

## **Transportation Commission Resolution #20260305**

Approve Referral of CDOT Region 4 Access Appeal to the Office of Administrative Courts, C.R.S. § 43-2-147(6)(c) & 2 CCR 601-1:2.9

**Approved by the Transportation Commission on March 19, 2026.**

**WHEREAS**, Applicant 8 ½ Enterprises, LLC, through its authorized representative Kyle Regan, submitted a State Highway Access Permit Application dated November 14, 2025 (the “Application”); and

**WHEREAS**, the Application requests a Highway Access Permit for a change in use of an existing historical field approach access to State Highway 85 (“SH 85”) to service the property identified as Parcel # 147118000060, in Weld County, Colorado (the “Property”); and

**WHEREAS**, the Property to be served by the permit is owned by 8 ½ Enterprises, LLC (“8 ½ Enterprises”); and

**WHEREAS**, the location of the proposed access is approximately 0.80 miles north of Weld County Road 8, on the east side of SH 85, and within 675 feet milepost 240.000; and

**WHEREAS**, the Application identifies the existing property use as “Agricultural/Grassing”; and

**WHEREAS**, the Application seeks to change the existing use to a commercial or industrial access for a gravel mining operation; and

**WHEREAS**, 8 ½ Enterprises LLC acquired the Property via Special Warranty Deed dated April 10, 2025, from Grantors Martin K. Williams, Katherine M. Reeves, William R.H. Reeves, H & E Sasaki Revocable Trust dated October 30, 2001, Sasaki Family Holdings LLC, Susan K. Reeves, and Tom Sasaki Family Trust; and

**WHEREAS**, SH 85 is a category E-X highway (Expressway, Major Bypass) under the State Highway Access Code, 2 CCR 601-1A; and

**WHEREAS**, CDOT denied the Application on December 10, 2025, explaining that the Application was denied based upon the following 1) the US-85 Access Control Plan, effective since 2000, requires the closure of the field approach access; 2) for a category E-X Highway, “No access to private property may be permitted unless reasonable access cannot be obtained from the general street system” pursuant to Section 3.7(3) of the State Highway Access Code; and 3) the Property has other reasonable access from the local street system on Weld County Road 8.5; and

**WHEREAS**, Andy Rodriguez, P.E. of Civil Resources, LLC, on behalf of 8 1/2 Enterprises, has filed a written appeal dated January 30, 2026, objecting to the denial of the Application (the “Appeal”);

**WHEREAS**, the Appeal requests an Administrative Hearing in front of the Transportation Commission on behalf of the permittee, Ken Evans; and

**NOW THEREFORE BE IT RESOLVED**, the Commission directs the hearing for 8 ½ Enterprises, LLC's appeal be heard before an Administrative Law Judge with the Office of Administrative Courts. The Office of the Attorney General is requested to facilitate the appeal pursuant to 2 CCR 601-1:2.9 and take all necessary actions to accommodate 8 ½ Enterprises, LLC's request for a hearing.

**BE IT FURTHER RESOLVED**, the Commission delegates its authority to conduct the hearing to the Office of Administrative Courts and for the preparation of a complete record of the hearing should additional appeals be necessary.

*Herman F. Stockinger AIA*

Herman Stockinger, Secretary

Transportation Commission of Colorado