

A report prepared by City Staff recommends that the Planning commission approve the requested amendment, based on the demands of a Developer/Owner to develop a former unregulated landfill. The development concept is novel, lacks code support/guidance, modeling, and textbook support. In addition, the massive outdoor storage at the center of this development is substantially beyond the boundaries of the IL classification. Yet, City Staff seeks the approval of this Commission for an amendment, even though the Applicant/Owner of the site has failed to submit a concise, complete, and comprehensive plan to safely and responsibly develop and operate the proposed development.

As residents we have been deeply involved in this unprecedented development for years. Over a period of 40+ years, three separate geotechnical engineers issued warnings not to develop this site, unless fully remediated.

With this historic knowledge, the development scheme presented is centered on minimizing cost, while ignoring geotechnical warnings, that anything but full remediation will result in unpredictable substrate instability, including the potential of collapse.

The approach to development, based on the Applicant's submissions contains several fatal flaws. These fatal flaws have been documented and submitted to City Council and Mr. Bebo, via a series of comments, emails, and detailed reports. City Staff to-date has not addressed the fatal flaws.

It is critical that the Planning Commission's decision is based on a full understanding of the risks of this unprecedented development. Any decision, without this understanding will be purely anecdotal, ignoring due process and sidelining the research of city residents .

Tonight, the time for comment is insufficient to address all the fatal flaws. Therefore, I will address the more salient of these flaws.

1. The GeoTech Report of 08.04.23 states that only full removal of the landfill debris can provide stability and predictable performance, and warns of significant movement and instability including collapse. The PC must determine whether the City and residents are to shoulder risks that are clearly need to be the responsibility of the Owner/Developer.
2. Future operational stresses are unknown, while risks are an open book. The geotechnical report is clear - future performance of this development must be closely tied to a strict and time-critical maintenance and replacement protocol, in order to achieve even a transient resemblance of stability. As it were, this critical protocol is presently undefined. Resulting risks are ignored.
3. Site drainage is critical in order to maintain transient site stability even under the currently undefined operational stress. Impaired site drainage will impact on the "optimum" moisture content recommended, and therefore increase the cited "unavoidable risk of deep, long-term movement". Again, undefined is the definition of the optimum moisture content, perhaps more importantly how the optimum can be

regained once lost, and the resultant impact on the Ralston Creek and neighboring communities.

4. An alarming discrepancy in a critical element; surfacing materials. The most recent GeoTech is basing its recommendations on new gravel, while the design team appears to favor recycled asphalt.
5. Failure to include an all-weather road and multiple hydrants through-out the site. What will be the design of the all-weather road so site drainage is maintained and not impaired, when the majority of the site is anticipated to experience substantial instability, and movement with potential collapse? How can hydrant operations be assured with substrate movement in excess of 2 feet?
6. Surfacing will be subject to wind erosion which in return impairs site drainage. The Applicant offers an irresponsible but low-cost solution; a palliative that has kills macro-invertebrates, and impairs water quality. Please note that the recommended palliative has been banned by multiple CO counties.

The timeframe assigned for the Planning Commission to form an opinion is insufficient, given the magnitude of documents and the inherent, currently ignored risks and flaws this development represents. The design concept offered to-date demands nothing short of a return to the drawing board. Administrative issues cannot be addressed, based on the Applicant's inability to provide a comprehensive design, including a detailed plan that addresses risks associated with construction and operation. This site is currently a haven for fauna and flora. This site will be blighted as Norris Design implies, unless the Applicant is required to address the full spectrum of risk, presented by the current development approach.