Date: December 6, 2016
For the Elbert County Planning Commission meeting of
Date: December 20, 2016

TO: ELBERT COUNTY PLANNING COMMISSION

FROM: CORY MILLER, AICP, ASSOCIATE PLANNER (BASELINE CORP.)
APPROVED: KYLE FENNER, DIRECTOR OF CDS

RE: SU-14-0019 ARDREY SEPTAGE TRANSFER STATION.
USE BY SPECIAL REVIEW FOR FACILITY EXPANSION OF A SEPTAGE
TRANSFER FACILITY LOCATED ON PROPERTY LOCATED IN A PORTION
OF THE SOUTHEAST ¼ OF SECTION 27, TOWNSHIP 9 SOUTH, RANGE 64
WEST OF THE 6TH P.M.

APPLICANT: DANNY PAUL ARDREY ESTATE TRUST
DANNY ARDREY, Trustee
13777 COUNTY ROAD 102
ELBERT, CO 80106

REPRESENTATIVES: TRACEY ARDREY, LARRY MATEJECK, LARRISA KUNAU

SUMMARY OF REQUEST:

The applicant is requesting a Use by Special Review to permit the expansion of an
Effluent Storage Transfer site to be located in Section 27, Township 9 South, Range 64
West in Elbert County. The site is located north of Elbert at 25295 Elbert Road.

The site consists of 100 acres and maintains a State of Colorado mining permit. The site
is used for storage of gravel materials, asphalt materials and has one existing storage container used for the storage of effluent materials. A weigh scale is located on site near the entrance. The site is not lit and the access road to both the pit and tank storage area is graveled.

The current gravel pit will continue to operate as a separate use on the property and will not be reviewed as part of the subject SUR. The existing Storage tank has operated on site as a non-conforming use for serval years – it has not been permitted through the Community Development Services department (see Property Research Summary
The facility is proposed to be expanded to add three (3) additional tanks to service the effluent storage facility on site for a total of four (4) tanks. As described in the Elbert County Zoning Regulations, a non-conforming use may continue its operation as long as it is not enlarged, expanded, extended, increased, or moved. Any such alteration to the non-conforming use requires conformity to the Elbert County Zoning Regulations and amendments (Part I, Section 5, B). Upon review of the application Staff determined that a Use by Special Review application and permit would be required to allow the expansion of the tank use.

The septage/effluent transfer facility (tanks) provides temporary storage of effluent that is collected from private individual sewage disposal system (ISDS) facilities throughout a four county area of Elbert, El Paso, Lincoln, and Douglas Counties. Septic material is pumped from rural residential dwelling septic systems. Private operators deliver the liquids to the subject facility until they are again collected and delivered to a separate larger facility for processing.

Currently there is one operator that utilizes the facility (Kunau Drilling LLC.) They have described their day-to-day operations in conformance with the delivery/collection method described above. This delivery/collection process may occur as often as three (3) times per day or as little as three (3) times per month. The frequency of these visitations is dependent on the amounts of effluence stored in the property’s storage tanks. The station will be routinely monitored and checked by a member of Kunau Drilling leaks, potential spills, and vandalism.

For more information regarding facility management and spill prevention please see the applicant’s attached narrative submittals.

PERTINENT DATA:

Site Description – The site is located in west central Elbert County, about one mile north of the Elbert settlement on an agricultural parcel (Parcel 9427400299).

Topography – The site is characterized by rolling grasslands. It drains to the east under Elbert Road towards Kiowa Creek. The mining use on the site has altered the natural topography.

Floodplain – There are no designated flood hazard areas on the parcel. Approximately 400 feet to the east there is a FEMA floodplain identified by Kiowa Creek.

Existing Zoning – A (Agriculture)

Proposed Zoning – No change, only a Use by Special Review permit process.

Surrounding Land Use and Zoning –
   North: A - Agriculture / rangeland
   South: A - Agriculture / rangeland / Elbert
EVALUATION: BACKGROUND: The application for this proposal was received during March of 2014. The application was lacking information. It was finally deemed complete with sufficient information for referral review September 11, 2014. Upon first referral review the applicant was required to make substantial changes to the submittal items which took time. Then due to a change in CDS staff, the original case manager retired and the application was additionally delayed. Staff from Baseline Engineering re-activated the case in April of 2016 but due to the significant amount of time since the application was initially reviewed and due to the need for more detailed information, a new application was requested. The new application was submitted, deemed complete, and referred to the appropriate agencies on April 5 of 2016. Three rounds of review between the applicant and Baseline staff occurred between April and September 2016. As of September 27, 2016 the application was deemed sufficient to be reviewed before the Planning Commission and Board of County Commissioners.

Planning Commission date is: December 20, 2016
Board of County Commissioners date is: February 8, 2017

Part II, Section 17, C, 3 of Elbert County Zoning Regulations requires that Community & Development Services receive comments from the appropriate referral agencies to evaluate requests for a Special Use. Failure of a referral agency to submit comments in writing shall constitute approval by that agency. Following is a summary of comments received. Copies of each comment are attached.

Elbert County Assessor’s Office: No response.

Elbert County Mapper: New address needed on County Road 127.

Elbert County Engineering (Baseline Engineering): On the 20 January 2015 memo from Curtis Carlson, there is a comment to Show Drainage on the eastside where a berm will be constructed from excavated material for tank placement. The Ardrey Pit – Use by Special Review plans and Topographic Survey by High Prairie Survey Co. also shows an embankment to the west. The tank area should be graded at the toe of this slope to divert runoff around the site. Please indicate on the plan how the runoff from the tank area will be diverted from the area mentioned above. A cross section identifying this improvement may also be provided. The east berm in the memo needs to be designed with supporting information. Please indicate the proposed berm grading on an updated plan.

An impervious cover or cap should be installed over each tank area in which the liner is placed, and then graded to divert flows away from the tank areas; otherwise this liner has the potential to collect rain water from infiltration. It has been suggested that the applicant will forego a liner installation. If this is the case, how will a potential spill be
contained in the event of a leak? Please provide an updated description of the proposed containment.

All driveways that meet or join paved roads must be paved with asphalt and tacked at the seam. Drive must be paved from the property line to the edge of the paved portion of the Elbert County/private road. Paved driveway access from shoulder of road to property line will be part of the final driveway inspection.

Elbert County Public Works: No response.

Elbert County Environmental Health: Elbert County Health and Human Services requests that the facility comply with State regulations that cover spills, reporting, etc. and be compliant with any Elbert County Building Department requirements.

Elbert County Treasurer’s Office: No response.

Elbert County Sheriff’s Office: No response.

Elbert School District 200: No response.

Elbert Fire Protection District: Berms and dike to be in place and maintained. Roads to be maintained at all times for the safety of fire equipment and personal. Tanks to be marked or have signage of the exact content of each with emergency contact phone number. The site needs to be secured to curtail trespass, dumping and vandalism.

Kiowa Conservation District: No response.

Mountain View Electric: No response.

Colorado Department of Public Health and the Environment: No Response.

Colorado Division of Water Resources: No water needed for the use of the tanks. DWR noted that if water were used for construction of the new storage tank, such water would need to come from a water source approved for industrial uses.

Colorado Parks and Wildlife: No response.

Elbert County Community & Development Services:

Planners and engineers from Baseline reviewed the submittal on behalf of CDS and made redlined comments on the SUR exhibit to ensure that it meets the standards of the Zoning Regulation and that is accurately portrays the proposal. All comments and edits have been addressed by the applicants.

FINDINGS:
Approval of this proposal requires compliance with the Elbert County Master Plan, Zoning Regulations, and Subdivision Regulations. Staff comments are underlined to differentiate the comments from the Code/Section reference.

Zoning Regulations

Part II, Section 17, B., 7: The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all Special Use Review applications:

a. Whether the proposed Special Use complies with the requirements of the Elbert County Master Plan:
   1. Master Plan – The Master Plan does not include discussion about Special Uses. According to Master Plan policies, any new development will be required to meet all County development standards and regulations.

   2. Zoning Regulations - This proposal is located within an Agriculture zoning Designation (A), and is subject to Uses Permitted by Special Review. This includes the following evaluation of the proposal's compliance with the specified standards of approval.

   3. Subdivision Regulations – This proposal is not subject to subdivision regulations in an Agriculture zoned area.

b. Whether the proposed Special Use is in harmony and compatible with the surrounding area and neighborhood.
   This proposed Special Use is located in an Agriculture zoned area. The Special Use is deemed to be in harmony and compatible with the surrounding area as long it meets all the zoning criteria of Uses Permitted by Special Review as expressed in this section. Further, the subject property has been and continues to be actively mined.

c. Whether the proposed Special Use will adversely impact the provision of public services.
   The proposed effluent facility expansion is not anticipated to adversely impact the provision of public services. There will be no need for daily employment onsite. Upon completion of construction, continuing impact on adjoining roadways is anticipated to be very minimal.

d. Whether the proposed Special Use will adversely impact the environment.
   The environmental impact is anticipated to be minimal. The applicant does not anticipate erosion, sedimentation, runoff or loss of ground cover will be impacted. If they are, necessary erosion protection and/or revegetation will be used. The site will be graded to appropriately handle run-off.

e. Whether the proposed Special Use will increase traffic congestion or burden the existing road system.
Following construction, use of roadways is anticipated only for periodic use. There will be no daily employees at the site. Site visits may occur as often as three (3) times per day or as little as three (3) times per month.

f. Whether the proposed Special Use will be adequately landscaped, buffered and screened.
   Landscaping and screening are required for the subject improvements. All proposed improvements will be buried. In addition a berm will be constructed around the tank site preventing views from neighboring properties. The berm will need to be seeded appropriately.

g. Whether the proposed Special Use will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County. No concerns about health, safety, or welfare of present or future inhabitants of Elbert County were expressed by any referral agencies.

RECOMMENDATION:

Because this application has met the criteria set forth in the Elbert County Zoning Regulations and as we understand it that there are no objections from other governing bodies, the recommendation of Community & Development Services is to approve SU-14-0019 ARDREY SEPTAGE TRANSFER STATION USE BY SPECIAL REVIEW FOR FOUR SEPTAGE STORAGE TANKS LOCATED IN A PORTION OF THE SOUTHEAST ¼ OF SECTION 27, TOWNSHIP 9 SOUTH, RANGE 64 WEST OF THE 6TH P.M. subject to the following conditions:

1. The applicant will be required to remove the Public Hearing sign within seven (7) days of a decision by the Board of County Commissioners. A letter to that effect will be placed in the Community & Development Services project file, prior to recording of the Special Use; and

2. The Special Use will not become effective until all fees are paid, conditions of approval are met, and documents recorded; and

3. Record action of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval; and

4. The driveway providing access to the tanks must be paved and tacked at the seam. The drive must be paved from the property line to the edge of the paved portion of Elbert Road. An inspection by the Elbert County Road and Bridge Department will be required prior to commencement of operations; and
5. All tanks are to be marked or have signage to clearly indicate the exact content of each material contained within. Emergency contact phone numbers must also be indicated. An inspection by the Elbert Fire Protection District will be required prior to commencements of operations; and

6. Prior to recording a note shall be added to the SUR Site Plan indicating that all areas that experience a loss of ground cover due to leaks and spills, will be re-vegetated and additional erosion control measures will be installed; and

7. Prior to recording a note shall be added to the SUR Site Plan indicating that in the event of a spill the operator shall report the spill to the appropriate County and State agencies.

8. In the event that within eighteen months of the approval of this Special Use Review Permit, the three additional tanks have not been installed and inspected, the Special Use shall be revoked and the tower shall be decommissioned within 60 days after official notice is provided by Elbert County; and

9. The Findings enumerated above on pages 6 through 7 of the Staff Report shall be incorporated in this Approval of case number SU-14-0019.

10. Permits will need to be processed for the installation of the proposed tanks. These will be tailored to the use but will require the signature of Elbert County Environmental Health.

Respectfully submitted to and on behalf of Elbert County,

Cory Miller, AICP
Associate Planner
Baseline Corporation
Contract Planner for Elbert County

CC. Kyle Fenner, Director of Community and Development Services