REQUEST FOR COMMENTS

Case Name: Frei Hatchery
Project Number: PRC2023-00012
April 25, 2023

The Adams County Planning Commission is requesting comments on the following applications:

1. Rezone of 53 acres to Industrial-1 from Agricultural-1;
2. Conditional use permit to allow extraction and disposal (mining) use in the Agricultural-1 and Industrial-1 zone districts on 53 acres;
3. Conditional use permit to allow an inert fill of more than 500,000 cubic yards of material over a seven year duration. This request is located at 9001 Monaco Street. The Assessor's Parcel Numbers are: 0172120301006 and 0172120301007. The applicant is: Albert Frei & Sons, 35715 Hwy. 40, Bldg. B, Ste. 20, Evergreen, CO 80430.

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by May 18, 2023, in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to GJBarnes@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you upon request. The full text of the proposed request can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/current-land-use-cases. Thank you for your review of this case.

Greg Barnes
Greg Barnes
Principal Planner
Exhibit 3 – Written Explanation for Conditional Use Permit/Rezoning
Aggregate Mining, Inert Fill Operations, and Aggregate Processing
Albert Frei & Sons Hatchery Site

Summary

The Albert Frei & Sons (AFS) Hatchery Site is located at 9001 Monaco St, Henderson, Colorado 80640, northwest of 88th Ave and I-76 and consists of 53 acres. Conditional Use Permit (CUP) PRC2015-00009 was issued May 10, 2016, for aggregate mining and inert fill operations and expires September 12, 2023.

The purpose of this submittal is twofold:

1. Extend the current conditional use permits for the Hatchery Pit aggregate mining and inert fill operations for seven years from September 12, 2023, until September 12, 2030. The extension is needed to complete mining and inert fill operations.
2. Rezone the site from Agricultural-One (A-1) to Industrial-One (I-1) to allow for processing and transfer of aggregate material from off-site.

Site History since 1962

AFS’s corporate inception began across the street (88th Avenue) in 1962 when Fritz Frei started AFS. The original home place gravel pit was started when Fritz realized the gravel under his farm was worth more than the beans he was growing. The first loads were hand shoveled in the back of a customer’s pickup truck. His son Albert Frei, Sr later built his home on what was formerly known as the Fish Hatchery. This site being so close to home, in 2013, AFS now under the leadership of the 3rd generation took the risk to develop one of the last small scale gravel operations left in Adams County. Since then, AFS has been proactively managing the site operations as reflected by the multitude of activities that have been completed since permit issuance in 2016. See site timeline below:

- May 2016 – PRC2015-00009 approved by BOCC Resolution 2016-277
- May 2016-Apr. 2018 – administrative items to address BOCC Resolution 2016-277
  - Negotiation and submittal of a subdivision improvement agreement
  - Resolution approving the subdivision improvements
  - Resolution approving Final Plat creating two parcels
  - Public dedication of 10’x813.94’ right of way along Monaco St
- Jan. 2017-Jan. 2020 – west side of site, installation of slurry wall, then mined the area, then backfilled the area to create a stockpile area
- May 2018 – road improvements
  - miscellaneous widening along Monaco St, 602 sq yards, acceleration lane
  - miscellaneous widening along 88th Ave, 848 sq yards, deceleration lane
- May-Dec. 2018 – installation of the aggregate processing plant
- Jan. 2019 – started mining operations
- Jul. 2020-Jun. 2021 – installation of a compacted clay liner on the north, east, and south sides of the site, after mining the area and before inert fill began
- Nov. 2021 – began inert fill operations
Today
Mining operations are 90% complete and inert fill operations are 20% complete. We estimate there is less than 1 year of mining remaining and 3 years of inert fill remaining. Mining and inert fill operations are ongoing. The reason we are requesting 7 years is that we have a need to use the plant to process material from off-site (discussed under rezoning). Our plan is to continue mining and inert fill operations until both are 95% complete and conduct processing operations with the plant for approximately 5 years as allowed in the Industrial-One zoning. Then remove the plant and complete mining of the material beneath the plant and finally fill the plant area prior to CUP expiration in 2030.

Hatchery Location
The Hatchery location at I-76 and 88th Avenue is an ideal location for aggregates and an inert fill operation in Adams County. From this facility aggregate products are delivered to Adams County and the surrounding counties. Inert fill is also brought to the Hatchery site for filling that reclaims the site as a usable industrial property when complete. It is not uncommon for customers, in one truck trip to import inert fill and then procure aggregates to take back to their project. A typical customer is a contractor for a municipality that repairs a water line break. They dig up the location of the break, remove inert fill and then replace it with aggregate bedding material sourced from the Hatchery facility.

Mining and Processing
Mining entails extracting raw material “pit run” from the ground using excavators, haul trucks and wheel loaders. Processing entails running the material through a series of wash screens and one crusher.

Inert Fill
Inert fill involves the acceptance of material that is inert, as defined in the Adams County Development Standards and Regulations and C.R.S. Section 25-15-101(14), which includes non-water soluble and non-putrescible solids together with such minor amounts and types of other materials as will not significantly affect the inert nature of such solids, as determined by Adams County. The term includes, but is not limited to, earth, sand, gravel, rock, concrete (which has been in a hardened state for at least sixty (60) days), masonry, asphalt paving fragments that are not located in the water table, and other inert solids including those the Colorado Department of Public Health and Environment may identify by regulation. Material is placed in the previously mine out area to backfill the site. This currently permitted operation is ongoing and required to meet DRMS reclamation requirements.

Rezoning
Along with the CUP applications, AFS is requesting to rezone the site from Agricultural-One (A-1) to Industrial-One (I-1) to allow for transfer and processing of aggregate material from off-site. We have very limited washing capacity at other sites, but the Hatchery plant can do the washing and is located closer to the end market.

Traffic Study
Truck traffic patterns will remain the same as they are today. Traffic enters the entrance off 88th Ave and exits on to Monaco St. Because AFS is requesting a change in hours of operation, AFS is conducting a traffic study to ensure proper traffic flow in the vicinity of the Hatchery site. Traffic counts for the traffic study were performed on March 14, 2023, and the report will be submitted before the end of April 2023.
Complaints

AFS has not received any complaints regarding the Hatchery site. The site is surrounded by a reservoir on the west, and industrial/commercial properties to the north. In addition, the site is bounded by 88th Ave to the south, Monaco St, Brighton Rd and I-76 to the east.

Hours of Operations

With these applications, AFS is requesting a minor increase in the hours of operations for truck traffic from 8AM-5PM to 6AM-5PM to match the hours of operation for the plant operation. Longer hours of operation will distribute the traffic over more hours lessening the average hourly traffic and provide a more flexible schedule for our customers. A major reason for the more restrictive truck hours in 2016 was due to construction on the 104th Avenue bridge over the South Platte River that was causing an excessive amount of traffic to take Monaco St. to access I-76 from points west. With the construction complete, normal traffic patterns have returned. The relatively secluded location of the site surrounded by various non-residential uses and highways/streets has resulted in no neighbor complaints during 5+ years of operation making this minor hours of operation change request reasonable. The pending traffic study will indicate whether earlier hours of truck traffic are acceptable.

Other Changes to CUPs

No other changes in CUP conditions other than the hours of operation condition are requested.

Why is an extension of the Mining and Inert Fill CUP’s needed?

The primary reason is that several activities had to take place in sequence resulting in mining and inert fill operations not yet being completed. After the CUPs were issued in May 2016, it took two years to obtain the subdivision improvement agreement between AFS and Adams County. The agreement was executed in April 2018. Two weeks later AFS completed the improvements, a deceleration lane on 88th Ave. and an acceleration lane on Monaco St. Six months later, AFS completed installation of the sand & gravel plant and began mining in January 2019. Then mining proceeded to the south side in 2020 and then to the larger east side in 2021 and 2022. A compacted clay liner was installed around the perimeter of the south, east and north sides in 2020-2021, allowing inert fill on the east side to begin in November 2021. However, AFS did not substantially begin the inert fill operation at Hatchery until November 2022 after our Worthing inert fill site (13205 Brighton Rd) was essentially complete. AFS management made the decision to focus on completing the Worthing site before redirecting our inert fill customers to the Hatchery site in order to expedite the closure of the Worthing site where final reclamation is taking place now.

Utilities and Other Permits

No changes to utilities are needed. Electrical service is provided by Xcel Energy. Natural gas, city water and sewer services are available in the right-of-ways to the east and south but are not needed and no connections to those services currently exist. Bottled water and port-o-lets are used. Pond water is used in the processing plant under an augmentation agreement with the City of Aurora. The well permit for exposed groundwater is attached.

Other permits include: DRMS permit M2014043, CDPHE Air Permit #16AD0663F, and CDPHE Stormwater Permit #COG501612.
Exhibit 4 – Existing and Proposed Site Plan (no changes)