



Tower Landfill PUD Zone Document Amendment Narrative

I. Overview

Allied Waste Systems of Colorado, LLC (“Allied Waste”), an affiliate of Republic Services (“Republic”) currently owns and operates the Tower Landfill located at the southeast corner of Tower Road and E. 88th Avenue in Commerce City, Colorado (the “Tower Landfill”). This planned unit development zone document amendment application (“PUD Amendment”) constitutes initial zoning within Commerce City for that certain approximately 110 acres of real property located adjacent to the Tower Landfill to the east (the “Annexation Property”). The PUD Amendment will permit Allied Waste to expand its current Tower Landfill operations onto the Annexation Property.

Republic’s Tower Landfill has been operated in a safe and sustainable manner for over forty years and provides a cost effective and safe disposal option to the Denver metropolitan and Front Range areas. Republic operates facilities in forty-one states, employs over 36,000 people and provides responsible disposal and recycling services to over 14 million customers. In Commerce City, Allied Waste employs 330 people at two different locations; the Tower Landfill currently employs thirty-two people and generates over \$1.2 million in revenue per year for Commerce City through the applicable host fees and use tax. Allied Waste is the franchise waste and recycling hauler for all Commerce City residents and municipal facilities, which serves over 18,000 residential homes per week.

The Tower Landfill expansion will increase the Tower Landfill capacity by approximately three to five years and could generate over \$5 million in additional host fee and use tax revenue for Commerce City. The annexation and PUD Amendment will also enable Allied Waste to relocate the current Tower Landfill entrance on E. 88th Avenue to a new location on the Annexation Property, which will improve traffic flow. Allied Waste will also reconfigure certain elements of the existing Tower Landfill, resulting in less offsite visibility of the operations.

II. PUD Zone Document Amendment

The PUD Amendment requests an amendment to the Allied Waste Systems of Colorado, LLC PUD Zone Document, as amended (the “Allied Waste PUD”). The PUD Amendment will supersede and replace the existing Allied Waste PUD. The PUD Amendment will expand the existing Parcel A of the Allied Waste PUD to include the entirety of the Annexation Property. The Allied Waste PUD permits Solid Waste Disposal Facility uses on Parcel A, which include: (1) solid waste disposal site and facility; (2) berms, borrow and stockpile areas; (3) solidification facilities; (4) storage

facilities; (5) administrative offices; (6) maintenance facilities; (7) landfill gas flaring operations and renewable energy systems; (8) truck scales; (9) truck wheel wash facilities; (10) additional gatehouse and/or lanes; (11) employee labor, lunchroom facilities and mobile office structures; (12) refuse container storage; (13) fuel storage; (14) landfill gas extraction operations; and (15) landfill gas extraction recovery operations.

The PUD Amendment requests that Parcel A permit the following land uses, in addition to the existing permitted land uses: (1) inert liquid evaporation pond; (2) customer drop off area for household waste, appliances and organics; and (3) compost and recycling operations; and (4) cellular tower pad. The PUD Amendment also includes a new lighting plan for the Allied Waste PUD but does not otherwise make substantive changes to the Allied Waste PUD.

III. Proposed Uses

Allied Waste proposes to expand the existing Tower Landfill onto the Annexation Property. Specifically, Allied Waste will: (1) remove the existing buildings on the Annexation Property and some of the overhead electrical utilities; (2) relocate the Tower Landfill entrance to the Annexation Property; (3) relocate the existing modular office and establish a modular shop on the Annexation Property; (4) relocate scales and scale houses to the Annexation Property; (5) provide additional storage and staging areas for the Tower Landfill on the Annexation Property; (6) utilize a portion of the Annexation Property for soil stockpiles; (7) establish an inert liquid evaporation pond on the Annexation Property; (8) establish a customer drop off area for household waste, appliances and organics on the Annexation Property; (9) establish compost, construction and demolition debris sorting and diversion, and organics handling operations on the Annexation Property; and (10) reserve a location on the Annexation Property for a cellular tower pad.

The PUD Amendment does not contemplate residential uses, parks or schools on the Annexation Property and will not include a phasing plan.

IV. Site Layout, Circulation and Access

As explained above, the PUD Amendment will result in an expansion of the Tower Landfill onto the Annexation Property and a relocation of the E. 88th Avenue site entrance and certain services and facilities from their current location to a new location on the Annexation Property. Such relocation will improve the traffic flow in the area. The new E. 88th Avenue Tower Landfill entrance will align with the future Himalaya

Parkway intersection on E. 88th Avenue, which will integrate and safely provide for the traffic generated by different uses.

V. Existing Significant Natural Features

The Annexation Property is currently being utilized as agricultural land. There are no known significant natural features such as large trees, specialized vegetation, floodways, or wildlife habitat within the site. Allied Waste submitted an Environmental Assessment as part of the Engineering Design and Operations Plan Revision 1 documenting environmental findings surrounding the Annexation Property and Tower Landfill property.

VI. Oil and Gas

There is a current Surface Use Agreement for the Annexation Property with Extraction Oil and Gas (“Extraction”). However, it is Allied Waste’s understanding that Extraction does not have any plans to drill the Annexation Property for oil and gas prior to the expiration of the underlying mineral lease in December of 2021. When the underlying mineral lease expires, the existing Surface Use Agreement will also expire and therefore, it is Allied Waste’s understanding that the PUD Amendment will not be impacted by any current or future oil and gas operations.

VII. PUD Amendment Approval Criteria

The PUD Amendment, which is not a minor amendment, and therefore, is subject to the PUD Zone Document approval criteria, meets all of the Commerce City Land Development Code Approval Criteria contained in Section 21-3251(3), as follows:

- a) The PUD zone document is consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city, or reflects conditions that have changed since the adoption of the comprehensive plan;*

The Tower Landfill property has a future land use designation of Utility, which specifically contemplates active and future landfill uses. The Annexation Property abuts the Tower Landfill property and has a future land use designation of DIA Technology, which provides that no residential uses are allowed and contemplates employment and certain industrial land uses. The Annexation Property will enhance and extend the employment opportunities available at Tower Landfill. Secondly, the Annexation Property will provide for solid waste disposal infrastructure to allow for continued economic growth of Commerce City. Additionally, the PUD Amendment meets the Comprehensive Plan’s Public Facilities and Infrastructure Policy 1.11 which is to “promote the provision of adequate buffers for the Tower [] Landfill to prevent the

encroachment of incompatible land uses” because the expansion onto the Annexation Property will enable Allied Waste to re-contour the northern slope of the Tower Landfill, which will likely result in operations that are less visible to future residential and commercial development to the north and west of the site, but will not increase the maximum currently permitted height of the landfill. Lastly, expanding the Tower Landfill to the east onto the Annexation Property will result in the Tower Landfill being a standalone use between Tower Road and E-470; thus, preventing other potentially incompatible land uses on the Annexation Property, which is adjacent to the existing Tower Landfill. E-470 will act as a natural buffer to all other future uses to the east.

b) The PUD zone document is consistent with any previously reviewed PUD concept schematic;

The PUD Amendment is consistent with the Allied Waste PUD. The PUD Amendment expands Parcel A to include the Annexation Property and adds the following land uses as permitted within Parcel A: (1) liquid evaporation pond; (2) customer drop off facility; and (3) compost facilities. All such uses are consistent with the current Tower Landfill operations and the existing Allied Waste PUD. The PUD Amendment also includes a new lighting plan for the Allied Waste PUD but does not otherwise make substantive changes to the Allied Waste PUD.

c) The PUD: (i) Addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes set out in section 21-4370 (PUD Zone District) and represents an improvement in quality over what could have been accomplished through strict applications of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; unique architecture or design, or increased choice of living and housing environments; or (ii) The PUD is required to avoid completely prohibiting a legal, permitted business use within the city;

The PUD Amendment addresses a unique situation and confers a substantial benefit to Commerce City because it enables the expansion of the Tower Landfill. The Annexation Property is uniquely situated adjacent to the existing Tower Landfill and its site characteristics are conducive to expansion of the Tower Landfill uses. The PUD Amendment will extend the life of the Tower Landfill by approximately three to five years which provides an essential service to the residents of Commerce City and could generate more than an additional \$5 million in host fees and use tax to Commerce City. Therefore, the Annexation Property is unique in that it can provide additional host fee

and use tax revenue and the essential solid waste service to Commerce City and its residents through amending the existing Allied Waste PUD.

- d) The PUD complies with all applicable city standards not otherwise modified or waived by the city;*

The Allied Waste PUD is an existing PUD that complies with applicable city standards not otherwise modified or waived, which the PUD Amendment does not change.

- e) The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;*

The Annexation Property, subject to the PUD Amendment, is directly adjacent to the existing Tower Landfill and therefore, will be naturally integrated and connected with adjacent development. The Allied Waste PUD, with the PUD Amendment, will be a standalone use between Tower Road and E-470.

- f) To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;*

The re-contouring of the northern slope of the Tower Landfill, which is enabled by the PUD Amendment, will reduce the Tower Landfill's visibility from future residents and commercial development to the north and west of the site but will not increase the maximum currently permitted height of the landfill. Additionally, the expansion of the Tower Landfill to the east onto the Annexation Property, which abuts E-470, will result in the Tower Landfill being a standalone use naturally buffered by E-470 to all land uses to the east. Finally, relocating the Tower Landfill entrance will improve traffic flow.

- g) Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development;*

The existing city services are available to serve the Annexation Property, but most such services will not be necessary for the uses contemplated by the PUD Amendment.

- h) As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and*

The PUD Amendment is an amendment to the existing Allied Waste PUD and does not propose a phasing plan.

i) The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.

An expansion of the existing Tower Landfill is best accomplished by an amendment to the existing Allied Waste PUD because it simply adds on to and extends the existing operational partnership between Commerce City and Allied Waste without requiring a new standalone use or approval.