

# STAFF REPORT

# Staff Report Summary

Case Number:  
23-105964RZ

### Summary of Process

- The Staff evaluation of an application will be presented at the required Planning Commission and Board of County Commissioners' Hearings.
- The Planning Commission will review the evidence and will make a recommendation to the Board of County Commissioners.
- The final decision on the request will be made by the Board of County Commissioners.

### Case Summary

Rezoning from Planned Development (PD) to a new PD to allow for a transfer station.

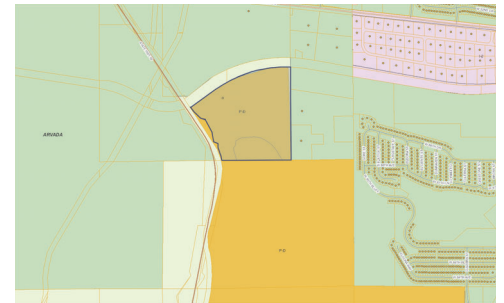
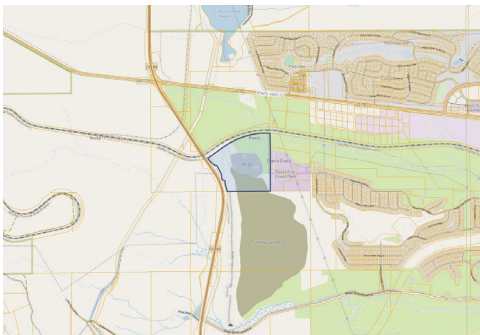
<i>Purpose</i>		Foothills Solid Waste Management Facilities Official Development Plan		Matthew Karney	June 30, 2023	
<i>Case Name</i>		<i>Case Manager</i>		<i>Formal Submittal Date</i>		
October 13, 2022	May 16, 2023	February 14, 2024	March 5, 2024	Site Development Plan		
<i>Pre-Application Date</i>	<i>Community Meeting Date</i>	<i>PC Hearing Date</i>	<i>BCC Hearing Date</i>	<i>Next Process</i>		
<i>Applicant/Representative, check if same as owner:</i> <input type="checkbox"/>		<i>Owner</i>				
HDR Inc.	BFI Waste Systems of North America, Inc.					
8900 State Highway 93	Golden	80403	64	21	2S	70W
<i>Property Address</i>	<i>City</i>	<i>Zip</i>	<i>Area ≈</i>	<i>Section</i>	<i>Township</i>	<i>Range</i>
20-214-00-001	SE of SH93 & SH72					
<i>Pin</i>	<i>General Location</i>					

### Land Use and Zoning

Vicinity

Detail

Surrounding Zoning



<i>Existing Land Use:</i> Sanitary Landfill	<i>Existing Zoning:</i> Planned Development	<i>CMP Recommended Land Use:</i> Sanitary Landfill	<i>Requested Zoning:</i> Planned Development
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*Plan Area:* North Plains *Number of citizens at Community Meetings:* <5

*PC Recommendations:* Staff recommends approval. *Level of Community Interest:* Low

*Key Issues:* None identified

#### Criteria for Rezoning:

- The compatibility with existing and allowable land uses in the surrounding area.
- The degree of conformance with applicable land use plans.
- The ability to mitigate negative impacts upon the surrounding area.
- The availability of infrastructure and services.
- The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area.

✓	○	✗
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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## 1. SUBJECT REQUEST



Applicants have submitted a Rezoning application for the property located at 8900 State Highway 93, Golden, to Rezone from an existing Planned Development (PD) governed by the Jefferson County Land Reclamation Sanitary Landfill Official Development Plan (ODP) No. 1, recorded at reception number 84109527, to a new PD to be governed by the proposed Foothills Solid Waste Management Facilities ODP. Most of the previous standards of the approved ODPs for the property were geared towards the land use and management of the Foothills Landfill; however, the landfill on the subject property has been closed for approximately 30 years. The applicants propose a transfer station on the east side of the property for organics and recyclables, and the proposed ODP reflects this new land use as well as stipulating use areas for the property's existing and allowable uses.

## 2. CONTEXT



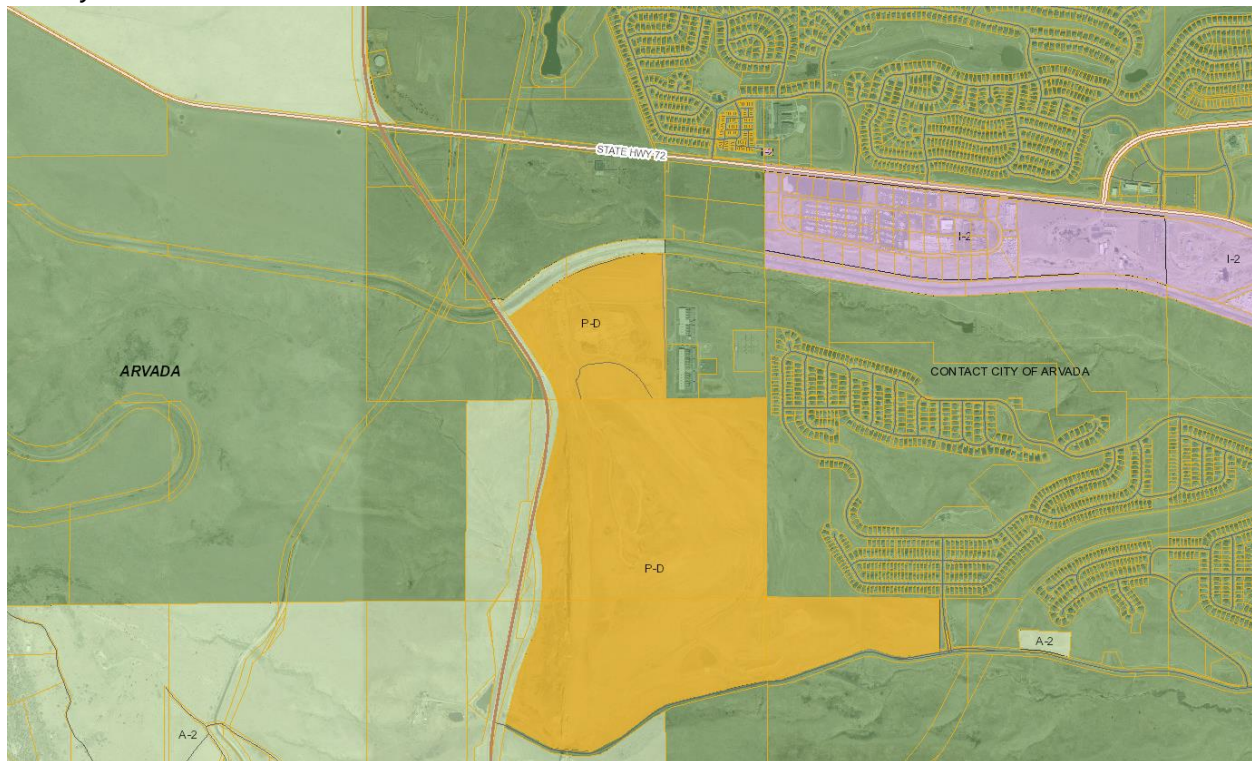
The subject property is located along State Highway 93, southeast of the intersection of State Highway 93 and State Highway 72. The property has a significant history as a landfill but has since transitioned to post closure activities, which include, but are not limited to: monitoring of surface water/groundwater on

site, and revegetation of disturbed areas. Access to the property is located between two hogbacks that substantially screen the property from the highway. The property is flanked on the west, east and north sides by the City of Arvada, and current landfill activities occur on the land directly to the south.

### 3. SURROUNDING ZONING/LAND USE

	Adjacent Zoning	Land Use
<b>North:</b>	General Commercial (CG)*	Industrial
<b>South:</b>	Planned Development (PD)	Sanitary Landfill
<b>East:</b>	General Industrial (IG)*	Industrial
<b>West:</b>	Parks & Open Space (OS)*	Open Space

\* - City of Arvada Zone Districts



### 4. SUMMARY OF PROPOSED CHANGES

The proposed ODP incorporates use areas to encompass the existing and allowable uses on the property, as well as to allow for a new land use, a transfer station for recyclables and organics. The existing uses such as Aggregate Crushing & Recycling and Telecommunications have been allowed in previous ODPs and are reflected in the proposed ODP. Additionally, the ODP stipulates that the Zoning Resolution requirements for Architecture (Section 13), Parking (Section 14), and Landscaping (Section 15) do not apply, as the site is adequately screened on all sides, with the hogbacks along Highway 93 serving as a visual buffer area.

## 5. TRANSPORTATION

Jefferson County Transportation & Engineering requested trip generation information comparing the existing and proposed uses at the time of first referral. At the time of second referral, the applicant provided clarification on the site’s trip generation that the addition of the proposed transfer station will not impact trips to the site. No concerns were raised by staff with the submitted trip generation.

## 6. CRITERIA FOR DECISIONS FOR REZONING TO PLANNED DEVELOPMENT APPLICATIONS

Section 6 of the Zoning Resolution states, *in reviewing Rezoning & Special Use applications, the Planning Commission and the Board of County Commissioners may consider the following criteria:*




- ✓ a. The compatibility with existing and allowable land uses in the surrounding area.
- ✓ b. The degree of conformance with applicable land use plans.
- ✓ c. The ability to mitigate negative impacts upon the surrounding area.
- ✓ d. The availability of infrastructure and services.
- ✓ e. The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area.

*a. The compatibility with existing and allowable land uses in the surrounding area.*  
Staff finds the proposal to replace the existing ODP to allow for a transfer station on the site to be compatible with the existing and allowable land uses in the area. The proposed transfer station is in line with the current allowed uses and is a small expansion upon the allowed uses.

*b. The degree of conformance with applicable land use plans.*

The Comprehensive Master Plan (CMP), an advisory document required by State statute, contains Goals and Policies that are used to guide land use decisions. The Area Plans section of the CMP contains supplementary policies and land use recommendations for evaluation.

	Summary	Conforms with CMP? ✓ ○ ✗
<b>Land Use</b>	The CMP discusses the need for a variety of uses to create a vibrant, enduring community. The Plan encourages diverse communities in which to live, work, and enjoy outdoor recreation.	✓

<b>Physical Constraints</b>	The CMP describes physical constraints as those physical features that due to safety concerns may potentially restrict where and how development occurs. Physical Constraints include geologic hazards and constraints, floodplains, wetlands, wildfire, radiation, landfills, abandoned mines, and wildlife habitat	
<b>Community Resources</b>	The CMP contains policies that relate to historic structures or sites, scenic corridors, natural features, air quality, light, odor and noise pollution, open space and trails.	
<b>Infrastructure Water and Services</b>	The CMP describes the importance of new developments having adequate Transportation, Water and Wastewater, and Services.	

Staff concludes that the subject request is in general conformance with the applicable goals and policies of the Comprehensive Master Plan (CMP).

**Land Use:** The subject property is located within Area 18 of the North Plains Area of the CMP, and the land use recommendation is for a sanitary landfill. Since the proposal for a transfer station processing recyclables and organics does not significantly alter the allowed post-closure activities of the landfill, it conforms with the land use recommendation for the area.

**Physical Constraints:** The CMP describes physical constraints as those physical features that due to safety concerns may potentially restrict where and how development occurs. Physical constraints include geologic hazards and constraints, floodplains, wetlands, wildfire, radiation, landfills, abandoned mines, and wildlife habitat. The property is located within the Dipping Bedrock Overlay District; however, the applicants requested the restrictions of this overlay district do not apply to this site based on the transfer station being an accessory, uninhabited structure. The County Geologist has determined this to be an acceptable request. The proposal meets the goals and policies of the Physical Constraints section of the CMP.

**Community Resources:** The Community Resources section contains policies that relate to historic structures or sites, scenic corridors, natural features, air quality, light, odor and noise pollution, open space and trails. The CMP states there should be a visual buffer along State Highway 93, and the applicant provided visual perspectives from the highway to indicate how the hogback parallel to the road adequately screens the use. The proposal meets the goals and policies of the Community Resources section of the CMP.

**Infrastructure, Water, and Services:** A primary goal of the CMP is to ensure that development has an adequate provision of infrastructure and services. The property has a Memorandum of Understanding (MOU) with the City of Arvada for potable water, and a contract with Fairmount Fire District for fire protection. The property receives portable sanitation and is not included in a sanitation district. Jefferson County Sheriff's Office provides law enforcement services to the property. Additionally, the proposal will not result in an increase in vehicle trips, limiting the impact to State Highway 93. The proposal meets the goals and policies of the Infrastructure, Water, and Services section of the CMP.

*c. The ability to mitigate negative impacts upon the surrounding area.*

Staff finds the standards and use areas in the proposed ODP are able to mitigate potential negative impacts to the surrounding area. The proposed transfer station is sited in a well-screened location on site near the property's internal access.

*d. The availability of infrastructure and services*

Staff acknowledges the property is not located in a special district for services, but an MOU was provided from the City of Arvada for water service, a contract with Fairmount Fire District for fire protection, and sanitation is provided by a portable service. The Jefferson County Sheriff's Office provides law enforcement services to the property. The applicants indicated that the proposed uses in the ODP will not impact the existing trips to and from the property, providing little added impact to State Highway 93. Staff finds the property has adequate services and infrastructure to support the proposal.

*e. The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area.*

Staff finds the proposal will not have an adverse impact on the health, safety and welfare of surrounding residents and landowners as the proposed transfer station allows for the sheltering of recyclables and organics that are already hauled to the site.

## 7. COMMERCIAL MINERAL DEPOSITS

No known commercial mineral deposits exist on the subject property.

## 8. COMMUNITY MEETING

A Community Meeting (23-108679CMT) was completed on May 16, 2023, for the proposed Rezoning. There were less than five (5) members of the public present for the Community Meeting and much of the meeting's discussion was geared around the transfer station, and recycling in the Front Range. No formal concerns were raised during this meeting.

## 9. COMMUNITY RESPONSES

During the processing and review of this Rezoning application, staff has not received any formal comments from the public.

## 10. AGENCY REFERRAL RESPONSES

This Rezoning application was sent on two (2) referrals to ten (10) Jefferson County departments and twelve (12) external agencies. The referrals were an opportunity for the applicant to work with staff on the ODP to best encapsulate the property's desired uses.

There are no unresolved concerns raised by referral agencies regarding the Rezoning proposal.

## 11. NOTIFICATION

Notification of the proposed development was sent and posted in accordance with the Zoning Resolution for Rezoning applications at the time of first referral review and prior to public hearings.

## 12. POST HEARING REVIEW

If the Rezoning is approved by the Board of County Commissioners, the post hearing review shall be in accordance with the Zoning Resolution as follows:

*The applicant shall have 28 days after Board of County Commissioner's approval to submit a 'clean' copy of the approved red-marked ODP and pay the recordation fees. The Case Manager will have 7 days to review the submitted ODP. If the revisions have been made in accordance with the approval conditions,*

*Staff will affirm and record the ODP documents, as appropriate. If the submitted documents are not in conformance with the approved red-marked ODP, the red-marked ODP shall be recorded.*

## 13. SUBSEQUENT PROCESSES

If the Rezoning is approved by the Board of County Commissioners, the applicants will submit for an administrative Site Development Plan (SDP) application.

The SDP process includes a thorough review of the applicant's proposed site layout, construction documents, grading, drainage, parking, and other plans for compliance with the proposed ODP, Zoning Resolution, Land Development Regulation, Transportation Design & Construction Manual, and the Storm Drainage Design & Technical Criteria. If the SDP is approved, the applicant would then apply for Building Permit(s) for the transfer station.

## SUMMARY OF STAFF ANALYSIS

Staff has identified through a complete referral review that the proposed Rezoning to allow for a transfer station on the former landfill site is a compatible development for the State Highway 93 corridor. The proposal meets the applicable goals and policies of the CMP and conforms to the land use recommendations for the area. The property has been found to have appropriate contracts in place for fire, water and sanitary services as it is not located in a special district for such services. Lastly, the proposed ODP with distinct use areas mitigates impact to the surrounding area, and staff acknowledges there should be a limited effect on the health, safety and welfare of surrounding residents and landowners. Based upon this and the findings below, staff recommends APPROVAL of the proposed Rezoning.

## FINDINGS

**Based on the analysis included in this report, Staff concludes that this Rezoning proposal satisfactorily addresses each of the criteria below which the Planning Commission may consider, as detailed in this staff report.**

- 1. The proposal to allow for a transfer station on the former landfill site is compatible with the existing and allowable industrial land uses along the State Highway 93 corridor as it is a small expansion of the existing landfill type uses that have existed on the site.**
- 2. The proposal is in general conformance with the Comprehensive Master Plan (Plan). The land use recommendation is for a sanitary landfill and the proposed additional use of a transfer station is in line with this recommendation. The proposal conforms with all other applicable sections of the Plan goals and policies.**
- 3. The negative impacts of the proposed land use upon the surrounding area have been considered and found to be minimal, or otherwise mitigated under the proposed Official Development Plan.**
- 4. The subject property receives water service from the City of Arvada, has portable sanitation, fire protection from the Fairmount Fire District, and law enforcement services from the Jefferson County Sheriff's Office. The subject property has adequate infrastructure and services available to serve the land use.**
- 5. The proposed land uses will not result in significant impacts to the health, safety, and welfare of the residents and landowners in the surrounding area.**



And;

**Staff recommends that the Planning Commission recommend APPROVAL of case 23-105964RZ.**

COMMENTS PREPARED BY:

A handwritten signature in black ink, appearing to read 'M. Karney', written over a horizontal line.

Matthew Karney – Planner  
February 7, 2024

# PROPOSED ZONING

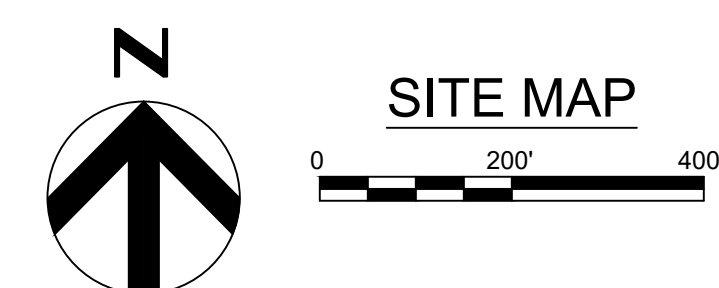
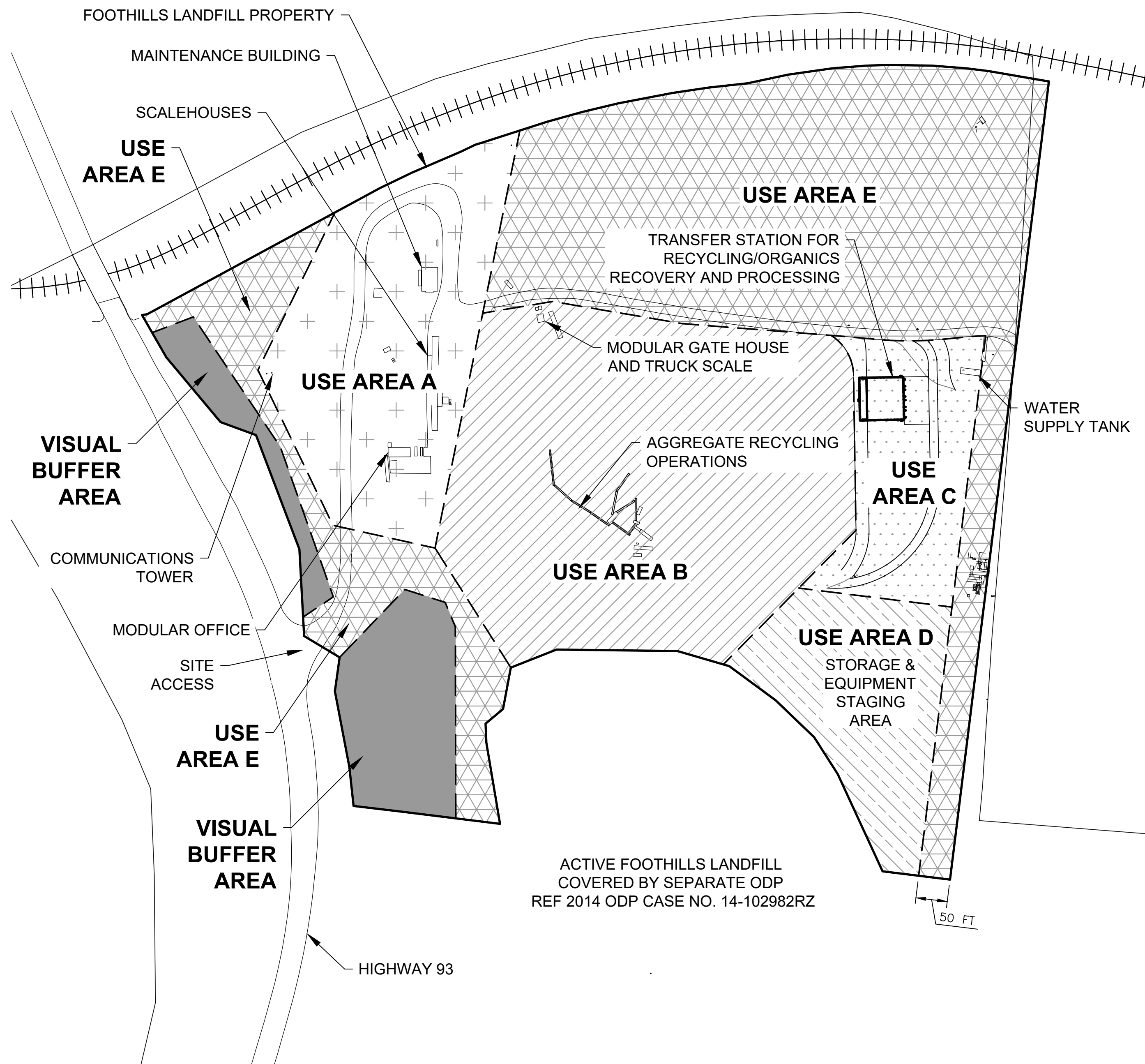
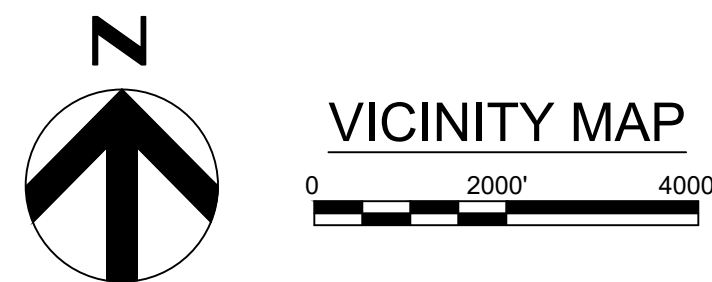
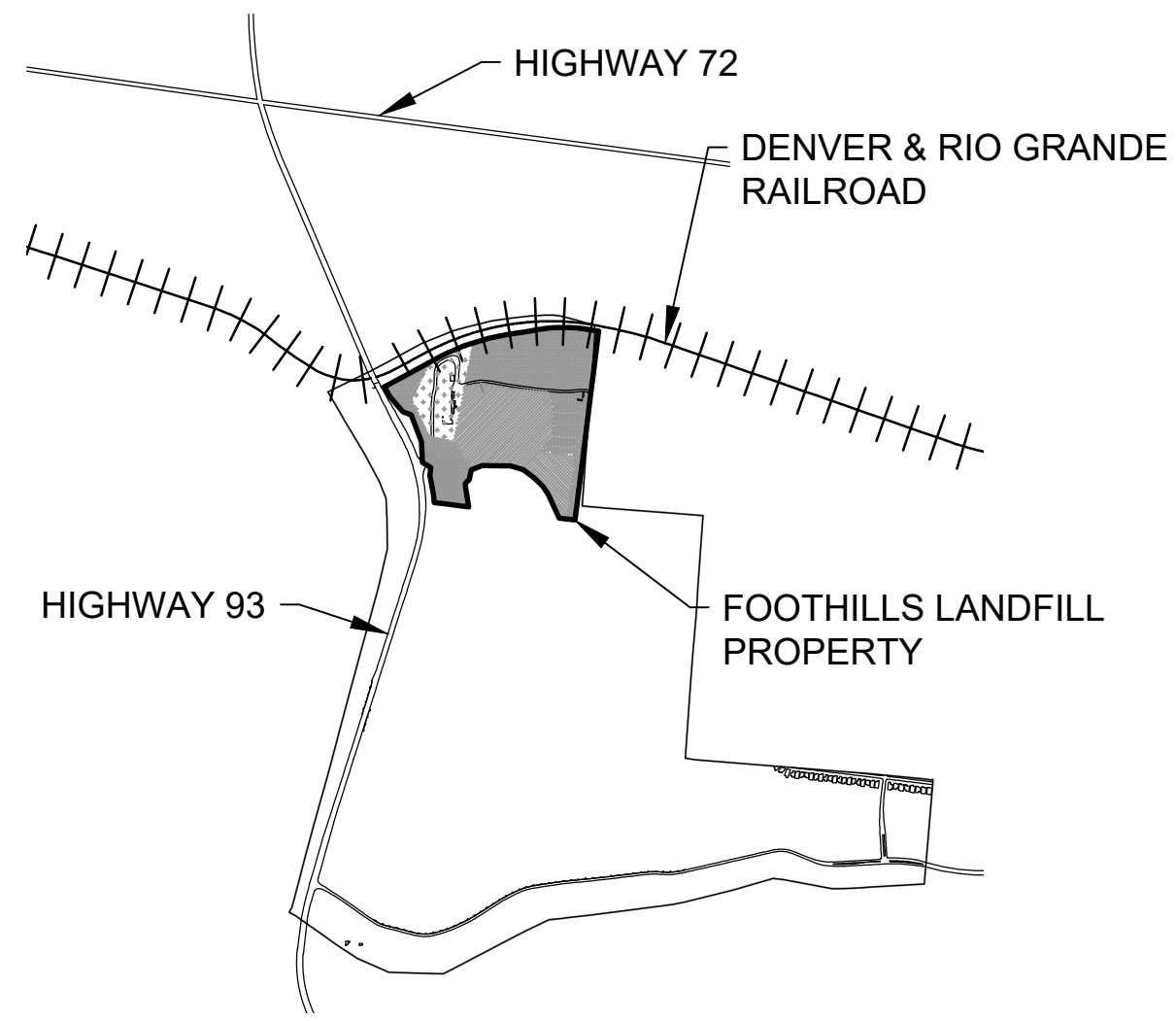
# Foothills Solid Waste Management Facilities

## Official Development Plan

Sheet 1 of 1

CASE NUMBER 23-105964 RZ

MAP NUMBER \_\_\_\_\_



### INTENT:

THE PURPOSE OF THIS REZONING IS TO REPLACE THE EXISTING JEFFERSON COUNTY LAND RECLAMATION SANITARY LANDFILL ODP (ADDENDUM 1) DATED NOVEMBER 1984 TO REFLECT CURRENT CONDITIONS AND PROPOSED OPERATIONS. THIS DEVELOPMENT IS INTENDED TO CONSTRUCT AND OPERATE A TRANSFER STATION FOR ORGANICS AND RECYCLABLE MATERIALS. THIS TRANSFER STATION WILL ALSO OPERATE AS A TEMPORARY STORAGE FACILITY FOR MUNICIPAL SOLID WASTE (MSW) DURING HIGH WIND EVENTS. THE INTENT OF THIS DEVELOPMENT IS ALSO TO COMPREHENSIVELY COVER FUTURE MATERIALS MANAGEMENT ACTIVITIES. THE SITE WAS PREVIOUSLY USED FOR LANDFILLING ACTIVITIES, BUT THE LANDFILL WAS CLOSED IN 1986. THE ONLY REMAINING ACTIVITIES RELATED TO THE LANDFILL INCLUDE MAINTENANCE AND LANDFILL GAS MANAGEMENT. THE TRANSFER STATION, AND AGGREGATE CRUSHING/RECYCLING OPERATION WILL TAKE PLACE ON TOP OF THE CLOSED LANDFILL WITHOUT IMPEDING ON THE POST-CLOSURE CARE FOR THE LANDFILL. ALL POST-CLOSURE ACTIVITIES FOR THE LANDFILL HAVE BEEN REVIEWED AND APPROVED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT (CDPHE).

### WRITTEN RESTRICTIONS

BEYOND THE PROVISIONS PROVIDED WITHIN THIS DOCUMENT, ALL APPLICABLE SECTIONS OF THE JEFFERSON COUNTY ZONING RESOLUTION SHALL APPLY TO THE PROPERTY AS SHOWN ON THE GRAPHIC AND THE LEGAL DESCRIPTION.

#### OPERATIONAL STANDARDS:

1. PARKING - NO MINIMUM STANDARDS AS PARKING IS LIMITED TO ON-SITE PARKING ONLY.
2. OPERATIONS SHALL COMPLY WITH 6CCR 1007-2 PART 1, AS AMENDED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT RELATING TO SOLID DISPOSAL SITES AND FACILITIES.
3. OPERATIONS SHALL COMPLY WITH APPLICABLE JEFFERSON COUNTY PUBLIC HEALTH DEPARTMENTS REGULATIONS.

#### ARCHITECTURE:

1. THE ARCHITECTURAL STANDARDS OF THE ZONING RESOLUTION SHALL NOT APPLY TO THIS PROPERTY/PLANNED DEVELOPMENT.

#### LANDSCAPING:

1. THE LANDSCAPING STANDARDS OF THE ZONING RESOLUTION SHALL NOT APPLY TO THIS SITE.
2. REVEGETATION WITH GRASSES WILL BE UNDERTAKEN WHEN SOILS ARE TO BE EXPOSED AND UNDISTURBED FOR LONGER THAN 6 MONTHS.

#### PERMITTED USES:

##### USE AREA A:

1. SCALEHOUSES, MODULAR ADMINISTRATIVE BUILDINGS, MAINTENANCE BUILDINGS, AND ABOVE GROUND FUEL STORAGE TANKS
  - A. MULTIPLE BUILDINGS ALLOWED
  - B. MAXIMUM HEIGHT 60 FEET
  - C. MAXIMUM GROSS FLOOR AREA 10,000 SF COMBINED
2. COMMUNICATIONS TOWER
  - A. MAXIMUM HEIGHT 30 FEET
  - B. MAXIMUM GROSS FLOOR AREA OF TOWER SUPPORT STRUCTURE 500 SF COMBINED

##### USE AREA B:

1. AGGREGATE CRUSHING AND RECYCLING

##### USE AREA C:

1. TRANSFER STATION, ORGANICS RECOVERY AND PROCESSING
  - A. MULTIPLE BUILDINGS ALLOWED
  - B. MAXIMUM HEIGHT 40 FEET
  - C. MAXIMUM GROSS FLOOR AREA 25,000 SF COMBINED
2. WATER SUPPLY TANK AND FILLING STATION

##### USE AREA D:

1. OUTDOOR EQUIPMENT STORAGE AND STAGING
2. NO STRUCTURES ALLOWED

##### USE AREA E:

1. USES LIMITED TO SANITARY LANDFILL POST-CLOSURE ACTIVITIES AS PERMITTED WITH JEFFERSON COUNTY AND RECLAMATION SANITARY LANDFILL OFFICIAL DEVELOPMENT PLAN - AMENDMENT NO 1, RECEPTION NO. 84109527.
2. PRIVATE ACCESS ROADS ARE ALLOWED.

##### VISUAL BUFFER AREA:

1. NO STRUCTURES OR LAND DISTURBANCE ALLOWED

### LEGAL DESCRIPTION OF PROPERTY:

BEGINNING AT THE SW 1/4 CORNER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH P.M., JEFFERSON COUNTY COLORADO, SAID CORNER ALSO BEING THE TRUE POINT OF BEGINNING; THENCE S89°59'10"E ALONG THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 21 A DISTANCE OF 1327.18' TO THE SE CORNER OF THE SW 1/4 OF SAID SECTION 21; THENCE N00°01'24"E ALONG THE EAST LINE OF THE W 1/2, SE 1/4 OF SAID SECTION 21 A DISTANCE OF 1921.49' TO A POINT ON THE SOUTH R.O.W. LINE OF THE DENVER RIO GRANDE RAILROAD; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, THE ARC DISTANCE OF WHICH IS 1789.14' AND THE DELTA OF WHICH IS 37°04'38"; THENCE S55°25'47"W A DISTANCE OF 366.25' ALONG SAID RAILROAD R.O.W.; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, THE ARC DISTANCE OF WHICH IS 161.91' AND THE DELTA OF WHICH IS 08°47'37", TO A POINT OF INTERSECTION OF THE SOUTH R.O.W. LINE OF THE DENVER RIO GRANDE RAILROAD WITH THE EAST R.O.W. LINE OF COUNTY HIGHWAY 93; THENCE S33°02'09"E ALONG SAID EAST R.O.W. LINE OF HIGHWAY A DISTANCE OF 872.87'; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, THE ARC DISTANCE OF WHICH IS 450.89' AND THE DELTA OF WHICH IS 21°36'07" TO A POINT OF INTERSECTION OF THE EAST R.O.W. LINE OF SAID HIGHWAY WITH THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 21; THENCE N89°57'45"E ALONG SAID SOUTH LINE OF SW 1/4 A DISTANCE OF 157.71' TO THE TRUE POINT OF BEGINNING, CONTAINING 72.5 ACRES, MORE OR LESS.

EXCEPT THE PORTION OF LAND DESCRIBED BELOW.

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 21; THENCE NORTH 89°37'01" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 194.42 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°46'04" WEST, A DISTANCE OF 222.95 FEET; THENCE NORTH 02°35'40" WEST, A DISTANCE OF 34.99 FEET; THENCE NORTH 38°32'59" EAST, A DISTANCE OF 52.39 FEET; THENCE NORTH 09°58'47" EAST, A DISTANCE OF 110.60 FEET; THENCE NORTH 58°30'06" EAST, A DISTANCE OF 59.96 FEET; THENCE NORTH 63°56'31" EAST, A DISTANCE OF 54.82 FEET; THENCE NORTH 84°58'09" EAST, A DISTANCE OF 63.36 FEET; THENCE NORTH 82°38'43" EAST, A DISTANCE OF 116.68 FEET; THENCE NORTH 86°16'34" EAST, A DISTANCE OF 101.79 FEET; THENCE SOUTH 82°30'45" EAST, A DISTANCE OF 61.85 FEET; THENCE SOUTH 77°19'18" EAST, A DISTANCE OF 75.90 FEET; THENCE SOUTH 66°10'46" EAST, A DISTANCE OF 56.02 FEET; THENCE SOUTH 59°15'25" EAST, A DISTANCE OF 43.99 FEET; THENCE SOUTH 58°59'32" EAST, A DISTANCE OF 54.66 FEET; THENCE SOUTH 53°44'06" EAST, A DISTANCE OF 121.16 FEET; THENCE SOUTH 38°29'51" EAST, A DISTANCE OF 135.68 FEET; THENCE SOUTH 31°10'44" EAST, A DISTANCE OF 159.82 FEET; THENCE SOUTH 35°05'17" EAST, A DISTANCE OF 76.98 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE SOUTH 89°37'01" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 950.85 FEET TO THE POINT OF BEGINNING. CONTAINING 370,441 SQUARE FEET OR 8.50 ACRES, MORE OR LESS.

### APPROVED FOR RECORDING:

THIS OFFICIAL DEVELOPMENT PLAN, TITLED FOOTHILLS SOLID WASTE MANAGEMENT FACILITIES, WAS APPROVED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023, BY THE BOARD OF COUNTY COMMISSIONERS, OF THE COUNTY OF JEFFERSON, STATE OF COLORADO AND IS APPROVED FOR RECORDING.

THE OWNER OF THE PROPERTY, AT THE TIME OF APPROVAL WAS:

BY: JEFFERSON COUNTY PLANNING AND ZONING DIRECTOR

SIGNATURE: \_\_\_\_\_

### STANDARD FLEXIBILITY STATEMENT:

THE GRAPHIC DRAWINGS CONTAINED WITHIN THIS OFFICIAL DEVELOPMENT PLAN ARE INTENDED TO DEPICT GENERAL LOCATIONS AND ILLUSTRATE CONCEPTS OF THE TEXTUAL PROVISIONS OF THIS OFFICIAL DEVELOPMENT PLAN. DURING THE PLATTING PROCESS THE PLANNING DIRECTOR MAY ALLOW MINOR VARIATIONS FOR THE PURPOSE OF ESTABLISHING:

- A. FINAL ROAD ALIGNMENTS
- B. FINAL CONFIGURATION OF LOT AND TRACT SIZES AND SHAPES
- C. FINAL BUILDING ENVELOPES
- D. FINAL ACCESS AND PARKING LOCATIONS
- E. LANDSCAPING ADJUSTMENTS

### APPLICABILITY STATEMENT:

EXCEPT AS EXPRESSLY PROVIDED OTHERWISE IN THIS OFFICIAL DEVELOPMENT PLAN, DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO THE JEFFERSON COUNTY ZONING RESOLUTION IN EFFECT AT THE TIME OF SITE DEVELOPMENT PLAN AND BUILDING PERMIT APPLICATION.



Legal DescriptionStreet Location of Property: 8900 State Highway 93

Is there an existing structure at this address?

Yes X No \_\_\_\_\_

Type the legal description and address below.

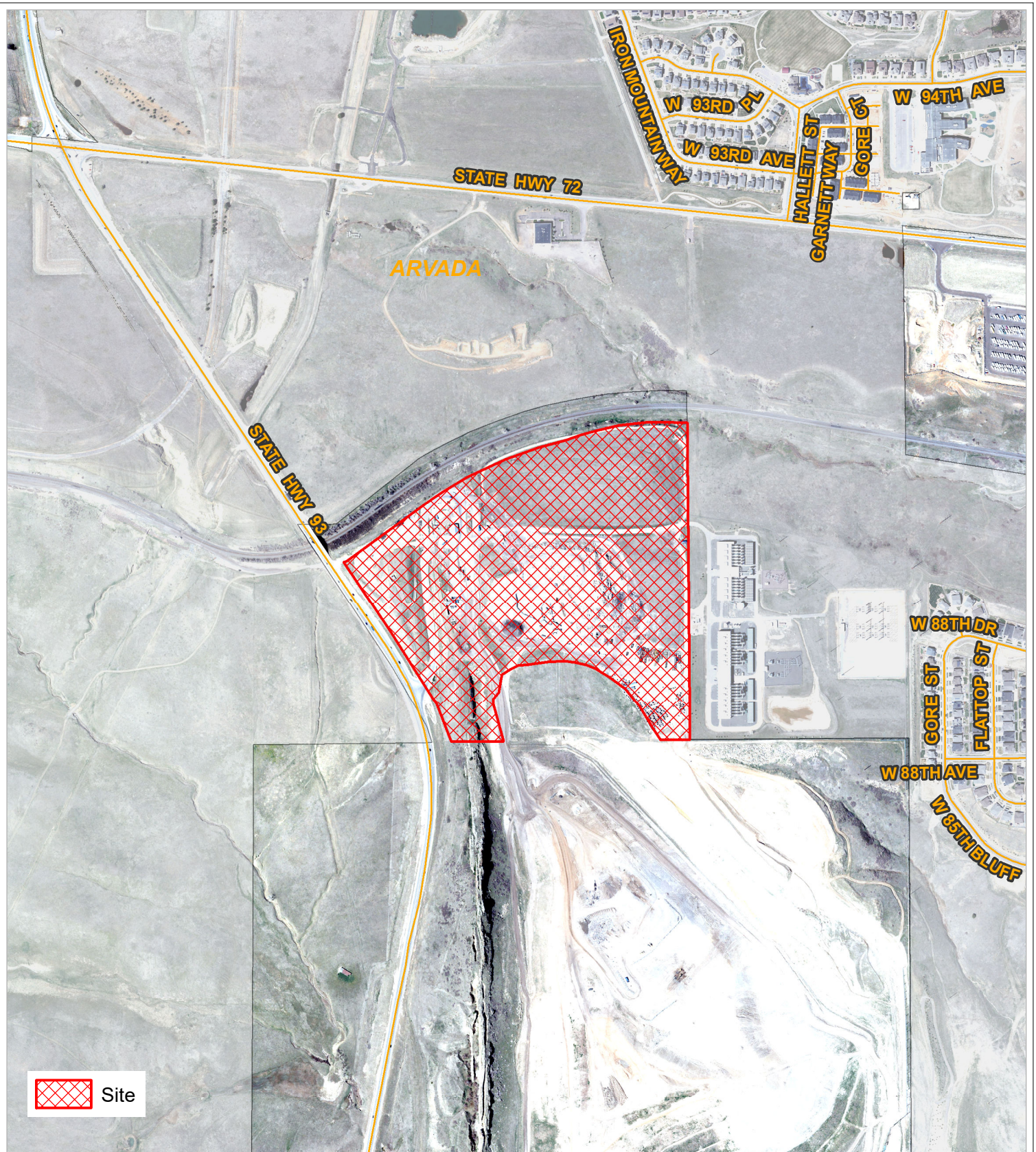
BEGINNING AT THE SW 1/4 CORNER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 70 WEST OF THE 6TH P.M., JEFFERSON COUNTY COLORADO. SAID CORNER ALSO BEING THE TRUE POINT OF BEGINNING; THENCE S89°59'10"E ALONG THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 21 A DISTANCE OF 1327.18' TO THE SE CORNER OF THE SW 1/4 OF SAID SECTION 21; THENCE N00°01'24"E ALONG THE EAST LINE OF THE W 1/2, SE 1/4 OF SAID SECTION 21 A DISTANCE OF 1921.49' TO A POINT ON THE SOUTH R.O.W. LINE OF THE DENVER RIO GRANDE RAILROAD; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, THE ARC DISTANCE OF WHICH IS 1789.14' AND THE DELTA OF WHICH IS 37°04'38"; THENCE S55°25'47"W A DISTANCE OF 366.25' ALONG SAID RAILROAD R.O.W.; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, THE ARC DISTANCE OF WHICH IS 161.91' AND THE DELTA OF WHICH IS 08°47'37", TO A POINT OF INTERSECTION OF THE SOUTH R.O.W. LINE OF THE DENVER RIO GRANDE RAILROAD WITH THE EAST R.O.W. LINE OF COUNTY HIGHWAY 93; THENCE S33°02'09"E ALONG SAID EAST R.O.W. LINE OF HIGHWAY A DISTANCE OF 872.87'; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, THE ARC DISTANCE OF WHICH IS 450.89' AND THE DELTA OF WHICH IS 21°36'07" TO A POINT OF INTERSECTION OF THE EAST R.O.W. LINE OF SAID HIGHWAY WITH THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 21; THENCE N89°57'45"E ALONG SAID SOUTH LINE OF SW 1/4 A DISTANCE OF 157.71' TO THE TRUE POINT OF BEGINNING, CONTAINING 72.5 ACRES, MORE OR LESS.

EXCEPT THE PORTION OF LAND DESCRIBED BELOW.

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 21; THENCE NORTH 89°37'01" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 194.42 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°46'04" WEST, A DISTANCE OF 222.95 FEET; THENCE NORTH 02°35'40" WEST, A DISTANCE OF 34.99 FEET; THENCE NORTH 38°32'59" EAST, A DISTANCE OF 52.39 FEET; THENCE NORTH 09°58'47" EAST, A DISTANCE OF 110.60 FEET; THENCE NORTH 58°30'06" EAST, A DISTANCE OF 59.96 FEET; THENCE NORTH 63°56'31" EAST, A DISTANCE 54.82 FEET; THENCE NORTH 84°58'09" EAST, A DISTANCE OF 63.36 FEET; THENCE NORTH 82°38'43" EAST, A DISTANCE OF 116.68 FEET; THENCE NORTH 86°16'34" EAST, A DISTANCE OF 101.79 FEET; THENCE SOUTH 82°30'45" EAST, A DISTANCE OF 61.85 FEET; THENCE SOUTH 77°19'18" EAST, A DISTANCE OF 75.90 FEET; THENCE SOUTH 66°10'46" EAST, A DISTANCE OF 56.02 FEET; THENCE SOUTH 59°15'25" EAST, A DISTANCE OF 43.99 FEET; THENCE SOUTH 58°59'32" EAST, A DISTANCE OF 54.66 FEET; THENCE SOUTH 53°44'06" EAST, A DISTANCE OF 121.16 FEET; THENCE SOUTH 38°29'51" EAST, A DISTANCE OF 135.68 FEET; THENCE SOUTH 31°10'44" EAST, A DISTANCE OF 159.82 FEET; THENCE SOUTH 35°05'17" EAST, A DISTANCE OF 76.98 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 21; THENCE SOUTH 89°37'01" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 950.85 FEET TO THE POINT OF BEGINNING. CONTAINING 370,441 SQUARE FEET OR 8.50 ACRES, MORE OR LESS.

Section 21 Township 2 S. Range 70 W.Calculated Acreage 64 Acres Checked by: Kendell CourtAddress Assigned (or verified): 8900 State Highway 93

# MAPS

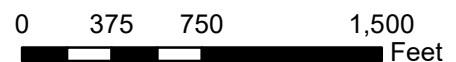


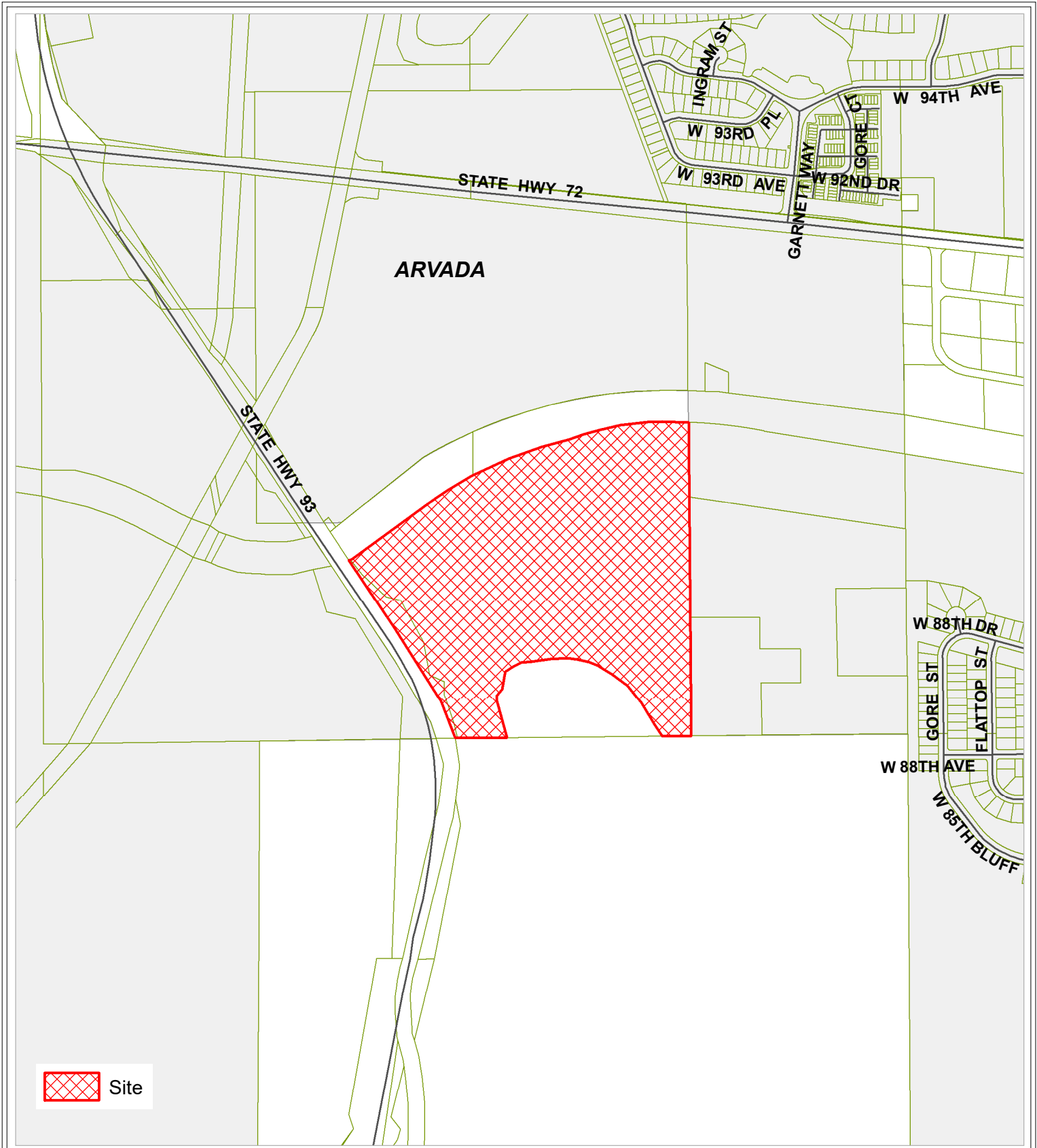
**Case Number: 23-105964RZ**  
**Location: Section 21, T2S, R70W**



**JEFFERSON**  
COUNTY COLORADO

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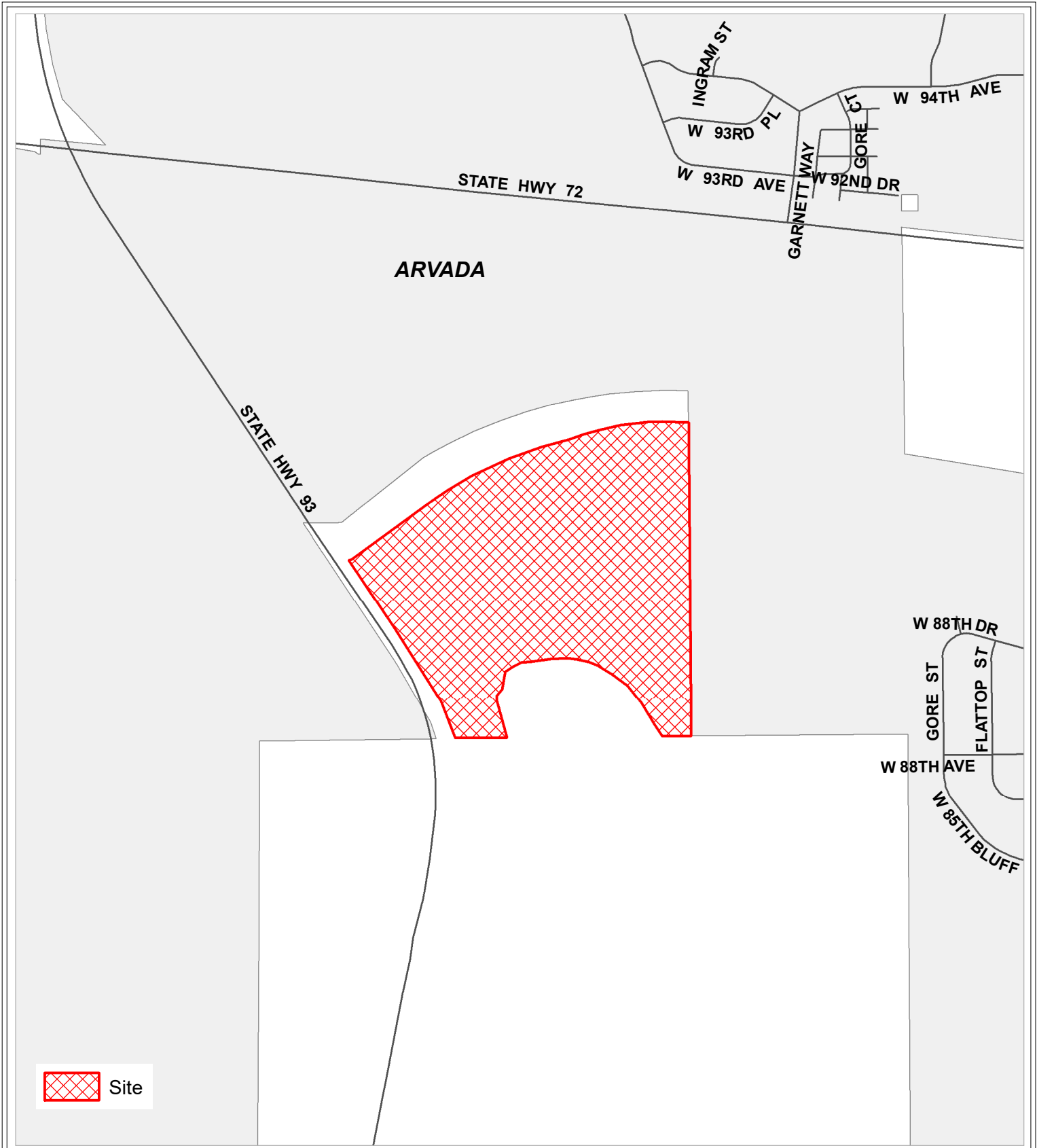


**Case Number: 23-105964RZ**  
**Location: Section 21, T2S, R70W**



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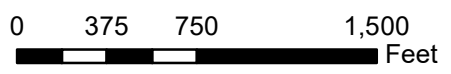


**Case Number: 23-105964RZ**  
**Location: Section 21, T2S, R70W**

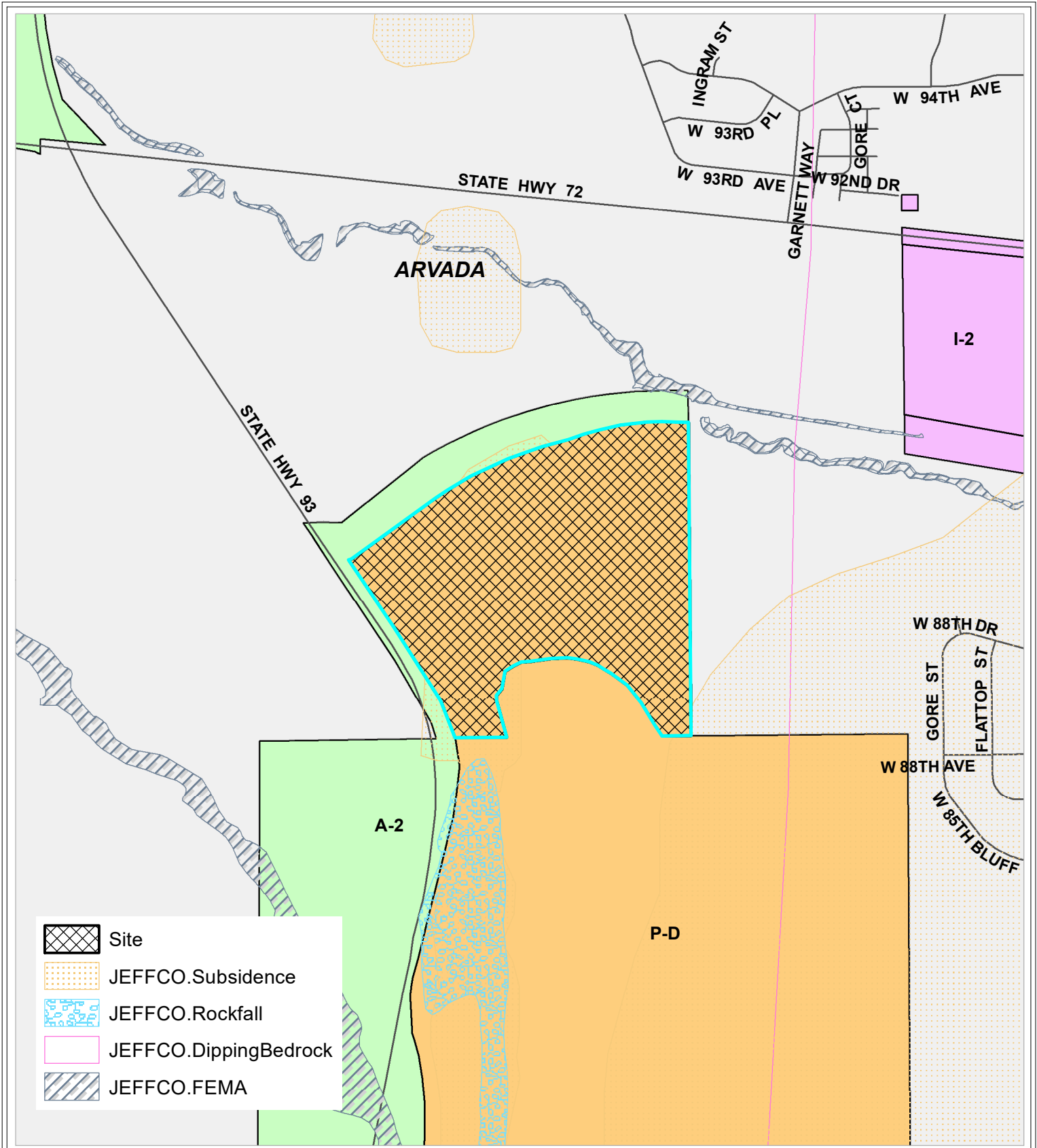







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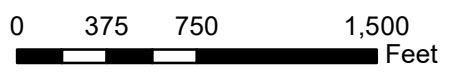


-  Site
-  JEFFCO.Subsidence
-  JEFFCO.Rockfall
-  JEFFCO.DippingBedrock
-  JEFFCO.FEMA

**Case Number: 23-105964RZ**  
**Location: Section 21, T2S, R70W**



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# REFERRAL COMMENTS

**MEMO**

**TO:** Matthew Karney  
 Jefferson County Planning and Zoning Division

**FROM:** Tracy Volkman  
 Jefferson County Environmental Health Services Division

**DATE:** October 4, 2023

**SUBJECT:** Case #23-105964 RZ  
 Sierra Schupp  
 8900 State Hwy 93

The applicant has met the public health requirements for this proposed rezoning of the property.

**PROPOSAL SUMMARY**

Rezoning to revise the ODP for the Jefferson County Land Reclamation Sanitary Landfill.

**COMMENTS**

Jefferson County Public Health (JCPH) has reviewed proposals on this property in 2009, 2010, 2011, 2013 and 2014 for previous planning cases and on October 11, 2022, Case #22-123834 PA, for the pre-application case and July 10, 2023 for the rezoning for this proposal. JCPH reviewed the documents submitted by the applicant for this rezoning process and has the following comments:

The applicant must submit the following documents or take the following actions prior to a ruling on the proposed rezoning of this property. NOTE: Items marked with a “✓” indicate that the document has been submitted or action has been taken. **Please read entire document for requirements and information. Please note additional documentation may be required. Failure to provide required documentation may delay the planning process.**

**SITE DEVELOPMENT REQUIREMENTS**

✓	Date Reviewed	Required Documentation/Actions	Refer to Sections
✓	07/11/2023	Submit how water will be provided to the employees working in the area and in the onsite office.	Water/ Wastewater
✓	07/11/2023	Submit how restrooms will be provided to employees working in the area and in the onsite office.	Wastewater/ Wastewater
✓	07/11/2023	Submit a notarized Environmental Questionnaire and Disclosure Statement packet, in accordance with the LDR Section 30.	Environmental Site Assessment

✓	Date Reviewed	Required Documentation/Actions	Refer to Sections
✓	10/04/2023	Submit plans on grease trap and grit trap to determine if an OWTS permit and inspection is required.	Wastewater
✓	10/04/2023	Submit a letter from the Colorado Department of Public Health and Environment, Hazardous Materials and Solid Waste Management Division, at 303.692.3320 that this operation has been approved as proposed.	Solid Waste

### **WATER (LDR 21)**

The applicant previously stated that water was needed at this site for fire suppression and washing the tipping floor of the transfer station building.

“Water Supply/Fire Protection: Access to water will be required for a minimum of two fire hydrants. The adjacent power plant is provided water by the City of Arvada (City). The city does not have a publicly available water line as-built, but the plant is supplied by a 10” waterline. The Owner currently taps into this line with a 2” service. A fire flow test was conducted along Coal Creek Canyon Rd which concluded the required 2,250 gallons per minute (gpm) for 2 hours can be met. The existing 2” line will be upgraded to meet the fire flow requirements. Besides fire protection, the only water needs for the new transfer station facility will be for washdown of the facility tipping floor. The Owner will contract with the local authority having jurisdiction (AHJ) for fire protection.”

A Memorandum of Understanding (MOU) dated December 1, 2017, was previously provided that is between Allied Waste Systems of Colorado LLC and the City of Arvada. The MOU grants the City of Arvada permission to deposit “clean fill and spoils” onto the landfill property in exchange for potable water to the adjacent site.

In the response document dated September 13, 2023, prepared by HDR, the applicant states that a washdown will no longer be required as part of the operations. Republic Services typically sweeps the tipping floor and tunnel as needed. The sand/grease trap has been removed from the Official Development Plan.

### **WASTEWATER (LDR 22)**

#### Existing Records

Based on documentation from previous proposals, we have knowledge of a cistern that provides water to an onsite office and sanitation is provided by an existing onsite wastewater treatment system vault (Permit 03-116241 OW) installed in 2004 located at 8900 W. Highway 93. JCPH issued permit 13-119987 OW in October 2013 to install a larger vault. The rest of the site is provided with portable chemical toilets. According to a letter dated April 22, 2014, prepared by Golder Associates it was verified that the existing cistern and sanitation remains unchanged.

In the response document dated September 13, 2023, prepared by HDR the applicant provided the following:

*Republic Services has provided additional details on facility cleaning procedures. As such washdown will no longer be required as the incoming materials will have limited moisture mostly absorbed by and transferred with the waste. Republic Services typically sweeps the tipping floor and tunnel as needed. References to the sand/grease trap have been removed from the Official Development Plan.*

**Please Note: If wastewater effluent is generated by the operations, it cannot be discharged onto the ground. It must be disposed of into an approved onsite wastewater treatment system.**

Prior to installing, altering, upgrading, remediating, or repairing an onsite wastewater treatment system (OWTS) the applicant must receive a permit from Jefferson County Public Health. The applicant must submit an OWTS application, associated documents, and applicable fees to this Department for an approved permit to install the OWTS. Contact Mitch Brown at 303.271.5767 or mlbrown@jeffco.us for more information on this process.

Onsite wastewater treatment systems with an average daily flow of more than 2,000 gallons per day per property must comply with the Colorado Water Control Act, Article 8, Title 25 of the Colorado Revised Statutes, and Regulations adopted by the Colorado Water Quality Control Commission. Site approval from the Colorado Department of Public Health and Environment is required. Jefferson County Public Health will provide review and comment to the Colorado Department of Public Health and Environment on the site application.

## **SOLID WASTE**

In the response document dated September 13, 2023, prepared by HDR the applicant provided the following:

*A permit from CDPHE is not required for transfer stations; only an operations plan for the facility will be necessary once the facility begins operations. CDPHE Waste Transfer Requirements, 6 CCR 1007-2 Part 1, Section 1 Administrative Information, item 1.4.6 which reads "transfer stations, which shall not be deemed to be a solid waste disposal site and facility, shall not require a certificate of designation." Essentially, transfer stations only need to comply with the health laws, standards, rules and regulations of the CDPHE Water and Air Quality Control Commission and applicable local laws, ordinances, and regulations.*

As such, a letter from the Colorado Department of Public Health and Environment is not necessary.

## **ENVIRONMENTAL SITE ASSESSMENT (LDR 30)**

JCPH has reviewed the Environmental Questionnaire and Disclosure Statement (EQDS) dated March 23, 2023, provided by the applicant. The applicant did check "yes" on **two** categories of environmental concern on the cover sheet:

Section A: Placement of earthen fill from an outside source, operation of a solid waste disposal site or landfill, whether private or commercial, legal, or illegal

Fill material for landfill liners and final cover systems are used as daily cover during landfill operations. The City of Arvada is also allowed to deposit clean fill and spoils onto the property

according to the MOU dated December 1, 2017. Waste materials include municipal solid waste, construction and demolition debris, yard waste, and other special waste.

Section D: Above or underground storage tanks containing gasoline, diesel, fuel oil, waste oil or any other liquid chemical storage on the property.

The applicant states there are no underground storage tanks. All above ground storage tanks are in or near the maintenance shop. Facility is registered (#10425) with the Colorado Department of Labor and Employment, Oil and Public Safety Division. The applicant indicates there have been no known leaks or spills as tanks are inspected monthly for spills or leakage. Inspection reports were provided from August 2022 through December 2022.

The applicant states there are some limited amounts of chemicals stored in the maintenance shop in consumer sized packaging.

### **AIR**

Regulation No. 1 of the Colorado Air Quality Control Commission requires the developer to obtain a fugitive dust permit from the Colorado Department of Public Health and Environment, Air Quality Division and use the best available control technology (BACT) to mitigate dust problems during demolition, land clearing and construction activities. This department will investigate any reports of fugitive dust emissions from the project site. If confirmed, a notice of violation will be issued with appropriate enforcement action taken by the State. Please Contact the CDPHE, Air Pollution Control Division at 303.692.3100 for more information on obtaining a dust permit.

### **AIR PERMITS AND AIR POLLUTANT EMISSION NOTICE (APEN)**

Process equipment, such as generators or crushers, used for the aggregate crushing process are treated separately from landfill operations and must be reported on a separate APEN form and may also require an air permit. The applicant must contact the CDPHE, Air Pollution Control Division, at 303.692.3100 for more information on this process.

### **ODOR**

Odors that are detectable off property that are impacting neighbors may be in violation of state regulations. This Department responds to complaints regarding detectable odors and uses the Colorado Air Quality Control Commission Odor Emission Regulation Number Two for any enforcement action necessary.

### **LITTER CONTROL**

The applicant states in the proposed Foothills Solid Waste Management Facilities Official Development Plant that litter debris will be contained inside the transfer station. The landfill is subject to all local, state, and federal regulations to contain trash debris onsite and to respond to complaints should trash debris blow off site to adjacent properties to the landfill.

### **VECTOR CONTROL**

The applicant must maintain the operations to prevent rodent and insect harborage using best management practices.

### **NOISE**

The Colorado Revised Statutes (Sections 25-12-101 through 108) stipulate commercial areas must comply with the following maximum noise levels 25 feet from the property lines:

- 60dB(A) from 7:00 a.m. to 7:00 p.m.
- 55dB(A) at all other times.

Colorado Revised Statute 25-12-103 classifies noise that exceeds the maximum permissible noise level as a public nuisance which is a civil matter between the property owner and the complainant. Please note: JCPH and the Colorado Department of Public Health and Environment does not enforce noise complaint nuisances.

**NOTE: These case comments are based solely upon the submitted application package. They are intended to make the applicant aware of regulatory requirements. Failure by Jefferson County Public Health to note any specific item does not relieve the applicant from conforming to all County regulations. Jefferson County Public Health reserves the right to modify these comments, request additional documentation, and or add appropriate additional comments.**

**From:** [Dixon - CDOT, David](#)  
**To:** [Matthew Karney](#)  
**Subject:** --{EXTERNAL}-- Re: 23-105964RZ - ELECTRONIC REFERRAL - EXTERNAL - Rezoning  
**Date:** Wednesday, July 12, 2023 2:18:40 PM

---

**This Message Is From an External Sender**

This message came from outside your organization.

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Good Afternoon Matt,

I have reviewed this referral and have no comments at this time.

Very Respectfully,

**David Dixon**  
**Assistant Access Manager**



720-541-0441

2829 W. Howard Pl. 2nd Floor, Denver, CO 80204

[david.dixon@state.co.us](mailto:david.dixon@state.co.us) | [www.codot.gov](http://www.codot.gov) [codot.gov] | [www.cotrip.org](http://www.cotrip.org) [cotrip.org]

On Fri, Jun 30, 2023 at 5:12 AM <[AUTOMAILER@jeffco.us](mailto:AUTOMAILER@jeffco.us)> wrote:



## **ELECTRONIC REFERRAL**

This e-mail is to inform you that the application referenced below is now beginning the 1st Referral. Please review and provide comments on the referral documents found in the [Current Referral Documents](#) sub-folder. Comments should be submitted electronically to the Case Manager by the due date below.

Case Number: 23-105964 RZ

Case Type: Rezoning



# Memorandum

**To:** Matt Karney  
Planner

**From:** Patrick O'Connell  
Engineering Geologist

**Date:** July 23, 2023

**Re:** 8900 Hwy 93, Case No. 23-105964RZ

---

I reviewed the submitted documents for the subject property. I have the following comment.

1. The site is located within the Jefferson County Designated Dipping Bedrock Area (DDBA), therefore, the applicant has to provide geologic and geotechnical reports prepared in accordance with Section 25 of the Land Development Regulation and a detailed grading plan with the plat application. However, since the transfer station is an accessory outbuilding and per LDR Section 40.E.2, that use is permitted without restriction and the applicant could request in writing that the DDBA restrictions do not apply to the transfer station.

# ADDITIONAL CASE DOCUMENTS

# Cover Letter

## Jefferson County Rezoning Submittal for Proposed Foothills Solid Waste Management Facilities

**Property/Parcel Owner:** BFI Waste Systems of North America, Inc

**Proposed Facility Owner:** Allied Waste Systems of Colorado, LLC

**Property Address:** 8900 CO-93, Golden, CO 80403

**Parcel:** 'JeffCo Landfill' (Parcel ID 20-214-00-001)

**Existing Zoning:** Planned Development (PD)

### **Representatives:**

Steven Derus <a href="mailto:SDerus@republicservices.com">SDerus@republicservices.com</a> 303-408-9347	Elizabeth Stengl <a href="mailto:ESTengl@republicservices.com">ESTengl@republicservices.com</a> 720-590-4048	Chris Seney <a href="mailto:CSeney@republicservices.com">CSeney@republicservices.com</a> 480-757-9553
--	--	---

**Proposal Description:** The Owner is interested in constructing a transfer station facility to supplement the operations at the existing Foothills Landfill located in Golden, Colorado. The proposed transfer station facility (~11,000 SF) would be located within the footprint of the closed Jefferson County Land Reclamation Sanitary Landfill (JeffCo Landfill), which is located to the north of the active Foothills Landfill as shown in **Figure 1**. The primary objective for the transfer station will be to manage organics (residential food and yard waste) for the local community. The desired facility will also handle recyclables and municipal solid waste (MSW) at times. MSW would likely be stored in the transfer station building during common high wind events to help mitigate loss of efficiency and impact off-site litter on neighboring communities.

**Site Access:** The proposed facility will be located on an existing property, from which access is available via Colorado State Highway 93. No modifications to access will be required and traffic flow on-site is designated in the Site Plan provided with the application.

**Water Supply/Fire Protection:** Access to water will be required for a minimum of two fire hydrants. The adjacent power plant is provided water by the City of Arvada (City). The City does not have a publicly available water line as-built, but the plant is supplied by a 10" waterline. The Owner currently taps into this line with a 2" service. A fire flow test was conducted along Coal Creek Canyon Rd which concluded the required 2,250 gallons per minute (gpm) for 2 hours can be met. The existing 2" line will be upgraded to meet the fire flow requirements. Besides fire protection, the only water needs for the new transfer station facility will be for washdown of the facility tipping floor. The Owner will contract with the local authority having jurisdiction (AHJ) for fire protection.

**Wastewater Collection Information:** Wastewater collection/access to sewer is not applicable for the proposed facility. The facility will consist of an enclosed pre-engineered metal building with a lift and load process for waste transfer. No lavatories will be included in the design. A grease and grit trap will be connected to a trench drain that will be used to collect washdown from the tipping floor. The grease and grit trap will be cleaned out on a regular basis, during which the effluent will be pumped out and disposed of appropriately.



Figure 1. Site Map – Proposed Transfer Station Facility Location

**CITY OF ARVADA AND ALLIED WASTE SYSTEMS OF COLORADO, LLC  
LANDFILL AND WATER METER MEMORANDUM OF UNDERSTANDING**

**A. Parties.** The parties to this Memorandum of Understanding (“MOU”) are the City of Arvada, a Colorado Municipal Corporation, whose address is 8101 Ralston Road, Arvada CO 80002; and Allied Waste Systems of Colorado, LLC, a Colorado corporation (“Allied”), whose address is 8480 Tower road, Commerce City, Co 80022. ARVADA and ALLIED may be jointly referred to as the “Parties” or individually as a “Party”.

**B. Purpose.** The Parties acknowledge and agree they have a mutual interest in exchanging certain services needed by the other, to wit: ARVADA provides a source of potable water to ALLIED at its Foothills Landfill (the “Landfill”) at 8900 Hwy 93, Golden Colorado 80043, and ALLIED provides a location at the Landfill that ARVADA may use as landfill for clean fill and spoils from certain municipal operations. Accordingly, the Parties agree it serves their mutual purposes to continue the exchange of the respective services. With respect to their roles and responsibilities, the Parties wish to memorialize their mutual understanding and agreement concerning certain matters of common interest, as more fully set forth below.

**C. Understanding and Agreement.** The Parties understand and agree that with respect to the following matters, this MOU sets forth and guides the conduct of the Parties concerning the placement of clean fill and spoils in the Landfill by ARVADA, and in return, ARVADA’s provision of potable water for ALLIED’s use at the Landfill.

1. During the term of this MOU, ARVADA shall be permitted to transport to and place clean fill and spoils in an area designated by ALLIED at the Landfill at no charge. ARVADA agrees that it will not include organic material, any material which ALLIED is not able to accept pursuant to ALLIED’s permits or approvals for the Landfill, or any hazardous material in any load transported to the Landfill. Material that may be placed in the Landfill is limited to that generated by the Arvada Streets Division and the Water System Operations Division.
  - a. ARVADA agrees to permit ALLIED to inspect all loads delivered for deposit. ALLIED may reject any load that contains material that it reasonably believes is not in conformance with this MOU.
  - b. ALLIED will notify Cliff Deeds, ARVADA’s Water System Manager or Mark Bowman, Streets Manager, for loads from Water System Operations or Streets, respectively, or such other person as ARVADA may designate in writing, of the non-conformance of any load. ARVADA and ALLIED shall meet to discuss what must be done to a load to permit proper disposal and it will be ARVADA’s responsibility to separate out any non-conforming material from a load. Otherwise, ARVADA shall arrange for return to an ARVADA facility or location of any non-conforming load.

- c. ALLIED shall accept each conforming load, and there shall be no charge levied against ARVADA for any load accepted during the term of this MOU.
2. ALLIED will be permitted to obtain potable water from the ARVADA owned meter located at the Landfill. Water obtained from ARVADA pursuant to this MOU may be used by ALLIED only for operations located on or within the Landfill. ALLIED may not store or transport water obtained from ARVADA pursuant to this MOU for offsite use unless expressly permitted to do so by ARVADA.
  - a. In consideration of ARVADA's ability to deposit clean fill and spoils at the Landfill, ARVADA will not require the purchase by ALLIED of a water tap and payment for the tap fee for the water meter serving the Landfill for so long as this MOU is in effect. ARVADA agrees to waive the water use charges during the term of this MOU.

**D. Remedies.** In the event of a material breach of this MOU by either Party, the non-breaching Party may, upon 10 business days' notice, suspend its participation in the services described herein. In the event of a breach, the Party asserting breach shall provide the other with notice of the alleged breach and what steps must be taken to affect a cure. In the event the Party alleged to be in breach does not cure the alleged breach within the time period specified in this MOU, the Party alleging breach may terminate its cooperation as described herein. In no event will either Party be liable to the other for monetary damages of any type, provided nothing herein shall relieve ALLIED of its obligation to pay water charges when due for any water received by ALLIED after the date of any termination of this MOU.



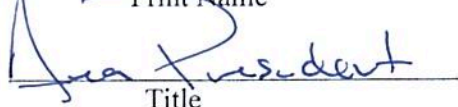
**E. Notices.** Notices shall be provided to the respective Party's designated representative. Unless specified in writing otherwise, the designated representatives of each party shall be the party whose signature is affixed hereto. Notice shall be deemed delivered if hand delivered to the person so designated, or if mailed, three days after mailing, postage pre-paid, to the attention of the Party's designated representative at the addresses set forth above. Notice through social media or e-mail shall not suffice as official notice unless written confirmation of receipt of such notice is given by the respective Party.

**F. Term.** This MOU shall be effective upon its approval by both Parties, and shall continue until terminated by either party. Either Party may terminate this MOU for any reason upon 30 days' written notice to the other. Upon termination, neither party shall have any further obligation to the other arising from this MOU. No retroactive charges shall be applied to either service provided for under this MOU upon termination.

**G. Counterparts.** This MOU may be executed in counterparts, each of which shall be deemed an original and all of which together shall be deemed one instrument. A facsimile or ".pdf" copy of any signature hereto shall be deemed an original.

Dated this 1 day of December, 2017.

**ALLIED WASTE SYSTEMS OF  
COLORADO, LLC:**

  
\_\_\_\_\_  
Print Name  
  
\_\_\_\_\_  
Print Name  
  
\_\_\_\_\_  
Title

**CITY OF ARVADA:**

  
\_\_\_\_\_  
James Sullivan  
\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Utilities Director  
\_\_\_\_\_  
Title

Background Context: A meeting was held between Allied Waste (Republic) and Scott Plummer of Arvada Fire Protection District (AFPD) to discuss protection coverage for the site and expectations for fire and safety control. While the AFPD plans to merge with Fairmount Fire Protection District (FFPD) in the near future, FFPD has claimed responsibility in the interim for providing fire protection to the proposed transfer station facility and parcel. Review is underway and is anticipated to be congruent with the rezoning process.

**Schupp, Sierra**

**From:** Lahrs, Grace  
**Sent:** Thursday, March 23, 2023 10:04 AM  
**To:** Stengl, Elizabeth; cgronquist@republicservices.com; Steve Derus (sderus@republicservices.com)  
**Cc:** DeCesare, Doug; Schupp, Sierra  
**Subject:** FW: Republic's Foothills Facility update

All,

FYI – see update from Robert (Fairmount) below.

**Grace Lahrs,**  
M 303.482.6209

---

**From:** Robert Ipatenco <ripatenco@fairmountfireCO.gov>  
**Sent:** Thursday, March 23, 2023 8:31 AM  
**To:** Lahrs, Grace <Grace.Lahrs@hdrinc.com>  
**Subject:** RE: Republic's Foothills Facility update

**CAUTION: [EXTERNAL]** 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.

Grace,

Sorry for the delayed response, it's been one of those weeks. We did receive everything from Scott at AFPD and have put the project in our system. I won't be able to look at it till next week, but once I do if there are any questions, I will let you know. Have a good day!

Thanks

**Robert Ipatenco**  
Division Chief / Fire Marshal

**Fairmount Fire Protection District**  
4755 Isabell Street  
Golden, Co 80403  
O-303-279-2928 x107  
C-720-308-1473  
[ripatenco@fairmountfire.org](mailto:ripatenco@fairmountfire.org)  
[www.fairmountfire.org](http://www.fairmountfire.org)





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**From:** Lahrs, Grace <Grace.Lahrs@hdrinc.com>

**Sent:** Tuesday, March 14, 2023 12:57 PM

**To:** Scott Plumer <scott.plumer@arvadafireco.gov>; Steve Derus (sderus@republicservices.com) <sderus@republicservices.com>; estengl@republicservices.com; cgronquist@republicservices.com; Schupp, Sierra <Sierra.Schupp@hdrinc.com>; DeCesare, Doug <doug.decesare@hdrinc.com>; Robert Ipatenco <ripatenco@fairmountfireCO.gov>

**Subject:** RE: Republic's Foothills Facility update

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Thank you, Scott!

Robert, please reach out if there is anything else you need while reviewing the documentation. We can always set up a call or meeting as well.

**Grace Lahrs,**

M 303.482.6209

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**From:** Scott Plumer <[scott.plumer@arvadafireco.gov](mailto:scott.plumer@arvadafireco.gov)>

**Sent:** Tuesday, March 14, 2023 12:00 PM

**To:** Lahrs, Grace <[Grace.Lahrs@hdrinc.com](mailto:Grace.Lahrs@hdrinc.com)>; Steve Derus ([sderus@republicservices.com](mailto:sderus@republicservices.com)) <[sderus@republicservices.com](mailto:sderus@republicservices.com)>; [estengl@republicservices.com](mailto:estengl@republicservices.com); [cgronquist@republicservices.com](mailto:cgronquist@republicservices.com); Schupp, Sierra <[Sierra.Schupp@hdrinc.com](mailto:Sierra.Schupp@hdrinc.com)>; DeCesare, Doug <[Doug.Decesare@hdrinc.com](mailto:Doug.Decesare@hdrinc.com)>; [ripatenco@fairmountfireCO.gov](mailto:ripatenco@fairmountfireCO.gov)

**Subject:** Republic's Foothills Facility update

**CAUTION: [EXTERNAL]** 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.

Grace and all,

This email is to give you an update on the fire review for the Republic Service's Foothills transfer facility. Since this parcel is protected by the Fairmount Fire Protection District, I met with their fire marshal Robert Ipatenco today to bring him up to speed on the project. I provided him with a summary of the project and the potential fire protection systems involved. I also provided him with the Fire Rover documentation previously submitted. Given that Arvada Fire does not have any legal authority for fire protection on this parcel, all future communication should be between yourselves and Fire Marshal Ipatenco. I have included him on this email and his contact information is below. Thank you for your time in meeting with me and providing follow up documentation, it was very beneficial to have everything prepared to hand over to Fairmount Fire.

**Robert Ipatenco**

Division Chief / Fire Marshal

**Fairmount Fire Protection District**

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