral listing.
15. Will water be used in the process of excavating or processing the materials?
No, see page 14. Water used will be obtained from a sources approved dust contol and other approved uses.
17. Is there a Water Plan in place to ensure the quality and quantity of water the area currently uses is not affected by its operations?

Please see response to items # 11 thru 14. This is addressed also in the Mining and Reclamation Plan and Exhibit G Water information starting on page 14 of the amendment packet.

18. Is there a new Mining Plan?

No, starting on Page 3 of the application packet, we explain the operational changes for the expansion area.

19. Is there a new Site Description?

Yes. See amendment packet starting on Page 3 or the original permit application.

20. Is there a Reclamation Plan and Map?

Yes, see amendment packet starting on page 8.

21. Can neighbors see required Permits, Licenses and Inspection Reports?

Yes, this information was provided in the adjoining owner notices received by all owners within 200 feet of the permit area. A copy of the original amendment packet was placed for public review on 2/13/19 with the Adams County Clerks office. A copy of this response will be delivered to the same office after it is filed with the state.

22. Is there a Geotechnical Stability Exhibit?

This has been prepared and is submitted as part of addressing Adequacy response 18 above for the Copeland structure. All other structure owners have provided Structure Agreements.

23. A list of inert materials and liquids used to backfill the pit and inspections to ensure ground water, air and land non-toxicity?

Please see Inert Fill Technical Revision starting on page 66 of the amendment packet. The Inert Material by definition cannot contain toxic materials.

24. Original Permit for the sand and gravel pit.

Yes, one was issued in 2001.

25. How will the materials be processed?

Please see response to Item # 6 in this packet.

30. Engineering plan to describe how materials will be placed and stabilized to avoid settling and voids.

Refer to the Inert Fill plan starting on Page 66 of the amendment packet.

31. Water Plan to include if the pit will be lined and the use of dewatering techniques.

Not need at this time it will be filed when/if it is feasible to build the water reservoir.

34. Has AFS operated the sand and gravel pit under the original Permit?

Yes, they assumed the permit in Mid 2017.

35. Has AFS followed the provisions in the original Permit?

Yes, Last inspection show AFS is in compliance with all provisions of the permit.

36. Can a company be sold, and the original Permit be used by the purchasing company without amendments; i.e. name change, loads per day, road maintenance?

Yes, Only name a change of new operator and a replacement bond is required. Loads and road maintenance are county jurisdictional.

Ms. Magnuson

Raised concern of water quality and quantity in the area. - According to the OSE records the well is located approximately 3100 feet northeast of the NE corner of the mine at an estimated elevation of 5318 and is 300 feet deep with the static water level listed at 120 feet. The groundwater table is on the south end of the mine is 5294. This is approximately 1.3 miles from her well. The floor is approximately 98 feet above the static water level reported in her well permit. There is no hydrologic connection between the surface and this deep water source. For this reason the mining operation cannot introduce sediments into the deep aquifer or influence their well flow characteristics.

Ms. Donaldson and Mrs & Mr. Munoz

Raised concern of water quality and quantity in the area. - According to the OSE records the well is owned by Roger L. Hogan and is located approximately 3980 feet northeast of the NE corner of the mine at an estimated elevation of 5335 and is 365 feet deep with the static water level listed at 110 feet. The groundwater table is on the south end of the mine is 5294. This is approximately 1.4 miles from their well. The floor is approximately 71 feet above the static water level reported in their well permit. There is no hydrologic connection between the surface and this deep water source. For this reason the mining operation cannot introduce sediments into the deep aquifer or influence their well flow characteristics.

Mr. Murphy

Of the 11 concerns Mr. Murphy raised 7 would be considered jurisdictional issues. Six of them have been addressed in the responses to the group letters above. Only number 9 is different so I will address it separately. The question is; *Can I see the results of the groundwater quality and quantity?* As we noted in the **Additional information added to permit exhibits** 4 wells were installed and data collection will begin when complete. This data will be available at the company office in Henderson and will be available for inspection upon Mr. Murphy making arrangements to review them.

Ms Curtis & Ms Chainhalt - second letter 5/24/19

This letter expands on their pervious concerns and makes conjecture based on their impressions of the operation. I will address them in the order presented.

Paragraph 2 - This concerns the dumping of unknown liquids.

There are no unknown liquids being dumped at the mine. Especially "Drilling Mud", drilling mud refers to the muds and chemicals associated with oil and Gas drilling and because of the makeup of the material is not classified as "Inert Material" and can not, nor is it accepted at this mine. The mud accepted comes from vac trucks, and consists of dirt and water. Frei requires each person who delivers a load fill out a load ticket that contains information company and person making the delivery, the material being delivered, the location it was taken from and signing it saying nothing in the load is hazardous. Frei also inspects the load after dumber and if something is found to be questionable the delivering truck is told to clean it up and take it somewhere else. If this is found after the exit the mine that the material is isolated and when they return they are told to retrieve it. This can also lead to them being banned from future deliveries to the mine. We also point out that no material that does not meet the definition of Inert Fill will be accepted at the mine. Frei does not want anything that would be hazardous on their land and water either. As we have shown there is on direct connection between their water well and the mine in that the mine floor is a minimum of 71 feet above the static water levels in the objectors wells. Unless they have illegal water well that are drilled into the surface water table that are not listed in the SEO's records.

Paragraph 3 - Concern on Inert Material and testing.

Albert Frei and Sons, Inc. has been compliance with the requirements concerning the acceptance of Inert Materials since they took over the mine. There is no indication that they have accepted material other than what they committed to in the permit. Each load is inspected prior to delivery and any questionable loads are rejected. If unacceptable material is delivered because it was in the load that material is segregated and held until the delivering party returns to the mine where it is loaded back in their truck and they are given a warning that would ban them from delivering any material to the mine if it happens again. Visual inspection in the testing method use and is an industry wide practice, that has proven to be successful, in prevent unacceptable material from being delivered to a facility.

Paragraph 4 - Concern on annual report.

All annual reports have been filed since the mine opened in 2001. They are public records and as such available for review on the Divisions website under Imaged Documents.

Paragraph 5 - Concern Phasing and disturbed area.

As a reminder all discussion of Phasing has been removed from the Mining and Reclamation Plans in the amendment. Instead we went to a bonded plan that covers the existing and proposed disturbance area to cover 60 acres. In the 7/2019 annual report it was reported there was 28.8 acres disturbed, in the 9/2019 inspection report the bond was recalculated for 30 acres in increase. The Mined Land Reclamation act requires the operator to reclaim the disturbed parts of the mine and the reclamation bond provides the assurance that it will be completed.

Paragraph 6 - there is nothing jurisdictional to respond to, as it is all allegations and conjecture on their part.

The record shows that this permit is operating in compliance with the issued permit. There is no record of violations that support their contention that the permit amendment should be denied for "current or past behavior". The past operating record of Albert Frei and Sons, Inc. does not support the comment that the current or future activities will adversely impact the "environment, wildlife, air quality, water quantity/quality and impact on the quality of life of myself and affected neighbors is disheartening and threatens the health, safety and welfare of me, my neighbors and the community." Albert Frei and Sons operates all of their mines in compliance with all State and County permits as the record shows.

Revised Exhibits and other items attached

- Map Exhibit C-1 Mining Plan map revised
- Copy of revised Exhibit D - Mining Plan
- Copy of revised Exhibit E - Reclamation Plan
- Map Exhibit E-1 Reclamation Plan map Color revised
- Map Exhibit F Reclamation Plan map revised
- Copy of revised Exhibit G - Water
- Copy of revised Exhibit L - Reclamation costs.
- Copy of revised Exhibit S - Structure agreements
- Proof of Publication
- Adjoining owner notice receipts
- Geotechnical analysis.
- ERO Resources - Natural Resources Assessment report
- ERO - U.S. Fish and Wildlife Service Concurrence request packet

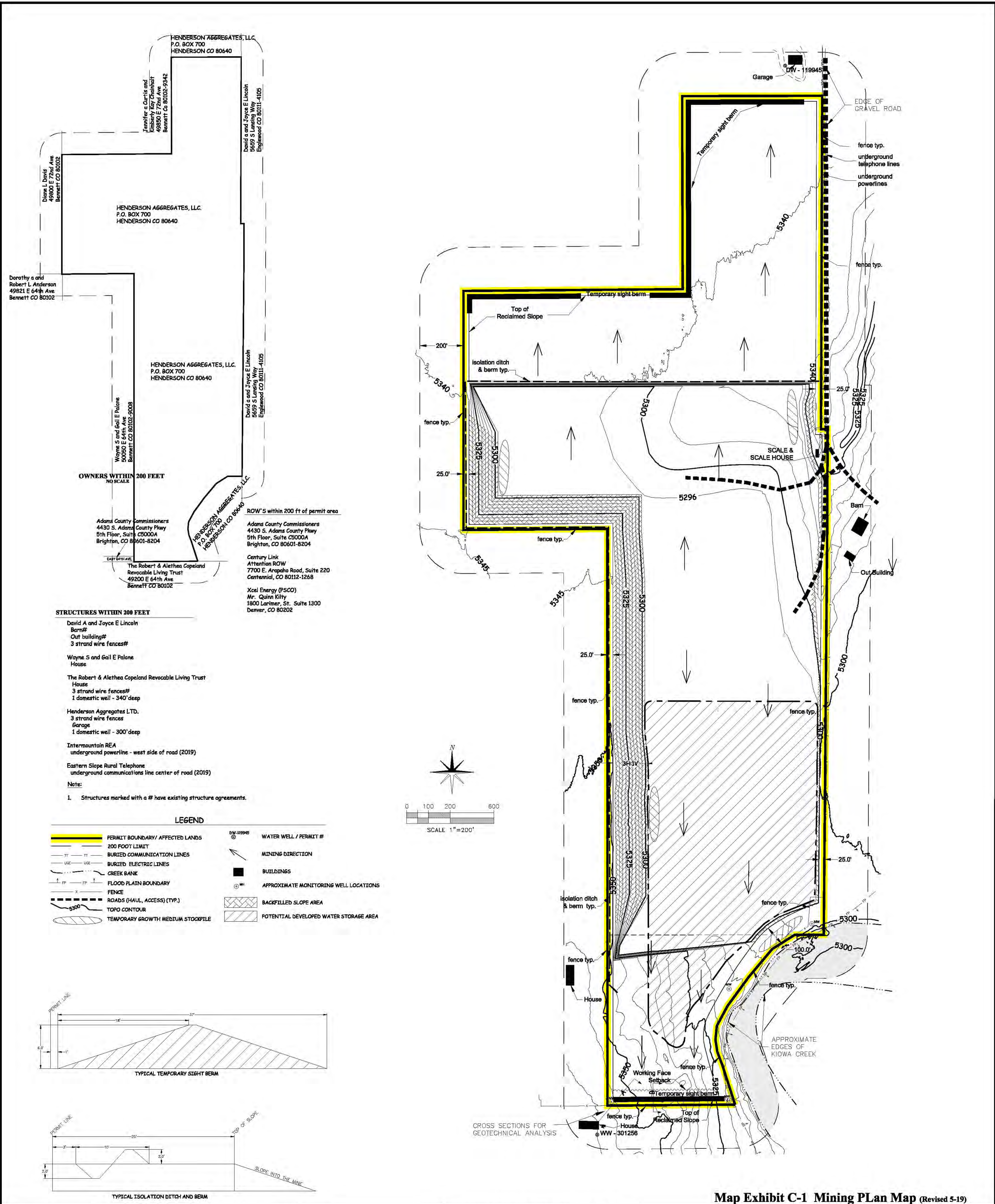
If you have more questions or need more information please call me at (303) 423-7297.

Sincerely,



Stevan L. O'Brian
Environment, Inc.

cc Albert Frei and Sons, Inc.
Jared Ebert - via e-mail
Adams County Clerk
file



HENDERSON AGGREGATES, LLC
P.O. BOX 700
HENDERSON CO 80640

Transfer a Curtis and Kimberly 167 Chainmail
49850 E 72nd Ave
Bennett Co 80102-9342

David and Joyce E Lincoln
5659 S Lansing Way
Englewood CO 80111-4105

Diane L Davis
49900 E 72nd Ave
Bennett CO 80102

HENDERSON AGGREGATES, LLC
P.O. BOX 700
HENDERSON CO 80640

Dorothy a and Robert L Anderson
49821 E 64th Ave
Bennett CO 80102

HENDERSON AGGREGATES, LLC
P.O. BOX 700
HENDERSON CO 80640

Wayne S and Gail E Palone
40030 E 64th Ave
Bennett CO 80102-2008

OWNERS WITHIN 200 FEET
NO SCALE

Adams County Commissioners
4430 S. Adams County Pkwy
5th Floor, Suite C5000A
Brighton, CO 80601-8204

The Robert & Alethea Copeland Revocable Living Trust
49200 E 64th Ave
Bennett CO 80102

HENDERSON AGGREGATES, LLC
P.O. BOX 700
HENDERSON CO 80640

ROW'S within 200 ft of permit area

Adams County Commissioners
4430 S. Adams County Pkwy
5th Floor, Suite C5000A
Brighton, CO 80601-8204

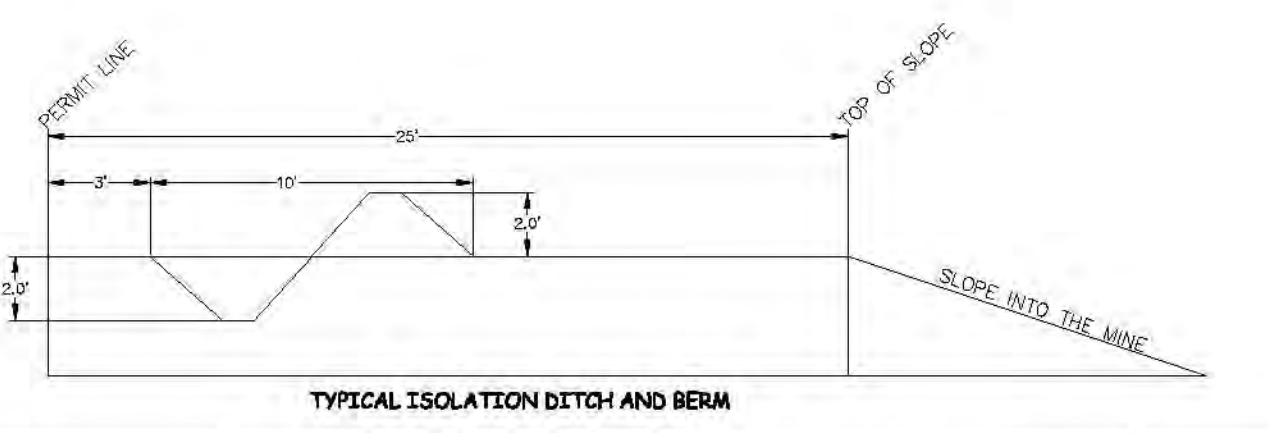
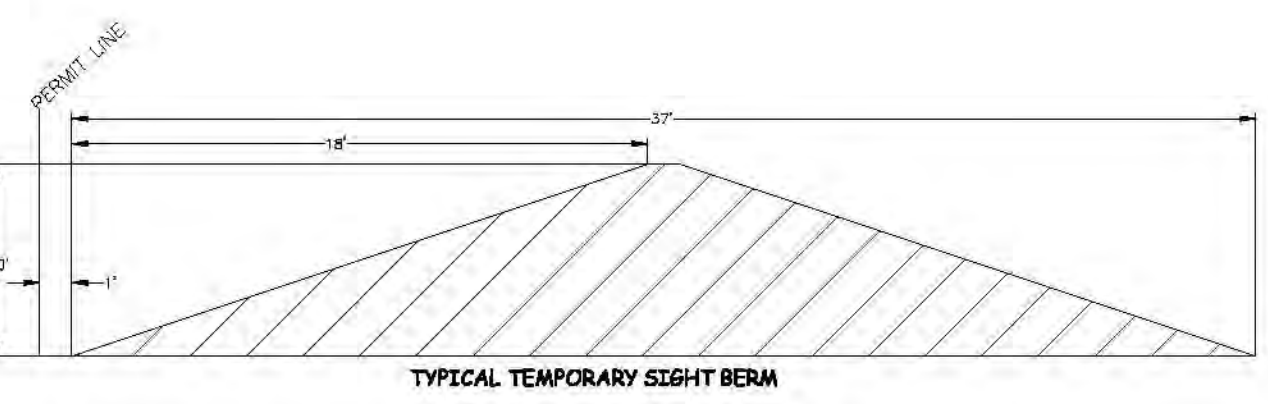
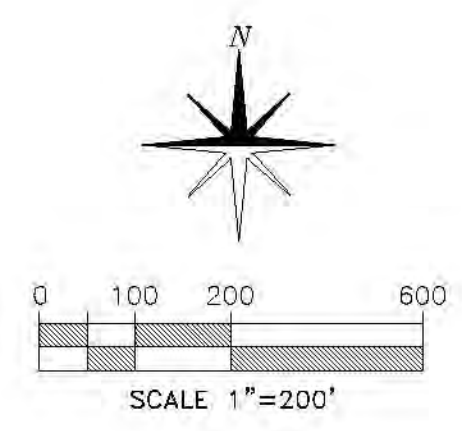
Century Link
Attention ROW
7700 E. Arapaho Road, Suite 220
Centennial, CO 80112-1268

Xcel Energy (PSCO)
Mr. Quinn Kilty
1800 Larimer, St. Suite 1300
Denver, CO 80202

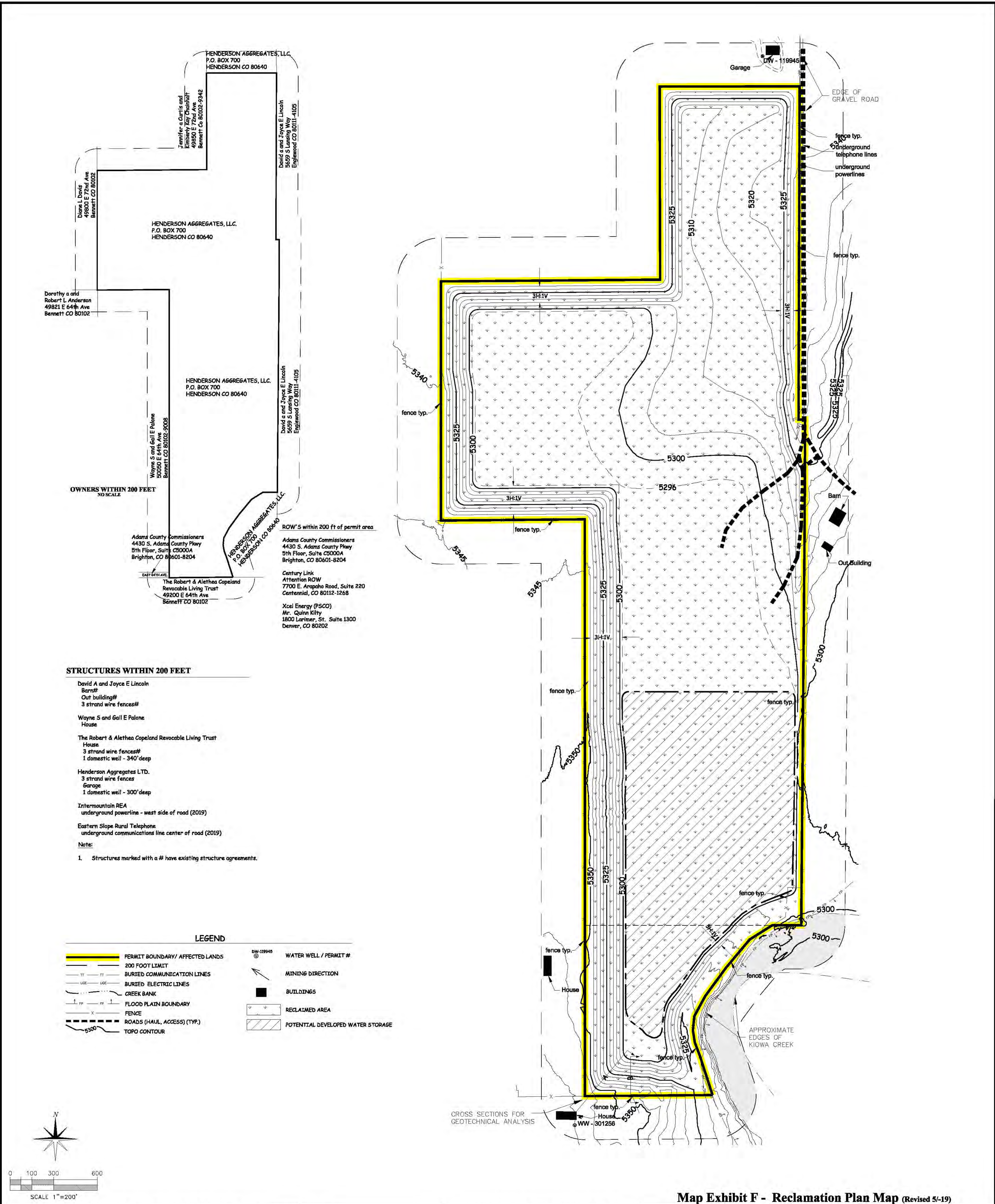
- STRUCTURES WITHIN 200 FEET**
- David A and Joyce E Lincoln
 - Barn#
 - Out building#
 - 3 strand wire fences#
 - Wayne S and Gail E Palone
 - House
 - The Robert & Alethea Copeland Revocable Living Trust
 - House
 - 3 strand wire fences#
 - 1 domestic well - 340' deep
 - Henderson Aggregates LTD.
 - 3 strand wire fences
 - Garage
 - 1 domestic well - 300' deep
 - Intermountain REA
 - underground powerline - west side of road (2019)
 - Eastern Slope Rural Telephone
 - underground communications line center of road (2019)
- Note:**
- Structures marked with a # have existing structure agreements.

LEGEND

	PERMIT BOUNDARY / AFFECTED LANDS		WATER WELL / PERMIT #
	200 FOOT LIMIT		MINING DIRECTION
	BURIED COMMUNICATION LINES		BUILDINGS
	BURIED ELECTRIC LINES		APPROXIMATE MONITORING WELL LOCATIONS
	CREEK BANK		BACKFILLED SLOPE AREA
	FLOOD PLAIN BOUNDARY		POTENTIAL DEVELOPED WATER STORAGE AREA
	FENCE		
	ROADS (HAUL, ACCESS) (TYP.)		
	TOPO CONTOUR		
	TEMPORARY GROWTH MEDIUM STOCKPILE		



Map Exhibit C-1 Mining Plan Map (Revised 5-19)



HENDERSON AGGREGATES, LLC
P.O. BOX 700
HENDERSON CO 80640

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P.O. BOX 700
HENDERSON CO 80640

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OWNERS WITHIN 200 FEET
NO SCALE

Adams County Commissioners
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Eastern Slope Rural Telephone
underground communications line center of road (2019)

Note:
1. Structures marked with a # have existing structure agreements.

ROW'S within 200 ft of permit area

Century Link
Attention ROW
7700 E. Arapaho Road, Suite 220
Centennial, CO 80112-1268

Xcel Energy (PSCO)
Mr. Quinn Kilby
1800 Larimer, St. Suite 1300
Denver, CO 80202

STRUCTURES WITHIN 200 FEET

- David and Joyce E Lincoln
Barn#
Out building#
3 strand wire fences#
- Wayne S and Gail E Palone
House
- The Robert & Alethea Copeland Revocable Living Trust
House
3 strand wire fences#
1 domestic well - 340' deep
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3 strand wire fences
Garage
1 domestic well - 300' deep
- Intermountain REA
underground powerline - west side of road (2019)
- Eastern Slope Rural Telephone
underground communications line center of road (2019)

LEGEND

- PERMIT BOUNDARY/ AFFECTED LANDS
- 200 FOOT LIMIT
- BURIED COMMUNICATION LINES
- BURIED ELECTRIC LINES
- CREEK BANK
- FLOOD PLAIN BOUNDARY
- FENCE
- ROADS (HAUL, ACCESS) (TYP.)
- TOPO CONTOUR
- WATER WELL / PERMIT #
- MINING DIRECTION
- BUILDINGS
- RECLAIMED AREA
- POTENTIAL DEVELOPED WATER STORAGE

Map Exhibit F - Reclamation Plan Map (Revised 5/19)

Parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, T-3-S, R-63-W
of the 6th P.M., County of Adams, State of Colorado

REVISIONS:	DATE:
ORIGINAL PERMIT	4/6/2001
TR. 01 INERT FILL	9/25/2015
AMENDMENT TO ADD NORTH AREAS	2/5/2019
ADEQUACY RESPONSE CHANGES	5/28/2019

**AMENDMENT APPLICATION FOR
THE 112 MLRB PERMIT
AFS- BENNETT PIT - M-2001-038**

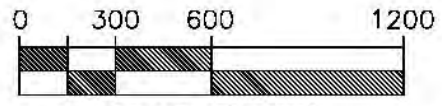
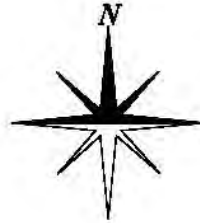
AFS
ALBERT FREI & SONS
P.O. BOX 700 | Henderson, Colorado 80640
phone: (303) 287-4656 | fax: (303) 289-2865

DATE	05/19/2019	SHEET	3 of 3
FILE NAME	BENNETT.PIT		
PROJECT	T-3-S		
SCALE	1"=200'		
DRAWN BY	ENV/ALD		
CHECKED BY	RF		

AFS

ALBERT FREI & SONS

P.O. BOX 700 | Henderson, Colorado 80640
phone: (303) 287-4656 | fax: (303) 289-2865
AFS- BENNETT PIT - M-2001-038
Map Exhibit E-1 - Reclamation Plan Map (Revised 5-19)



SCALE 1"=600'

LEGEND

- PERMIT BOUNDARY// AFFECTED LANDS
- 200 FOOT LIMIT
- BURIED COMMUNICATION LINES
- BURIED ELECTRIC LINES
- CREEK BANK
- FLOOD PLAIN BOUNDARY
- FENCE
- ROADS (HAUL, ACCESS) (TYP.)
- TOPO CONTOUR
- WATER WELL / PERMIT #
- MINING DIRECTION
- BUILDINGS
- RECLAIMED AREA
- POTENTIAL DEVELOPED WATER STORAGE

PREPARED BY: ENVIRONMENT, INC.
7965 VANCE DR., # 205A
ARVADA, CO 80005
(303) 423-7287
Theenvironmentinc.com

Parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SEW $\frac{1}{4}$, Section 2, T-3-S, R-63-W
of the 6th P.M., County of Adams, State of Colorado

MINING PLAN AND TIMETABLE

Unless specifically discussed below the methods described in the 2001 mining plans and Technical Revision filed in 9/25/2015 will remain unchanged. The current bond was set at \$110,860 on October 4, 2018 and a new reclamation cost estimate is presented in **EXHIBIT L** on page 53 of this application. Existing sloping, grading and shaping plans will apply to the new area since they are similar to the area now in the permit. The existing permit area is 47.75 acres and will be increased by 60.13 acres to 107.88 acres. This area is being added on the north end and extended to the south to the property line. We revised the 2001 approved Mining Plan as appropriate for adding the new area acreages, methods and timing.

LOCATION

The property is located in Adams County approximately 3.8 miles north of Bennett, Colorado. From Denver take I-70 East to the Bennett exit and follow Colorado State highway 79 north to E 72nd Ave. Then west 1.0 miles to a private driveway (a.k.a. Provost Road) on the south side of 72nd Ave. Follow the driveway south 0.4 miles to the entrance and scale house. The surrounding areas are mainly large tracts of rural residential sites and agricultural or rangeland. Please refer to **EXHIBIT B - VICINITY MAP** for the property configuration and the relationship to surrounding geological features.

CURRENT CONDITIONS

The current permit area covers 47.75± acres with a site elevation of approximately 5340 feet, sea level datum. Most of the existing mine area is partially mined and reclaimed. Growth medium has been placed around the mine area and some partial backfilling has been done on the mine floor to level area mined in the past.

The **PRE-MINING MAP-EXHIBIT C** shows how the area looks at this time. The gravel deposit is an alluvial deposit that averages 5 to 45 feet deep across the property. This deposit tends to thin from west to east. The deepest area is under the terrace area on the west. Drill logs indicate there is a section of the property that has gravel below the water table on the south end of the permit area.

MAP EXHIBIT C shows the outline of the mining area, the touching landowners, the 200 foot ownership, current topography, and hydro-logic features of the property. The land is presently used for

mining and agricultural purposes by the landowners. Most of the existing area is highly disturbed where mining is taking place. The new areas have been used for dry land crop production or rangeland.

Access to the site is via the existing driveway from the East 74th Avenue to the north and it will be maintained as needed and will remain when mining is complete. Since the driveway is an existing private road and will remain when reclamation ends, it is not included as part of the permit area.

MINING PLAN

The permit area is being expanded from 47.57 acres to 107.88 acres to extend the life of the mine and to continue the sand gravel and borrow material operations for the area. Along the affected lands/permit line the mining setback will be 25 feet. The exception to this is along the south permit line. In this area due to structures adjacent to the permit. In this area a working face setback of 70 feet staked from the Permit line. North of this line the working face will be worked approximately ½:1 but when mining reached this setback line mining will done on the final 3:1 grade. This will maintain at least a 1.5 factor of safety for the fence line. The geotechnical Analysis is based on this plan. The excavation will proceed both north and south from the area currently mined as a dry alluvial operation. A portion of the southern end of the existing mine and new south area has sand and gravel below the alluvial aquifer associated with Kiowa Creek. It may be feasible to mine this material as a dry source by placing a sealing liner around it. But until investigations can be completed as to the feasibility of obtaining replacement water for that area, then mining will only take place above the groundwater table.

At anyone time we may have 2 working faces extend across the property until an exterior limit is reached. **MAP EXHIBIT C-1-MINING PLAN** **MAP** shows how this may look in the near future. There is not a dedicated Plant Site since processing takes place at the face being mined and piles of finished product are placed near the process equipment until it is hauled from the mine. The current plan calls for having 4 - 10 acre Mining Phases, but under this amendment the phasing is removed and a maximum disturbance scenario will be used to allow flexibility for the mine to be developed from both ends of the deposit. The material mined is damp so no unusual dust control problems exist.

Mining will expand out from the existing partially mined area to the south and north. Stripping will precede mining so only enough area is stripped to cover the next 6 to 12 months of mining. Reclamation will run concurrent with mining to limit the amount of area disturbed at any time. The maximum disturbed area will include partially reclaimed area, mined area, partially mined areas and stripped areas. Under the revised is plan mining and reclamation would run concurrently on the mine area as needed. Under this plan we will bond for the existing and proposed disturbance areas rather than a maximum area, this means that we are not limited to 60 acres in the future. Rather that at this time the limit covered by the bond will be 60 acres which includes areas that are actively being affected by mining, processing and partial reclamation areas that will have been mined, graded and vegetated but not yet ready for release. No mining will take place within 100 feet of the north bank of Kiowa Creek. Kiowa Creek is an ephemeral drainage that very seldom has water running thru it. No explosives will be used nor will blasting be done at this mine, the material is easily mined using conventual sand and gravel mining methods.

There is limited surface material that would qualify as topsoil. As noted in the original text, much of the surface on the existing permit area and newly added south area, has sand on the surface that is not classified as soil. Information for the new north area suggests that there is an average of 5 plus feet of a sandy-clay that is medium stiff to stiff. We will salvage the upper 12 inches of this material for resoiling that area. When the surface layer has some topsoil material it will be stripped and stored for later use in revegetation. As new area is stripped for excavation the soil will be salvaged and stored around the mine perimeter. There have been unusable overburden and/or lenses of clay materials in the sand deposit that will also be stripped and stored for later use in building slopes or backfilling the floor. Both overburden material and unusable clay lenses will be stored along the western portion of the mine for use in grading the final slope from the top to the floor. The salvaged topsoil may also be used on areas ready for resoiling.

A part of this material salvage plan a 6 foot high temporary sight berm will be placed along the northern part and on the south line of the mining area to screen the neighbors from noise generated by mining. The berm will have 3h to 1v slopes on each side and will be revegetated using the approved seed mix. When mining ends in

the area next to these berms, the material will be used to resoil the final slopes. **MAP EXHIBIT C-1 - MINING PLAN MAP** shows where the berms will be located. Their installation will take place before mining reaches these areas.

Mining will take place using scrapers, track hoes, frontend loaders, off road trucks and other equipment. Fuel stored on site is/or will be kept in self contained facilities capable of contain 110% of the capacity of the liquids stored.

The excavated material may be loaded directly into trucks for delivery to the plant or from the working face into the processing plant. If raw material is hauled to the plant it will be stockpiled for processing. All slopes will be left in a reasonably smooth condition and be a minimum of ½h to 1v and a maximum of 3 horizontal to 1 vertical during mining. Exterior sloping will take place as mining progresses thru the deposit.

Since this is a dry pit operation there will be not affect or injury to any water rights. The plan is to stay at lease 2 feet above the ground water table and should mining get into the water table it will be immediately backfilled with at least 2 foot of material. If that happens the floor will be temporally adjusted so it stays at lease 2 feet over the groundwater until the necessary permits can be obtained to cover evaporation losses prior to mining deeper. This will be done by either installing a slurry wall or compacted liner to isolate the mining area from the groundwater table, depending on the technology that will best serve the conditions found. Albert Frei and Sons, Inc. will file a Technical Revision once it is determined what type of liner is most appropriate, and how much area will be lined will be determined at that time. The Mining and Reclamation Plan Maps will be revised showing the location of liner and the end use for the area inside the liner.

The south working face will continue to be worked to the south on a elevation that is 2 feet above the ground water level in this area until the mine limits have been reached. Site investigations indicate the groundwater elevation under the southern part of the mine is approximately 5294. So the floor elevation will be mined at approximately 5296 across the property.

As mining goes into the north side it may be possible to mining to the top of the shale since it may be higher then 5294. If needed

water for washing and dust control will be purchased or the operator may also obtain a deep well permit for a well to provide water for the mines needs.

During mining all interior pit slopes will be into the mine so there will be no drainage off the affected land. This same slope management plan will prevent any offsite slides or other disruptions, and will also address some of the storm-water runoff questions arising from the Clean Water Act. Temporary isolation berms or ditches will be constructed within the setbacks around the mine to prevent stormwater from entering or leaving the site. No water will be discharged from the pit unless done so under a CPDS permit and all stormwater will be collected on the site and treated before being released if it comes in contact with disturbed areas as required. It will be held for less than 72 hours.

The current permit contains an Inert Fill provisions approved in **Technical Revision 01** that allows importation of fill material. If Albert Frei and Sons, Inc., imports inert fill it will be used for reconstruction of slopes or backfilling on the mine floor. A copy of the Technical Revision and approval are provided in the appendix for your review.

MINING TIMETABLE

The continuing uncertainty of economic conditions in the construction materials industry precludes an accurate forecast of demand during the life of the mine. This estimated mining timetable is based on an average year and it is expected that a specific year will vary widely from the average.

MINING TIMETABLE

MINING AREA	YEARS	ACRES ±		AVERAGE ANNUAL PRODUCTION TONS/YEAR
		TOTAL AREA	MINED AREA	
Mine	7-10	107.88	83.07	500,000

RECLAMATION PLAN AND TIMETABLE***RECLAMATION PLAN***

There are no plans at this time to change the future use for the mined areas for that approved in 2001. Currently the post mining land use is rangeland and the new areas will have the same designation. The approved reclamation plans, including resoiling, revegetation methods and grass species, for the existing permit area will be used for the amendment areas. We will use the revegetation and resoiling methods approved in the original application and the Technical Revisions, on the new areas. The current reclamation plan is laid out as a phased operation. Under the original submittal this made sense because the original operator was small. When Albert Frei and Sons, Inc. took it over the companies sales demands are higher so having a Phase Reclamation Plan is too restrictive for how fast the material is being mined. Instead, the Phasing is being removed and a maximum disturbance layout is proposed. The text below addresses changes that are needed to make this happens. The Reclamation Plan Map shows the area to be reclaimed.

Reclamation will be undertaken in the following manner for all parts of the mine. Except for the areas of the permanent private road, any stored overburden material and sand spoils from the plant's operation will be used to level the mines floor and rebuild side slopes. The final exterior slopes will be rebuilt and sloped 3H (horizontal) to 1V (vertical) and the floor will slope gently from north to south to preserve the natural drainage across the site. The current Reclamation Plan Map shows that some of the western part of the mine may be backfilled out from the west permit line so a long slope extends across the mine. The map shows the area as we feel it will be graded. Should excess waste material be encountered or a supply of inert fill material becomes available, Albert Frei and Sons will keep the option to do partial backfilling. Prior to this happening the Division will be notified and a Technical Revision will be filed to show what is planned. If the liner is installed on the southern area this area would be sloped, resoiled and seeded according to the reclamation plan and left as depression in the surrounding area.

In the area where the mine floor reached the underlying shale or has been backfilled with clay lenses or overburden it will be ripped and scarified prior to resoiling and seeding. Once sloping

is complete the salvaged soil will be spread over the area to be seeded an average of 12 inches deep on the north area. For the existing permit area and south, any soil salvaged from the south area will be respread for revegetation.

The plan calls for revegetating the mined area using the NRCS recommendations provided in the original permit **EXHIBIT I/J** (a copy is provided in the exhibit for reference). The NRCS recommended using a seed drill with 6.5 inch spacing and a planting depth of $\frac{1}{4}$ to $\frac{1}{2}$ inch from October 15 to May 20th of each year. No fertilizer or mulch was recommended and spring weed control using herbicides and/or mowing in spring to mid-summer.

The following seed mix was recommended and approved for use at the mine.

<u>Species</u>	<u>Lbs. PLS/Acre*</u>
Sand bluestem (Eiida)	2.40
Prairie Sandreed (goshen)	0.88
Switchgrass (greenville)	0.50
Yellow Indian grass (Llano)	0.83
Little Bluestem (Pastura)	<u>0.35</u>
TOTAL	12.50

* If broadcast the seed rate is to be doubled

Under normal conditions, the operator will strive for a 20 to 40 percent cover rate on the revegetated areas when reclamation is complete. Careful analysis of the growth medium and salvageable soil will permit the operator to implement a soil additive program and to monitor the prescribed seeding plan to determine if the plan requires revision. Under normal weather conditions, an adequate moisture reserve will be present for establishment of the proposed seed mixture. No irrigation will be used during reclamation since the plan is to establish a vegetation cover that is not dependent on irrigation to survive.

RECLAMATION PERFORMANCE STANDARDS

The property will be mined in compliance with the Reclamation Performance Standards of Rule 6. Grading will be performed to create a final topography that is compatible with the intended final land use. Final external slopes will be graded no steeper than 3h to 1v as provided for in the Rules and Regulations. The **RECLAMATION PLAN MAP** shows how the area will be reclaimed.

Imported fill materials may be used to fill part of the excavated area and level the mine floor. This material may consist of broken concrete or other materials suitable for that purpose. It will be "Inert Material" as defined by the Colorado Department of Health. The pit will be reclaimed so that a suitable grade for drainage exists, all surface runoff will be directed so it remains on the mine site.

All grading will be done in a manner to control erosion and to protect areas outside the affected land from slides or other damage. Backfilling and grading will be completed as soon as feasible after mining is completed in a given area. All refuse will be hauled away or disposed of in a manner that will control unsightliness and protect the drainage system from pollution. There are no acid-forming or toxic materials involved in this operation. The minimal amounts of petroleum products stored at the site will be done as prescribed by applicable laws. The storage tanks have secondary containment features and a Spill Prevention and Containment Plan has been prepared for the fueling facility. There are no drill or auger holes on the land. Maximum slopes will be within the limits set forth in the Rules and Regulations of the Board and will be capable of being traversed by machinery.

The operator does not expect prevailing hydrologic conditions to be disturbed. We will comply with applicable Colorado water laws and regulations (as the operator understands them) governing injury to existing water rights in order to minimize any disturbance, which might occur to the prevailing hydrologic balance of the affected land and surrounding areas and to the quality of water in surface and ground-water systems both during and after the mining operation and during reclamation. In addition, the operator expects to comply with applicable Federal and Colorado water quality laws and regulations. Any water used in the operation or the processing plant will come from water owned by the operator or purchased from an outside agency that is approved for that use. **EXHIBIT G** contains specific information concerning impacts and uses of water at this mining operation.

This is not a dredge facility, so there are no temporary siltation structures involved in this operation and no mining will be done within the confines of the Kiowa Creek channel. If needed a U.S. Army Corp of Engineers Permit is required for mining in waters of the U.S. or wetlands on the site it will be obtained prior to

disturbing those areas. There will be no earthen dams on the mined area.

The mining and reclamation plans consider existing wildlife use of the site. This mine is located in a rural setting surrounded by large tracks of open lands where displaced wildlife can go. During mining and reclamation a few terrestrial mammals, amphibians and birds will be displaced. There is adequate habitat on surrounding properties for the displaced critters to go until reclamation is complete. Creation and management of wildlife habitat is not a specific part of the reclamation plan. A wildlife statement was provided by Colorado Division of Wildlife Northeast Region, in 2001, a copy is provided.

Topsoil in the area is minimal or of poor quality and very little exists in some areas that can be salvaged. The operator is committed to salvage whatever growth medium is available for use in reclamation. When growth medium/topsoil is removed to reach the mineral deposit, it will be segregated and stockpiled along the perimeter or floor where mining is complete. If the topsoil piles remain undisturbed for more than a year, the approved seed mix and rate recommend, per surface acre will be planted on the piles or other means will be employed to preserve the topsoil from wind and water erosion. This will keep it free of contaminants so that it remains useful for sustaining vegetation when reclamation begins. The topsoil will be handled as little as possible until it is replaced onto disturbed areas. Albert Frei & Sons will take measures necessary to insure the stability of the replaced topsoil on graded slopes and ensuring that it is spread as evenly a possible.

RECLAMATION TIMETABLE

Reclamation will begin once enough area has been opened so that any reclamation completed will not be disturbed as mining progresses. This may take one or more years depending on the economic conditions in the area and the amount of material mined. By the time mining is completed approximately 70% of the total mined land will be reclaimed. As mining ends only final slope backfilling, grading and shaping resoiling and seeding will be needed on the areas last mined. Final seeding will be done by the end of the second fall after grading is completed. The area will be monitored for success of revegetation until accepted by the Division for release. If revegetation failures occur prior to release, an analysis of the

site will be made and the area will be revegetated again as necessary.

RECLAMATION TIMETABLE

AREA	YEARS	ACRES ±				
		TOTAL	ROAD	BACKFILL AREA	REVEGET ATION	SET- BACKS
Mine	3-5	107.88	0.63	17.73	106.92	7.08

color map

WATER INFORMATION

It is the operators intent to minimize the disturbances to the prevailing hydrologic balance of the affected land, of the surrounding areas and to the quality and quantity of the surface and ground water system, both during and after mining and reclamation. Albert Frei and Sons, Inc. believes they will be in compliance with all state and federal laws and regulations governing water and water rights as they understand them.

Because of the geographic features around the mine, all offsite runoff is or will be diverted around the disturbed area. Any storm water runoff from the disturbed areas will be retained on the site and directed into the mining area where it will be held for no longer then 72 hours. No mining will take place within 100 feet of the north bank of Kiowa Creek channel. Kiowa Creek is an ephemeral drainage that very seldom has water running thru it. The creek flows only at such times when flooding upstream causes water to flow thru the Creek. Additionally in some years there are flows in Kiowa Creek from approximately May through June, generally from that time on any water encountered is only ground water associated with the creek. Under no circumstance will this proposed pit have any effect upon the ground water in the Kiowa, Bijou or Lost Creek Basins.

As explained in the revised Mining and Reclamation Plans most of the permit area is a terrace deposit of gravel. We do not expect to expose groundwater above 5294. The bedrock is above this elevation on approximately two-thirds of the mine farthest from Kiowa Creek. The southern one-third will be mined dry until the groundwater table is encountered. If that happens the floor will be backfilled so it stays at lease 2 feet over the groundwater table. Once the area has been mined an evaluations will be done to determine if mining below the water table is feasible as noted in the Mining Plan. If it provides feasible then a Technical Revision will be filed to provide the type of liner and it's design, the area to be lined and will include ground water monitoring and mitigation plan prior to installing the liner and mining the material.

Review of drill logs for the permit are indicated the groundwater lies on the southern apart of the area closest to the Kiowa Creek channel. It varies in depth from 9 feet near the east fence to an average of 50 feet along the west side. Four monitoring wells will be installed along the southern end of the mine as shown on Map

Exhibit C-1. Even though there is no plan to expose ground water at this time, The elevation data collected for the first 13 months and then once quarterly, will establish the historic ground water elevation data if needed in the future. In addition, throughout the life of the mine Frei is committed to collecting a water quality sample one time per year from the central most well. In other words one sample per year from one well. This data will be retained in the company office and can be inspected upon request.

TABLE G-1 shows the results of a record search of the Division of Water Resources well permits files. It indicates the four wells within 600 feet of the mine perimeter are 300 plus feet deep and no surface groundwater wells are listed for the surrounding area. A map showing the well locations according to the Office of the State Engineer data is also provided labeled **MAP EXHIBIT G - WELL MAP**.

We estimate dust control for the various parts of the operation, i.e., roads, crushing & screening, washing, etc. to be a maximum of 3-ac-ft per year. This water will be obtained from a source approved for that use. No water will be used for reclamation.

Kiowa Creek is the closest surface water drainage to the mine and is dry most of the time. The permit area lies above and outside the 100-year floodplain for Kiowa Creek. Its location is shown on the large Map Exhibits. There are no Waters of the US or wetlands are on the mine area. Mining and Reclamation will not affect the Kiowa Creek channel.

RECLAMATION COSTS

The following information is presented based on the Bond evaluations preformed by the Division of Reclamation Mining and Safety on September 14, 2018 Circes Reclamation Cost estimate. The current bond amount is \$110,860.00 which is current enough that it can be used as a base to set the bond for the amendment.

The bond is based on having no more then 60 acres needing resoiling and seeding and 3300 feet of cut/fill bank sloping, based on 3h to 1v.

The following information based on the layout of the CIRCES COST SUMMARY FORM the Division provided in September 2018. The numbers and sequencing were left in the order presented for ease of following this estimate. Only the costs associated with grading, shaping, resoiling and seeding increases are changed. At this mine it is not necessary to import fill material to complete reclamation on the site. The methodology for the reclamation did not change from the 2001 amendment.

Task Description	Direct Cost
001 - Grade all slopes (1300 on South & East and 1800' on West and North) 7896yds x 1.124= 8,872 cyds @ 23.8¢/yd	\$2,109.00
002 - Spread Topsoil - (60 ac - 12" deep) 96,800 cyds @ 96.2¢/yd	\$94,084.00
003 - Revegetation work - (60.0 acres seeding, includes dicing seed bed, mulch and secondary seeding) 60.0 ac @ \$1,011.95/ac +60x20%x\$329.66/ac	\$64,673.00
004 - Mob/demob	\$6,462.00
Total Direct costs	\$167,328.00
INDIRECT COSTS	
Liability insurance @ 2.02%	\$3,380.03
Performance bond @ 1.05%	\$1,756.97
Job Superintendent 228.00 hrs @ \$41.25/hr	\$9,405.00
Profit @ 10%	\$16,732.00
TOTAL INDIRECT COSTS	\$31,274.00
Financial warranty processing	\$500.00
Engineering work/bid preparation @ 4.25%	\$8,440.60
Reclamation Management @ 5%	\$9,930.10
Total bond	\$217,472.70

RECOMMEND BOND BE SET AT \$217,500.00

PERMANENT AND MAN-MADE STRUCTURES

The following list represents the permanent man-made structures within 200 feet of or on the mining areas. As the limits of the mine are reached, the slopes will be backfilled 3h to 1v to leave a stable slope. Along the property line the setback will be 25 feet from the permit line to the dig line. Our plan to mine the slopes at the natural angle of repose adjacent to any structure and place temporary backfill against them if they will be left for more than 3 months. This will eliminate any chance that these structures will be affected by mining. Structure agreements were mailed to the owners for which no agreements have been obtained as of February 21, 2019 and when or if they are received copies will be provided to the Division. Copies of the proof of mailings receipts are provided in the Appendix of this packet.

Please refer to **MAP EXHIBIT C - AFFECTED LAND MAP** for the location of the structures listed below;

Henderson Aggregates, LLC.

3 - strand wire fences
Garage
Water Well - 300 ft deep

David A and Joyce E Lincoln
Barn#
Out building#
Fences

Wayne S and Gail E Palone
House
Fences
Water Well - 340 ft deep

The Robert & Alethea Copeland Revocable Living Trust
Fences
Water Well - 340 ft deep

Eastern Slope Rural Telephone
1 underground phone line*

Intermountain REA
underground ground powerline*

Note

1. Structures marked with a # have existing structure agreements.
2. Structures marked with a * have been installed to service only the scale house and mine.

PERMITTEE/STRUCTURE OWNER AGREEMENT

State of Colorado, Mined Land Reclamation (MLR) law requires the permit applicant (operator/permittee) to agree to reimburse the owner of any permanent man-made structure(s) within 200 feet of the AFS-Bennett Pit (M-2001-038) permitted mining area, for damage done to the structure(s) as a result of the permitted operation.

Albert Frei and Sons, Inc. believes Henderson Aggregates, LLC. own the following structure(s), located within 200 feet of the permitted mining area: 3 -strand wire fences, Garage and Water Well - 300 ft deep

Albert Frei and Sons, Inc., agrees to reimburse you for any damage done to the listed structures as a result of the mining operation. Your acknowledging signature and a notary seal in the spaces provided below shall satisfy the MLR law requirement. Albert Frei and Sons, Inc. certifies this agreement as follows:

CERTIFICATION: The applicant Albert Frei and Sons, Inc. represented by Albert Frei, Jr., as the President, does hereby certify that Henderson Aggregates, LLC. shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located within 200 feet of the permitted mining area described in the MLR Permit for the AFS - Bennett Pit.

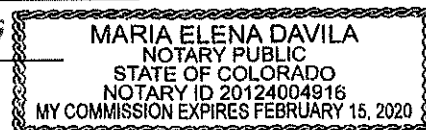
NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Permit Applicant: Albert Frei and Sons, Inc. P.O. Box 700 Henderson, CO 80640

Representative: Albert Frei, Jr. phone 303-289-1837

Signature: *Albert Frei, Jr.* Date: 2/7/19



STATE OF Colorado)
COUNTY OF Adams) ss

The foregoing was acknowledged before me this 7th day of February, 2019, by Albert Frei, Jr. as the President of Albert Frei and Sons, Inc.

Notary Public: *Maria Elena Davila* My Commission Expires: 02-15-2020

NOTARY FOR STRUCTURE OWNER(s)

ACKNOWLEDGED BY:

Structure Owner(s): Henderson Aggregates, LLC.

Contact name (print): Benfrei Benfrio

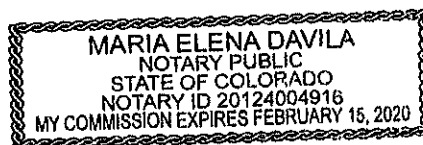
Title: Partner Partner

Signature: *B. Frei Benfrio* Date: 2/7/2019 2/7/2019

STATE OF Colorado)
COUNTY OF Adams) ss

The foregoing was acknowledged before me this 7th day of February, 2019, by

Notary Public: *Maria Elena Davila* My Commission Expires: 02-15-2020



PERMITTEE/STRUCTURE OWNER AGREEMENT

State of Colorado, Mined Land Reclamation (MLR) law requires the permit applicant (operator/permittee) to agree to reimburse the owner of any permanent man-made structure(s) within 200 feet of the AFS-Bennett Pit (M-2001-038) permitted mining area, for damage done to the structure(s) as a result of the permitted operation.

Albert Frei and Sons, Inc. believes Eastern Slope Rural Telephone own the following structure(s), located within 200 feet of the permitted mining area: 1 underground phone line*

Albert Frei and Sons, Inc., agrees to reimburse you for any damage done to the listed structures as a result of the mining operation. Your acknowledging signature and a notary seal in the spaces provided below shall satisfy the MLR law requirement. Albert Frei and Sons, Inc. certifies this agreement as follows:

CERTIFICATION: The applicant Albert Frei and Sons, Inc. represented by Albert Frei, Jr. , as the President, does hereby certify that Eastern Slope Rural Telephone shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located within 200 feet of the permitted mining area described in the MLR Permit for the AFS - Bennett Pit.

NOTARY FOR PERMIT APPLICANT

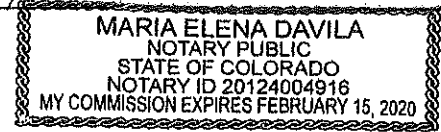
ACKNOWLEDGED BY:

Permit Applicant: Albert Frei and Sons, Inc., P.O. Box 700, Henderson, CO 80640

Representative: Albert Frei, Jr. phone 303-289-1837

Signature: [Signature] Date: 2/7/19

STATE OF Colorado)
) ss
COUNTY OF Adams)



The foregoing was acknowledged before me this 7th day of February, 2019, by Albert Frei, Jr. as the President of Albert Frei and Sons, Inc.

Notary Public: [Signature] My Commission Expires: 02-15-2020

NOTARY FOR STRUCTURE OWNER(s)

ACKNOWLEDGED BY:

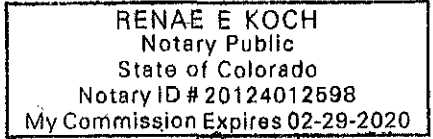
Structure Owner(s): Eastern Slope Rural Telephone

Contact name (print): Clint Felzien

Title: Operations Manager

Signature: [Signature] Date: 2-28-19

STATE OF Co)
) ss
COUNTY OF Adams)



The foregoing was acknowledged before me this 28 day of February, 19, by Clint Felzien.

Notary Public: Renae E Koch My Commission Expires: 2/29/2020

PERMITTEE/STRUCTURE OWNER AGREEMENT

State of Colorado, Mined Land Reclamation (MLR) law requires the permit applicant (operator/permittee) to agree to reimburse the owner of any permanent man-made structure(s) within 200 feet of the AFS-Bennett Pit (M-2001-038) permitted mining area, for damage done to the structure(s) as a result of the permitted operation.

Albert Frei and Sons, Inc. believes Wayne S and Gail E Palone own the following structure(s), located within 200 feet of the permitted mining area: House
Fences

Albert Frei and Sons, Inc., agrees to reimburse you for any damage done to the listed structures as a result of the mining operation. Your acknowledging signature and a notary seal in the spaces provided below shall satisfy the MLR law requirement. Albert Frei and Sons, Inc. certifies this agreement as follows:

CERTIFICATION: The applicant Albert Frei and Sons, Inc. represented by Albert Frei, Jr. , as the President, does hereby certify that Wayne S and Gail E Palone shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located within 200 feet of the permitted mining area described in the MLR Permit for the AFS - Bennett Pit.

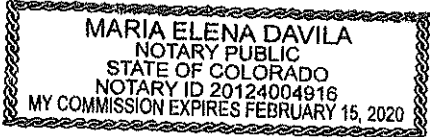
NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Permit Applicant: Albert Frei and Sons, Inc., P.O. Box 700, Henderson, CO 80640
Representative: Albert Frei, Jr. phone 303-289-1837

Signature: [Signature] Date: 2/7/19

STATE OF Colorado)
) ss
COUNTY OF Adams)



The foregoing was acknowledged before me this 7th day of February, 2019, by Albert Frei, Jr. as the President of Albert Frei and Sons, Inc.

Notary Public: [Signature] My Commission Expires: 02-15-2020

NOTARY FOR STRUCTURE OWNER(s)

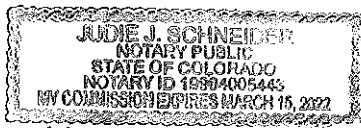
ACKNOWLEDGED BY:

Structure Owner(s): Wayne S and Gail E Palone Contact name (print): Gail E. Palone

Signature: [Signature] Date: 3/1/19

Signature: [Signature] Date: 3/1/19 Contact name (print): Wayne S. Palone

STATE OF Colorado)
) ss
COUNTY OF Adams)



The foregoing was acknowledged before me this 1 day of March, 2019, by Wayne S. & Gail E. Palone

Notary Public: [Signature] My Commission Expires: 3-15-2022

Addendum to Inert Fill Plan as approved on 10/9/2015

Inspection and Control Policy

This policy is intended to assure that all Inert Material delivered to the mine for use in reclamation meets the definition of acceptable material under Division of Mining, Reclamation and Safety Rule 1.1(20). The control begins as the material enters the permit area. Albert Frei and Sons, Inc. employees at the mine have been trained to recognize inert material and unacceptable inert materials as defined in the rule and are instructed to not allow it to be dumped if there is any questionable material in the load.

Monitoring Plan

As material is delivered to the mine the truck must stop at the scale house for inspection and screening. Employees check the load to see that it meets the permit guidelines. After the inspection a load delivery ticket is filled in and signed by the driver, and allowed to be placed in a designated area as long as it meets the acceptance criteria. After the truck is unloaded, and the equipment operator finds any unacceptable materials, they will segregate it to be returned, loaded back on to the customer's truck for disposal at site permitted for the materials. The complete inspection of the load is done prior to the load being combined with other inert fill on site. Notes are made on the ticket of the offending customer if trash or unacceptable materials are in the load so it can be discussed with them and appropriate actions can be taken. This way we have control over anyone who abuses our trust since they will not be allowed to use the facility in the future unless the problem is corrected.

Load log/tracking plan documentation

A load ticket for the delivered inert material contains information on

1. The Date and time the load was delivered.
2. The type and amount of material delivered to be backfilled into the pit.
3. The source of this material and address of origin
4. Each ticket has this statement - *"I certify that my load DOES NOT contain hazardous materials, garbage, wood, organic material or other unacceptable materials"*.
5. Signature line that certifies the material is clean and inert.

Record keeping plan

On a daily basis the load tickets will be transfer from the mine office to the company headquarters where they will be retained in the company records in electronic form and submitted to the Division of Mining, Reclamation and Safety (State) with annual reports. Load tickets will be kept at the corporate office in Henderson Colorado for inspection upon request.



Consultants in Natural Resources and the Environment

Natural Resources Assessment Albert Frei and Sons – Bennett Pit Bennett, Colorado

Prepared for—

Albert Frei and Sons, Inc.
PO Box 700
Henderson, Colorado 80640

Prepared by—

ERO Resources Corporation
1842 Clarkson Street
Denver, Colorado 80218
(303) 830-1188
ERO Project #10645

May 9, 2019

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Appendices

Appendix A Photo Log

Executive Summary

Albert Frei and Sons, Inc. (AFS) retained ERO Resources Corporation (ERO) to provide a natural resources assessment for the Bennett Pit property southwest of the intersection of East 72nd Avenue and Provost Road in Bennett, Adams County, Colorado (project area). ERO assessed the project area for potential wetlands and other waters of the U.S., threatened and endangered species habitat, and general wildlife use. Below is a summary of the resources found at the project area and recommendations or future actions necessary based on the current site conditions and federal, state, and local regulations.

The natural resources and associated regulations described in this report are valid as of the date of this report and may be relied upon for the specific use for which it was prepared by ERO under contract to AFS. Because of their dynamic natures, site conditions and regulations should be reconfirmed by a qualified consultant before relying on this report for a use other than that for which ERO was contracted.

Wetlands and Other Waters of the U.S. – Kiowa Creek is a tributary to the South Platte River and may be considered a jurisdictional water of the U.S. ***If any work is planned within Kiowa Creek, a jurisdictional determination should be requested from the U.S. Army Corps of Engineers (Corps).*** If Kiowa Creek is considered jurisdictional and work is planned within the creek, a Section 404 permit would be required from the Corps for the placement of fill or dredge material within wetlands or below the ordinary high water mark. If no work is planned in Kiowa Creek, no action is necessary regarding wetlands and other waters of the U.S.

Threatened and Endangered Species – The project area does not contain habitat for Mexican spotted owl. A viable population of Preble’s meadow jumping mouse (Preble’s) is unlikely to exist in the project area because the project area lacks riparian shrub habitat and the project area is extremely fragmented and continuously disturbed by human activity. The project area is not conducive to the establishment of Ute ladies’-tresses orchid or Colorado butterfly plant because no wetlands occur within the project area and the project area consists primarily of disturbed uplands dominated by introduced understory species. ***If project activities would encroach within 300 feet of the 100-year floodplain of Kiowa Creek, ERO recommends submitting a habitat assessment to the U.S. Fish and Wildlife Service (Service) requesting confirmation the project area lacks habitat for Preble’s and a presence/absence survey would not be required.***

Migratory Birds – No bird nests were observed during the 2019 site visit; however, trees, shrubs, and upland grasslands in the project area provide potential nesting habitat. The Denver Field Office of the Service (2009) and Colorado Department of Transportation (2011) have identified the primary nesting season for migratory birds in eastern Colorado as occurring between April 1 and mid to late August. However, some birds, such as the red-tailed hawk and great horned owl, can nest as early as February or March. Because of variability in the breeding seasons of various bird species, ***ERO recommends a nest survey be conducted within one week prior to construction*** to determine if any active nests are present in the project area so they can be avoided. If active nests are found, any work that would destroy the nests could not be conducted until the birds have vacated the nests.

Other Wildlife – No wildlife corridors or other sensitive species occur within the project area that would be adversely affected by the proposed project. If the 100-foot setback from Kiowa Creek is maintained as proposed, impacts on other wildlife would be minimized.

Natural Resources Assessment Albert Frei and Sons – Bennett Pit Bennett, Colorado

May 9, 2019

Introduction

Albert Frei and Sons, Inc. (AFS) retained ERO Resources Corporation (ERO) to provide a natural resources assessment for the Bennett Pit property southwest of the intersection of East 72nd Avenue and Provost Road in Bennett, Adams County, Colorado (project area; Figure 1). On April 22, 2019, Steve Butler, a biologist with ERO, assessed the project area for natural resources (2019 site visit). During this assessment, activities included a review of potential wetlands and other waters of the U.S., identification of potential federally threatened and endangered species habitat, and identification of other natural resources. This report provides information on existing site conditions and resources, as well as current regulatory guidelines related to those resources. ERO assumes the landowner is responsible for obtaining all federal, state, and local permits for construction of the project.

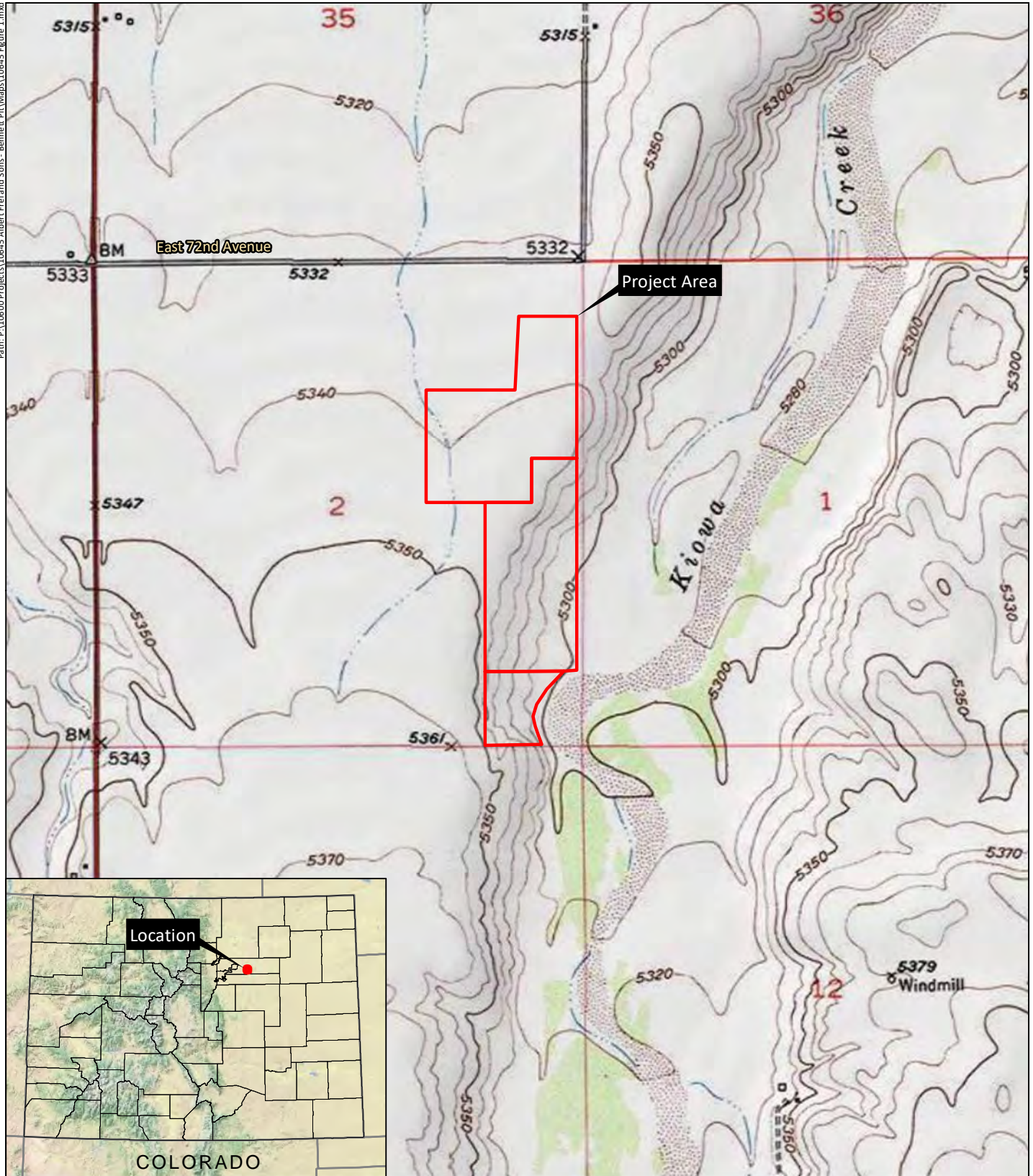
The natural resources and associated regulations described in this report are valid as of the date of this report and may be relied upon for the specific use for which it was prepared by ERO under contract to AFS. Because of their dynamic natures, site conditions and regulations should be reconfirmed by a qualified consultant before relying on this report for a use other than that for which ERO was contracted.

Project Area Location

The project area is in portions of Section 2, Township 3 South, Range 63 West of the 6th Principal Meridian in Adams County, Colorado (Figure 1). The UTM coordinates for the approximate center of the project area are 551594mE, 4407486mN, Zone 13 North. The longitude/latitude of the project area is 104.397185°W/39.815796°N. The elevation of the project area is approximately 5,320 feet above sea level. Photos of the project area are included in Appendix A.

Project Area Description

The project area is bounded by undeveloped land on all sides, except for a residential property to the west of the southern portion of the project area (Figure 2). The central portion of the project area consists of the active sand and gravel mine (Bennett Pit), while the northern and southern portions of the project area consist of undeveloped land (Figure 2). Kiowa Creek borders the project area to the southeast.



Bennett Pit

Section 2, T3S, R63W; 6th PM

UTM NAD 83: Zone 13N; 551594mE, 4407486mN

Longitude 104.397185°W, Latitude 39.815796°N

USGS Bennett, CO Quadrangle

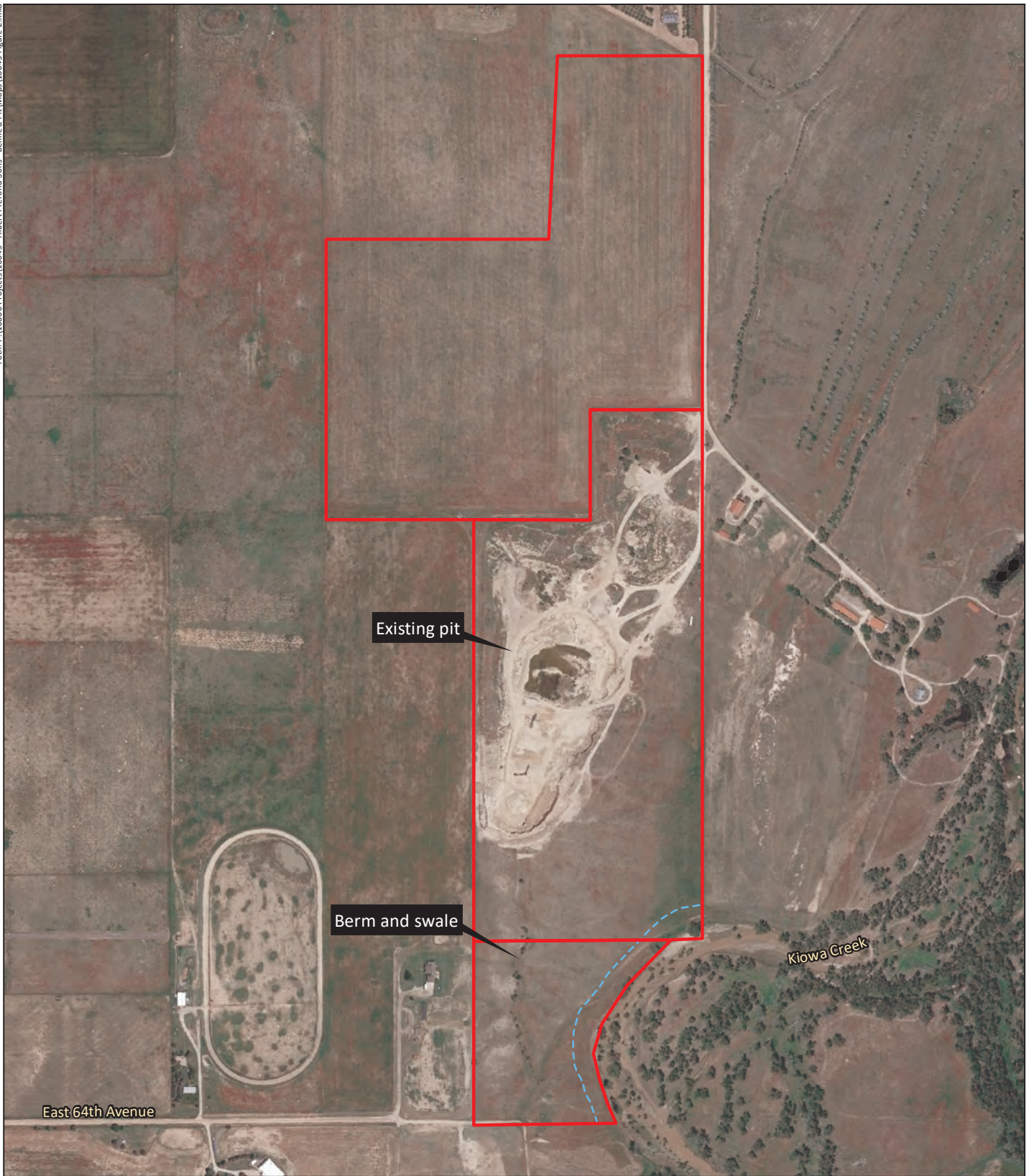
Adams County, Colorado

Copyright:© 2013 National Geographic Society, i-cubed



Figure 1
Vicinity Map

Prepared for: Albert Frei and Sons
File: 10645 Figure 1.mxd [dH]
May 6, 2019





Bennett Pit

-  Project Area
-  100 Feet from Edge of Creek

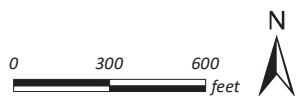


Figure 2
Existing Conditions

Prepared for: Albert Frei and Sons
File: 10645 Figure 2.mxd [dH]
May 9, 2019



The central portion of the project area is occupied by the Bennett Pit and lacks vegetation. The vegetation in the project area south of the pit consists of a mixture of native and introduced plants such as smooth brome (*Bromus inermis*), blue grama (*Bouteloua gracilis*), sand dropseed (*Sporobolus cryptandrus*), common mullein (*Verbascum thapsus*), prairie sage (*Artemisia ludoviciana*), fringed sage (*Artemisia frigida*), yucca (*Yucca glauca*), prickly pear (*Opuntia* sp.), diffuse knapweed (*Centaurea diffusa*), and musk thistle (*Carduus nutans*) (Photos 1 and 2). A constructed berm and swale run from north to south at the southern end of the project area. A few scattered cottonwood trees (*Populus deltoides*) occur along the swale.

Kiowa Creek flows along the southeastern edge of the project area (Photo 3). The creek has steep, nearly vertical banks, and the top of the east bank of the creek generally follows the edge of the project area. Vegetation along the creek consists mostly of cottonwood and peachleaf willow (*Salix amygdaloides*) trees with a sparse understory of grasses.

The portion of the project area north of the Bennett Pit is a formerly cultivated field, with sparse vegetation. Most of the grasses in this area were just beginning to grow and could not be reliably identified during the 2019 site visit. Vegetation that could be identified included kochia (*Bassia scoparia*), musk thistle, bindweed (*Convolvulus arvensis*), cheatgrass (*Bromus tectorum*), gray lovegrass (*Eragrostis cilianensis*), common dandelion (*Taraxacum officinale*), and curly dock (*Rumex crispus*).

Wildlife observed at the project area included American robins (*Turdus migratorius*), western meadowlarks (*Sturnella neglecta*), and a cottontail (*Sylvilagus audubonii*).

Wetlands and Other Waters of the U.S.

Background

The Clean Water Act (CWA) protects the chemical, physical, and biological quality of waters of the U.S. The U.S. Army Corps of Engineers' (Corps) Regulatory Program administers and enforces Section 404 of the CWA. Under Section 404, a Corps permit is required for the discharge of dredged or fill material into wetlands and other waters of the U.S. (streams, ponds, and other waterbodies). In 2007, the Corps issued guidance in response to the Supreme Court ruling in the consolidated cases of *Rapanos v. United States* and *Carabell v. U.S. Army Corps of Engineers* stating that the Corps considers traditionally navigable waters (TNWs), wetlands adjacent to a TNW, and tributaries to TNWs that are relatively permanent waters (RPWs) and their abutting wetlands jurisdictional waters. Other wetlands and waters that are not TNWs or RPWs require a significant nexus evaluation to determine their jurisdiction. A significant nexus evaluation assesses the flow characteristics and functions of a tributary and its adjacent wetlands to determine if they significantly affect the chemical, physical, and biological integrity of downstream TNWs.

On May 31, 2016, the U.S. Supreme Court concluded that approved jurisdictional determinations are judicially reviewable under the Administrative Procedure Act and, therefore, can be appealed in court. The Corps has recommended that requests for both approved and preliminary jurisdictional

determinations be done using guidance outlined in Regulatory Guidance Letter 16-01 and that a jurisdictional form request be completed (Corps 2016). The Corps has indicated that jurisdictional determinations associated with a Section 404 CWA Permit request will preside over stand-alone jurisdictional determination requests. While ERO may provide its opinion on the likely jurisdictional status of wetlands and waters, the Corps makes the final determination.

Site Conditions and Regulations

ERO assessed the project area for potential isolated wetlands, jurisdictional wetlands, and other waters of the U.S. Kiowa Creek runs along the southeast edge of the project area. Kiowa Creek is an intermittent stream with a defined bed and bank and is a tributary to the South Platte River. As described above, Kiowa Creek has steep, nearly vertical banks, and the top of the east bank of the creek generally follows the fence line at the edge of the project area. The ordinary high water mark (OHWM) of the creek is just outside the project area, on the outside of the fence line that marks the edge of the project area. Vegetation along the creek consists mostly of cottonwood and peachleaf willow trees with a sparse understory of grasses. Kiowa Creek would likely be considered a jurisdictional water of the U.S. by the Corps. AFS has indicated to ERO that no work would occur within 100 feet of Kiowa Creek. If placing fill material or other work is proposed in Kiowa Creek, a jurisdictional determination should be requested from the Corps.

If Kiowa Creek is considered jurisdictional and work is planned within the creek, a Section 404 permit would be required for the placement of fill or dredge material below the OHWM. If the creek is determined nonjurisdictional, or if no work is planned within the creek, no action would be necessary.

No other wetlands or aquatic sites were identified within the project area. A review of data from the National Hydrography Dataset (NHD) shows an intermittent stream crossing the western edge of the project area, north of the existing pit. A site review found that no stream exists at this site, which is part of a recently cultivated field. Because the NHD data are based on aerial photography from the 1970s, it is likely the drainage no longer exists at this site.

A constructed berm and swale run from north to south at the southern end of the project area (Photo 4). A few scattered cottonwood trees occur along the swale. The swale lacks wetland vegetation, soils, and hydrology and, thus, is not a wetland. Vegetation at this swale is dominated by cottonwood trees and Kentucky bluegrass (*Poa pratensis*). No indicators of wetland hydrology or soils are present, and the swale does not connect to Kiowa Creek. This berm and swale may be the remains of an agricultural ditch that is no longer used.

At certain times, water may occur in the lower areas within the Bennett Pit. ERO did not review areas within the pit during the 2019 site visit. A review of aerial photography shows that any water within the pit would lack a surface connection to Kiowa Creek and would likely be considered isolated and nonjurisdictional.

Threatened, Endangered, and Candidate Species

ERO assessed the project area for potential habitat for threatened, endangered, and candidate species under the Endangered Species Act (ESA). Federally threatened and endangered species are protected under the ESA of 1973, as amended (16 United States Code 1531 et seq.). Significant adverse effects on a federally listed species or its habitat require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 or 10 of the ESA. The Service lists several threatened and endangered species with potential habitat in the project area, or that would be potentially affected by projects in the project area (Table 1).

Table 1. Federally threatened, endangered, and candidate species potentially found in the project area or potentially affected by projects in the project area.

Common Name	Scientific Name	Status*	Habitat	Habitat Present or Potential to be Affected by Project?
Mammals				
Preble's meadow jumping mouse	<i>Zapus hudsonius preblei</i>	T	Shrub riparian/wet meadows	No
Birds				
Interior least tern**	<i>Sterna antillarum athalassos</i>	E	Sandy/pebble beaches on lakes, reservoirs, and rivers	No habitat and no depletions anticipated
Mexican spotted owl	<i>Strix occidentalis</i>	T	Closed canopy forests in steep canyons	No
Piping plover**	<i>Charadrius melodus</i>	T	Sandy lakeshore beaches and river sandbars	No habitat and no depletions anticipated
Whooping crane**	<i>Grus americana</i>	E	Mudflats around reservoirs and in agricultural areas	No habitat and no depletions anticipated
Fish				
Pallid sturgeon**	<i>Scaphirhynchus albus</i>	E	Large, turbid, free-flowing rivers with a strong current and gravel or sandy substrate	No habitat and no depletions anticipated
Plants				
Colorado butterfly plant	<i>Gaura neomexicana</i> ssp. <i>coloradensis</i>	T	Subirrigated alluvial soils on level floodplains and drainage bottoms between 5,000 and 6,400 feet in elevation	No
Ute ladies'-tresses orchid	<i>Spiranthes diluvialis</i>	T	Moist to wet alluvial meadows, floodplains of perennial streams, and around springs and lakes below 7,800 feet in elevation	No
Western prairie fringed orchid**	<i>Platanthera praeclara</i>	T	Moist to wet prairies and meadows	No habitat and no depletions anticipated

*T = Federally Threatened Species, E = Federally Endangered Species.

**Water depletions in the South Platte River may affect the species and/or critical habitat in downstream reaches in other counties or states.

Source: Service 2019.

The interior least tern, piping plover, whooping crane, pallid sturgeon, and western prairie fringed orchid are species that are affected by depletions to the Platte River system. Based on ERO's knowledge of the types of activities likely to be implemented as part of the project area, there would be no depletions to the Platte River system. If the project includes activities that deplete water in the South Platte River, such as diverting water from a stream or developing new water supplies, these species could be affected by the project and consultation with the Service may be required.

The proposed project would not directly affect the Mexican spotted owl because the project area lacks the closed canopy forest and canyon habitat required by the Mexican spotted owl. Because of the lack of habitat, no further action is necessary regarding this species.

Potential habitat for Preble's meadow jumping mouse (Preble's), Colorado butterfly plant (CBP), and Ute ladies'-tresses orchid (ULTO) is generally more prevalent in areas across the Front Range. Because these species are more likely to be addressed by counties and regulatory agencies such as the Corps, a more detailed discussion is provided below.

Preble's Meadow Jumping Mouse

Species Background

Preble's was listed as a threatened species on May 13, 1998. Typically, Preble's occurs below 7,600 feet in elevation, generally in lowlands with medium to high moisture along perennial or intermittent streams and canals (Meaney et al. 1997). Preble's occurs in low undergrowth consisting of grasses and forbs, in open wet meadows, in riparian corridors near forests, or where multilevel shrubs and low trees provide adequate cover (Service 1999; Meaney et al. 1997).

Potential Habitat and Effects

During the 2019 site visit, ERO assessed the project area for potential Preble's habitat. The riparian area along Kiowa Creek contains mature trees, such as cottonwoods and peachleaf willows, with a sparse understory of grasses. Kiowa Creek is an intermittent stream and lacks wetlands in the reach near the project area. No presence/absence surveys have been conducted along Kiowa Creek, although several projects in Elbert County, more than 20 stream miles from the project area, were evaluated but not trapped due to lack of suitable habitat (Service 2014). Because of the lack of perennial water and lack of shrub cover along the creek, the reach of Kiowa Creek along the southeastern edge of the project area is unlikely to support a population of Preble's.

Recommendations

The Service recommends that projects within 300 feet of 100-year floodplains associated with rivers, creeks, and their tributaries (and projects that may have potential secondary impacts on such areas) be assessed as to their potential to have direct and indirect impacts on Preble's and Preble's habitat. Under existing regulations, either a habitat assessment or a full presence/absence survey for Preble's is required for any habitat-disturbing activity within areas determined to be potential Preble's habitat. Although the project area includes areas with 300 feet of the 100-year floodplain of Kiowa Creek, ERO determined that Preble's is unlikely to be present in the project area because of the lack of adequate

shrub cover. ERO recommends submitting a habitat assessment to the Service requesting concurrence that the project area is not habitat for Preble's and that the proposed project would not adversely affect the continued existence of Preble's.

Colorado Butterfly Plant

Species Background

The CBP is a short-lived perennial herb adapted to stream channels that are periodically disturbed. It occurs on moist subirrigated alluvial soils on level or slightly sloping floodplains and drainage bottoms at elevations from 5,000 to 6,400 feet. Colonies are often found in low depressions or along bends in wide, active, meandering stream channels that are periodically disturbed. Typically, CBP occurs in moist areas intermediate between wetlands and upland shortgrass prairies, which are open without dense or overgrown vegetation. This species is federally listed as threatened under the ESA and is found within a small area in southeastern Wyoming, western Nebraska, and north-central Colorado (NatureServe 2019). Critical habitat for CBP has been designated in southeastern Wyoming (Service 2005). On June 8, 2018, the Service proposed to remove the CBP from the federal list of threatened and endangered species (83 Code of Federal Regulations 111); however, it currently remains listed as threatened.

Potential Habitat and Effects

The Service has not established official survey guidelines for CBP; however, habitat is not present within the project area because a suitable perennial stream with an active floodplain does not occur within the project area.

Recommendations

No action is necessary regarding CBP.

Ute Ladies'-Tresses Orchid

Species Background

ULTO is federally listed as threatened. ULTO occurs at elevations below 7,800 feet in moist to wet alluvial meadows, floodplains of perennial streams, and around springs and lakes where the soil is seasonally saturated within 18 inches of the surface (Service 1992a). This species has also been found along irrigation canals, irrigated meadows, gravel pits, and other human-modified wetlands. Generally, the species occurs where the vegetative cover is relatively open and not overly dense or overgrazed. Once thought to be fairly common in low-elevation riparian areas in the interior western United States, ULTO is now rare (Service 1992a). The species' known range is from Nevada to British Columbia. The largest known populations occur in Utah, followed by Colorado (NatureServe 2019).

Potential Habitat and Effects

In Colorado, the Service requires surveys in suitable habitat within the 100-year floodplain segments of the South Platte River, Fountain Creek, and Yampa River and their perennial tributaries, or in any area with suitable habitat in Boulder and Jefferson Counties. Since the protocols were submitted in 1992, ULTO has been found along the Roaring Fork River. Therefore, surveys should be conducted within

suitable habitat in the floodplain of the Roaring Fork River and its tributaries. ULTO does not bloom until late July to early September (depending on the year) and timing of surveys must be synchronized with blooming (Service 1992b).

The project area was assessed for potential ULTO habitat. Because a perennial tributary to the South Platte River does not occur in the project area and the project area is in Adams County, the site does not fall within the Service's guidelines for ULTO surveys.

Recommendations

No action is necessary regarding ULTO.

Other Species of Concern

Raptors and Migratory Birds

Migratory birds, as well as their eggs and nests, are protected under the Migratory Bird Treaty Act (MBTA). The MBTA does not contain any prohibition that applies to the destruction of a bird nest alone (without birds or eggs), provided that no possession occurs during the destruction. While destruction of a nest by itself is not prohibited under the MBTA, nest destruction that results in the unpermitted take of migratory birds or their eggs is illegal and fully prosecutable under the MBTA (Service 2003). The regulatory definition of a take means to pursue, hunt, shoot, wound, kill, trap, capture, or collect; or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect.

Under the MBTA, the Service may issue nest depredation permits, which allow a permittee to remove an active nest. The Service, however, issues few permits and only under specific circumstances, usually related to human health and safety. Obtaining a nest depredation permit is unlikely and involves a process that takes, at a minimum, 8 to 12 weeks. The best way to avoid a violation of the MBTA is to remove vegetation outside of the active breeding season, which typically falls between March and August, depending on the species. MBTA enforcement actions are typically the result of a concerned member of the community reporting a violation.

Potential Habitat and Effects

ERO did not observe any active or inactive migratory bird nests, including potential raptor nests, in the project area during the 2019 site visit. A review of Colorado Parks and Wildlife (CPW) data also did not find any known raptor or bald eagle nests within ½ mile of the project area (CPW 2018). Several robins and meadowlarks were observed and heard within the project area, mostly south of the Bennett Pit in the portion of the project area closest to Kiowa Creek. Ground-nesting and other birds could potentially nest in the grasslands, trees, and shrubs in the project area.

A potential raptor nest was observed in a large cottonwood tree on the east side of Kiowa Creek, about 0.4 mile east of the project area. The size and shape of the nest and its position in the tree suggests it is a raptor nest. Raptors such as red-tailed or Swainson's hawks could potentially use the observed nest. CPW recommends a ⅓- or ¼-mile buffer from active raptor nests, depending on the species (Colorado

Division of Wildlife 2008). The breeding season for most birds in Colorado is March through August, with the exception of a few species that begin breeding in February, such as great-horned owls. It is unknown if the nest is active or which species uses the nest. No raptors were observed near the nest. Because of the distance from the Bennett Pit, any raptors using the nest would unlikely be affected by activities at the pit. The nest is also closer to the pit than to the proposed expansion areas; therefore, any raptors using the nest would likely be acclimated to activity at the pit.

Recommendations

Although no nests were observed within the project area during the 2019 site visit, ground-nesting bird and arboreal nests are difficult to detect and may be present in the grasslands and trees in the project area. To avoid destruction of potential migratory bird nests, vegetation removal should be conducted outside of the April 1 through August 31 breeding season.

Both the Denver Field Office of the Service (2009) and the Colorado Department of Transportation (2011) have identified the primary nesting season for migratory birds in eastern Colorado as occurring between April 1 and mid to late August. However, a few species such as bald eagles, great horned owls, and red-tailed hawks can nest as early as December (eagles) or late February (owls and red-tailed hawks). Because of variability in the breeding seasons of various bird species, ERO recommends that a nest survey be conducted within one week prior to construction to determine if any active nests are present in the project area so that they can be avoided. Additional nest surveys within the nesting season may also be warranted to identify active nesting species that may present additional development timing restrictions (e.g., eagles or red-tailed hawks).

If active nests are identified within or near the project area, activities that would directly affect the nests should be restricted. Habitat-disturbing activities (e.g., tree removal, grading, scraping, and grubbing) should be conducted in the nonbreeding season to avoid disturbing active nests, or to avoid a “take” of the migratory bird nests within the project area. Nests can be removed during the nonbreeding season, September 1 through March 31, to preclude future nesting and avoid violations of the MBTA. There is no process for removing nests during the nonbreeding season; however, nests may not be collected under MBTA regulations. If the construction schedule does not allow vegetation removal outside of the breeding season, a nest survey should be conducted immediately prior to vegetation removal to determine if the nests are active and by which species. If active nests are found, any work that would destroy the nests or cause the birds to abandon young in the nest cannot be conducted until the birds have vacated the nests.

Other Wildlife

When vegetation is removed from the project area for mining, these areas will no longer be available for use by wildlife as habitat, until the area is reclaimed. As with any human development, wildlife species sensitive to human disturbance are likely to decline in abundance or abandon the project area. The proposed project is an expansion and continuation of the ongoing mining activities at the Bennett Pit; therefore, any wildlife in the area is likely to be acclimated to the existing noise and human activity in

the project area. Kiowa Creek likely serves as a movement corridor for wildlife moving through the area. The most sensitive habitat along Kiowa Creek would be avoided by maintaining a 100-foot setback from the creek; therefore, no impacts on the creek or its riparian habitat are expected.

References

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- U.S. Fish and Wildlife Service (Service). 2005. Endangered and Threatened Wildlife and Plants: Designated Critical Habitat for Colorado Butterfly Plant, Final Rule. Federal Register, Volume 70, No. 7. January 11.
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- U.S. Fish and Wildlife Service (Service). 2014. U.S. Fish and Wildlife Service Preble’s meadow jumping mouse trapping survey results, unpublished data.
- U.S. Fish and Wildlife Service (Service). 2019. Endangered, Threatened, Proposed and Candidate Species, Colorado Counties. <http://ecos.fws.gov/ipac/>. Last accessed April 25, 2019.

Appendix A Photo Log

ALBERT FREI AND SONS – BENNETT PIT
APRIL 22, 2019
PHOTO LOG



Photo 1 - Southern portion of the project area. View is to the north.



Photo 2 - Southern portion of the project area. View is to the south.

ALBERT FREI AND SONS – BENNETT PIT
APRIL 22, 2019
PHOTO LOG



Photo 3 - Kiowa Creek. View is to the south along the edge of the project area.



Photo 4 - Swale and cottonwood trees in the southern portion of the project area. View is to the south.

ROAD MAINTENANCE AGREEMENT

AFS - BENNETT PIT
Case #RCU2015-00041

THIS AGREEMENT, made and entered into this ____ day of _____, 2019, by and between the County of Adams, State of Colorado, hereinafter called “County” and Albert Frei & Sons, Inc. hereinafter called the “Company”.

WHEREAS, the Adams County Board of Commissioners approved Conditional Use Permit Case No. RCU2015-00041, Bennett Sand & Gravel, on March 8, 2016; and,

WHEREAS, Condition No. 10 of the resolution approving the above-referenced case requires that the Company is responsible for maintenance of the haul routes and shall repair any rutting and pot holes; and,

WHEREAS, the County has determined that the maintenance activities cannot be feasibly performed by the Company within the County’s right-of-way, and the parties have developed this roadway maintenance agreement to address the Company’s responsibilities for maintenance; and,

WHEREAS, the public roads considered in this agreement are haul routes (The Haul Routes) that were approved by Adams County and are as follows: 72nd Ave. from the entrance to the AFS - Bennett Pit west to State Highway 79.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the County and the Company mutually agree as follows:

1. The recitals set forth above are hereby incorporated in this Agreement in their entirety.
2. Upon execution of this agreement, the Company agrees to provide an initial payment, in the amount set forth in **Exhibit A**, to the County to maintain those sections of the Haul Routes directly related to trucks hauling to and from the Company’s “AFS - Bennett Pit” operation, as determined by the Adams County Public Works Department and the Company. **Exhibit A**, which outlines the estimated costs associated with this first round of maintenance and repair work deemed required by the County and mutually agreed upon by the Company, is attached hereto and incorporated herein by this reference.
3. At any time in the future, when maintenance or repair to those sections of the Haul Routes has increased beyond the point that grading and dust abatement can reasonably restore the road, the Company will cooperate with Adams County in the reconstruction of said sections.
4. When reconstruction is required, the details of such reconstruction shall be determined by the Adams County Public Works Department and mutually agreed upon by the Company.

5. When the County determines that reconstruction is required and the Company mutually agrees upon same, the Company shall share the costs of said reconstruction. The cost share shall be proportional to the truck traffic generated by the Company's AFS - Bennett Pit operation to the baseline truck traffic volumes at the time of said reconstruction and the overall condition of the road sections, as determined by the County through a traffic study.
6. Failure of either party to perform any of its respective obligations hereunder by reason of acts of God, strike, or acts of any governmental agency or authority having jurisdiction over matters set forth herein shall excuse timely performance of such obligations, but shall not excuse the performance of such obligations as soon as reasonably practicable. The parties may, however, mutually consent to excuse a party from performing any obligation, in whole or in part, upon a showing that performance has been rendered impracticable by reason of FORCE MAJEURE.
7. This Agreement may not be assigned in whole or in part by either party hereto without the written consent of the other party. Such consent will not to be unreasonably withheld, conditioned, or delayed.
8. If any clause or provision of this Agreement is illegal, invalid, or unenforceable, then it is the intention of the parties that the remainder of this Agreement shall not be affected.
9. Should the Company sell its operation, permanently cease operations at the AFS - Bennett Pit, file bankruptcy, or in any way release, convey or transfer ownership of and responsibility for the permitted property, except as described herein, this Agreement shall be terminated effective immediately without any additional action required by the parties. If the aforementioned release should occur, the Company shall give a minimum notice of ninety (90) days to the County before the date of termination. If the aforementioned release should occur, the County shall have the option of immediately terminating this Agreement. The requirements of Case No. RCU2017-000287 shall not be waived by the terms of this paragraph. And the failure to have a Maintenance Agreement in effect shall be grounds to revoke the Conditional Use Permit.
10. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties, and nothing contained in this Agreement shall give or allow any claim or right of actions whatsoever by any other person not included in this Agreement. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this Agreement shall be deemed an incidental beneficiary only.
11. By entering into this Agreement, the parties do not intend, either expressly or implicitly, to create a joint venture or partnership. Except as provided herein, neither party shall have the right or authority to act for, or on behalf of, or to enter into any obligations which are binding on the other party to this Agreement. This Agreement shall inure to the benefit of and be

binding upon the heirs, personal representatives, successors (including successors as a result of a merger), and assigns of the parties.

12. All notices to be given under this Agreement shall be in writing and delivered in person, or mailed by certified or registered U.S. Mail, or sent by a nationally recognized overnight delivery service, to the party to receive such notice at the following addresses:

Director
Adams County Public Works Department
4430 Adams County Parkway
Brighton, CO 80601

Ben Frei
Albert Frei & Sons, Inc.
7321 E. 88th Avenue, Suite 100
Henderson, CO 80640

All notices shall be effective upon receipt by the party to receive such notice, or by the third day following deposit of said notice in U.S. Mail, or the first day following deposit of acknowledgment of refusal of delivery of said notice.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement the day and year first above written.

WHEREFORE, parties have hereunto set their hands and seal the date and year first written above.

ATTEST:

Albert Frei & Sons, Inc.

By:

Albert R. Frei, Jr., President

ATTEST:

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

Clerk of the Board

Chair



Development Review Team Comments

Date: 9/5/2019

Project Number: EXG2019-00002

Project Name: Henderson Aggregates Pit Expansion

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 08/12/2019

Email: gjbarnes@adcogov.org

External Agencies Selected

Commenting Division: ROW Review

Name of Reviewer: Marissa Hillje

Date: 08/22/2019

Email: mhillje@adcogov.org

Resubmittal Required

ROW1: Parcel # 0181502100002 was created in 2007. This piece of property would have to be over 35 acres to be considered legally created. In order to fix the illegal creation of this parcel, the County will require the owner to create a land survey plat and deposit it at our front Counter. The land survey plat will describe a piece of property that is greater than 35 acres. If you have any questions about this contact Marissa Hillje- mhillje@adcogov.org / 720-523-6837

ROW2: E 72nd Ave is classified as a rural collector street per the 2012 Adams County Master Transportation Plan. As such it should have a half right-of-way width of 40 feet. Since the existing half right-of-way width appears to be 30 feet, this would require a dedication of 10 feet additional right-of-way.

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 09/05/2019

Email: gjbarnes@adcogov.org

Resubmittal Required

PLN01: Parcel # 0181502100002 was created in 2007, and appears to have been illegally created. This can be remedied by readjusting lot lines. All parcels over 35 acres are exempt from subdivision regulations, so shifting lines to create a 35 acre parcel would fix the illegality.

PLN02: The County has received many complaints about the existing operations. It may be in your best interest to thoughtfully consider methods for mitigating the concerns of nearby property owners. Very little was provided to describe how impact mitigation will occur on the site. This is an important part of the request.

PLN03: A plan for the Mining Phase and the Reclamation Phase shall provided, with a specific timeline.

Commenting Division: Development Engineering Review

Name of Reviewer: Greg Labrie

Date: 08/30/2019

Email: glabrie@adcogov.org

Resubmittal Required

ENG1: The applicant will be required to complete the roadway maintenance agreement before the "Notice of Proceed" is issued. The roadway improvements will include the right turn deceleration lane at the intersection of Highway 79 and 72nd Avenue and the installation of new asphalt pavement on 72nd Avenue between Highway 79 and Provost Road.

ENG2: The traffic study is required to be revised to indicate how the existing traffic volumes on 72nd Avenue was determined. If the existing traffic volume along 72nd Avenue as described in the traffic study was determined by input from the mine operator, Adams County is requiring that actual traffic counts are completed along 72nd Avenue to verify the estimated traffic volume provided by the mine operator.

Greg Barnes

From: Katie Keefe
Sent: Monday, September 02, 2019 6:16 PM
To: Greg Barnes
Subject: Bennett Sand & Gravel (Henderson) Conditional Use Permit

Hi Greg,

Since I submitted complete in Accela for this case, I'm submitting my comments to you via email (sorry!):

ENV1: The applicant must provide for review both the Mining Operations Plan and Reclamation Plan as submitted to DRMS.

ENV2: In order to evaluate nuisance offsite impacts, please provide both a Dust Control Plan and the Air Pollution Emissions Notice permit provided by CDPHE.

ENV3: The planning request explanation submitted by the applicant indicates that directional drilling mud will be accepted for use as inert fill material; however, drilling mud does not meet the DRMS definition of inert fill material. There are no procedures within the one page inert fill management plan describing the process for dewatering the mud prior to use as inert fill or how the extracted water will be managed. Please address these concerns within the inert fill acceptance management plan.

ENV4: All development located within the southeast corner of parcel #018150000040 shall comply with the with the Natural Resource Conservation Overlay buffer/setback requirements in cestion 4-11-02-04-02.



Katie Keefe

Environmental Program Manager, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6986 | kkeefe@adcogov.org

www.adcogov.org



Development Review Team Comments

Date: 1/3/2020

Project Number: EXG2019-00002

Project Name: Henderson Aggregates Pit Expansion

Commenting Division: Plan Coordination 2nd Review

Name of Reviewer: Greg Barnes

Date: 01/03/2020

Email: gjbarnes@adcogov.org

Resubmittal Required

Commenting Division: Development Engineering Review 2nd Review

Name of Reviewer: Greg Labrie

Date: 01/02/2020

Email: glabrie@adcogov.org

Resubmittal Required

ENG1: The applicant shall submit the design plans for the northbound right turn deceleration lane on Highway 79 at the 72nd Avenue intersection. The applicant must obtain a written letter of approval for the design plans of the turn lane from CDOT and submit this letter to Adams County.

Commenting Division: Environmental Analyst Review 2nd Review

Name of Reviewer: Katie Keefe

Date: 01/02/2020

Email:

Resubmittal Required

See Comments Tab for complete ENV comments.

Commenting Division: Planner Review 2nd Review

Name of Reviewer: Greg Barnes

Date: 12/31/2019

Email: gjbarnes@adcogov.org

Resubmittal Required

PLN01: The land survey plat will need to be a separate application. Please file the LSP with the One Stop Customer Service Center and pay the appropriate fees. Let me know if I can assist you with this process.

Commenting Division: ROW Review 2nd Review

Name of Reviewer: Marissa Hillje

Date: 12/18/2019

Email: mhillje@adcogov.org

Resubmittal Required

ROW1: The Land survey plat submitted with this application should be deposited at the Front counter and applicable fees paid.

ROW2: Please email the right of way dedication exhibit and legals to Mhillje@adcogov.org.

Commenting Division: Application Intake 2nd Review

Name of Reviewer: Erin McMorries

Date: 12/06/2019

Email:

Complete

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 08/12/2019

Email: gjbarnes@adcogov.org

External Agencies Selected

Commenting Division: ROW Review

Name of Reviewer: Marissa Hillje

Date: 08/22/2019

Email: mhillje@adcogov.org

Resubmittal Required

ROW1: Parcel # 0181502100002 was created in 2007. This piece of property would have to be over 35 acres to be considered legally created. In order to fix the illegal creation of this parcel, the County will require the owner to create a land survey plat and deposit it at our front Counter. The land survey plat will describe a piece of property that is greater than 35 acres. If you have any questions about this contact Marissa Hillje- mhillje@adcogov.org / 720-523-6837

ROW2: E 72nd Ave is classified as a rural collector street per the 2012 Adams County Master Transportation Plan. As such it should have a half right-of-way width of 40 feet. Since the existing half right-of-way width appears to be 30 feet, this would require a dedication of 10 feet additional right-of-way.

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 09/05/2019

Email: gjbarnes@adcogov.org

Resubmittal Required

PLN01: Parcel # 0181502100002 was created in 2007, and appears to have been illegally created. This can be remedied by readjusting lot lines. All parcels over 35 acres are exempt from subdivision regulations, so shifting lines to create a 35 acre parcel would fix the illegality.

PLN02: The County has received many complaints about the existing operations. It may be in your best interest to thoughtfully consider methods for mitigating the concerns of nearby property owners. Very little was provided to describe how impact mitigation will occur on the site. This is an important part of the request.

PLN03: A plan for the Mining Phase and the Reclamation Phase shall provided, with a specific timeline.

Commenting Division: Development Engineering Review

Name of Reviewer: Greg Labrie

Date: 08/30/2019

Email: glabrie@adcogov.org

Resubmittal Required

ENG1: The applicant will be required to complete the roadway maintenance agreement before the "Notice of Proceed" is issued. The roadway improvements will include the right turn deceleration lane at the intersection of Highway 79 and 72nd Avenue and the installation of new asphalt pavement on 72nd Avenue between Highway 79 and Provost Road.

ENG2: The traffic study is required to be revised to indicate how the existing traffic volumes on 72nd Avenue was determined. If the existing traffic volume along 72nd Avenue as described in the traffic study was determined by input from the mine operator, Adams County is requiring that actual traffic counts are completed along 72nd Avenue to verify the estimated traffic volume provided by the mine operator.

Environmental Review Comments

Katie Keefe

kkeefe@adcogov.org

ENV1. The applicant states within the application packet that a concrete crusher will be used up to 90 days per year to recycle aggregate/concrete at the proposed mining and inert fill site. Concrete recycling operations are a conditional use in the A-3 zone district and is not covered by the current excavation and hauling permit application. A separate conditional use permit is required for aggregate recycling operations. "A crusher may be brought on site to crush concrete or other aggregates as needed to recycle materials. However, a crusher will be at the AFS Bennett Pit no more than 90 consecutive days at a time (AFS resubmittal document, pg. 19)"

ENV2. The applicant provided a copy of the CDPHE Construction APEN Permit for Mining Operations, which does not include concrete crushing and recycling operations as permitted processes. A separate conditional use permit for aggregate recycling operations must be obtained from Adams County that will require the submission of an accurate APEN Permit for concrete and aggregate recycling/crushing operations.

ENV3 . In response to public concerns regarding placement of non-inert material into the pit, the applicant indicates that a handheld photo-ionizing detector (PID) will be used to field screen incoming loads for volatile organic compounds (VOC), the presence of which would indicate contamination from petroleum or other organic based chemicals. The applicant goes on to state that if VOCs are detected, the load will be rejected. This procedure is not identified in the Inert Fill Plan or the 'Inspection and Control Policy' addendum to the Inert Fill Plan. The applicant must clarify whether their response to public concerns is an accurate reflection of the procedures that will be actually implemented for the inert fill operations.

ENV4. Control of the fill materials, keeping records of the sources of the materials used at this site, shall be the responsibility of the applicant. Records concerning sources of fill materials and certifications shall be made available to Adams County inspectors upon request. This site is subject to inspection from Adams County inspectors, during reasonable working hours. Adams County may give notice of inspection prior to the inspection.

ENV5. Authorized personnel trained to recognize non-inert material shall be present on site while filling is taking place and shall inspect and screen each load of material brought to the fill site. Loads containing trash, organic material, and other waste material not meeting the definition of inert material shall be wholly rejected and documented as such. All non-inert materials identified and removed from the inert fill location shall be segregated and disposed of at an approved waste disposal facility at regular intervals and records of disposal shall be kept.

ENV6. A setback buffer consisting of a minimum 50 feet from the riparian plant community along the length of Kiowa Creek shall be maintained and protected from mining activities in accordance with ACDSR Section 4-11-02-04-02.5.b.

ENV7. As recommended in the Resources Review, the applicant shall conduct a raptor nest survey one week before disturbing any new area from April 1 through August 31. If raptor nests are found, vegetation shall not be removed as part of land disturbing activities. The applicant shall keep records of all nest survey results and make these available to the County upon inspection.

ENV8. The applicant has committed to collecting a water quality sample from the central most groundwater monitoring well one time each year. Within 15 days of receiving results of water quality monitoring, the applicant shall submit said water quality results to the County.

ENV9. The applicant shall install a wind gauge, such as an anemometer, at the site of active mining to monitor wind speeds and shall stop all mining and material management activities when wind speeds exceed a sustained 25 mph and when gusts exceeding 35 mph occur.

Greg Barnes

From: Caleb J. Connor <CalebConnor@BennettFireRescue.org>
Sent: Thursday, August 15, 2019 8:11 AM
To: Greg Barnes
Subject: RE: Request for Comments: Henderson Aggregates (RCU2019-00040)

Please be cautious: This email was sent from outside Adams County

Greg,

The Fire District has no objections or comments for this case.



Caleb J. Connor
Battalion Chief - Fire Marshal
Life Safety Division
Bennett-Watkins Fire Rescue

303-644-3572 - Headquarters / 720-893-7672 - Direct

www.BennettFireRescue.org

THIS EMAIL AND ANY FILES TRANSMITTED WITH IT MAY CONTAIN PRIVILEGED OR CONFIDENTIAL INFORMATION AND MAY BE READ OR USED ONLY BY THE INTENDED RECIPIENT. IF YOU ARE NOT THE INTENDED RECIPIENT OF THE EMAIL OR ANY OF ITS ATTACHMENTS, PLEASE BE ADVISED THAT YOU HAVE RECEIVED THIS EMAIL IN ERROR AND THAT ANY USE, DISSEMINATION, DISTRIBUTION, FORWARDING, PRINTING, OR COPYING OF THIS EMAIL OR ANY ATTACHED FILES IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS EMAIL IN ERROR, PLEASE IMMEDIATELY PURGE IT AND ALL ATTACHMENTS AND NOTIFY THE SENDER BY REPLY EMAIL OR CONTACT THE SENDER AT THE NUMBER LISTED.

From: Greg Barnes <GJBarnes@adcogov.org>
Sent: Monday, August 12, 2019 5:13 PM
To: Greg Barnes <GJBarnes@adcogov.org>
Subject: Request for Comments: Henderson Aggregates (RCU2019-00040)

The Adams County Planning Commission is requesting comments on the following application: **Conditional Use Permit to expand existing mining operations.** This request is located at 50000 East 72nd Avenue. The Assessor's Parcel Numbers are 0181500000401, 0181500000337, and 0181502100002.

Applicant Information:
BEN FREI
7321 E 88TH AVE STE 100
ENDERSON, CO 806408137
ENDERSON AGGREGATE LTD

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216, or call (720) 523-6800 by 9/2/2019 in order that your comments may be taken into consideration in the review of this case.

If you would like your comments included verbatim please send your response by way of e-mail to GJBarnes@adcogov.org. Once comments have been received and the staff report written, the staff report and notice of public hearing dates will be forwarded to you for your information. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases. The full case material may take up to 72 hours of this notice to get updated to the website.

Greg Barnes

From: Hackett - CDPHE, Sean <sean.hackett@state.co.us>
Sent: Thursday, August 29, 2019 6:10 PM
To: Greg Barnes
Subject: Re: Request for Comments: Henderson Aggregates (RCU2019-00040)

Please be cautious: This email was sent from outside Adams County

Good evening, Mr. Barnes:

The Colorado Department of Public Health and Environment (CDPHE) appreciates the opportunity to comment on this proposal. Please note that the following requirements are not intended to be an exhaustive list and it is ultimately the responsibility of the applicant to comply with all applicable rules and regulations.

In Colorado, most businesses that are or will be emitting air pollutants above certain levels are required to report those emissions to the Division by completing an Air Pollutant Emissions Notice (APEN). This is a two in one form for reporting air emissions and to obtain an air permit, if a permit will be required. While only businesses that exceed the AQCC reporting thresholds are required report their emissions, all businesses - regardless of emission amount - must always comply with the Colorado AQCC regulations.

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

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

Uncontrolled actual emissions do not take into account any pollution control equipment that may exist.

This project may require a mining operations APEN.

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

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

Sincerely,

Sean Hackett
Energy Liaison



COLORADO
Department of Public
Health & Environment

P 303.692.3662 | F 303.691.7702



COLORADO

Parks and Wildlife

Department of Natural Resources

Northeast Regional Office
6060 Broadway
Denver, CO 80216
P 303.291.7227

September 2, 2019

Greg Barnes
Adams County
Community and Economic Development Department
4430 S. Adams County Parkway
Brighton, CO 80601

RE: Henderson Aggregates Conditional Use Permit to Expand Existing Mining Operations (RCU2019-00040)

Dear Mr. Barnes:

Thank you for the opportunity to comment on the application to expand the Henderson Aggregates permitted mining operation. The mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

The proposed sand gravel and borrow mining expansion is located at 50000 East 72nd Avenue, north of Bennett, in Adams County, Colorado. The proposed permit is for an additional 5 years for the existing 43-acre mining site and the addition of two adjacent parcels of 25 and 35-acres.

The excavation will be both north and south of the current Bennet Pit, a dry alluvial operation. A portion of the southern end of the existing mine and proposed south area has sand and gravel below the alluvial aquifer associated with Kiowa Creek. CPW understands that until feasible for obtaining replacement water of that area, mining will only take place above the groundwater table.

District Wildlife Manager Serena Rocksund recently analyzed this site. The main impacts to wildlife from this development include fragmentation and loss of habitat. Fragmentation of wildlife habitat has been shown to impede the movement of big game species across the landscape. Open space areas are more beneficial to wildlife if they connect to other natural areas. The areas of wildlife habitat that most closely border human development show heavier impact than do areas on the interior of the open space. However, when open space areas are smaller in size, the overall impact of the fragmentation is greater (Odell and Knight, 2001). By keeping open space areas contiguous and of larger size the overall benefit



to wildlife increases dramatically.

CPW would expect a variety of wildlife species to utilize this site on a regular basis, most notably, small to mid-sized mammals, songbirds, and raptors. The potential also exists for large mammals such as deer and pronghorn to frequent this site, due to the proximity to Kiowa Creek and its function as a wildlife movement corridor. Raptors and other migratory birds are protected from take, harassment, and nest disruption at both the state and federal levels. If an active nest is discovered within the development area, CPW recommends that buffer zones around nest sites be implemented during any period of activity that may interfere with nesting season. This will prevent the intentional or unintentional destruction of an active nest.

For further information on this topic, a copy of the document “Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors,” is available from your local District Wildlife Manager or located at <https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/RaptorBufferGuidelines2008.pdf>.

Following the recommendations outlined in this document will decrease the likelihood of unintentional take through disturbance.

This area currently provides habitat to many wildlife species and wildlife usage may decrease with increased disturbance. However, by minimizing nighttime activity, wildlife may continue to use the area as a movement corridor. CPW recommends all site lights be motion-activated and downward-directed to minimize light pollution for active nocturnal or resting diurnal wildlife species.

If a prairie dog colony is discovered within the project area, the potential may also exist for the presence of burrowing owls. Burrowing owls live on flat, treeless land with short vegetation, and nest underground in burrows dug by prairie dogs, badgers, and foxes. These raptors are classified as a state threatened species and are protected by both state and federal laws, including the Migratory Bird Treaty Act. These laws prohibit the killing of burrowing owls or disturbance of their nests. Therefore, if any earth-moving will begin between March 15th and October 31st, a burrowing owl survey should be performed. Guidelines for performing a burrowing owl survey can also be obtained from your local District Wildlife Manager or found at <https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/RecommendedSurveyOwls.pdf>.

If prairie dog colonies are present, CPW would recommend they either be captured alive and moved to another location or humanely euthanized before any earth-moving occurs. The possibility of live-trapping and donating to a raptor rehabilitation facility or the black-footed ferret recovery program may also exist. If interested, please contact the local District Wildlife Manager. Be aware that a permit and approval from county commissioners may be required for live relocation.

If reclamation includes a pond, CPW recommend ponds be constructed to have irregular shorelines, and contain one or two islands of at least 15' x 25' in size per 2 surface acres. Shoreline and island slopes should be 4H:1V, with some area having slopes no steeper than 8H:1V. Such shallow areas will allow for establishment of a variety of types of aquatic vegetation and invertebrate prey for waterfowl. Such a shoreline coupled with a planting of

variety of wetland plant species will allow for a variation in wetlands to be established which will have long term benefits to wildlife.

CPW recommends consideration be made for using principles of an integrated weed management plan, which Adams County may already have in place, to control and eliminate the spread of any noxious weeds in and around the site. CPW recommends that the planting of any species listed as noxious weeds be avoided throughout the development site and surrounding area. The spread and control of noxious weeds on the sites is a concern for wildlife in the immediate and surrounding area. Weeds are defined as “a plant that interferes with management objectives for a given area of land at a given point in time” (Whitson, 1999). Invasive plants endanger the ecosystem by disturbing natural processes and jeopardizing the survival of native plants and the wildlife that depend on them. The threat is so severe in the United States that scientist now agree that the spread of invasive species is one of the greatest risks to biodiversity (Nature Conservancy, 2003).

Thank you again for the opportunity to comment on the application to expand the Henderson Aggregates Mining Operation. Please do not hesitate to contact us again about ways to continue managing the facility in order to maximize wildlife value while minimizing potential conflicts. If you have any further questions, please contact District Wildlife Manager Serena Rocksund at (303) 291-7132 or serena.rocksund@state.co.us.

Sincerely,



Matt Martinez
Area Wildlife Manager

Cc: M. Leslie, T. Kroening, S. Rocksund

Greg Barnes

From: Brooks Kaufman <BKaufman@Irea.Coop>
Sent: Wednesday, August 28, 2019 7:24 AM
To: Greg Barnes
Subject: RE: Request for Comments: Henderson Aggregates (RCU2019-00040)

Please be cautious: This email was sent from outside Adams County

Dear Mr. Barnes;

The Association has reviewed the contents in the above-referenced referral response packet. We reviewed the project for maintaining our existing facilities, utility easements, electric loading, and service requirements. We are advising you of the following concerns and comments:

The Association has existing underground electric facilities on the subject property. The Association will maintain these existing utility easements and facilities unless otherwise requested by the applicant to modify them under the Association's current extension policies

The Association approves of the expansion.

Respectfully

Brooks Kaufman
Intermountain Rural Electric Association
Lands and Rights of Way Manager
5496 N. US Hwy 85
Sedalia, CO 80135
Direct : 720.733.5493
Cell : 303.912.0765
bkaufman@irea.coop



From: Greg Barnes [mailto:GJBarnes@adcogov.org]
Sent: Monday, August 12, 2019 5:13 PM
To: Greg Barnes
Subject: Request for Comments: Henderson Aggregates (RCU2019-00040)

CAUTION:

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Adams County Planning Commission is requesting comments on the following application: **Conditional Use Permit to expand existing mining operations.** This request is located at 50000 East 72nd Avenue. The Assessor's Parcel Numbers are 0181500000401, 0181500000337, and 0181502100002.

Applicant Information:

BEN FREI
7321 E 88TH AVE STE 100
HENDERSON, CO 806408137
HENDERSON AGGREGATE LTD

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216, or call (720) 523-6800 by 9/2/2019 in order that your comments may be taken into consideration in the review of this case.

If you would like your comments included verbatim please send your response by way of e-mail to GJBarnes@adcogov.org. Once comments have been received and the staff report written, the staff report and notice of public hearing dates will be forwarded to you for your information. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases. The full case material may take up to 72 hours of this notice to get updated to the website.

Thank you for your review of this case.



Greg Barnes

Planner III, *Community and Economic Development Dept.*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601-8216

720.523.6853 gjbarnes@adcogov.org

adcogov.org



August 28, 2019

Greg Barnes
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Henderson Aggregate Pit Expansion, RCU2019-00040
TCHD Case No. 5794

Dear Mr. Barnes,

Thank you for the opportunity to review and comment on the Conditional Use Permit application to expand existing mining operations at 50000 E. 72nd Avenue. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

Air Pollution

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

Permit Required

The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions of hazardous air pollutants, asbestos, and chlorofluorocarbons (CFCs). The applicant's air permit may be required to be updated for this project. If required, Tri-County recommends that the County require the applicant to have obtained or updated the facility's air emissions permit as a condition for issuance of a building permit. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at <https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/air-emissions-business-and-industry>

Diesel Emissions

The proposed project may increase diesel truck traffic in the area. The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions from vehicles including fleet maintenance and limiting idling. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at <https://www.colorado.gov/pacific/cdphe/lpha/air-pollution-mobile-sources-contacts> and <https://www.colorado.gov/pacific/cdphe/diesel-emissions-control-program>.

Henderson Aggregates Pit Expansion
August 28, 2019
Page 2 of 2

Fugitive Dust

The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions, including fugitive dust. Control measures may be necessary to minimize the amount of fugitive emissions from site activities including haul roads, stockpiles, and erosion. The applicant shall contact the APCD, at (303) 692-3100 for more information. Additional information is available at <https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/business-and-industry> .

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

Sincerely,

A handwritten signature in black ink, appearing to read 'K Boyer', with a horizontal line extending to the right.

Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Dylan Garrison, TCHD



December 30, 2019

Greg Barnes
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Henderson Aggregate Pit Expansion, EXG2019-00002 (formerly RCU2019-00040)
TCHD Case No. 6038

Dear Mr. Barnes,

Thank you for the opportunity to review and comment on the resubmittal of a Conditional Use Permit application to expand existing mining operations at 50000 E. 72nd Avenue. Tri-County Health Department (TCHD) staff previously reviewed the application and provided the comments below in a letter dated August 28, 2019. TCHD received a response from the applicant, dated December 5, 2019, and the applicant has responded to our comments satisfactorily.

Air Pollution

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

Permit Required

The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions of hazardous air pollutants, asbestos, and chlorofluorocarbons (CFCs). The applicant's air permit may be required to be updated for this project. If required, Tri-County recommends that the County require the applicant to have obtained or updated the facility's air emissions permit as a condition for issuance of a building permit. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at <https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/air-emissions-business-and-industry>

Diesel Emissions

The proposed project may increase diesel truck traffic in the area. The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions from vehicles including fleet maintenance and limiting idling. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at <https://www.colorado.gov/pacific/cdphe-lpha/air-pollution-mobile-sources-contacts> and <https://www.colorado.gov/pacific/cdphe/diesel-emissions-control-program>.

Henderson Aggregates Pit Expansion
December 30, 2019
Page 2 of 2

Fugitive Dust

The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions, including fugitive dust. Control measures may be necessary to minimize the amount of fugitive emissions from site activities including haul roads, stockpiles, and erosion. The applicant shall contact the APCD, at (303) 692-3100 for more information. Additional information is available at <https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/business-and-industry> .

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

Sincerely,

A handwritten signature in black ink, appearing to read 'K Boyer', with a horizontal line extending to the right.

Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Dylan Garrison, TCHD



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

September 3, 2019

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Greg Barnes

Re: Henderson Aggregates Pit Expansion, Case # RCU2019-00040

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the conditional use permit documentation for **Henderson Aggregates Pit Expansion** and has no apparent conflict.

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

From: [Greg Barnes](#)
To: [Jen Rutter](#)
Subject: FW: Henderson Aggregates Pit [EXG2019-00002]
Date: Thursday, June 25, 2020 3:01:58 PM

From: lisa colbeck <lisa_colbeck24@yahoo.com>
Sent: Friday, June 19, 2020 1:35 PM
To: Greg Barnes <GJBarnes@adcogov.org>; ehannah@adcogov.com; CommissionersMailbox <commissioners@adcogov.org>
Subject: Henderson Aggregates Pit [EXG2019-00002]

Please be cautious: This email was sent from outside Adams County

Dear Planning Commission and Board of County Commissioners,

My name is Lisa Colbeck, I have a different relationship and perception of Albert Frei and Sons than most. My husband of 19 years, Forrest Colbeck JR, has worked for AFS for 21 years. We are also now a neighbor of the Bennett Gravel Pit.

Over the years my husband has worked in several of AFS gravel pits and in every single one AFS has made it a priority to take care of their neighbors. My husband has been part of the work done for the neighbors over the years and has relationships with them and it is no different here in Bennett. They make any and all efforts to include the people around the pits and let them know what is going on while also helping them with anything from material needed on their property, to up-righting a building that was blown over in the wind, just to name a few things. If myself or any other neighbor has a problem AFS has made themselves available day or night.

They also make sure to shop and use the local businesses for parts and services and develop relationships with the community, sponsoring events such as Bennett Days and they have reached out to the local schools to provide monetary donations for varies programs. Also, it can't be ignored how the money they put into the City and County through permits and taxes which in turn better funds the varies organizations that receive that money.

I have seen their family-owned business grow over the last 20 years through hard work and effort. Albert Frei and Sons have always been helpful and conscientious as a neighbor. Their success is not limited to the gravel pit, it includes the people around them.

As such, I respectfully request that you approve the above referenced application.

Respectfully,

Lisa Colbeck

49950 E 72nd Ave
Bennett, CO 80102

To: Adams County Community and Economic Development Department

From: Jennifer Curtis

49850 E 72nd Ave

Bennett, CO 80102

(720) 936-2348

Date: June 22, 2020

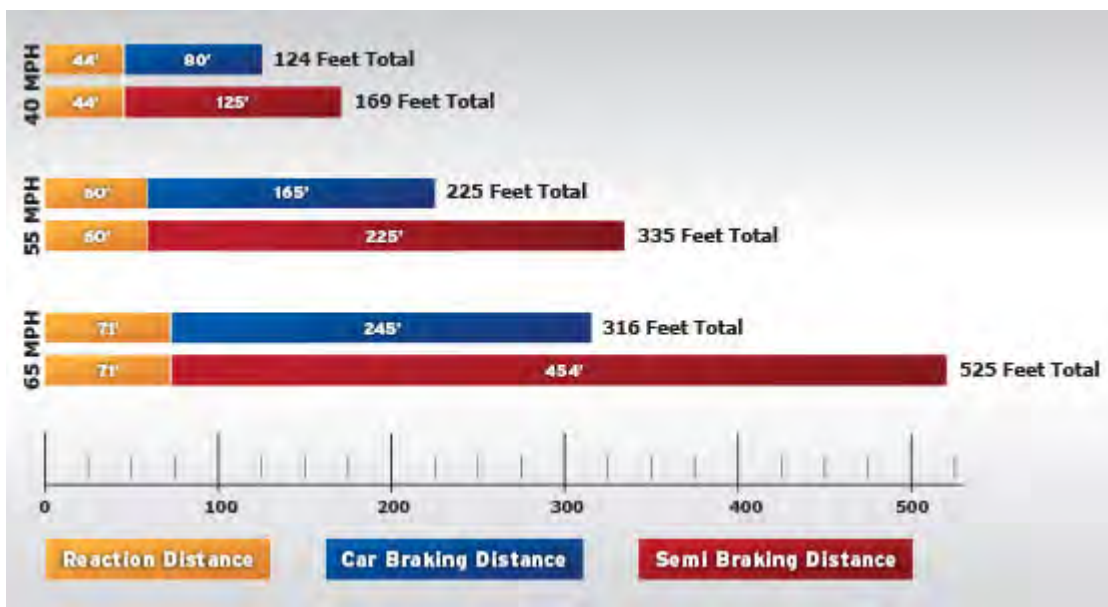
Subject: EXG2019-00002 Henderson Aggregates Conditional Use Permit Comments

Traffic Comments

1. AFS Bennett Pit has been operating under Conditional Permit # M-2001-038. Until the new Conditional Permit is approved, AFS is still obligated to adhere to EXG-2005-00006 which states "Traffic from SH79 and 72nd Avenue is estimated to be less than 20 trips per day." AFS traffic has increased dramatically prior to the requested changes to the permit being approved. It is hard to have confidence with AFS and the permitting process when violations to the current permit have been allowed since AFS purchased Bennett Sand Pit.
2. What are the projected truck trips per day AFS is requesting?
3. "LSC Traffic Consultants has completed the Traffic Study. A copy of the LSC Traffic Study is attached. Chris McGranahan with LSC has described how the estimated traffic volumes were determined and that they were based on high traffic volume records provided by the applicant." What is the traffic volume from the sand pit on E 72nd Ave?
4. "Trip Generation 1. **The expansion is projected to generate about 120 additional one-way truck trips on the average weekday**, with about half entering and half exiting during a 24-hour period. During the morning peak-hour of the site, about 6 additional trucks will enter and about 6 additional trucks will exit the site. During the afternoon peak-hour of the site, about 6 additional trucks will enter and about 6 additional trucks would exit the site." What does AFS expect truck traffic to be on a daily basis? What would the make level be?
5. I have observed convoys of trucks of 5-8 that park on E 72nd Ave preventing me from exiting my property to gain access to E 72nd Ave. I have observed trucks lined up on E 72nd Ave in the mornings prior to the opening of AFS and the trucks idle which wakes me up (I am a shift worker). As stated in AFS' Conditional Permit, "**Trucks entering or exiting the AFS Bennett Pit are instructed to not stop and are not permitted to be standing or idling along 72nd Avenue.** Trucks that arrive at the AFS Bennett Pit, prior to opening hours, will be allowed to wait to be loaded or unloaded along the entrance road on the AFS Bennett Pit property. No other standing, stopping or idling in

the neighborhood, other than on AFS Bennett Pit property is permissible by AFS.” It appears as if AFS’ customers should be educated and adhere to their procedures.

6. I am aware there is no posted speed limit on E 72nd Ave thus it is assumed to be 55 mph. E 72nd Ave is approximately one mile long. I have often observed trucks traveling over 45 mph and having to use their “Jake brakes” to slow down to turn south bound into the sand pit. I have observed trucks having to back up to prevent an accident due to another truck leaving AFS’ service road. The speed of the trucks has been observed by Adams County Road personnel, as well as residents. The speeds are so dangerous, Adams County had to close the road several times just to work on it safely. Prior to the widening of the road, I was almost run off the road due to a speeding truck.
7. “AFS will request and pay for Adams County to provide and post a roadside sign stating that Jake Brakes are expressly prohibited along 72nd Avenue.” When will E 72nd Ave and Highway 79 be posted with these signs?



This graph depicts stopping distances on pavement with appropriate brakes. A safer option would be a posted semitruck speed limit of 25 or 30 mph on E 72nd Ave. This will greatly reduce vehicle accidents, road damage and dust.

I have observed trucks with loads not covered. This allows the sand to blow into the air causing dust and air pollution. “Further, all trucks entering and exiting the AFS Bennett Pit are required to have a covered load to prevent rocks and debris from flying off of their trailers. Truck drivers are required to obey traffic laws and respect school bus stops and signals, as they are on all roadways.”

Road Comments

1. The improvements to E 72nd Ave have been appreciated. The improvements have included widening the road, new culverts and soil stabilizer. This has helped with the road rutting, dust mitigation and improved road safety.

2. "A fully executed roadway maintenance agreement has been approved by Adams County BOCC on November 12, 2019. A copy of the Adams County BOCC resolution is attached as well as a signed copy of the Road Maintenance Agreement. The Agreement with Adams County provides for roadway maintenance and paving and deceleration lane construction, if the expansion of the AFS Bennett Pit is approved." What is the projected date E 72nd Ave will be paved?
3. **"AFS has agreed to pay for the paving of 72nd Avenue**, an unimproved gravel road. The Road Maintenance Agreement was approved by Adams County BOCC on November 12, 2019. **AFS believes this is the best way to manage the road safety from the mine entrance at Provost Road to Highway 79."**

Air Quality Comments

1. Does AFS have a wind meter installed and monitored to ensure they cease operations during high winds? "The applicant shall install a wind gauge, such as an anemometer, at the site of active mining to monitor wind speeds and shall stop all mining and material management activities when wind speeds exceed a sustained 25 mph and when gusts exceeding 35 mph occur."
2. "A wind gauge will be installed and used to monitor wind speeds. Mining activities and other mining management activities will stop when wind speeds exceed a sustained 25 mph or gusts exceeding 35 mph. Loading of stockpiled aggregate into trucks will not stop unless wind speeds interfere with safety concerns of the truck driver or equipment operator." If mining activities should be halted due to wind speeds, why would loading of trucks continue? The dust from loading trucks will still occur.
3. Can the berms be seeded to assist with wind erosion? I have observed sand being blown from the berms during windy conditions around 20 plus mph. "AFS is committed to constructing and using berms along the edges of the property boundaries. The berms would be built at a time that screening from surface mining in the area is needed or desired. These berms are designed to mitigate concerns of noise and dust from the AFS Bennett Pit to adjacent property owners."
4. The dust on E 72nd Ave has improved due to the addition of soil stabilizers. What is the projected date to pave E 72nd Ave as approved? "Adams County Board of County Commissioners (BOCC) have approved plans to improve 72nd Avenue between State Highway 79 and the AFS Bennett Pit entrance at Provost Road. f) AFS agreed to escrow the funds to pay for the paving project on 72nd Avenue and the Adams County Board of County Commissioner (BOCC) approved the project on November 12, 2019."
5. I have observed trucks idling on E 72nd Ave and on AFS' service road. "Truck deliveries and loads will all be performed by outside parties that would be required to maintain a fleet diesel control program. AFS Bennett Pit site personnel will advise truck drivers to limit idling of their vehicles when not in use to further reduce diesel exhaust emission."

Aggregate Crusher Comments

1. "The applicant states within the application packet that a concrete crusher will be used up to 90 days per year to recycle aggregate/concrete at the proposed mining and inert fill site. Concrete recycling operations are a conditional use in the A-3 zone district and

is not covered by the current excavation and hauling permit application. A separate conditional use permit is required for aggregate recycling operations. "A crusher may be brought on site to crush concrete or other aggregates as needed to recycle materials. However, a crusher will be at the AFS Bennett Pit no more than 90 consecutive days at a time (AFS resubmittal document, pg. 19)" Will AFS be crushing aggregate? Will AFS notify surrounding neighbors when they will be using it? Will there be noise mitigation utilized for the crusher like fracking panels?

2. "The applicant provided a copy of the CDPHE Construction APEN Permit for Mining Operations, which does not include concrete crushing and recycling operations as permitted processes. A separate conditional use permit for aggregate recycling operations must be obtained from Adams County that will require the submission of an accurate APEN Permit for concrete and aggregate recycling/crushing operations." Has a separate conditional permit been issued for the crusher?
3. AFS is proposing rock crushing which will prevent me from sleeping as I work shift work. I would like Adams County to consider a condition that AFS enclose the rock crusher with sound barriers (fracking panels) to minimize excessive noise. AFS is proposing to use the pit for 10 – 17 years and the noise will inhibit my ability to sleep and the enjoyment of my property.

Inert Fill Comments

1. "In response to public concerns regarding placement of non-inert material into the pit, the applicant indicates that a handheld photo-ionizing detector (PID) will be used to field screen incoming loads for volatile organic compounds (VOC), the presence of which would indicate contamination from petroleum or other organic based chemicals. The applicant goes on to state that if VOCs are detected, the load will be rejected. This procedure is not identified in the Inert Fill Plan or the 'Inspection and Control Policy' addendum to the Inert Fill Plan." Does AFS utilize the PID?
2. "Authorized personnel trained to recognize non-inert material shall be present on site while filling is taking place and shall inspect and screen each load of material brought to the fill site. Loads containing trash, organic material, and other waste material not meeting the definition of inert material shall be wholly rejected and documented as such. All non-inert materials identified and removed from the inert fill location shall be segregated and disposed of at an approved waste disposal facility at regular intervals and records of disposal shall be kept." Has AFS personnel been trained in this area?
3. "Control of the fill materials, keeping records of the sources of the materials used at this site, shall be the responsibility of the applicant. Records concerning sources of fill materials and certifications shall be made available to Adams County inspectors upon request." Are records available for review?
4. "An amended Inspection and Control Policy which is contained in the Supplement to Inert Fill Plan as approved on **October 9, 2020** is attached hereto and includes descriptions for use of a PID and load rejection. The use of these procedures will be implemented for inert fill operations prior to the first delivery of inert materials." This amendment is dated in the future. Is this correct?

5. "In accordance with the amended Inspection and Control Policy, records concerning source of fill materials and certifications will be available to Adams County inspectors upon request." Are these available for residents to review? Can Adams County inspectors advise residents on the results?

Water Quality Comments

1. "The applicant has committed to collecting a water quality sample from the central most groundwater monitoring well one time each year. Within 15 days of receiving results of water quality monitoring, the applicant shall submit said water quality results to the County." What is the date of the last water quality sample?
2. "Results from the annual water quality sample from the central most groundwater monitoring well will be submitted to Adams County within 15 days of receiving the laboratory results." What are the results of the water quality test?

Property Values and Visual Impacts Comments

1. "Property values should not be affected by the AFS Bennett Pit given this location has had an existing mine site since 2001." The existing mine does not border residents on E 72nd Ave so this statement is true based upon the original sand pit boundaries. Based upon the new projected boundaries, the sand pit will not only be visible from E 72nd Ave but will adversely affect the future property value of 49850 E 72nd Ave as the sand pit will border two sides of the property. This statement becomes false under the proposed Conditional Permit, if approved.

c) "The AFS Bennett Pit does not currently have a visual impact on the neighboring properties in that it has a low profile and is below the visual horizon." This statement is also true under the original permit but will be very visible upon its expansion.

d) "AFS is committed to constructing and using berms along the edges of the property boundaries. The berms would be built at a time that screening from surface mining in the area is needed or desired. These berms are designed to mitigate concerns of noise and dust from the AFS Bennett Pit to adjacent property owners." The berms should be seeded to prevent sand and dust during windy conditions. I have observed sand flying off the tops of the existing berms. I would also suggest AFS plant trees between the fence and the berms to shield residents from visual, dust and noise generated from the sand pit.

e) "Once the permit is approved, AFS is committed to complying with the integrated weed management plan submitted and approved by DRMS." AFS should be complying with weed management as a good neighbor gesture instead of waiting for approval. I believe the original permit stipulates weed management as a condition of the permit.

Compliments

1. Mr. Ben Frei has asked for my input and provided information on fencing, berms and roads. I appreciate him being a "good neighbor". I realize Mr. Frei incurs expenses to fence and pave the road. These are concrete actions AFS is committed to following the constructs of the permit.

2. I thank Adams County for widening and putting soil stabilizer the road. It has been a tough process with all the traffic on the road. These actions have greatly improved road safety as well as dust mitigation. It has also improved the rutting of the road.

I am still concerned about the proposed expansion doubling the size of the sand and gravel pit by a company that has failed to abide by the Sand Pit's permit and mining plan. The Governmental agencies tasked with ensuring adherence to the permit, mining plans and environmental concerns has been lacking. The proposed Conditional Use Permit should be strictly regulated based upon AFS' current and past behavior on the proposed site. AFS has been penalized but I continue to observe violations that concern me. As a company, AFS' actions towards the environment, air quality, water quality and impact on the quality of life of myself and affected neighbors is disheartening and threatens the health, safety and welfare of myself, my neighbors and the community. I would like assurances from Adams County and AFS that the conditions in permit will be followed to ensure a safe environment for all of us.

Thank you very much for opportunity to voice my concerns and provide comments.

Sincerely,

Jennifer Curtis

Jennifer Curtis

To: Adams County Community and Economic Development Department

From: Jennifer Curtis

49850 E 72nd Ave

Bennett, CO 80102

(720) 936-2348

September 2, 2019

Subject: AFS-Bennett Pit # M-2001-038 Conditional Use Permit Comments

I have comments concerning the expansion to the existing mining operations located at 50000 E 72nd Ave. I have several concerns as a property owner whose property will be bordered on two sides by the proposed expansion of Henderson Aggregate LTD (AFS).

My first concern is with the dumping of unknown liquids into the sand pit with no procedures by AFS to ensure no contaminants are polluting the ground and ground water. According to AFS, they receive one to two liquid loads of "Drilling Mud" daily. AFS has no procedures to test the material to ensure it is inert and will not contaminate the land or water. AFS told me the responsibility to ensure the material is "Inert" lies with each truck driver. This policy is wholly inadequate and threatens the health, safety and welfare of myself, my neighbors and our animals, the entire community, as we drink this water daily with no assurances of its safety. My hope is Adams County will ensure the safety of my water and assist AFS in the proper disposal of drilling mud and other inert materials. AFS had rebar inside inert cement materials. Inspections and testing should be completed to ensure materials placed at the site are truly inert and uncontaminated as listed in the Permit Section 6.4.4

My next concern is with the "inert fill" being dumped into the pit. Again, AFS says the responsibility to ensure no contaminants are being buried on site lies with the truck driver and AFS. AFS does not have any policies or procedures to ensure materials dumped into the pit are not contaminated. AFS has also recently taken down all the previous berms to cover materials in the pit. Again, AFS's actions and lack of safe environmental procedures for materials put into the sand pit leaves me fearful my water supply may become contaminated. Adams County Colorado Division of Reclamation is not interested in ensuring the safety of its Colorado residents, the water quality, the environment, the land and its wildlife neighbors. I hope Adams County can coordinate with the Environmental Protection Agency (EPA) to provide oversight and methods to AFS to ensure the safety of our water, land and environment. Annual independent

testing should be completed to ensure materials placed at the site are truly inert and uncontaminated as listed in the Permit Section 6.4.4

Another concern is AFS's lack of maintenance of E 72nd Ave. The road is very rough, has several potholes and is extremely dusty. The dust from the semi-truck traffic routinely covers the first quarter to one third of the front of my property preventing me from using it until the semi-trucks are through using the road. The dust may contain silica which is hazardous to health. AFS should assist Adams County with paving or using recycled asphalt to prevent dust and road damage from the semi-truck traffic. I would also like to see a speed limit of 25 mph for semi-truck traffic to ensure safety on the roadway.

I would like AFS to install a 6 foot fence bordering my property and AFS due to the depth of the proposed pit. I would like AFS to use berms and evergreen trees to limit the noise and dust from the sand pit. AFS is proposing rock crushing which will prevent me from sleeping as I work shift work. I would like Adams County to make a condition the AFS must enclose the rock crusher with sound barriers (fracking panels) to allow me to sleep. AFS is proposing to use the pit for 10 – 17 years and the noise will inhibit my sleep and the enjoyment of my property.

I would like Adams County to prevent AFS from allowing hunting/shooting in the pit. I would like Adams County to have a stipulation that AFS must stop all operations if there is 20 mph winds to prevent the dust from coming on my property.

I am concerned about the proposed expansion doubling the size of the sand and gravel pit by a company that has failed to abide by the Sand Pit's permit and mining plan. The Governmental agencies tasked with ensuring adherence to the permit, mining plans and environmental concerns has been lacking. The proposed Conditional Use Permit should be denied or strictly regulate AFS based upon their current and past behavior on the proposed site. As a company, AFS' actions towards the environment, wildlife, air quality, water quantity/quality and impact on the quality of life of myself and affected neighbors is disheartening and threatens the health, safety and welfare of me, my neighbors and the community.

Thank you very much for opportunity to voice my concerns.

Sincerely,

Jennifer Curtis

Nancy Donaldson
7550 Provost Road
Bennett, CO 80102

Community and Economic Development Department
4430 South Adams County Parkway
Suite W2000A
Brighton, CO 80601-6216
gjbarnes@adcogov.org

September 1, 2019

RE: Case #RCU2019-00040 Henderson Aggregate Pit Expansion

This letter is in response to the Request for Comments on the above-names matter dated August 12, 2019. I have lived at my current address for over 23 years. Until recently (approximately two years ago) I found the quality of life in the are to be exceptional. That changed, however, when Henderson Aggregates purchased and began operating the sand and gravel mine located at 50000 E. 72nd Avenue, Bennett, CO. Listed below are the major issues that concern me and that can only worsen if the Henderson Aggregate Expansion is allowed to proceed without intervention to the part of the county to protect the neighbors.

- Air Pollution – The dust created by the mining operation is significantly worse than a few years ago. Currently, I receive Air Quality Alerts on an almost daily basis. This situation can only continue to worsen with expanded operations at the mine. Breathing an increased level of dust and particles is harmful to the health of humans and animals both domestic and wildlife.
- Noise – Currently the noise pollution from the mine is primarily due to the truck traffic. The mine expansion will more than double the truck traffic and the resulting noise. Additionally, the expansion request includes use of a gravel-crushing machine. Gravel crushing is not performed at the Bennett mine at this time. Noise from gravel crushing will negatively impact essentially every aspect of the rural lifestyle.
- Traffic and Roads – Seventy Second Avenue is a dirt road. Dirt, not gravel or asphalt, recycled asphalt or any other type of road material. Weather conditions can make traveling on the dirt roads difficult for residents. Add heavy truck traffic to the mix and a dirt road and bad weather and the road quickly becomes almost impassable.

I respectfully, request Adams County place restrictions and/or monitoring on each of above-mentioned areas.

- Monitor the local air quality and place restrictions on acceptable levels of dust and particulate matter.

- Monitor the level of noise pollution placing restrictions on excessive noise.
- The section of 72nd Avenue between Highway 79 and Provost Road needs to be improved. Based on living off the road for 23 years I do not believe the dirt road can be maintained well enough to handle the proposed truck traffic. The material on Converse Road (sealed recycled asphalt?) would eliminate the giant ruts caused by the semis and reduce the dust problem from the trucks.

Thank you for your consideration of these issues. I look forward to reviewing your report and attending the public meetings.

Regards,

Nancy Donaldson
(303) 748-4271
oero0314@hughes.net

Mark Faber
Victoria Katchen
7230 Provost Rd
Bennett, Co 80102

Planning Commissioners
ADAMS COUNTY, COLORADO
4430 South Adams County Parkway, 1st Floor, Suite W2000B
Brighton, CO 80601

June 22, 2020

Conditional Use Permit application for AFS-Bennett Pit

Dear Planning Commissioners
ADAMS COUNTY, COLORADO

We are concern neighbors of Bennett Sand and Gravel, I am writing this letter in response to the permit application for Albert Frei and Sons, Inc. Henderson Aggregate, Ltd.. Kindly take these few concerns in considering your decision with granting the permit application. We are very concerned about the permit application being flied by Albert Frei and Sons, for the following reasons:

1. Concerns of the hours of operation. They are requesting from 6:00a.m. to 10:00p.m., Monday through Saturday. This is unacceptable. This is a residential neighborhood. The current operating hours are acceptable. 7:00a.m. to 3:30p.m. Monday thru Friday.
2. Truck traffic. There is already heavy semi truck traffic on 72nd Ave. and Provost Road. The truck traffic has already increased since the purchase of pit by AFS. I believe the current permit states a 20 truck limit a day. This has not been followed since the take over of AFS, I think 75 trucks a day is plenty. I think 120 is pushing the limit for a day. The pit is suppose to water the road to keep dust down within the pit and around the corner onto 72nd, This is very sporadic.
Most of the trucks hauling sand out of pit are operating with license plates from Oklahoma. Therefore are Not Paying Colorado Road Taxes.
There is also a safety issue for AFS trucks who fail to yield for the stop sign on their property and turn left out of pit. This has caused numerous occasions a near collision to on coming traffic on 72nd.
3. The speed limit on 72nd. Ave. With the road improvements the trucks continue to speed down 72nd Ave. The trucks travel at excessive speed and I fell this very dangerous for all other that travel this road also.
4. And last but not least, there is the weed problem, especially at the entrance of the pit which has not been mowed all summer. It is about 2 to 4 ft. high at this time. Mr Frie told me he was going to keep this area mowed during a meeting we had with him. He has not kept his word for a second year in a row. I keep my driveway mowed, spray for weeds and keep it looking tidy and I expect no more of them than what I do myself. It is hard to have confidence in this company with any more serious issues when they do not manage one as basic as this.

We feel that the expansion of this pit has affect the quality of life of our community

Thank you for taking the time to read this letter.

I will be out of cell phone service range, on the meeting date June 25 at 6:00 But wanted you to be inform of our concerns.

We can be reached at: Mark Faber 303-489-4330 or mfperformance@yahoo.com
Victoria Katchen 303-489-5596 or at .vkatchen@yahoo.com

Sincerely,

Mark Faber

Victoria Katchen

Greg Barnes

From: Victoria Katchen <vkatchen@yahoo.com>
Sent: Wednesday, August 28, 2019 6:39 AM
To: Greg Barnes
Subject: Fw: Henderson Aggregates Pit #RCU2019-00040
Attachments: IMG_4776 (2).JPG; IMG_4779.JPG; IMG_4780.JPG; IMG_4783.JPG

Please be cautious: This email was sent from outside Adams County

Mark Faber
Victoria Katchen
7230 Provost Rd
Bennett, Co 80102

Community & Economic Development Department
ADAMS COUNTY, COLORADO
4430 South Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601

August 27, 2019

Conditional Use Permit application for AFS-Bennett Pit

Dear Community & Economic Development Department
ADAMS COUNTY, COLORADO

We are concern neighbors of Bennett Sand and Gravel, I am writing this letter to protest the permit application for Albert Frei and Sons, Inc. AFS- Bennett Pit. Kindly consider your decision with granting the permit application. We are very concerned about the permit application being flied by Albert Frei and Sons, Inc AFS-Bennett Pit. We feel the pit will cause damage to the environment, wildlife and dry up the area's water resources. Also will introduce contaminants (primarily sediment) to our wells and the alteration of the volume of the baseline flow. We are on well water and have concerns about our water quality and if our well will be deep enough if the gravel mining uses a lot of water for washing sand and drop the level of the aquifer. Our well is 280ft. and our pump sits at 220ft.

Then there are concerns of the air quality and noise. There is already heavy semi truck traffic on 72nd Ave. and Provost Road. The truck traffic has already increased since the purchase of pit by AFS. The dust from the trucks is horrible. I'm concerned that my asthma will worsen and how this will impact and exaggerate this condition. In addition to causing new health problems. AFS does not maintain 72nd Ave. AFS drags a heavy plate down road occasionally and maybe will water-down road once in a while, but not enough to control the dust problem. The pit should have to pave the road or Adams County and AFS should come up with a solution to control the dust problem. I've seen on 38th and Converse Rd. the County put a product down on gravel road to help eliminate the dust. Maybe something like this can be put on 72nd Ave. There should also be a limit to the amount of trucks that run everyday out of AFS Pit. I believe the current permit states a 20 truck limit a day. This has not been followed since the take over of AFS, usually there is 50 to 150 trucks that run out of pit a day. Most of the trucks hauling sand out of pit are operating with license plates from Oklahoma. Therefore are Not Paying Colorado Road Taxes.

My other concerns are that when I was on the tour of AFS Sand Pit, I noticed standing water which seemed fairly deep. I was told it was storm water, although we had no standing water on our property right next door. I don't recall any measurable rainfall prior to tour. There was a pump nearby.

I don't feel comfortable with this. In accordance with Colorado Division of Water Resources Rules and Regulations, standing water should either discharge to the stream system, percolate or evaporate within 72 hours or the operator would have to get an approved augmentation plan from their office. I was told AFS is aware of these requirements. I do not know if they have sought or received an approved augmentation plan.

I also observed concrete inert in a pile that contained rebar. It is my understanding that any concrete to be buried cannot contain metal of any kind. We would never know what is contained in the concrete once it is buried until years later when it effects our water quality.

And last but not least, there is the weed problem, especially at the entrance of the pit which has not been mowed all summer. It is about 3 to 4 ft. high at this time. Mr Frie told me he was going to keep this area mowed during a meeting we had with him. He has not kept his word. This has also become a safety issue for AFS trucks who fail to yield for the stop sign on their property and turn left out of pit. This has caused numerous occasions a near collision to on coming traffic on 72nd.

I keep my driveway mowed, spray for weeds and keep it looking tidy and I expect no more of them than what I do myself. It is hard to have confidence in this company with any more serious issues when they do not manage one as basic as this.

We feel that the expansion of this pit will affect the quality of life of our community

Thank you for taking the time to read this letter.

We can be reached at: Mark Faber 303-489-4330 or mfperformance@yahoo.com

Victoria Katchen 303-489-5596 or at .vkatchen@yahoo.com

Sincerely,

Mark Faber

Victoria Katchen

From: [Andrew Granger](#)
To: [Jen Rutter](#)
Subject: Public comment: Case number EXG2019-00002 Henderson Aggregate Pit Expansion
Date: Wednesday, June 24, 2020 10:28:00 PM

Please be cautious: This email was sent from outside Adams County

Dear Ms. Jennifer Rutter,

As a resident and owner of an adjacent property since 2014 here are my concerns:

Previous operations of Bennett Sand and Gravel maintained a balance of business and respect to the surrounding residential homes and rural setting of the area. In these previous operations, a small number of trucks were utilized (less than 20 per day). This previous operation appeared to be in line with its permit and most importantly did not disrupt the rural, country environment of its neighbors. After an ownership change, the impact to the surrounding neighborhood has been severe. Gone are the days of a few trucks running a day, now it can be a hundred plus. A once small operation has now given way to a full scale industrial plant. With hundreds of trucks running down the road, the subsequent level of noise, dust and pollution are unacceptable. As an owner of an adjacent property my experience over the last 5 years is in dire contrast to the findings in "Fact #4". Under the findings of fact #4 states:

"The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County."

1. How was this opinion of "Fact #4" established?
 - A large industrial scale operation is NOT "harmonious" with a quiet, rural farm environment. Running a hundred plus number of trucks down a rural country neighborhood is NOT "harmonious" with the character of a rural country landscape. In fact it helps destroy it.
 - A large industrial scale operation is "detrimental" to a quiet, rural farm environment.
 - A large industrial scale operation could indeed be detrimental to the future development of the area – changing it from a country landscape to an industrial site. Additionally this "inert material" being brought to the site could jeopardize the local environment if contaminated.
 - The health, safety and welfare of the local residents are currently in jeopardy. Health – increased pollution. Safety – too many trucks going too fast on a country road. Welfare – the disruption of the neighborhood and the potential affect on home values.
2. How can these stark contrasts outlined above possibly be reconciled?

3. What is the liability of the new ownership in the potential affect of home values in the area?
4. What is the liability of the county in potentially approving this permit?
5. What rights do we have as neighbors to limit the amount of trucks and to keep hours of operation in line with a residential, country neighborhood?

Thank you,

Andrew Granger

7490 Provost Rd.

Bennett, CO 80102

From: [Kelsey Magnuson](#)
To: [Jen Rutter](#)
Subject: CASE NAME: HENDERSON AGGREGATES PIT
Date: Monday, June 22, 2020 4:08:56 PM

Please be cautious: This email was sent from outside Adams County

Hello Jennifer,

First of all I want to thank all of you for listening to our concerns and the work ADCO has done to improve 72nd.

I read through the application and still have concerns with approving the conditional use permit for gravel mining.

Truck volume and speed is still a concern for all of the neighbors who use 72nd Avenue. When it was previously owned by Dave Lincoln and was Bennett Sand and Gravel, all of us thought that permit allowed only 20 trucks per day. We could live with this and it wasn't that noticeable. Almost tripling the amount of land that will be mined for gravel will have a huge impact on the truck traffic, noise, air quality, wildlife, etc.

In reading through the 119 pages I did not see the results of the traffic study. Is that public knowledge? When was it done and what were the results? If this conditional use permit is approved, I think there has to be a maximum number of trucks that can come and go into the pit per day. It cannot simply be based on supply in demand.

This also brings up another point of concern, the proposed hours of operation. 6am-10pm Monday through Saturday is ridiculous in a country community where the gravel pit is surrounded by private homes. As a nurse, I work various days/weekends and I can tell you there have been trucks flying down Provost Road way before 6am. Trucks have also been parked at the entrance waiting for them to open the gates. There has to be a balance between their business and our quiet livelihood.

Another concern for us is the speed limit of 55 mph on the dirt roads. First of all that is way too fast for any vehicle and should be reduced with the increased number of trucks.

Finally with concerns with truck traffic, 72nd Ave was supposed to be the main entrance to the pit. In some sections of the permit it says Provost Road will be used? Will this be the case? If so we have never had a water truck drive by to keep the dust down.

Other things listed in the permit that I have questions about I have listed below:

Under the findings of fact #4 states:

The conditional use is compatible with the surrounding area, harmonious with the

character of the neighborhood, not detrimental to the immediate area, not detrimental to

the future development of the area, and not detrimental to the health, safety,

or welfare of

the inhabitants of the area and the County

How is this measured and are the concerns of the neighbors have a say in this?

Under public comments it is stated, "Since the initial referral period, the applicant entered

into the Roadway Maintenance Agreement with the County and made improvements on East

72nd Avenue to mitigate dust and road damage concerns. Staff has not received any further

updates from the five commenters since those measures were implemented."

I am not sure when the Road Maintenance Agree went into effect, because in the application it is not signed or dated, but I have been in contact with ADCO via emails and phone calls in January, February and April requesting updates and reporting things that were not being followed by the permit. Although Ben Frei has been very nice and things have been fixed or taken care of, it appears that all of this is done because of us complaining that they were not following the permit in the first place. And if they are trying to get the permit extended 10 years they will do everything now to be compliant, but what happens once the permit is granted? How do we know they are following the rules?

Thank you for your time,

Kelsey Magnuson

Greg Barnes

From: Kelsey Magnuson <magnu079@gmail.com>
Sent: Monday, September 02, 2019 5:22 PM
To: Greg Barnes
Subject: Henderson aggregates pit expansion. Case #RCU2019-00040

Please be cautious: This email was sent from outside Adams County

Dear Greg Barnes and the ADCO Community and Economic Development Department,

I am writing in with concerns regarding expanding the permit of AFS or Albert Frei and Sons.

We live less than a half a mile from the gravel location and have numerous concerns regarding the gravel pit.

The gravel pit when it was owned and operated as Bennett Sand and gravel, they averaged about 20 loads of mined sand and gravel daily. The original permit for Bennett Sand and Gravel was appropriate based on the small impact the business had on neighbors, the environment and the roads. A major concern of the AFS expansion is the direct affects it will have on the environment, wildlife, air quality, quantity and quality of well water, truck traffic and the safety and livelihood of our neighbors. Even though there are plans to mitigate and refill the pit with inert material, it will never again be the same. And if our water gets contaminated, because I believe the plan is to mine only 2 feet above the water table, it may never be able to be cleaned up.

As neighbors we are hesitant about this company because for the past 2 years they have not been following the rules in the permit, so we are hesitant if the expansion permit goes through that they will follow the rules in the future.

Even with the independent traffic study, there are days the truck traffic starts before 7am and there are way more trucks on the road than 20/day. Ben Frei told us at a neighborhood meeting that the truck traffic could increase if the demand for sand and gravel goes up. Sharing the road with these semis is scary and dangerous, especially when the roads are not maintained or the weather is bad. The trucks drive too fast and the road is too narrow to support all of this truck traffic. Also, heavy usage of the road by the semi trucks causes major potholes and dips that make it challenging to drive on as well.

Then there is the issue of dust and air quality from the truck traffic.

Not to mention the affects all the mining will have on the wildlife. We use to have a huge heard of deer hay are no longer around. There are coyotes, birds of prey, toads and jack rabbits to name a few. With all the noise and digging what will happen to them and are they even considered in this expansion?

Thank you for taking the time to read and address these concerns. I've emailed Steve O'Dorisio and Mary Hodge previously with all of these concerns as well.

Please keep me updated on the public hearing date regarding this permit expansion. If it were up to myself and my neighbors we would oppose expanding this permit. We are not against business, but think this expansion is not appropriate in our tiny country neighborhood.

Thank you,

Kelsey Magnuson
7490 Provost Road
Bennett, Co

Elva P Munoz
7550 Provost Road
Bennett, CO 80102

Community & Economic Development Department
Adams County, Colorado
4430 South Adams County Parkway, 1st Floor
Suite W2000A
Brighton, CO 80601

September 1, 2019

Attention: Greg Barnes

As a resident on Provost Road off 72nd Ave, I have some concerns with the owners of AFS-Bennett Pit Albert Frei and Sons, Inc. Since AFS – Bennett Pit took over the Bennett Sand and Gravel; there have been ongoing and growing concerns.

Several of us neighbors have been in constant contact with the Colorado Division of Reclamation, Mining and Safety. We've attended a couple informal meetings including a recent Board Meeting on August 21, 2019 and recent tour of the facility with the Board of Colorado Division of Reclamation on August 27, 2019. I recognize that the Colorado Division of Reclamation handles issues other than Adams County but our concerns are not just specific issues but the lack of effort of transparency that the Colorado Division of Reclamation mentioned that AFS's should be forthcoming.

AFS, specifically, Ben Frei, listened to our concerns and promised some things that he cannot, or should not promise or has gone back on his word on. When questioned that we're seeing a huge increase of trucks from the initial approval agreement of 20 trucks per day and that it has increased to 50 to 100 (well over the application amount). He said he's "he's not receiving tickets indicating that amount". He apparently is not at the facility and counts on others to tell him supposedly what's going on at the plant. When we mentioned that trucks were entering in and out of the facility prior at the hours of 5:30 – 6:00 A.M.; again his response was that the tickets are not showing that. When we mentioned that we hear the sand trucks Jake braking on 72nd Avenue, he assured us that they would operate at speeds of 10 MPH. Ben Frei nor AFS cannot dictate the speed limit of the road or promise that they'll maintain a certain speed. We're still hearing "Jake brakes". It's only a ½ mile dirt road from Highway 79 to the entrance of AFS Sand Pit. Why on earth would they need to "Jake brake" at that distance? When we voiced our concerns about what these "sand trucks" will be brining into the sand pit, Ben's response was "how am I supposed to know what they're brining in?" It wasn't until the Board of

Colorado Division of Reclamation Board meeting on 8/21/19, that Michael Cunningham also of the Division of Reclamation, clearly made it a point that everyone knew that the “operator”, Ben Frei and his group, is responsible for what comes in or goes out of the Sand Pit.

AFS is basing their request for approval from the Board of Colorado Division of Reclamation on their past years experience and reputation of their other mines throughout the state. Seriously with the inconsistency of what Ben Frei is saying and how he’s denying or evasive and pacifying answers, it’s a wonder their still in business. Several of us neighbors have witnessed the increase number of trucks, the consistent “Jake Braking” the increase in noise and dirt pollution.

Concerns also include air quality and definitely the noise. There is an enormous amount of dust. Ben Frei promised to pave the dirt road and watered down the dirt road and then rescinded on that as well. AFS has not maintained Provost or 72nd Avenue at all as they had promised.

My concerns also include School Bus Routes, on 72nd Avenue and Provost Road. Are the buses going to have to go around the influx number of sand trucks? There are some serious safety issues including the damage done to our windshields from the sand trucks.

We also have some serious hunting issues on our properties. I personally have had AFS employee, come to our property with rifles in hand; dismounting their vehicles to want to shoot at a herd of a minimum of 15 deer that have been in our properties for over 20 years. Now the deer are no where to be found and a dead one, succumbed from being shot, ended up on the property of a neighbor, . I know the hunting issue is a Colorado Wildlife Department...but this is just another example of how AFS – Ben Frei, are not playing nice in the neighborhood. Our neighborhood quality of life is ruined and no doubt the remainder of 72nd will be ruined and then flow on to Highway 79.

Over the past 19 years little of the mine has been mine’d. According to Ben Frei, the previous owner was not aggressive and Ben plans on being more aggressive. But yet he can not answer the increase number of trucks expected, can not tell us what’s being dropped off by the incoming sand trucks, when the trucks start in the morning and how fast they’re traveling on 72nd Avenue. Maybe he’s bitten off more than he should or maybe we can review better what is in store with not only the approval of the mine (Board of Colorado Division of Reclamation), how the roads can be able to handle a min of 50-100 trucks a day and then some. Traveling up and down Highway 79 onto 72nd Avenue and then back. May we suggested a paved road as opposed to gravel road. With that kind of travel a gravel road would be useless.

Sincerely,

Elva Munoz, Resident
(602) 300-2868
sanfran1227@hughes.net

From: [Greg Barnes](#)
To: [Jen Rutter](#)
Subject: FW: Planning Commission Meeting June 25, 2020 Adams County Henderson Aggregates (Case # EXG2019-00002 formerly RCU2019-00040)
Date: Wednesday, June 24, 2020 2:35:52 PM
Importance: High

From: Elva Munoz <sanfran1227@me.com>
Sent: Wednesday, June 24, 2020 10:14 AM
To: Greg Barnes <GJBarnes@adcogov.org>
Cc: Maggie M. Barringer <MBarringer@adcogov.org>
Subject: Fwd: Planning Commission Meeting June 25, 2020 Adams County Henderson Aggregates (Case # EXG2019-00002 formerly RCU2019-00040)
Importance: High

Please be cautious: This email was sent from outside Adams County

Good Morning Greg,

I'm forwarding my email "addressed" to Jen Rutter for it appears my initial email rejected. Probably an error on my part. Sorry for the confusion and possible duplication. Please consider comments in this email for the upcoming Planning Committee Meeting on June 25, 2020.

Have a wonderful day and we hope to tune in on Zoom tomorrow.

Sincerely,

Elva Munoz
(602) 300-2868

PS (Maggie thank you so much for the followup phone call)

Begin forwarded message:

From: Elva Munoz <sanfran1227@me.com>
Subject: Planning Commission Meeting June 25, 2020 Adams County Henderson Aggregates (Case # EXG2019-00002 formerly RCU2019-00040)
Date: June 22, 2020 at 4:19:50 PM MDT
To: jrutter@adcogov.com

Good Afternoon Jen,

In reference to the upcoming Planning Committee Meeting on June 25, 2020, as a

resident on Provost Road, I would like for you folks to consider a couple of concerns:

As mentioned in previous notices, Air Quality and noise pollution from the enormous amount of diesel traffic they are projecting to come through the 1 mile stretch of road from Highway 79 to the entrance of AFS pit is a great concern.

Measures have been recently implemented to improve East 72 Avenue mitigating dust and road damage. Thank you. It's pretty accommodating for the amount of current traffic but I hesitate to say it will enough or should I say pushed to the limits and beyond with the proposed amount of traffic that AFS is requesting. Prior to the recent improvements on 72nd Avenue, we always had to "give the-right-of-way" to the diesel trucks or risk being crushed or severely damaged cars on the narrow road. The amount of trucks that ran through 72nd Avenue has been extreme prior to the recent road improvements. The request is for 120 "more" trucks within a 24 hour period and an increase of 6 in and 6 out during peak periods in the morning and the afternoon is outrageous. Prior to the road improvements, one would see at least 5-6 trucks lined up coming and going for several hours a day. That's approximately 48 trucks coming in and 48 trucks coming out which equals 96 trucks minimum an 8 hour period plus the additional 6 in and 6 out during peak periods that's and additional 24 trucks on top of the 96 for a total of 120 "per day" not per a 24 hour period as stated by AFS request. We're talking about a 1 mile stretch of an additional 120 diesel trucks per day of what's already being traveled plus residential traffic, U.S. Post Office traffic, delivery Amazon traffic, UPS traffic, FedEx traffic and not to mention school bus traffic twice a day when school is in session and AFS is requesting to increasing this by another 120 diesel trucks per day. I believe folks may or may not have considered the total amount of traffic and safety concerns involved with this. The mere number of 120 "additional" diesel truck and 6 in and 6 out in the A.M. and P.M peak periods, seems extremely high an extremely dangerous for a 1 mile stretch of road. I also have concerns along with the resident comments on the amount of right-of-way a deceleration land on Highway 79 and how it may cause along the frontage of their property. For residents turning onto 72nd Avenue through Highway 79, they too will have to use the right-a-way in order to go with the flow of traffic in entering 72nd Avenue.

Many agencies were contacted on their approval of this permit approval. It was also indicated that some of the agencies had not responded and it was "as favorable response". We're in a world crisis with COVID 19 and many agencies are closed, furloughed, or simply overwhelmed with duties for those who are still working whether working from home or the office. Several of us have called and left voice messages with the planning committee and have not received returned calls. I'm under the impression that Bennett Schools 29J and Bennett Parks and Recreation to name a few are under the listing of "notified but not responding, as favorable response". Favorable to whom?" In addition to all the diesel traffic which is sometimes extremely careless in their speed, the lane issue used to be an issue but the road have been widened. Prior to the paving improvements the speed of the diesels caused so much dust that it was difficult to see. One had to stop at least 500 feet prior to approaching the 72 Ave stop

sign to Highway 79 to be certain a diesel truck(s) was't making a wide turn onto us while entering off Highway 79. The paving has improved but the traffic volume is a huge safety concern. It's only 1 mile long but its a dangerous 1 mile long. Any measures to decrease the requested approval amount, would be greatly appreciated and a smart thing to do.

It's been noted that AFS has informed it's mining staff that they are directed to be aware of wildlife that may enter the mine during operating hours and what to do if they find any on active mining area that come after hours. Please note, that numerous times 4-5 residents have heard gun shots after hours in the dark coming from AFS Bennett Pits. Seriously don't believe they are "target practicing" at night for that's illegal. In several meetings both formal and informal, hunting on and especially off the property of AFS (neighboring property) no hunting is allowed and it is illegal unless permission is given by the resident. Please note the permission is "not" given. AFS has said they don't hunt but there's a general concern that there is shooting on the property and the surrounding areas especially at night.

Please also add my name to the mailing list:

Elva Munoz
7550 Provost Road
Bennett, CO 80102

Sincerely,

Elva Munoz
Resident
(602) 300-2868
sanfran1227@hughes.net

Water well right

Oust

How come so much land govt for the
deceleration lane

Who is going to replace my mail box

I do not want this on my right away

David S. Murphy

7140 Hwy 79

Bennett, CO

80102-9009

Greg Barnes

From: Ben Frei <BFrei@albertfreiansons.com>
Sent: Thursday, June 25, 2020 3:18 PM
To: Greg Barnes
Subject: FW: Approval of AFS Existing Mining Application

Please be cautious: This email was sent from outside Adams County

How about this one.

Ben Frei

From: Jerry Schumacher <shoefarmjs@netscape.net>
Sent: Thursday, June 25, 2020 3:14 PM
To: Ben Frei <BFrei@albertfreiansons.com>
Subject: Fwd: Approval of AFS Existing Mining Application

Sent from my iPhone

Begin forwarded message:

From: Jerry Schumacher <shoefarmjs@netscape.net>
Date: June 24, 2020 at 1:37:24 PM MDT
To: jritter@adcogov.org
Cc: gibatnes@adcogov.org
Subject: Approval of AFS Existing Mining Application

Dear Planning Commission and Board of County Commissioners,

We are the Jerry Schumacher family, an adjacent neighbor of Albert Frei & Sons, (AFS). We have lived next to this gravel and aggregate operation since 1997 and AFS the last three years. AFS, a family owned business, continues to be an exemplar neighbor. For example, they provide voluntary snow removal, material for my 3/8th mile drive way and use of their water truck intermittently. AFS provides many of these same services to many of their neighbors; and also contributes to the Bennett High School Baseball Team and Bennett Days.

In Addition, AFS supports the greater Bennett community. For example, they do high volume business with Sherer Auto, The Co-op, Ace Hardware, local restaurants, and most recently, Action Graphic in Strasburg. AFS is a strong supporter of the Bennett FD. They have a standing offer to them for use of AFS property and resources to conduct training including high and low angle rescue, EMS, and trauma scenarios. (Which is on hold due to the impact of COVID-19).

I would also like to mention the abundance of wildlife in the area and around our farm. There has been a steady increase in deer, and turkey population over the last few years.

In closing, given their positive impact to the greater community, we respectfully request that you approve the AFS application to amend their existing Bennett mining permit.

Respectfully Submitted,
Jerry Schumacher Family
Sent from my iPhone



Request for Comments

Case Name: HENDERSON AGGREGATES PIT EXPANSION
Case Number: RCU2019-00040

August 12, 2019

The Adams County Planning Commission is requesting comments on the following application: **Conditional Use Permit to expand existing mining operations.** This request is located at 50000 East 72nd Avenue. The Assessor's Parcel Numbers are 0181500000401, 0181500000337, and 0181502100002.

Applicant Information: HENDERSON AGGREGATE LTD
BEN FREI
7321 E 88TH AVE STE 100
HENDERSON, CO 806408137

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216, or call (720) 523-6800 by 9/2/2019 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to GJBarnes@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates will be forwarded to you for your information. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Greg Barnes
Planner III



Public Hearing Notification

Case Name:	Henderson Aggregates Pit
Case Number:	EXG2019-00002
Planning Commission Hearing Date:	Thursday, June 25, 2020 at 6:00 p.m.
Board of County Commissioners Hearing Date:	Tuesday, July 14, 2020 at 9:30 a.m.

May 29, 2020

A public hearing has been set by the Adams County Planning Commission and the Board of County Commissioners to consider the following request: Conditional Use Permit to expand existing mining operations (extraction) use in the Agricultural-3 zone district. The Assessor's Parcel Numbers are: 0181500000401, 0181500000337, and 0181502100002. The address is 50000 E. 72nd Avenue.

Applicant Information: Ben Frei
Henderson Aggregate, Ltd.
7321 E. 88th Ave., Ste. 100
Henderson, CO 80640

The Planning Commission meeting will be held virtually using the Zoom video conferencing software and members of the public will be able to submit comments prior to the start of the public hearing that will then be entered into the record. For instructions on how to access the public hearing via telephone or internet, or to submit comment, please visit <http://www.adcogov.org/planning-commission> for up to date information.

The Board of County Commissioners meeting is broadcast live on the Adams County YouTube channel and members of the public will be able to submit comments prior to the start of the public hearing that will then be entered into the record. The eComment period opens when the agenda is published and closes at 4:30 p.m. the Monday prior to the noticed meeting. For instructions on how to access the public hearing and submit comments, please visit <http://www.adcogov.org/bocc> for up to date information.

These will be public hearings and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. The full text of the proposed request and

additional colored maps can be obtained by accessing the Adams County Community and Economic Development Department website at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

A handwritten signature in black ink, appearing to read "Greg Barnes". The signature is written in a cursive style with a large initial "G".

Greg Barnes

Planner III

gjbarnes@adcogov.org

(720) 523-6853

PUBLICATION REQUEST

Case Name: Henderson Aggregates Pit

Case Number: EXG2019-00002

Planning Commission Hearing Date: Thursday, June 25, 2020 at 6:00 p.m.

Board of County Commissioners Hearing Date: Tuesday, July 14, 2020 at 9:30 a.m.

Case Manager: Greg Barnes gjbarnes@adcogov.org (720) 523-6853

Request: conditional Use Permit to expand existing mining operations (extraction) use in the Agricultural-3 zone district

Parcel Number: 0181500000401, 0181500000337, and 0181502100002

Address of the Request: 50000 E. 72nd Avenue

Applicant: Ben Frei, Henderson Aggregate, Ltd., 7321 E. 88th Ave., Ste. 100, Henderson, CO 80640

Legal Description: BENNET SAND AND GRAVEL PIT #2 M-2001-038 SECT,TWN,RNG:2-3-63 DESC: PARCEL B (AS SURVEYED) PARCEL IN THE E2 OF SEC 2 DESC AS FOLS BEG AT THE NE 1/4 COR OF SD SEC 2 FROM WHENCE THE N 1/4 COR OF SD SEC 2 BRS S 89D 32M 15S W 2650/83 FT AND ON WHICH ALL BRNGS HEREON ARE BASED TH ON THE E LN OF THE NE4 OF SD SEC 2 S 00D 11M 26S W 2617/01 FT TO THE POB TH ON THE E LN OF THE SE4 OF SD SEC 2 S 00D 29M 37S W 2643/60 FT TH ON THE S LN OF THE SE4 OF SD SEC 2 S 89D 31M 48S W 984/07 FT TH N 00D 01M 19S W 2643/36 FT TH ON THE S LN OF THE NE4 OF SD SEC 2 N 89D 31M 58S E 514/88 FT TH N 00D 10M 26S W 449/18 FT TH N 89D 32M 01S E 465/84 FT TH ON THE W LN OF THE LAND DESC IN B3927 P224 A LN 30 FT W OF AND // TO THE E LN OF SD NE4 OF SD SEC 2 S 00D 11M 26S W 449/20 FT TH ON THE S LN OF THE NE4 OF SD SEC 2 N 89D 31M 58S E 30 FT TO THE POB TOG WITH PARCEL C (AKA PROVOST RD EXT)THE E 30 FT OF THE NE4 OF SEC 2 EXC THAT PORT CONVEYED TO COUNTY OF ADAMS (REC NO 2016000044789) TOG WITH PARCEL D (AKA E 64TH AVE EXT) THE N 30 FT OF THE E2 NE4 OF SEC 11/3/63 67/89A

Virtual Meeting and Public Comment Information:

These meetings will be held virtually. Please visit <http://www.adcogov.org/planning-commission> and <http://www.adcogov.org/bocc> for up to date information on accessing the public hearings and submitting comment prior to the hearings. The full text of the proposed request and additional colored maps can be obtained by accessing the Adams County Community and Economic Development Department website at www.adcogov.org/planning/currentcases.

AFFORDABLE CONCRETE LLC
9725 E HAMPDEN AVE
DENVER CO 80231-4915

COPELAND ROBERT/ALETHEA
REVOCABLE LIVING TRUST THE
50180 E 64TH AVE
BENNETT CO 80102-8955

ANDERSON DOROTHY A AND
ANDERSON ROBERT L
49821 E 64TH AVE
BENNETT CO 80102

CURTIS JENNIFER A
49850 E 72ND AVE
BENNETT CO 80102-9342

BRENNER SEAN AND
BRENNER JERRY R
34578 COUNTY ROAD 48
BURLINGTON CO 80807-9724

DANIEL DAVID ERNEST AND
INMAN BETH NICHOLE DANIEL
6221 KIOWA BENNETT RD
BENNETT CO 80102

BUCK STEVEN
10933 COUNTY ROAD 120
KIOWA CO 80117-8801

DAVIS DIANE L
49800 E 72ND AVE
BENNETT CO 80102

CARDENAS LINO
56330 E 41ST AVE
STRASBURG CO 80136-8095

DENVER ISLAMIC SOCIETY
2124 S BIRCH ST
DENVER CO 80222-5018

CARDENAS LINO
CARDENAS ANDREA
50000 E 56TH AVE
BENNETT CO 80102-9024

DONALDSON NANCY J
7550 N PROVOST RD
BENNETT CO 80102-9313

CARDENAS LINO AND
CARDENAS ANDREA
50000 E 56TH AVE
BENNETT CO 80102-9024

DU BOIS JAMES W AND
DU BOIS SEANA B
6420 HIWAY 79
BENNETT CO 80102-9005

CARDENAS LINO AND CARDENAS JUAN MANUEL AND
CARDENAS ANDREA
6073 HIGHWAY 79
BENNETT CO 80102-9023

FINNESY JOHN F AND
FINNESY SUSAN L
PO BOX 335
BENNETT CO 80102-0335

CLAIR SHARON A
1213 N TENAYA WAY
LAS VEGAS NV 89128-3250

FIRE HOUSE YOUTH CENTER INC
49990 E 64TH AVE
BENNETT CO 80102-9008

COPELAND GARY R AND
COPELAND JANIE L
49990 E 64TH AVE
BENNETT CO 80102-9008

FISHER RONALD L AND
FISHER JANET LEE
7040 HWY 79
BENNETT CO 80102-9006

GLICKMAN LAURA JO
51051 E 56TH AVE
BENNETT CO 80102

JONES SHERYL K AND
JONES LARENCE
6285 HIWAY 79
BENNETT CO 80102-9023

GREAR MICHAL AND
GREAR ROBERTA
51315 E 56TH AVE
BENNETT CO 80102-9040

JUDGE L ANN
6771 HWY 79
BENNETT CO 80102-9005

GRUBISH THOMAS C AND
GRUBISH JANET P
8709 MONTICELLO MEWS
NORTH RICHLAND HILLS TX 76180-1400

KACZAR DANIEL R AND
KACZAR KATHLEEN M
6775 YULLE MILE RD
BENNETT CO 80102

GUEWA CHARLES F AND
GUERNSEY RENEE Y
417 LAUREL LN
COLUMBUS OH 43230-3571

KATCHEN VICTORIA L AND
FABER MARK L
7230 PROVOST MILE ROAD
BENNETT CO 80102

HANNAH ROBERT WILLIAM AND
HANNAH TAMMY LYNN
14901 COLORADO BLVD
THORNTON CO 80602-7837

KRABILL JAMES R
6481 N HIWAY 79
BENNETT CO 80102-9005

HENDERSON AGGREGATE LTD
PO BOX 700
HENDERSON CO 80640-0700

LINCOLN DAVID A AND
LINCOLN JOYCE E
50500 E 72ND AVENUE
BENNETT CO 80102-9302

HENDERSON AGGREGATE LTD
7321 E 88TH AVE STE 100
HENDERSON CO 80640-8137

LINCOLN DAVID A AND
LINCOLN JOYCE E
5659 S LANSING WAY
ENGLEWOOD CO 80111-4105

JARAMILLO MARY AND
JARAMILLO NELSON
14506 HILLSIDE HICKORY CT
HOUSTON TX 77062-2132

LINNEBUR GRAIN AND BUFFALO LLLP
PO BOX 298
BYERS CO 80103-0298

JERRY AND CATHY BURNES TRUST DATED JULY 29 2
019
825 SCRANTON ST
AURORA CO 80011-6630

LOPEZ LINO CARDENAS AND
CARDENAS ANDREA
50000 E 56TH AVE
BENNETT CO 80102-9024

JONES MERRY A TRUST THE
5000 S COUNTY ROAD 149
STRASBURG CO 80136-9524

MA WEI HONG
C/O TINA YEE
ENGLEWOOD CO 80111-4120

MADERA JOSE LUIS
6311 KIOWA BENNETT RD
BENNETT CO 80102

SCHUMACHER GERARD D AND
SCHUMACHER AMORA LEA
7202 PROVOST ROAD
BENNETT CO 80102

MAGNUSON KELSEY CELESTE AND
GRANGER ANDREW ASHLEY
7492 PROVOST RD
BENNETT CO 80102-9313

SMIALEK DENNIS EDWARD AND
SMIALEK BETH ANN
47770 E 56TH AVE
BENNETT CO 80102-9106

MALONE JOSEPH ALLEN
6020 HIGHWAY 79
BENNETT CO 80102-9020

SMITH BRANDON J AND
SMITH CARISSA L
51315 E 56TH AVE
BENNETT CO 80102-9040

MAYEAUX RODNEY P AND MAYEAUX RANDALL P
C/O RANDY MAYEAUX
KREMMLING CO 80459-1311

SMITH DUSTIN DAVID
51315 E 56TH AVE
BENNETT CO 80102-9040

MOYER JOHN R AND
MOYER LYNNE M
6200 HIGHWAY 79
BENNETT CO 80102

STATE LAND
NEED ADDRESS

MURPHY DAVID SAMUEL AND
HARRISON RUTH ANN
7140 HIWAY 79
BENNETT CO 80102-9009

STATE OF COLORADO
1525 SHERMAN ST 2ND FLOOR
DENVER CO 80203-1714

PACHECO ROSENDO
7155 YULLE MILE RD
BENNETT CO 80102

THE GERALD R AND DEBORAH A TOCZEK REVOCABLE
TRUST
49200 E 64TH AVE
BENNETT CO 80102-9008

PALONE WAYNE S AND
PALONE GAIL E
50050 E 64TH AVE
BENNETT CO 80102-9008

TOFT LARRY C AND
TOFT HELEN F
51300 E 56TH AVE
BENNETT CO 80102-9040

PARIS ROGER GENE
593 VISTA GRANDE DR
COLORADO SPRINGS CO 80906-5825

TWO RINGS RANCH LLC
2015 YORK ST
DENVER CO 80205-5713

ROBLES PETRONILLO
50430 E 56TH AVE
BENNETT CO 80102

VEST RANCH LLC
5238 WA COUNTY ROAD DD
FLAGLER CO 80815-9706

VILLARREAL WENDY
PO BOX 441
BENNETT CO 80102-0441

YODER CLARENCE W S
6920 HWY 79
BENNETT CO 80102-9006

ZUBIA JESUS
4660 W CEDAR AVE
DENVER CO 80219-1741



Referral Listing
Case Number EXG2019-00002
Henderson Aggregates Pit Expansion

Agency

Contact Information

Adams County Attorney's Office

Christine Fitch
CFitch@adcogov.org
4430 S Adams County Pkwy
Brighton CO 80601
720-523-6352

Adams County CEDD Development Services Engineer

Devt. Services Engineering
4430 S. Adams County Pkwy.
Brighton CO 80601
720-523-6800

Adams County CEDD Environmental Services Division

Katie Keefe
4430 S Adams County Pkwy
Brighton CO 80601
720-523-6986
kkeefe@adcogov.org

Adams County CEDD Right-of-Way

Mark Alessi
4430 S. Adams County Pkwy.
Brighton CO 80601
720-523-6837
malessi@adcogov.org

Adams County Community Safety & Wellbeing, Neighborhood Services

Gail Moon

gmoon@adcogov.org
4430 S. Adams County Pkwy.
Brighton CO 80601
720-523-6856
gmoon@adcogov.org

Adams County Development Services - Building

Justin Blair
4430 S Adams County Pkwy
Brighton CO 80601
720-523-6825
JBlair@adcogov.org

Adams County Parks and Open Space Department

Aaron Clark
(303) 637-8005
aclark@adcogov.org

Adams County Parks and Open Space Department

Marc Pedrucci
303-637-8014
mpedrucci@adcogov.org

Adams County Sheriff's Office: SO-HQ

Rick Reigenborn
(303) 654-1850
rreigenborn@adcogov.org

Agency

Contact Information

Adams County Sheriff's Office: SO-SUB

--
303-655-3283
CommunityConnections@adcogov.org

BENNETT FIRE DISTRICT #7

Captain Caleb J Connor
825 SHARIS CT
BENNETT CO 80102
303-532-7733 303-644-3572
CalebConnor@BennettFireRescue.org

BENNETT FIRE DISTRICT #7

CHIEF EARL CUMELY
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BENNETT CO 80102
303-644-3434
ecumley941@aol.com

BENNETT PARK AND RECREATION

Chris Raines
PO BOX 379
455 S. 1ST ST.
BENNETT CO 80102-0379
303-644-5041
Director@bennettrec.org

BENNETT SCHOOL DISTRICT 29J

Robin Purdy
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BENNETT CO 80102
303-644-3234 Ext: 8203
robinp@bsd29j.com

CDPHE

Sean Hackett
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Denver CO 80246
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CDPHE

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CDPHE - AIR QUALITY

Richard Coffin
4300 CHERRY CREEK DRIVE SOUTH
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CDPHE - WATER QUALITY PROTECTION SECT

Patrick Pfaltzgraff
4300 CHERRY CREEK DRIVE SOUTH
WQCD-B2
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CDPHE SOLID WASTE UNIT

Andy Todd
4300 CHERRY CREEK DR SOUTH
HMWMD-CP-B2
DENVER CO 80246-1530
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Agency

Contact Information

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720-578-3724 720-245-0029
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COLORADO DIVISION OF WILDLIFE

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COLORADO DIVISION OF WILDLIFE

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COMCAST

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IREA

Brooks Kaufman
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Sedalia CO 80135
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NS - Code Compliance

Gail Moon
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gmoon@adcogov.org

TRI-COUNTY HEALTH DEPARTMENT

Sheila Lynch
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GREENWOOD VILLAGE CO 80111
720-200-1571
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TRI-COUNTY HEALTH DEPARTMENT

MONTE DEATRICH
4201 E. 72ND AVENUE SUITE D
COMMERCE CITY CO 80022
(303) 288-6816
mdeatrich@tchd.org

Tri-County Health: Mail CHECK to Sheila Lynch

Tri-County Health
landuse@tchd.org
.

Xcel Energy

Donna George
1123 W 3rd Ave
DENVER CO 80223
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Donna.L.George@xcelenergy.com

CERTIFICATE OF POSTING



I, J. Gregory Barnes do hereby certify that I posted the property at 50000 East 72nd Avenue on June 5, 2020, in accordance with the requirements of the Adams County Development Standards and Regulations.

Handwritten signature of J. Gregory Barnes.

J. Gregory Barnes

Henderson Aggregates Pit

EXG2019-00002

50000 E. 72nd Avenue

July 14, 2020

Board of County Commissioners Public Hearing
Community and Economic Development Department

Case Manager: Greg Barnes



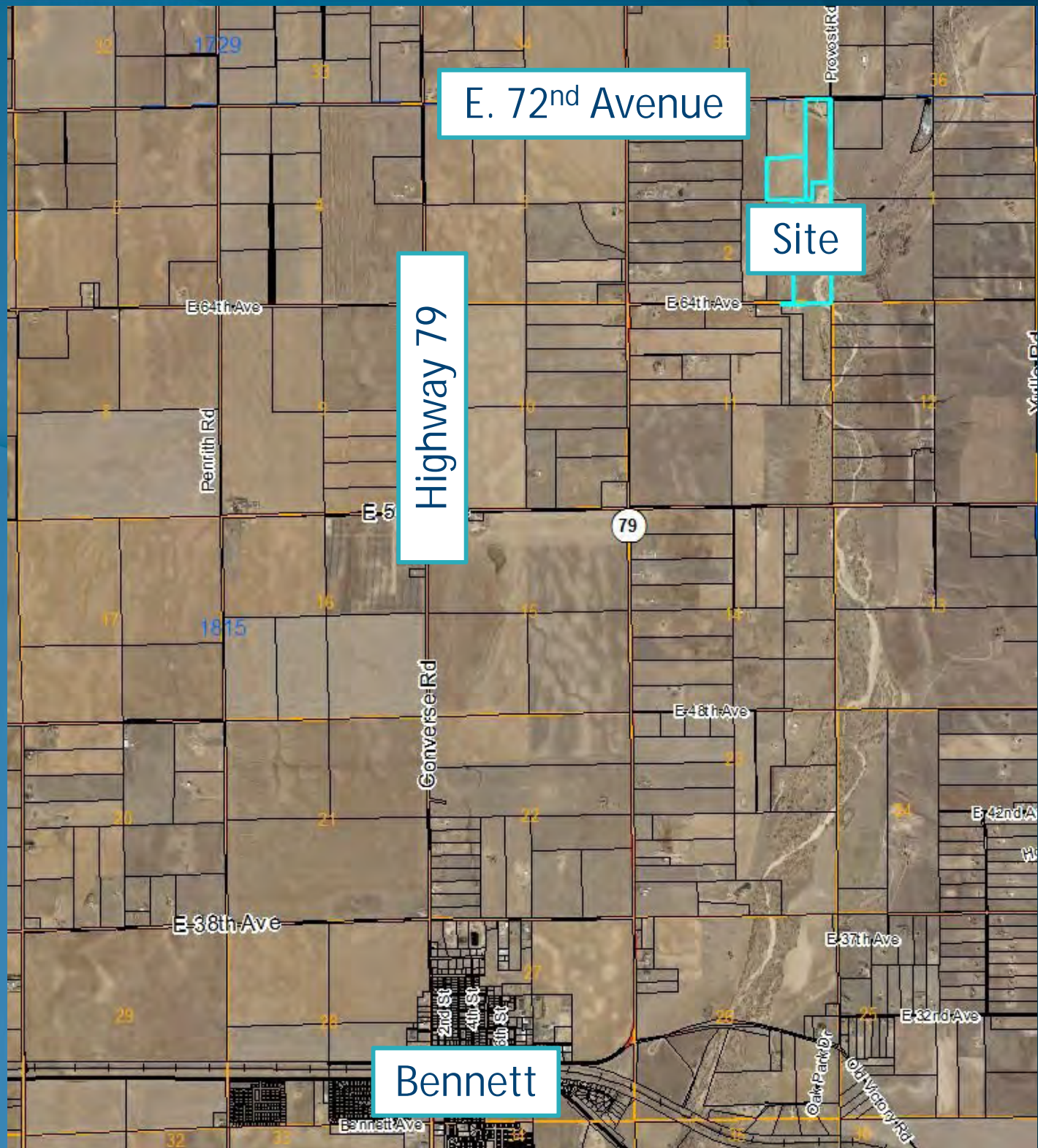
Request

Conditional Use Permit to allow an extraction use (mining) in the Agricultural-3 (A-3) zone district.

Background

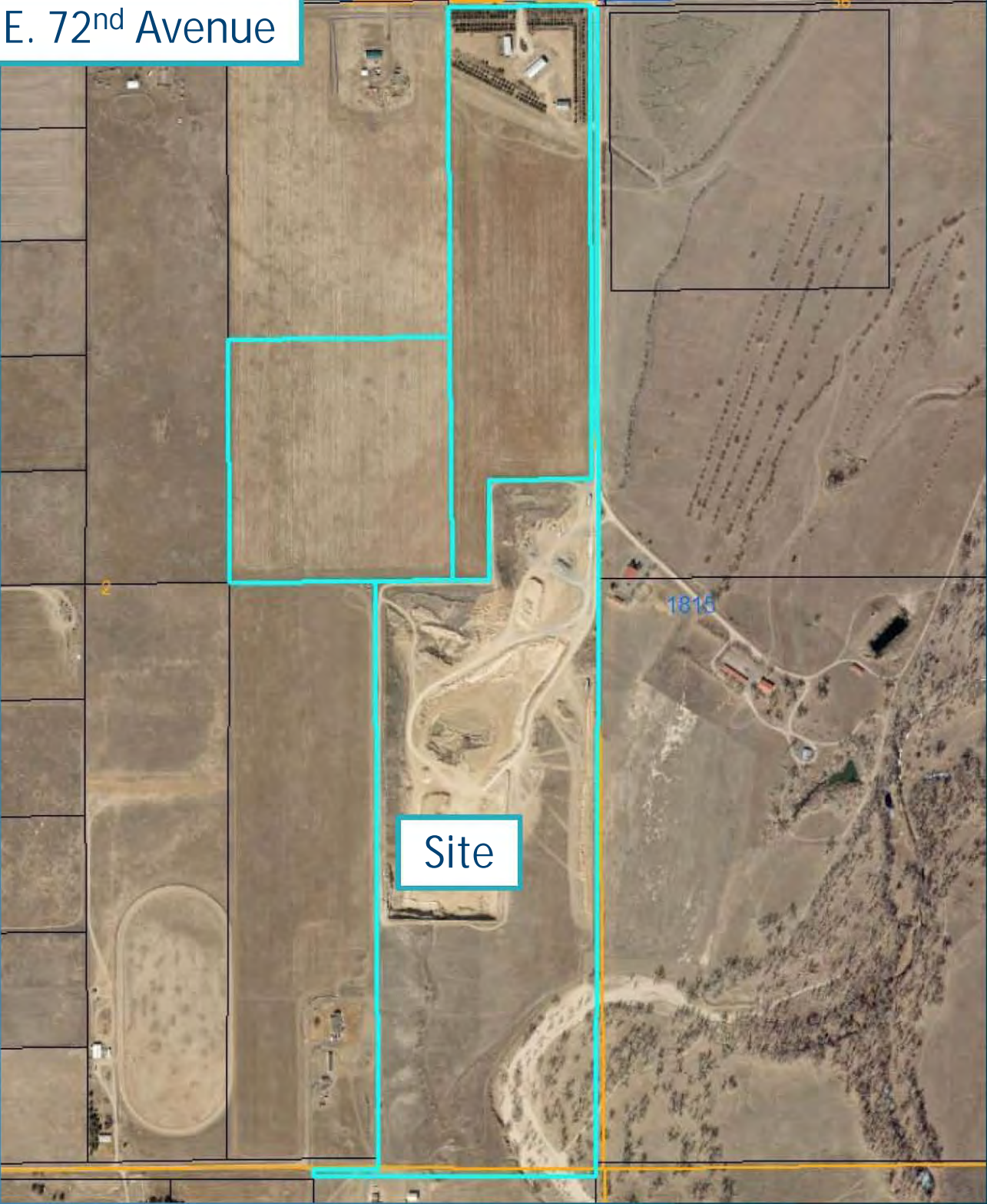
- Bennett Sand & Gravel
- June 25, 2001
 - Conditional use permit (EXG2001-00004) application for a gravel mining operation for five years
- March 13, 2006
 - Extension of the use (EXG2005-00006) for ten years
- March 8, 2016
 - Extension of the use (RCU2015-00041) and inert fill operations for ten years
- Albert Frei & Sons
- Today
 - Expansion of the extraction use on to two additional parcels not included in the previous requests

AERIAL OVERVIEW



AERIAL
CLOSE-UP

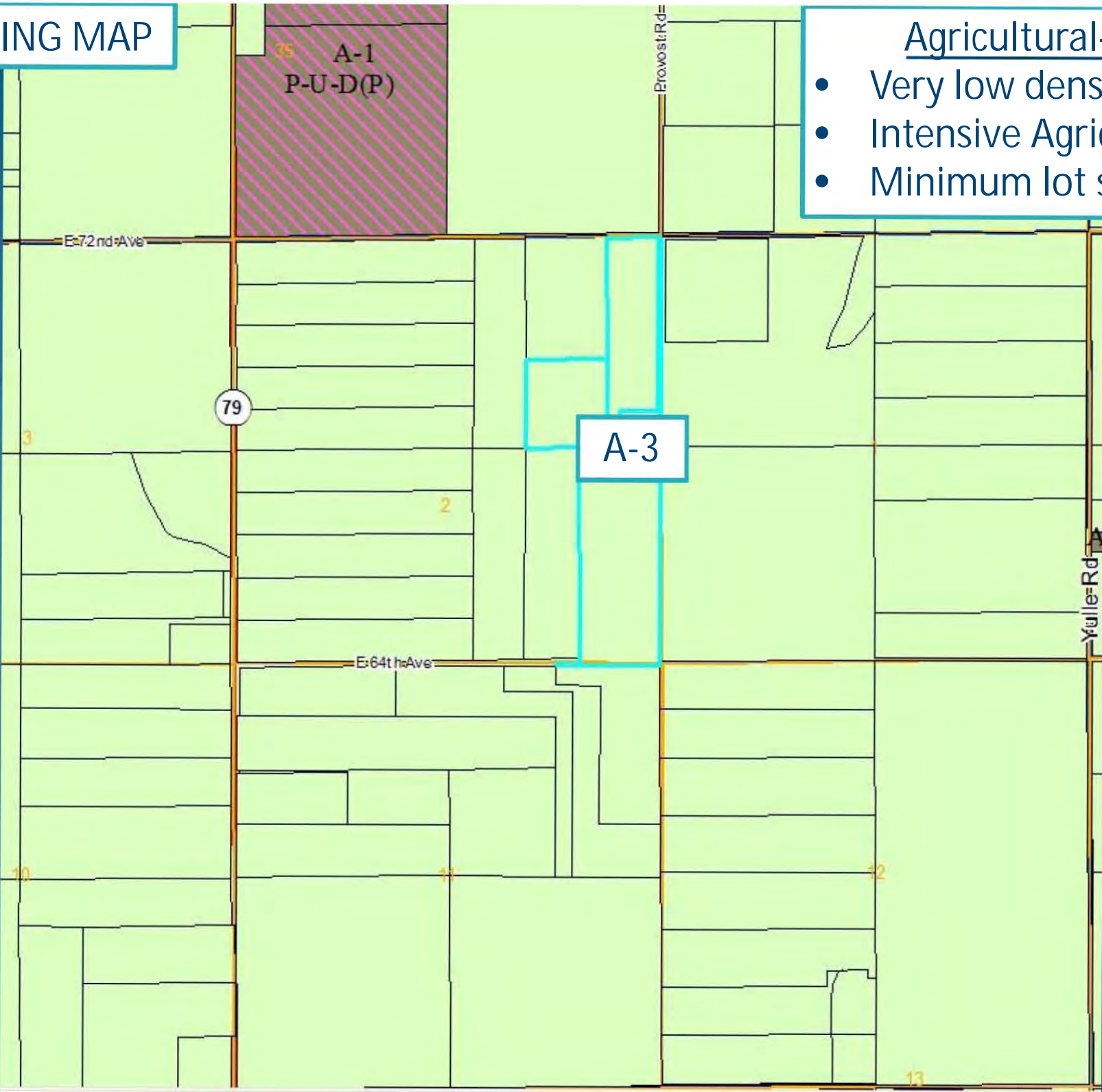
E. 72nd Avenue



Site

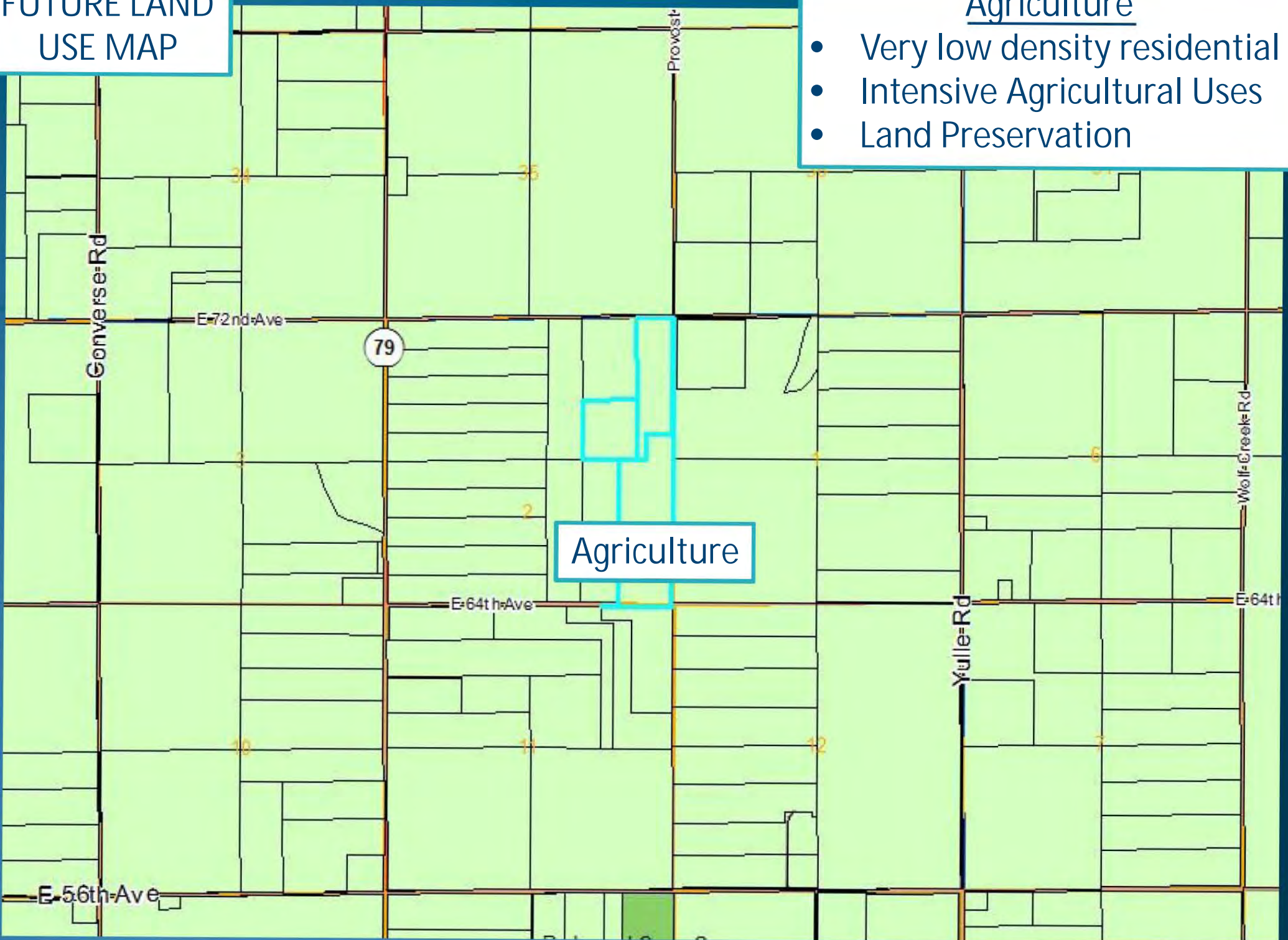
ZONING MAP

- ## Agricultural-3 Zoning
- Very low density residential
 - Intensive Agricultural Uses
 - Minimum lot size 35 acres



FUTURE LAND USE MAP

- ## Agriculture
- Very low density residential
 - Intensive Agricultural Uses
 - Land Preservation



Criteria for Conditional Use

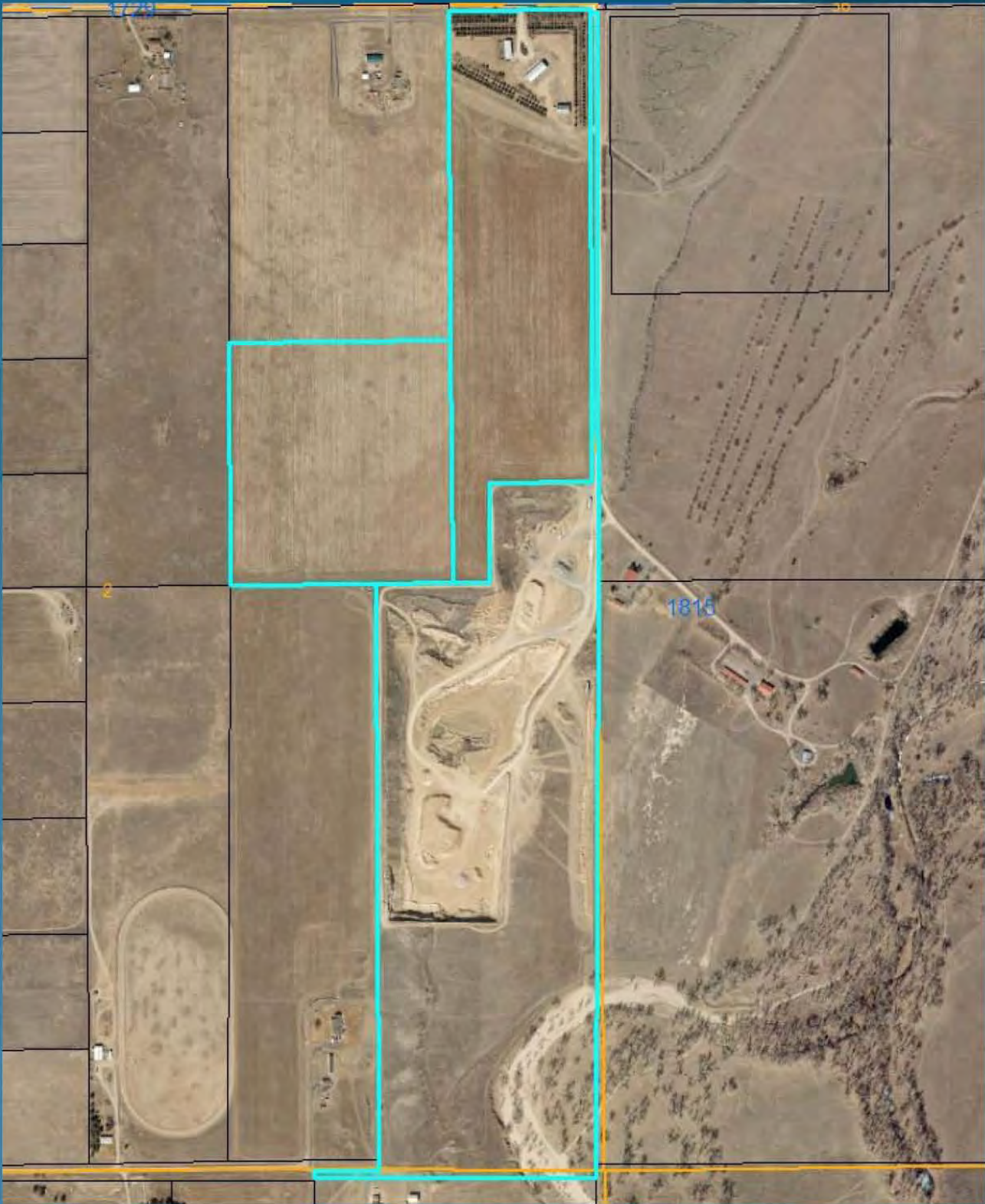
Section 2-02-09-06

1. Permitted in zone district
2. Consistent with purpose of regulations
3. Comply with performance standards
4. Harmonious & compatible
5. Addressed all off-site impacts
6. Site suitable for use
7. Site plan adequate for use
8. Adequate services

Roadway Maintenance Agreement

- 2019 – Applicants entered into a Roadway Maintenance Agreement with Adams County
- Applicant agreed to finance improvements to East 72nd Avenue and State Highway 79, which will accommodate for increased traffic on the site

EXPANDED
ACTIVITY

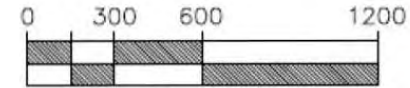


EXPANDED ACTIVITY

AFS

ALBERT FREI & SONS

P.O. BOX 700 | Henderson, Colorado 80640
 phone: (303) 287-4656 | fax: (303) 289-2865
 AFS- BENNETT PIT - M-2001-038
 Map Exhibit E-1 - Reclamation Plan Map (Revised 1-28-19)



SCALE 1"=600'

LEGEND

- PERMIT BOUNDARY/ AFFECTED LANDS
- 200 FOOT LIMIT
- BURIED COMMUNICATION LINES
- BURIED ELECTRIC LINES
- CREEK BANK
- FLOOD PLAIN BOUNDARY
- FENCE
- ROADS (HAUL, ACCESS) (TYP.)
- TOPO CONTOUR
- WATER WELL / PERMIT #
- MINING DIRECTION
- BUILDINGS
- RECLAIMED AREA
- POTENTIAL DEVELOPED WATER STORAGE















Referral Comments

Referral agencies

- Bennett Fire (no objection)
- CDPHE (operational conditions)
- CPW (operational conditions)
- IREA (informational comment)
- TCHD (operational conditions)
- Xcel (no concerns)

Public comments: Property owners and residents within one mile:

Notifications Sent	Comments Received
63	10

Referral Period

- Comments from 7 individuals or groups
 - 3 comments supported the application
 - Applicants have demonstrated they can be thoughtful neighbors and helpful members of community.
 - 7 comments with concern or objection to the use
 - Air pollution
 - Noise pollution
 - Increased traffic
 - High speed of traffic along East 72nd Avenue
 - Public safety
 - Illegal hunting activities
 - Incompatible and unharmonious to surrounding properties
 - Water Quality
 - Perceived Loss of Property Values
 - Hours of Operation

Planning Commission Update

Hearing: June 25, 2020

Concerns Noted: Hours of Operation

5-1 Vote for Approval

Recommendation

Approval of Conditional Use Permit (EXG2019-00002) based on:

- 8 Findings-of-Fact,
- 6 conditions precedent,
- 22 conditions, and
- 2 notes

Recommended Conditions Precedent

1. The applicant shall obtain and provide to Adams County all required and approved DRMS permits prior to commencing any extraction activities at the site.
2. The applicant shall provide a copy of the final Groundwater Well Monitoring Plan as approved by DRMS.
3. The Applicant shall provide a copy of its APEN as submitted to Colorado Department of Public Health and Environment (CDPHE) for extraction operations.
4. The applicant shall notify Adams County upon Notice of Startup form submission to the Air Pollution Control District as may be required by new or modified construction permit.
5. The applicant shall submit to Adams County its Mosquito Control Program as approved by Tri-County Health Department.
6. Extraction on the newly added area shall not proceed until a "Notice to Proceed" is issued by the Adams County Community and Economic Development Department, after applicant has demonstrated all Conditions Precedent have been completed.

Recommended Conditions

1. Applicant shall notify the County of all complaints from any well owner within 600 feet from the site boundary and necessary actions taken to address impacts within 30 days of filing such reports with DRMS. For subject wells put to beneficial use prior to commencement of mining activities, applicant will begin to implement one or more mitigation measures if extraction and reclamation activity is determined to be a significant contributing factor to groundwater changes requiring mitigation.
2. Reclamation activities and sequential extraction of material shall be followed to keep the total disturbed areas at any one time to a minimum.
3. To minimize light pollution impact to active nocturnal or resting diurnal wildlife species, all site lights shall be motion-activated and downward directed-directed.
4. A setback buffer consisting of a minimum 50 feet from the riparian plant community along the length of Kiowa Creek shall be maintained and protected from mining activities in accordance with Section 4-11-02-04-02.5.b of the Adams County Development Standards and Regulations

Recommended Conditions

5. As recommended in the Resources Review, the applicant shall conduct a raptor nest survey one week before disturbing any new area from April 1 through August 31. If raptor nests are found, vegetation shall not be removed as part of land disturbing activities. The applicant shall keep records of all nest survey results and make these available to the County upon request.
6. The applicant shall install a wind gauge, such as an anemometer, in the vicinity of mining and crushing operations to monitor wind speeds and shall cease both mining and crushing activities when wind speeds exceed a sustained 25 mph and when gusts exceed 35 mph occur. Records of cessation due to high winds shall be maintained on site for one year past the record date.
7. Fugitive dust control measures prescribed within the facility's Air Pollutant Emission Notice permit issued by CDPHE, must always be in place and functioning to ensure on-site visible emissions do not exceed 20% at any time. There must be no off-property transport of visible emissions.
8. Per the executed Roadway Maintenance Agreement between Adams County and AFS dated December 6, 2019, the applicant shall cooperate with the County to share the costs of repair, maintenance, and reconstruction for East 72nd Avenue.

Recommended Conditions

9. An Annual Reclamation Report shall be submitted to Adams County by January 31st of each year. The Annual Report shall be the same report as is submitted to the DRMS
10. Aboveground petroleum storage tanks used for equipment fueling must be placed within secondary containment and meet applicable fire code requirements.
11. If fuel will be stored on this site: All fuel storage at this site shall be provided with secondary containment, which complies with Division of Oil and Public Safety Storage Tank Regulations; and Fueling areas shall be separated from the rest of the site's surface area, and protected from storm water; and Applicant shall make available for review by its Spill Prevention, Control, and Countermeasures Plan.
12. All fluid spills such as hydraulic and oil from maintenance of equipment, shall be removed and disposed of at a facility permitted for such disposal.
13. The hours of operation shall be from 6:00 a.m. to 8:00 p.m, Monday-Saturday. If there is an emergency that requires material outside of the stated hours of operation, the applicant shall submit a written request to the Director of Community & Economic Development for an extension of operation hours. The Director of Community & Economic Development or his or her appointed designee shall provide a response within one business day.

Recommended Conditions

14. This site is subject to inspections from Adams County staff, during reasonable working hours. Adams County may or may not give notice of an inspection prior to the inspection.
15. The Conditional Use Permit for extraction shall expire on July 14, 2030.
16. All haul trucks shall cover their loads pursuant to C.R.S. 42-4-1407, or as amended.
17. Kiowa Creek runs on a section of the southeastern corner of the property. The Applicant shall be required to continually evaluate and avoid erosion and encroachment of extraction activities to the bank of the river, and construct creek bank protection when necessary.
18. All rollers or mechanical equipment emitting high-pitched noises must be immediately replaced or repaired. Adams County will be the final arbitrator regarding the intensity of noise emitting from the conveyor system.
19. All applicable operational standards found in Sections 4-10-02-03, Extraction and Disposal Uses, and 4-13, Operational Standards, of the Adams County Development Standards and Regulations shall be followed.

Recommended Conditions

20. All complaints received by the applicant concerning offsite impacts, and the resolution of those complaints, shall be conveyed to the Department of Community & Economic Development. Offsite impacts shall be responded to and resolved immediately by the applicant. Disputes concerning offsite impacts may be resolved by the Community and Economic Development Department and may be justification for a Show Cause Hearing before the Adams County Board of County Commissioners.
21. The applicant shall comply with all the requirements of the Colorado Division of Parks and Wildlife provided in their letter dated September 2, 2019.
22. The applicant shall comply with all the requirements of the Tri-County Health Department provided in their letter dated December 30, 2019.

Recommended Notes

1. The applicant shall obtain a separate Conditional Use Permit for the concrete and aggregate recycling operations prior to commencement of those operations.
2. The applicant shall obtain a separate Conditional Use Permit for any inert filling operations beyond those approved by RCU2015-00041.