

## Greg Barnes

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**From:** Sandra Stockey <sanstockey@sbcglobal.net>  
**Sent:** Tuesday, January 12, 2021 11:55 AM  
**To:** Greg Barnes  
**Subject:** Mining Pits

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

**NO to Gravel Mining Pits at Brighton's West Gateway. Not compatible with the town of Brighton and Adams County.**

**Sandra Stockey**

## Greg Barnes

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**From:** Terry Young <n0ve@icloud.com>  
**Sent:** Tuesday, January 12, 2021 7:57 AM  
**To:** Greg Barnes  
**Cc:** Linda \_ICE Cate  
**Subject:** Aggregate Industries Brighton Gravel Pit

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

Dear Mr. Barnes,

I live in Todd Creek Farms, in unincorporated Adams County, and I would like to express my opposition to the approval of any conditional or final permit to create a gravel pit mining operation off Highway 7 on the West entry to the city of Brighton. Such operations would have a direct and negative impact on me.

The tractor-trailer traffic and dust are a direct impact on me traveling from my home to the closest shopping centers, in Brighton. Living within approximately three to four miles from the proposed gravel pits, I expect the dust will invade every aspect of my home life, which will aggravate my asthma and other health issues.

The impact on the city of Brighton could be huge. Brighton is one of the states agricultural centers with Sakata, Lulu's, Palizzi, Berry Patch, and Bromley Farms to name a few, and the recently acquired and promoted historic Splendid Valley.

My understanding is that Aurora already has several augmentation reservoirs on 168th Av, in the vicinity of Brighton. We all need to be good neighbors, however, this reminds me of the effort several years ago by Broomfield to put their jail in the city of Westminster. I'm not an engineer, but if Aurora needs more augmentation reservoirs, put them in Aurora.

I urge the Adams County Board of County Commissioners to continue to say no to any gravel pit operations, conditional or final, along Highway 7 and Tucson Street or anywhere in the Brighton Area that detracts from the efforts of the people of Brighton, of which I consider myself to be one, to improve their community.

Sincerely,  
Terry

Terry Young  
[n0ve@icloud.com](mailto:n0ve@icloud.com)  
303-655-1550

## Greg Barnes

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**From:** Saira Hamidi <saira.hamidi@gmail.com>  
**Sent:** Tuesday, January 12, 2021 6:34 AM  
**To:** Greg Barnes  
**Subject:** No to AI Gravel mining plans

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

Dear Greg Barnes,

We are residents of Adams county and are very concerned that Swiss owned Aggregate Industries/LafargeHolcim has reapplied for a Conditional Use Permit for TWO large gravel pits west of the gateway to Downtown Brighton.

As you know, when fully mined they would become CLOSED off augmentation reservoirs for the City of Aurora. We do not need this in our community and are firmly opposed to granting AI this permit.

We want our voices to be heard and counted among those who oppose granting AI this permit that was once already declined.

Thank you for your time and consideration.

Best,  
Saira

## Greg Barnes

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**From:** Frank Jackson <jacksonfw1@gmail.com>  
**Sent:** Monday, January 11, 2021 9:31 PM  
**To:** Greg Barnes  
**Subject:** Gravel Pits

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

Mr. Greg Barnes,

Please oppose a permit for the proposed gravel pits along 160th by Aggregate Industries. This would be very detrimental to the area and future development and add blight to the entrance to downtown Brighton.

Respectfully,  
Frank Jackson  
Brighton, CO

## Greg Barnes

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**From:** Marilyn <MS@spickler.net>  
**Sent:** Monday, January 11, 2021 5:48 PM  
**To:** Greg Barnes  
**Subject:** gravel pit

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

Dear sir,

I am completely against AI's new request for the gravel mining project near Brighton's entrance from CO Highway 7.

We frequently drive into Brighton to shop and enjoy our local restaurants. It would be heartbreaking to have this environmental disaster on our city's doorstep.

I am seriously concerned about the loss of income to the local businesses due to this eyesore.

Please do not allow this travesty to move forward.

Thank you for your consideration.

Sincerely,

Marilyn Spickler  
8480 E 160th Pl  
Brighton, CO

Sent from my Verizon, Samsung Galaxy smartphone

## Greg Barnes

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**From:** Ruth Widerski <bariten1@yahoo.com>  
**Sent:** Monday, January 11, 2021 6:16 PM  
**To:** Greg Barnes  
**Subject:** NO gravel mining pits at Brighton's West Gateway

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

Dear Mr. Barnes

Swiss owned Aggregate Industries/LafargeHolcim is seeking a Conditional Use Permit for TWO large gravel pits west of the gateway to Downtown Brighton. When fully mined they would become CLOSED off augmentation reservoirs for the City of Aurora. Brighton does not need more ugliness, blight, or DUST and there is NOTHING in this for the community. I understand that Adams County Commissioners turned Aggregate Industries (AI) down in late 2019, but AI has reapplied. Conditional Use Permits require that conditions are met: Some criteria includes, . . . Is the use compatible with the surrounding area? Is it harmonious with the character of the neighborhood? Is it detrimental to the immediate area, or to the future development of the area? Is it detrimental to the health, safety, or welfare of the inhabitants of the area /County? Can it address all off-site impacts?

This certainly is NOT compatible with the surrounding area. There is housing close by and these gravel pits would be detrimental to the health, safety and welfare of the surrounding area. Please turn down the request for this permit.

Sincerely,

Ruth Widerski  
Heritage Todd Creek development

## Greg Barnes

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**From:** farleybosch <farleybosch@aol.com>  
**Sent:** Monday, January 11, 2021 6:12 PM  
**To:** Greg Barnes  
**Subject:** say NO

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

Dear Greg,

Please fight on our behalf to make sure these gravel pits do not happen at this location. We bought property out here to be somewhat in the country. We do not need truck traffic and industrial pollution. Please let me know if I can do anything else to stop this ridiculous plan.

STACY FARLEY  
10800 E 151ST AVE

Sent from my Verizon, Samsung Galaxy smartphone

## Greg Barnes

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**From:** paul greaves <pwgreaves1@gmail.com>  
**Sent:** Monday, January 11, 2021 5:11 PM  
**To:** Greg Barnes  
**Subject:** Tuscon South

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

Dear Mr Barnes

Thank you for your correspondence dated December 21 2020 regarding the above matter and the application for a conditional use permit by AI

I am an owner of two properties along Highway 7, one being my residence directly south of the east portion of the proposed site and the second in the City of Brighton to the immediate east of Veterans Park.

Whilst I appreciate the donation of the land to the south as a community asset it will be of no real value to the community unless managed by Adams county in some format, Otherwise it is simply a field!

Re the proposal on the North side of highway 7 I object to this proposal as presented in the strongest possible terms Brighton is the County seat of Adams county and Highway 7 is the western gateway to the City.

The concept of a large mining site less than 1/4 of a mile from the City is preposterous

No one will relish the idea of driving into Brighton through the dust and dirt caused by the mine and with the prevailing winds from the NW this will cover the western areas of the City in dust

Re AI's 5 bullet points:

- 1 The noise dust and beeping from heavy equipment will remain
- 2 The timeline is ridiculous No way will the project finish in that time line assuming all economic factors remain as good as today
3. The water resource is simply an inaccessible reservoir with no recreational value to the community The landscape trail proposed is a trail to nowhere!
- 4 previously discussed
- 5 All well and good but it does not take an expert to know the impact. A hotline does nothing to mitigate the problem. You may recall the discussions at the Commission meeting in late 2019 re the mine at 120th Av .... a disaster for the neighbourhood

I would be in however be of the mine being limited to area 1/3 of a mile to the north along the row of cottonwoods that now exist . This would provide a real buffer and allow AI to landscape the whole area

This would preserve some of the meadow, Preserve some of the gateway to Brighton and eliminate most of my concerns listed above

I strongly disagree with AI's assertion that the project is compatible with and in harmony with the surrounding area and a benefit to the community.

Best Regards

Paul W Greaves

Broadview LLC

125 W Bridge St, Suite F

Brighton Co 80601

303 808 9826



## Greg Barnes

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**From:** Gary Krech <gtk8653@msn.com>  
**Sent:** Monday, January 11, 2021 7:21 AM  
**To:** Greg Barnes  
**Subject:** Tuscon South Gravel Pits

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

Mr. Barnes -

I live in Heritage Todd Creek and am very concerned about the negative impact gravel pits would have on the air quality in this area. Dust from these operations is not controllable. It will spread regardless of the best efforts of the operator. It will severely degrade the quality of life in all the surrounding communities. In addition, gravel pits located at a primary ingress to the city of Bright would be an unappealing eyesore. The truck traffic on the roads will shorten their life, and as we all know, Hiway 7 is in dire need of resurfacing now. It is my opinion that this project should be rejected - again.

Thanks for your time.

Regards,  
Gary Krech

## Greg Barnes

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**From:** Kay Sears <searskay@comcast.net>  
**Sent:** Saturday, January 9, 2021 9:28 PM  
**To:** Greg Barnes  
**Subject:** Gravel mining

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

Please do not allow this to happen in our neighborhood!

Kay Sears

Sent from my iPhone

## Greg Barnes

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**From:** Shelley Hoover-Sheard <chirohoover@hotmail.com>  
**Sent:** Saturday, January 9, 2021 5:49 PM  
**To:** Greg Barnes  
**Subject:** Aggregate Industries Mining Proposal in Brighton

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

Please add my objection to the plans set forth by Aggregate Industries for mining west of Brighton on Highway 7. For many reasons such as the scar of useless, water-filled landscape, the increased noise for months on end, the amount of road damage caused by repeated heavy trucks/traffic pattern, the influx of increased traffic of large trucks on Highway 7 and 168th which are already handling more traffic than were logistically meant for. The list goes on. And, the is all to benefit Aurora at the "cost" of our livelihood in Brighton.

Shelley R. Hoover-Sheard, DC, DACBSP  
Sent from my iPad

## Greg Barnes

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**From:** Jan Guyer <jlguyer@me.com>  
**Sent:** Saturday, January 9, 2021 4:57 PM  
**To:** Greg Barnes  
**Subject:** No to gravel mining pits anywhere near Brighton.

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

Hi Mr Barnes; Please vote no - you must stop any gravel pits to be developed/ built anywhere near a town in Adams county including Brighton... it's not ok to subject the citizens of any town including Brighton to the dust and airborne containment's that will be airborne from such a entity. I live just west of the area in Heritage Todd Creek and this would cause many health issues in our 55 & up community.

This was already voted down , no permits given to these companies in 2019. This must not happen!!! You must take into consideration how detrimental this will be for the health and well being of ALL citizens living close to said location, especially the kids and aged ... do not give this company permission to build Gravel Mining Puts anywhere in Adams county.

Sent from my iPhone



# Kiewit

January 6, 2021

RE: Aggregate Industries Permit EXG2020-00001

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Planning & Zoning Commissioners:

Kiewit is a leader in infrastructure construction in the front range. Aggregate Industries has been a long-term partner to our company since we established a local presence. This partnership allows us to buy material locally, drive down costs and keep infrastructure project dollars local.

We support their proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area in Adams County. This support stems from the knowledge that the aggregate materials from this quarry will help build the critical infrastructure that is the core of our company's business.

In order to keep cost low and keep construction dollars local, we need access to construction materials that the Tucson South quarry would offer. Quarries such as this offer added benefit to the community beyond the materials produced in the form of water storage, open space and trails for the public to enjoy.

We respectfully ask you to approve the permit so we can continue to partner with Aggregate Industries and Adams County.

Sincerely,

Brian Heikes  
Senior Project Manager  
Kiewit Infrastructure Company

## Greg Barnes

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**From:** Vidmar, Richard <rvidmar@auroragov.org>  
**Sent:** Wednesday, January 13, 2021 3:25 PM  
**To:** Greg Barnes  
**Cc:** Davis, Alexandra; Brown, Marshall; Michelle L. Berger; 'Woodrow ALLEN'  
**Subject:** Tucson South Mine Project (EXG2020-00001)

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

Hi Greg,

The City of Aurora has reviewed the proposed landscaping plans Aggregate Industries has commissioned for the Tucson South Mine Project (EXG2020-00001) and approves of the design, trees and vegetation selected. The proposal exceeds the standard the City of Aurora has for our water storage facilities and will enhance the view along Highway 7. This landscaping will provide a significant community benefit both during mining and after Aurora takes ownership of the completed water storage facilities.

I hope you are doing well and we'll see you tomorrow at the hearing.

Thanks,

Rich

Richard A. Vidmar, P.E.  
Water Resources Principal  
Water Resources Division  
Aurora Water  
15151 E. Alameda Pkwy., #3600  
P 303-739-7326  
F 303-739-7604

## Greg Barnes

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**From:** Mark Johnson <mjmark@usa.com>  
**Sent:** Wednesday, January 13, 2021 10:29 AM  
**To:** Greg Barnes  
**Subject:** Gravel mining pits at Brighton west gateway

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

Subject:Gravel mining pits at Brighton west gateway.

I am apposed to to having a gravel pit at this location.

Truck traffic, Dust,Noise,Eye sore.

Please do not approve this.

Thank You

Mark Johnson

11051 E 155<sup>th</sup> Pl Brighton

## Greg Barnes

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**From:** Walt Hawley <walthawley20@gmail.com>  
**Sent:** Wednesday, January 13, 2021 8:23 AM  
**To:** Greg Barnes  
**Subject:** Tuscon gravel project

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

After reading the negative article written about this proposed gravel project in west Brighton in Next Door, I drive there. The area is ugly barren and appears to be a wasteland.

But, 1. if the proposed reservoir became a water source for west Brighton & NE Thornton that would be good. Our Heritage Todd Creek water arrangement needs to be reworked

2. If The reservoir became a recreation park like cherry creek, chatfield & st Vrain that would be good

3. If the reservoir connected to the nearby Platte River could it help improve ecological life for the River and shoreline?

Maybe you are covering all this in the 1.14.21 meeting. If there are long term improvements included in this gravel project all communications need not be negative and challenged

Thank you for any insights and proposals you can share in your reply

Walt Hawley  
# All lives matter  
US 🌍



## Greg Barnes

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**From:** Amy Kindland <theporchshop@gmail.com>  
**Sent:** Tuesday, January 12, 2021 4:10 PM  
**To:** Greg Barnes  
**Subject:** The gravel pit

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

I have spoken many times about this gravel pit on HWY 7

I have a small business in Brighton on Main Street.

Covid has hard it a lot of small businesses hard this past year.

We can not afford to have yet another hit. This does not benefit Brighton and it will deter people from visiting out little town.

We as a community spoke on this and it was voted down.

They are back again stating changes and the song remains the same.

Brighton will not benefit from this and we need to vote this down again.

Best Regards  
Amy Kindland.

## Greg Barnes

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**From:** Mike Moore <Mike\_Moore64@hotmail.com>  
**Sent:** Tuesday, January 12, 2021 3:10 PM  
**To:** Greg Barnes  
**Subject:** Tucson South Gravel Pit (EXG2020-00001)

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

I'm writing to express my concerns about the proposed mining site at Tucson South Gravel Pit (case number EXG2020-00001).

I am opposed to the proposed location for the following reasons:

1. I am concerned about the production and distribution of silica dust, which is significant health hazard. The prevailing winds in the Brighton area would make the containment of this dust almost impossible, causing some level of risk to the residents of the area.
2. There is not sufficient roadway infrastructure to support the increase in traffic and large trucks entering and leaving the area. This would make it more difficult for local residents to commute to Brighton business to accommodate the need for groceries and entertainment. This would have a negative impact on Brighton revenue and traffic accidents.
3. The proposed location is more suited to expand local business footprint and/or public recreation areas. Once done with mining activities, the gravel pits would need to have environmental mitigation and work to leverage for other uses, creating a hurdle to repurpose the location for future business/public use.
4. There does not seem to be a direct business or financial value to allowing the mining operation in this area. If there are negative impacts to the environment, residents and businesses, it would stand to reason that Brighton or Adams county should at least have some level of financial reward, but in this case, there does not seem to be.
5. The duration is not acceptable. The proposed eight years is too long, and I do not believe it will be done within that timeframe based on the same promise to surrounding areas being made and then broken again and again. This site has too great of an impact to the surrounding area to be on-going for 8-20 years. In addition, I can see this type of mining with known "cancer causing" silica dust resulting in potential law suits due to long-term side affects that are currently unforeseen.
6. Being in unincorporated Adams County between Thornton and Brighton, we already have long response times for any support we need (fire, police, etc.). Should any support for our emergencies be coming from that direction, there will be even greater risk/chance of longer delays with the increased truck traffic.

7. The area surrounding the proposed site is NOT compatible with a gravel pit. This area is the entrance to the city of Brighton, which would detract from the city's aesthetics, thus detracting from business traffic and revenue.

Overall, I want to voice my great concern and disapproval of this proposed mining gravel pit. Please consider the voices of so many of us who are greatly concerned about this when casting your vote!

Thank you for your time and consideration,

Mike Moore

## Greg Barnes

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**From:** Michelle Monk <mickedymonk@yahoo.com>  
**Sent:** Tuesday, January 12, 2021 2:12 PM  
**To:** Greg Barnes  
**Subject:** opposed to proposed mining at Tucson South

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

Hello,

I'm writing to express my concerns about the proposed mining site at Tucson South Gravel Pit (case number EXG2020-00001).

I am opposed to the proposed location for the following reasons:

1. The area surrounding the proposed site is NOT compatible with a gravel pit. The entrance to the city of Brighton should be welcoming and have businesses that can bring dollars to the city of Brighton and Adams County.
2. I am very concerned about the production and distribution of silica dust, which is a hazard. The winds in this area are very strong and come often - I do not believe the dust generation will be able to be controlled.
3. The increased traffic and trucks will be a major danger and inconvenience while trying to get into Brighton. That entrance to Brighton is already often backed up. This added traffic issue will likely deter folks such as myself from choosing to go spend our money in Brighton. We currently live in between Thornton and Brighton. I have always chosen to drive to Brighton because I prefer the feel of Brighton over Thornton and I want to support Brighton. Making it harder to get into Brighton may drive folks like myself away from spending our time/money in Brighton.
4. The proposed location is a prime location and could be something great! Anything from more businesses to public spaces. The end result of these mining pits will not be useable land that the public can enjoy/use.
5. How is anything benefiting Adams Co. / Brighton if everything is for Aurora and going into Weld County? Again - a prime location such as this should contain something that will directly benefit the surrounding areas in a major way - not just a statement that "products will come back to Adams County".
6. The duration is not acceptable. The proposed eight years is too long, and I do not believe it will be done within that timeframe based on the same promise to surrounding areas being made and then broken again and again. This site has too great of an impact to the surrounding area to be on-going for 8-20 years.
7. Being in unincorporated Adams County between Thornton and Brighton, we already have long response times for any support we need (fire, police, etc.). Should any

support for our emergencies be coming from that direction, there will be even greater risk/chance of longer delays with the increased truck traffic.

Overall, I want to voice my great concern and disapproval of this proposed mining gravel pit. Please consider the voices of so many of us who are greatly concerned about this when casting your vote!

Thank you for your time and consideration,  
Michelle

## Greg Barnes

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**From:** DML Vollmer <dmlvollmer@comcast.net>  
**Sent:** Thursday, January 14, 2021 1:59 PM  
**To:** Greg Barnes  
**Subject:** TUSCAN SOUTH GRAVEL PITS

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

Hello Greg Barnes,

We have looked over the proposed Tucson South Gravel Pits. We are very concerned because of the close proximity to Veterans Park.

We love the Park and take our grandchildren there and feel their health as well as ours would be endangered with the pollution coming from the area.

So we are opposed to this operation.

Don & Mary Lou Vollmer  
15109 Verbena St  
Brighton Co 80108



January 13, 2021

Adams County Planning Commission  
Through, Raymond Gonzales  
Adams County Manager

Re: Adams County Case # EXG2020-00001 Aggregate Industries Mining Application

Honorable Planning Commissioners,

We write this letter to all of you in support of EXG2020-00001 which you will consider at a land use public hearing on January 14, 2021. This letter is in addition to the referral responses submitted by our Community Development staff regarding the technical issues (see attached letter dated 8/21/2020). The City Administration comes to this decision because of several important factors which we identify below. Further, we recognize that this is the second time you are reviewing this matter. It is important to note that significant changes to the application are clearly evident, but perhaps more importantly, the City of Brighton has been involved in this application in new and creative ways that benefit our entire community. The following reasons justify our support for the application:

1. Aggregate Industries listened to our concerns and worked hard to mitigate impacts from their proposed use. These mitigation efforts took the form of; (1) elimination of mining south of Highway 7, removing the parcel from their state mining permit and conveying the parcel to the County for public open space use; (2) elimination of all truck traffic to, from and on the site by constructing a 2 mile overland conveyor system with the consent of landowners along the conveyor route; (3) installation of dust monitoring systems, accessible by all city and county residents, to ensure ongoing compliance with state permitting requirements and a hotline to call in the event immediate action needs to be taken to resolve a dust issue and (4) an 8 year limitation for this use, ensured with a land use covenant that will run with the land.
2. Highway 7 is an important gateway to the city and ensuring high quality berming and landscaping is essential. Aggregate Industries, along with the City of Aurora, have worked hard to create significant landscaping and buffering along Highway 7 from the outset of the mining activities and long after the activities have ceased. It is crucial that this landscaping be established early in the process and be watered with a reliable water supply.
3. The creation of a community benefit is always something that sets land use projects apart. In this instance, the City of Aurora has committed to allowing some form of public use of this site upon completion of the mining operation. This site will be great for wildlife viewing, trail hiking and fishing.

4. Aggregate Industries worked hard to re-engage the relationship between the City of Brighton and the City of Aurora. This relationship is important for obvious reasons, but in the context of this application, the relationship endeavors to build upon a scarce water resource and find ways for the City of Brighton to work with the City of Aurora in sharing water storage capacity and finding additional sources for water augmentation, both of which are vital to the City of Brighton. Senior staff from both cities meet on a regular basis to continue to foster this relationship and forge new opportunities.
5. The requirement for mining completion within the maximum 8 year timeframe is very important to us and our residents. The concurrent reclamation and landscaping, completed immediately upon phased mining is a very appealing and required component of this project in our view. We would also request that additional effort go into the use of water reservoir storage in these completed phases as soon as possible rather than waiting until the finalization of the entire mining project.

Should any questions regarding this issue arise, please contact Marv Falconburg at 303-655-2021. The City of Brighton appreciates the opportunity to weigh in on this application and we wish you all a prosperous 2021.

Sincerely,



Jane Bais-DiSessa, City Manager  
City of Brighton



Marv Falconburg, Deputy City Manager  
City of Brighton

Attachment

CC: Mayor and City Council  
Lena McClelland, City Attorney  
Holly Prather, Community Development Director



RESOLUTION NO: \_\_\_\_\_

DRAFT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SUPPORTING ADAMS COUNTY LAND USE CASE #EXG2020-00001 AGGREGATE INDUSTRIES MINING APPLICATION.

WHEREAS, the City of Brighton has received a land use referral from Adams County, regarding the proposed land use case #EXG2020-00001 Aggregate Industries mining application ; and

WHEREAS, the territory of the proposed project is located wholly outside of the boundaries of the City; and

WHEREAS, Aggregate Industries listened to our concerns and worked hard to mitigate impacts from their proposed use; and

WHEREAS, significant changes to the application are clearly evident, but perhaps more importantly, the City of Brighton has been involved in this application in new and creative ways that benefit our entire community; and

WHEREAS, an important revision includes the elimination of mining south of Highway 7, removing the parcel from their state mining permit and conveying the parcel to the County for public open space use; and

WHEREAS, an additional important revision includes elimination of all truck traffic to, from and on the site for mining activity, by constructing a two mile overland conveyor system with the consent of landowners along the conveyor route; and

WHEREAS, an additional important revision includes installation of dust monitoring systems, accessible by all city and county residents, to ensure ongoing compliance with state permitting requirements and a hotline to call in the event immediate action needs to be taken to resolve a dust issue; and

WHEREAS, a critical condition includes the 8 year limitation for this use, ensured with a land use covenant that will run with the land; and

WHEREAS, Highway 7 is an important gateway to the city and ensuring high quality berming and landscaping is essential and Aggregate Industries, along with the City of Aurora, have worked hard to create significant landscaping; and

WHEREAS, buffering along Highway 7 from the outset of the mining activities and long after the activities have ceased is crucial and shall be established early in the process and be watered with a reliable water supply; and

WHEREAS, the City of Aurora has committed to allowing some form of public use of this site upon completion of the mining operation. This site will be great for wildlife viewing, trail hiking and fishing; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO:

Section 1. The City Council supports the Adams County land use Case #EXG2020-00001 aggregate industries mining application with the following conditions:

- The elimination of mining south of Highway 7, removing the parcel from their state mining permit and conveying the parcel to the County for public open space use.
- Elimination of all truck traffic to, from and on the site for mining activity, by constructing a two mile overland conveyor system with the consent of landowners along the conveyor route.
- Installation of dust monitoring systems, accessible by all city and county residents, to ensure ongoing compliance with state permitting requirements and a hotline to call in the event immediate action needs to be taken to resolve a dust issue.
- Eight year limitation for this use, ensured with a land use covenant that will run with the land.
- Highway 7 is an important gateway to the city and ensuring high quality berming and landscaping is essential and Aggregate Industries, along with the City of Aurora, have worked hard to create significant landscaping.
- Buffering along Highway 7 from the outset of the mining activities and long after the activities have ceased is crucial and shall be established early in the process and be watered with a reliable water supply.
- City of Aurora has committed to allowing some form of public use of this site upon completion of the mining operation. This site will be great for wildlife viewing, trail hiking and fishing.

Section 2. The City Council relies on the Conditions of Approval attached to this land use case and will rely on the enforcement of these conditions through Adams County.

Section 3. The requirement for mining completion within the maximum 8 year timeframe is very important to the City Council and our residents. The concurrent reclamation and landscaping, completed immediately upon phased mining is a required component of this project. We would also request that additional effort go into the use of water reservoir storage in these completed phases as soon as possible rather than waiting until the finalization of the entire mining project.

ADOPTED this 19<sup>th</sup> day of January, 2021.

CITY OF BRIGHTON, COLORADO

By: \_\_\_\_\_  
Gregory Mills, Mayor

ATTEST:

By: \_\_\_\_\_  
Natalie Hoel, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Lena Mcclelland, Acting City Attorney

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries for 6 years, I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since I am a Adams County residents, I know first-hand that the aggregate materials from this quarry will help build the infrastructure that I support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. I look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow me to enjoy life on the front range. I urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

A handwritten signature in black ink, appearing to read "Cody Griffiths", written over a large, faint circular stamp or watermark.

Cody Griffiths

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries and on behalf of myself and family, I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on. Having lived in Adams County nearly my entire life I'd like nothing more than to be able to raise my children in the same environment that helps provide means of employment, safe infrastructure, and sustainable opportunities for outdoor recreation.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

T.C. Lee  
Fleet Maintenance Mgr. Aggregate Industries WCR, Inc.  
Adams County resident for 31 years

A handwritten signature in black ink, appearing to read 'T.C. Lee', is written over the typed name and title.

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

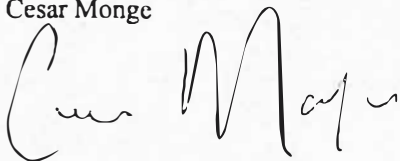
Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. I have been with the company just little over a year, but my dad for 27 years and counting. Me being an Adams County resident my whole life, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

My time with Aggregate Industries I have learned that Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,  
Cesar Monge

A handwritten signature in black ink that reads "Cesar Monge". The signature is written in a cursive style with a large, stylized "C" and "M".

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

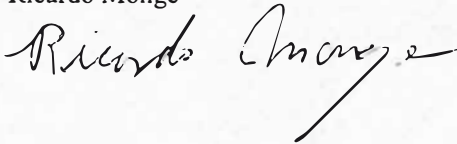
Dear Commissioners:

As an employee of Aggregate Industries for over 27 years, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Being an Adams County resident for over 35 years, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. With Aggregate Industries being a good company, over a year ago my son decided to join Aggregate Industries team here in Adam County. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,  
Ricardo Monge

A handwritten signature in black ink that reads "Ricardo Monge". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

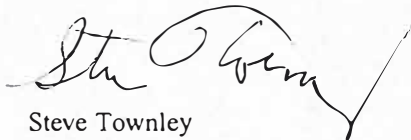
Dear Commissioners:

As an employee of Aggregate Industries for 25 years, my wife and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family's welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Townley". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Steve Townley



Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

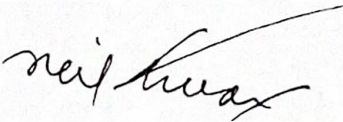
Dear Commissioners:

As an employee of Aggregate Industries for 20 years, my wife and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

A handwritten signature in black ink that reads "Neil Truax". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Neil Truax

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Planning and Zoning Commissioners:

Our company is writing to request that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Elite Transport Service Inc, 11829 Columbine St Thornton, Co 80233, We support this permit because we do business with the PLATTE VALLEY facility currently and aggregate materials conveyed from this quarry will help keep our 15 employees on the job.

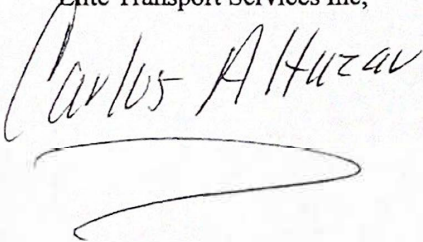
The Tucson South quarry will be an important location for local, economical construction materials. We understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process.

Having the construction materials available close to developments helps to hold down costs associated with hauling and delivering it to the job site.

We appreciate you considering Aggregate Industries' permit and would also appreciate you approving their permit.

Sincerely,  
Carlos Altzaur

Elite Transport Services Inc,

A handwritten signature in black ink that reads "Carlos Altzaur". The signature is written in a cursive style and is positioned above a large, horizontal, sweeping flourish that extends to the left and then curves back under the signature.

Thomas Worrall  
dba, Dax Trucking  
11181 E. 151<sup>st</sup> Place  
Brighton, CO 80602

January 7, 2021

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

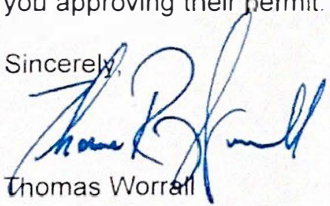
Dear Planning and Zoning Commissioners:

I am writing to request the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. I am a local trucker that primarily hauls material for Aggregate Industries. I mainly haul out the PLATTE VALLEY facility. The Tucson South quarry will be an important location for local, economical construction materials. I understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process. I am local to this area and have no issues with this permit.

I believe having the construction materials available close to developments helps to hold down costs associated with hauling and delivering it to the job site.

We appreciate you considering Aggregate Industries' permit and would also appreciate you approving their permit.

Sincerely,

  
Thomas Worrall

Fast Lane Trucking, LLC.  
1222 Magpie Ave  
Brighton, CO 80601  
(303) 579-8704

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Planning and Zoning Commissioners

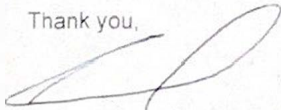
I am writing to request that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc - Gravel Mining Area. We firmly support this permit because our company does business with the Platte valley facility currently and aggregate materials conveyed from this quarry will help keep our employees on the job. We operate 3 trucks daily out of this site and is vital to our operation.

The Tucson South quarry will be an important location for local, economical construction materials. We understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process. We are locally from this area and see no reasons as to why it shouldn't be approved.

Having the construction materials available close to developments helps me to hold down my trucking expenses associated with hauling and delivering it to the job sites.

I appreciate you considering Aggregate Industries' permit and would also appreciate you approving their permit.

Thank you,



Jean Mendoza

# **GROUND**

## **ENGINEERING**

January 7, 2021

**Adams County Planning & Zoning Commission**  
4430 South Adams County Parkway  
Brighton, CO 80601

To Whom It May Concern:

Ground Engineering Consultants, Inc. (GROUND) has been located at 7393 Dahlia Street in Commerce City, Adams County for 28 years and has approximately 200 employees. We have worked with Aggregate Industries on numerous projects, and in our experience they are a professional and competent materials supplier and construction company.

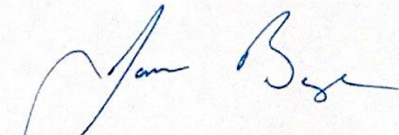
Recently we have been notified of Aggregate Industries proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. – Gravel Mining Area in Adams County. In addition to sourcing construction materials locally for use in Denver Metro Area construction this would also add water storage and trails for public use.

Aggregate Industries is a reputable enterprise in Colorado and we ask you to approve the permit they seek so we can continue to partner with them in Adams County.

Please contact our office with any questions or concerns regarding the information presented herein.

Sincerely,

**GROUND Engineering Consultants, Inc.**



James Booze

Lloyd Land  
12501 Riverdale Road  
Brighton, Co. 80602  
January 13, 2021

Dear Adams County Commissioners:

Please accept this letter in support of EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area.

I am a neighboring property owner who received notice of this application. This project is important to the ongoing development of Brighton and Adams County. I am grateful that Aggregate Industries is eliminating all truck traffic relating to conveying the aggregate to their existing facility. This project with conveyor is very close to my property and is a big improvement over their earlier proposal in 2019!

Thanks for your time & consideration..



Lloyd Land  
Brighton Industrial Park

LLOYD LAND FARMS  
12501 RIVERDALE RD.  
BRIGHTON, CO 80602  
(303) 659-3153

# CARLSON & CARLSON LLC

11259 Kalispell Street  
Denver, Colorado 80022  
T 303-898-6916

[Craigcarlson11@gmail.com](mailto:Craigcarlson11@gmail.com)

January 14, 2021

Adams County Board of County Commissioners  
Attn: Honorable Members  
4430 S. Adams County Parkway  
5<sup>th</sup> Floor, Suite C5000A  
Brighton, Colorado 80601

*Via Facsimile: (720) 523-6045*

**Re: Project EXG2020-00001**

Dear Honorable Members:

I am writing this letter in support of project EXG2020-00001.

As you all know, I have been a lifelong resident of Adams County. I have enjoyed the measured growth and development within the county and in many of our municipalities. And, as we all know, the many projects that now have come to define our county, were built with aggregate resources, that often times, came from Adams County. In fact, one of the projects I was proud to build was the Brighton Pavilions, one of the first projects approved within the Brighton Urban Renewal Authority (BURA). In fact, much of the aggregate that was used for the construction of the Brighton Pavilions came from one of the gravel facilities adjacent to the gravel mine presently under consideration.

This proposed use is not only necessary for the ongoing growth and development within the county, but it is temporary and will ultimately make way for a permanent low intensity use in perpetuity. Further, from what I understand, Aggregate Industries has made significant efforts to reduce the impact of their use and to operate as good neighbors.

Thank you for considering my thoughts as you review this application. Feel free to call me if you have any further questions

Sincerely,



Craig A. Carlson



# Pacheco Construction Products, Inc.

4801 E. 60<sup>th</sup> Ave.  
Commerce City, CO 80022

January 7, 2021

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Planning & Zoning Commissioners:

My Company, Pacheco Construction Products is located off 60<sup>th</sup> and Vasquez in Commerce City. We produce precast concrete materials for the transportation market. We have been purchasing our concrete exclusively from Aggregate Industries since our inception in 2008.

Pacheco Construction Products is a long-term partner of Aggregate Industries here in Colorado and we support their proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area in Adams County. We support the permit because we know that the aggregate materials from this quarry are a vital part of the concrete we bring into our plant every day.

In order to provide Precast Concrete materials to the construction projects we have here in the Denver Metro area, we need access to construction materials that the Tucson South quarry would offer. We look forward to having the opportunity to source the materials locally. It's our understanding that the quarry would provide trails for families to use and would create much needed water storage. Both significant assets to the community we work in and own property in.

My Company values the relationship we have built with Aggregate Industries. They are a reputable enterprise in Colorado. We ask you to approve the permit the company seeks so we can continue to partner with the company in Adams County.

Respectfully,

*David Pacheco*

David Pacheco  
President  
Pacheco Construction Products, Inc.

*MANN LAKES, LLC  
2027 West Colfax Ave  
Denver, CO 80204*

January 7, 2021

Board of County Commissioners  
Adams County  
4430 S. Adams County Parkway, Suite C5000A  
Brighton, CO 80601

Subject: Aggregate Industries Tucson South EXG2020-00001

Dear Board of County Commissioners,

Mann Lakes, LLC owns property at 11910 Brighton Road in Adams County and has been a business partner with Aggregate Industries for many years. Aggregate Industries is a reputable material supplier in the Denver market that provides quality materials in a safe, sustainable environment.

Mann Lakes, LLC supports Aggregate Industries' proposed mining permit EXG2020-0001 Tucson South Quarry to continue to provide quality aggregate materials for projects benefits Adams County and the Denver Metro Area.

Mann Lakes, LLC supports approval from the Board of County Commissioners for this permit. If you require any further information, please contact me at 303-472-9472 or via email [xmeritt@ceiconstructors.com](mailto:xmeritt@ceiconstructors.com)

Regards,



Xernie Meritt  
Manager  
Mann Lakes, LLC



January 7, 2021

Board of County Commissioners  
Adams County  
4430 S. Adams County Parkway, Suite C5000A  
Brighton, CO 80601

Subject: Aggregate Industries Tucson South EXG2020-00001

Dear Board of County Commissioners,

Concrete Express, Inc. (CEI) owns property and operates our shop/yard facility at 5580 Franklin in unincorporated Adams County for our Heavy/Highway Construction business. CEI and Aggregate Industries have maintained a business relationship in the capacity of vendor, subcontractor, material hauler and supplier for many years.

CEI supports Aggregate Industries' proposed mining permit EXG2020-0001 Tucson South Quarry due to the need for aggregate materials. Aggregate from this site will facilitate new and reconstruction projects essential to provide quality infrastructure for our community in Adams County and the Denver Metro Area.

CEI supports approval from the Board of County Commissioners for this permit. If you require any further information, please contact me at 303-472-4978 or via email [ablackford@ceiconstructors.com](mailto:ablackford@ceiconstructors.com).

Regards,

A handwritten signature in blue ink, appearing to read 'A.P. Blackford', is written over a light blue circular watermark.

Andrew P. Blackford  
Principal  
CEI

.....

# M&R CONCRETE, INC.

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

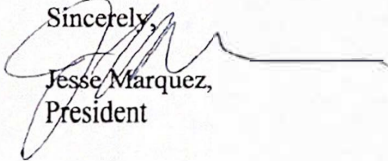
Dear Planning & Zoning Commissioners:

Our company, M&R CONCRETE, INC, located in Adams County, is a long-term partner of Aggregate Industries here in Colorado and we support their proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area in Adams County. We support the permit because we know that the aggregate materials from this quarry will help build the critical infrastructure that is the centerpiece of our company's business.

In order to complete the construction projects we have here in the Denver Metro area, we need access to construction materials that the Tucson South quarry would offer. We look forward to having the opportunity to source the materials locally. It's an added advantage to the community that there will be a trail installed and water storage created.

Aggregate Industries is a reputable enterprise in Colorado. We ask you to approve the permit the company seeks so we can continue to partner with the company in Adams County.

Sincerely,



Jesse Marquez,  
President

.....

## Greg Barnes

---

**From:** Aubrie Beddo <abeddo@gmail.com>  
**Sent:** Thursday, January 14, 2021 2:36 PM  
**To:** Greg Barnes  
**Subject:** Proposed AI Gravel Mine/Pit

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

Mr. Barnes

I am writing to you as a concerned citizen of the Brighton area who is OPPOSED the the possible gravel mining pit off of highway 7 at the entryway of Brighton.

Firstly, the focus needs to be on making the town of Brighton an attractive city where businesses and consumers want to invest. A gravel mine would deter this growth as it would be the first thing one sees upon entering the town. An eyesore for years and years is not how you set the city up for success.

Add to that is the list of health concerns that come with this prospect. As I write this the wind is gusting upwards of 50mph. I can only imagine the dust and other sediment that would be getting blown around if this mine were to be approved. As a mother to an asthmatic child, the air quality of this would gratefully impact my sons health cause severe breathing problems and a constant use of his rescue inhaler. We drive past the proposed location daily, to and from school and extracurricular activities. It is not something we could avoid and I would have to consider the possibility of changing schools and leaving beloved activities such as baseball, karate and gymnastics...all that are within the Brighton town limits.

As extreme as that may sound it would have to be something to consider should the health of my child become effected due to poor air quality.

I wish I could continue to tell you more about why I'm so opposed to this...unfortunately I feel like I had very little notice of the hearing today. Having to quickly write this email, I offer up only my greatest of concerns about this...but most definitely not my only concerns.

Please vote no on this proposal. It is not good for Brighton and not what the citizens want.

Best,  
Aubrie Beddo

Sent from my iPhone

# Memorandum

**To:** Jim Hood  
**CC:**  
**From:** Tom Maul  
**Date:** 2/21/2005  
**Re:** Tucson Pit Mining Impacts to Hood

---

Jim: the following bullet points outline relevant information regarding previous conditions and discussions related to the Aggregate Industries Tucson Pit:

1. In early 2001 I was appointed Operations Manager over the Tucson Pit.
2. Complaints were received by me from many neighbors of the pit, including: Ken and Gina Sayers, Ron Mallory, Richard Getz, Marilyn Kent, Bob Sakata, and Jim Hood. These complaints were mostly related to the impacts of dewatering operations at the mine: dead trees and well damage.
3. It was my opinion that the impacts sustained by the neighbors were, in fact, caused by the Tucson Pit mine dewatering operations.
4. Although the damage appeared to have taken place prior to AI owning the pit, it was my opinion that we had responsibility as the acquiring party, and therefore I authorized mitigation measures consisting of: replacement water delivery, well replacement, and tree stump removal and disposal, to several individuals included in the group above, including Jim Hood.
5. During that time (2001) AI augmented Jim Hood's irrigation well by direct pumping of water into the well.
6. In early 2002, Jim Hood's well pump failed. Upon inspection, it appeared that the pump had failed due to oversized gravel intrusion into the well column. Further inspection indicated that the gravel structure surrounding the column had been degraded, allowing the inflow of gravel into the well. It seemed plausible to me that the process of directly pumping water into the well could be responsible for this damage.
7. I agreed to repair Jim Hood's well pump and try to mitigate the gravel inflow issue as a short-term solution, and we discussed replacement of the well as a long-term solution. I expressed a commitment to Jim that AI would provide a long-term solution to his water needs. In addition, while the pump was being repaired, Jim was unable to water his field, and the crops sustained damage during that period. I agreed to work with Jim through the year to ascertain the actual impact of that damage to his crops, and to fairly compensate him for said crop loss.

February 21, 2005

8. Jim and I also discussed a former cottonwood grove on his property which had basically been destroyed. Several dozen trees had been killed, in my opinion due to the mine dewatering operations. I made a commitment to Jim that we would work with him toward mitigating this situation. The discussions considered removal and replacement of the trees, as well as monetary compensation, although no dollar amounts were discussed. These discussions were conceptual in nature, and were intended to indicate my willingness to act responsibly as a good corporate citizen.
9. In January 2003 I was terminated as an employee of Aggregate Industries. At that time, I am not aware that Jim had received any compensation for his 2002 crop damage, his damaged well, nor the dead trees.
10. As Operations Manager for AI, with up to 12 production facilities in my group, it was my job to "manage the business". It was common for me to make decisions in cases like this maintain the status as a responsible operator and ensure sustainability of the operations within their surrounding communities. The decisions I made in this instance were consistent with that objective, and with my handling of similar situations that occurred elsewhere within my operating group.

Please contact me if you have any questions.

Thomas

CONFIDENTIAL

<b>DISTRICT COURT, ADAMS COUNTY, COLORADO</b> <b>Address: 1100 JUDICIAL CENTER DRIVE</b> <b>BRIGHTON, CO 80601</b>		
<b>Plaintiff: BESSIE HOOD</b>  v <b>Defendant: AGGREGATE INDUSTRIES - WCR,</b> <b>Inc., a Colorado Corporation</b>		<b>▲COURT USE ONLY▲</b>
<b>David W. Pehr</b> <b>Attorney for Plaintiff</b> <b>8787 Turnpike Drive, Suite 280</b> <b>Westminster, CO 80031-4300</b> <b>Phone: (303) 427-1516</b> <b>Fax: (303) 428-7412</b> <b>E-mail: <a href="mailto:pehr@zaklaw.net">pehr@zaklaw.net</a></b> <b>Atty. Reg. #7223</b>		<b>Case Number:</b>   <b>Division:</b>
<b>COMPLAINT</b>		

**COMES NOW** Plaintiff, by and through her attorney, David W. Pehr of the Law Firm of Zak, Fox and Pehr, P.C., and, for a complaint against Defendant, states and alleges as follows:

**FIRST CLAIM FOR RELIEF**  
**(Negligence)**

1. Plaintiff is the owner of certain real properties, hereinafter *Plaintiff's property*, situate in Adams County, Colorado, and known and numbered as 16707 Tucson Street Brighton, Colorado, 80601 and 12502 E. 168<sup>th</sup> Ave., Brighton, Colorado, 80601.
2. Plaintiff owns a certain adjudicated irrigation water well and associated water right located on Plaintiff's property.
3. Defendant is a corporation existing under and by virtue of the laws of the State of Colorado.
4. Defendant owns real and personal property located within the State of Colorado.
5. Defendant does business within the State of Colorado.



6. For the reasons aforesaid, Defendant is subject to the laws of the State of Colorado and the District Courts of the State of Colorado have jurisdiction over the Defendant.

7. Defendant operates a gravel mining facility on certain real property located immediately East of Plaintiff's property, which property is hereinafter denominated *Defendant's property*.

8. Defendant owes a duty of due care to Plaintiff and others to so conduct its mining operations as not to damage Plaintiff's property.

9. Defendant owes a duty of due care to Plaintiff to so conduct its mining operations as not to unreasonably interfere with Plaintiff's use and enjoyment of her property.

10. Defendant has breached its said duty of care to Plaintiff in that Defendant has so negligently conducted its above described mining operations as to cause Plaintiff's above described water well to fail and to cease producing water in usable quantities.

11. As a direct and proximate result of Defendants said negligence, Plaintiff has been injured and damaged as follows:

a. The casing, piping, lining and physical structure of Plaintiff's water well have been so damaged and injured as to render the same useless and valueless to Plaintiff;

b. The pump, pump motor, pipes, fittings, hoses and other accessories use by Plaintiff in conjunction with her use of the above well have been so damaged and injured as to render the same useless and valueless to Plaintiff;

c. Defendant has interfered with Plaintiff's use of her water right;

d. Defendant has effectively prevented Plaintiff's use and enjoyment of her water right;

e. Plaintiff has been unable to use her property for the agricultural purposes to which it is suited and to which it has traditionally been put as a result of the destruction of Plaintiff's irrigation well;

f. Plaintiff has lost the profits she would otherwise have obtained from agricultural pursuits during 2000, 2001, 2002, 2003, 2004 and 2005;

g. Plaintiff has lost the profits she would otherwise have obtained from the application of her water right to her property during 2000, 2001, 2002, 2003, 2004 and 2005;

h. Defendant has interfered with Plaintiff's use and enjoyment of her property;

i. More than seventy cottonwood trees which use to enhance Plaintiff's property have died as a result of the de-watering of Plaintiff's property;

j. Plaintiff has been otherwise injured and damaged..

12. As a direct and proximate result of Defendant's aforesaid negligence, Plaintiff has been injured and damaged in an amount to be determined by the trier of fact.

**WHEREFORE** Plaintiff prays that this Court enter judgment for Plaintiff and against Defendant for compensatory damages in an amount to be determined by the trier of fact, for her costs and expert witness fees as incurred herein, for interest on the above amounts as provided by law, and for such other and further relief as to this Court may appear meet and just in the premises.

### **SECOND CLAIM FOR RELIEF (Trespass)**

13. By its conduct of the mining operations hereinabove described, Defendant set in motion a force which, in the usual course of events, would damage Plaintiff's above described property.

14. By its conduct of the mining operations hereinabove described, Defendant set in motion a force which, in the usual course of events, would damage Plaintiff's above described well and water right.

15. The above acts of Defendant constitute a trespass by Defendant upon the property of Plaintiff.

16. As a direct and proximate result of Defendant's aforesaid trespass, Plaintiff has been injured and damaged as set forth in paragraph 11, above.

17. As a direct and proximate result of Defendant's aforesaid trespass, Plaintiff has been injured and damaged in an amount to be determined by the trier of fact.

**WHEREFORE** Plaintiff prays that this Court enter judgment for Plaintiff and against Defendant for compensatory damages in an amount to be determined by the trier of fact, for her costs and expert witness fees as incurred herein, for interest on the above amounts as provided by law, and for such other and further relief as to this Court may appear meet and just in the premises.

Respectfully submitted,

\_\_\_\_\_  
David W. Pehr - 7223

Plaintiff's address:  
315 S. 20<sup>th</sup> Ave.  
Brighton, Colorado, 80601



**Creating Beautiful Landscapes™**

January 6, 2021

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Planning & Zoning Commissioners:

Our company, Pavestone LLC, located at 9401 E. 96<sup>th</sup> Avenue, Henderson, CO is a long-term partner of Aggregate Industries here in Colorado and we support their proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area in Adams County. We support the permit because we know that the aggregate materials from this quarry will help build the critical infrastructure that is the centerpiece of our company's business.

In order to continue the manufacturing of concrete products for customers in the Denver Metro area, we need access to construction materials that the Tucson South quarry would offer. Without it, we are forced to travel further north along US 85, increasing both our freight costs but also the impact our tractor trailers have on our roads and highways. We look forward to having the opportunity to source the materials locally.

Aggregate Industries is a reputable enterprise in Colorado. We ask you to approve the permit the company seeks so we can continue to partner with the company in Adams County.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Midyett". The signature is fluid and cursive.

Michael Midyett  
The Quikrete Companies  
VP-Sales/Ops Mountain West HMG