



LAND USE APPLICATION SUMMARY SHEET

Planner: Diana Aungst Hearing Date: July 21, 2015
Case Number: USR15-0027
Applicant: Weld LV LLC & Gerrard Investments LLC, c/o Martin Marietta
Request: An Amendment to a Site Specific Development Plan and Use by Special Review Permit No. USR-1584 for any use permitted as a Use by Right, an Accessory Use, or a Use by Special Review in the Commercial or Industrial Zone Districts...
Legal Description: Lot B of Recorded Exemption RE-2803 being part of the SW4 and SE4; and a tract being part of the SW4, all in Section 18, T5N, R67W of the 6th P.M., Weld County, CO
Location: East of and adjacent to County Road 13 and approximately one-half mile south of U.S. Highway 34.
Size of Parcel: +/- 131.42 acres Parcel Nos. 0957-18-0-00-009 0957-18-3-00-044

POSSIBLE ISSUES SUMMARIZED FROM APPLICATION MATERIALS

The criteria for review of this Special Review Permit is listed in Section 23-2-220 of the Weld County Code.

The Department of Planning Services' staff has received referral responses with comments from the following agencies:

- Town of Windsor, referral dated May 27, 2015
Town of Johnstown, referral dated June 15, 2015
City of Greeley - City Council, referral dated June 26, 2015
City of Greeley - Planning Department, referral dated May 27, 2015
Hill and Brush Ditch Company, referral dated May 20, 2015
Reorganized Farmers Ditch Company, referral dated May 18, 2015
Northern Colorado Water Conservancy District, referral dated May 1, 2015
Larimer County - Engineering Department, referral dated June 16, 2015 and July 1, 2015
Larimer County - Board of County Commissioners, referral dated June 16, 2015
State of Colorado Department of Transportation, referral dated June 30, 2015
Weld County Department of Building Inspection, referral dated June 4, 2015
Weld County Department of Planning Services - Engineer, referral dated June 1, 2015
Weld County Department of Public Health and Environment, referral dated June 5, 2015
Weld County Department of Public Works - Traffic, referral dated July 6, 2015

Department of Planning Services' staff has received referral responses without comments from the following agencies:

- Union Pacific Railroad, referral dated July 10, 2015
- Weld County Sheriff's Office, referral dated May 15, 2015
- Weld County Zoning Compliance, referral dated April 29, 2015
- Big Thompson Conservation District, referral dated April 14, 2015
- City of Loveland – Planning Department, referral dated June 12, 2015
- State of Colorado, Division of Water Resources, referral dated July 2, 2015
- Weld County Department of Public Works – Access, referral dated June 4, 2015

The Department of Planning Services' staff has not received responses from the following agencies:

- Little Thompson Water District
- Weld County School District RE-5J
- State of Colorado Historical Society
- State of Colorado Division of Parks and Wildlife
- State of Colorado Department of Labor and Employment
- State of Colorado Department of Public Health and Environment



**SPECIAL REVIEW PERMIT
ADMINISTRATIVE REVIEW**

Planner: Diana Aungst Hearing Date: July 21, 2015
Case Number: USR15-0027
Applicant: Weld LV LLC & Gerrard Investments LLC, c/o Martin Marietta
Request: An Amendment to a Site Specific Development Plan and Use by Special Review Permit No. USR-1584 for any use permitted as a Use by Right, an Accessory Use, or a Use by Special Review in the Commercial or Industrial Zone Districts (construction business with two shop buildings, office buildings, and outdoor storage) provided that the property is not a lot in an approved or recorded subdivision plat or lots parts of a map or plan filed prior to adoption of any regulations controlling subdivisions to include a Mineral Resource Development Facility including asphalt & concrete batch plants (materials processing) and transloading in the A (Agricultural) Zone
Legal Description: Lot B of Recorded Exemption RE-2803 being part of the SW4 and SE4; and a tract being part of the SW4, all in Section 18, T5N, R67W of the 6th P.M., Weld County, CO
Location: East of and adjacent to County Road 13; approximately one-half mile south of U.S. Highway 34.
Size of Parcel: +/- 131.42 acres Parcel Nos. 0957-18-0-00-009
0957-18-3-00-044

Case Summary:

The applicant, Martin Marietta, is requesting an approval of a Special Use Permit for an asphalt batch plant, a Ready Mix Concrete batch plant, a 7,200 foot rail loop spur that will accommodate up to 121 train cars for transloading, and materials processing including recycling and wholesale & retail sales of aggregate. This USR request is also for the continued operation of Gerrard Construction as approved under USR-1584. USR-1584 was approved for 40 employees and hours of operation were 6:00 a.m. to 7:00 p.m. Monday – Saturday. The application materials for this USR indicate that the number of full-time employees for Gerrard Construction will be 36 and for Martin Marietta will be 71 for a total of 107 full-time employees. There will also be up to 45 truck drivers and 25 field construction workers who will be based out of this facility and will be off-site most of the time. The hours of operation for Gerrard Construction will be 6:00 a.m. to 6:30 p.m. Monday – Friday and 7:00 a.m. to 12:00 p.m. on Saturday. The number of employees and the hours of operation are consistent with the original USR-1584.

Martin Marietta operations:

Martin Marietta’s hours of operation are 24 hours a day / 7 days a week.

Hours of Operation for Asphalt:

- o The plant will typically only operate Monday through Saturday
- o The standard hours of plant operation will be limited to being between one hour before sunrise and one hour after sunset.
- o Load out from storage silos will be limited to being between one hour before sunrise and one hour after sunset.
- o When the plant is operating at night, it will only occur when material is requested by cities, counties or CDOT for night paving projects. Operations will be considered “night operations” when they take place between the hours of one hour after sundown to one hour before sunrise. Depending on the request of the jurisdiction purchasing the asphalt, night operations could occur seven days per week.
- o When Martin Marietta becomes aware of projects that require night operations, they will

email the Weld County Planning Director to let him/her know about the plans to operate outside of daylight hours, who the project is for, how long it will be occurring, and where the materials are being delivered.

Hours of Operation for Ready Mix Concrete:

- The Ready Mix Concrete Plant will only operate Monday through Saturday.
- Actual operating hours of the Ready Mix Concrete Plant will vary depending on weather and business levels. The plant will generally not begin operating until daylight. Occasionally, it may need to operate earlier to accommodate daily business demands; however, in no instance will the plant ever operate before 3:00 a.m.
- The plant will not operate more than 16 hours per day.
- Ready Mix trucks will generally operate during plant operations, but may return to the plant after plant shutdown to be cleaned and parked.

Hours of Operation for Aggregate and Recycling:

- Aggregate sales and recycling operations will only occur Monday through Saturday.
- Aggregate washing and recycling operations will only occur during daylight hours (dawn to dusk or 6:30 a.m. to 6:00 p.m. during the winter), actual operating hours will vary dependent on weather, and business levels.
- Train unloading operations during the summer will only take place between the hours of 6:00 a.m. and 8:00 p.m., actual hours will be dependent on the time the train arrives at the site.
- Train unloading operations during the winter will only take place during daylight hours, actual hours will be dependent on the time the train arrives at the site.

Asphalt plant:

The asphalt plant will utilize sand, gravel, and rock in conjunction with recycled asphalt and various additives to produce bituminous asphalt for utilization on various road and construction projects. The asphalt plant will be powered by natural gas. As part of the asphalt plant portion of the facility, asphalt cement will be transported to the site and stored in tanks to be utilized in the process of making asphalt. The asphalt produced will be trucked offsite for use by the local market. The asphalt plant and related equipment will be 100 feet in height.

Ready Mix Concrete plant:

A Ready Mix Concrete plant will use sand, gravel, rock, cement, and various additives to produce concrete that will be trucked off-site for use on various construction projects. The Ready Mix Concrete plant and related equipment will be 110 feet in height.

Transloading

Martin Marietta will construct a rail loop spur which will accommodate up to 121 train cars off the existing Union Pacific Railroad line for the unloading (transloading) of aggregates and asphalt cement. Aggregates will arrive by train up to three times per week and will be unloaded and prepared for sale or used by the Ready Mix Concrete plant and asphalt plant.

Crushing/screening of recycled materials:

A recycled materials processing plant will crush and sort recyclable materials including, but not limited to, concrete and asphalt. The recyclable materials are byproducts of existing processes and/or material that will be brought onsite from local construction projects. The recycling plant is portable so it may be moved around the property from time to time.

A portable wash plant for washing, screening, sorting, stockpiling, unloading, and loading of sand, gravel, rock, crushed stone, recycled materials, overburden, clay, and topsoil type products.

Sales of aggregate and recycled materials:

Up to 680,000 cubic yards of aggregate and recycled asphalt and concrete will be stored on the site in separate piles.

Parking and Lighting:

The application materials show adequate parking for both the existing and the proposed uses. There is an existing fence and gate along County Road 13 that was installed for Gerrard Construction that will continue to be used.

New buildings:

- Asphalt plant - 100 feet in height
- Ready Mix Concrete plant - 110 feet in height
- 14,400 square foot - office building
- 1,200 square feet - modular dispatch trailer
- 14,500 square feet - maintenance building
- 4,800 square feet -scale house
- 1,800 square feet - asphalt trailer
- Fueling station
- Wash plant
- Truck wash
- Recycled materials processing equipment
- Conex buildings
- Maintenance sheds
- Electrical substation - Power will be delivered to the site at 14.4 kV and Martin Marietta will transform it down at a 7.5 MVA substation proposed at the facility for internal distribution.
- 3 vertical asphalt cement tanks - 10-15 feet in diameter and 40-45 feet in height (30,000 gallons each)
- 1 vertical emulsified asphalt tank - 10-15 feet in diameter and 40-45 feet in height (24,000 gallons)
- 2 large capacity Asphalt Cement (AC) storage tanks – 100 feet in diameter and 45 feet tall (2.2 million gallons each)

Screening:

As approved under USR-1584 Gerrard Construction has installed some evergreen trees along County Road 13 at the entrance to the facility. Some of the trees will need to be removed to make space for the secondary emergency access road required by the fire protection district.

Martin Marietta will install a landscape buffer/berm along the western edge of the property between the rail loop spur and the adjacent residential subdivision (Indianhead Subdivision). The berm will be 11 feet in height on the north end and 24 feet in height on the south end. The variation in height is required because of the topography of the site.

Traffic:

There will be up to 2,260 daily site trips. The traffic impact study states that 95% of the daily site trips will travel north towards U.S. Highway 34.

Trucks will haul in specific aggregate products to the site to complete the concrete and asphalt mix. These same trucks may be re-loaded with on-site aggregate and deliver to customers.

Access:

The primary access is an existing access point on County Road 13 and is currently being used by Gerrard Construction. All traffic entering and exiting the site will use the new bridge that will be installed over the train. Since a train will be on the rail loop spur a great deal of the time this bridge is required to allow access into the interior portion of the rail loop spur

A 20 foot wide secondary emergency access off of County Road 13 will be constructed just north of where the Union Pacific Railroad tracks cross County Road 13. Another emergency access will be constructed at the north end of property this will be a 20 foot wide at-grade crossing of the rail loop spur. This at-grade crossing will allow access for emergency vehicles when the bridge is not accessible.

The applicant has had two neighborhood meetings one in January 2015 and one in June 2015.

DEPARTMENT OF PLANNING SERVICES' STAFF RECOMMENDS THAT THIS REQUEST BE DENIED FOR THE FOLLOWING REASONS:

1. The submitted materials are in compliance with the application requirements of Section 23-2-260 of the Weld County Code.
2. Section 23-2-220.A.1 -- The proposed use is not consistent with Chapter 22 and any other applicable code provisions or ordinance in effect.
 - A. *Section 22-2-20.G.1. - A.Policy 7.1. states, "County land use regulations should support commercial and industrial uses that are directly related to, or dependent upon, agriculture, to locate within the agricultural areas, when the impact to surrounding properties is minimal, or can be mitigated, and where adequate services are currently available or reasonably obtainable."*

Martin Marietta is proposing to locate on two parcels; the parcel to the east is currently productive agricultural land. The soil designation on both these properties is "Prime (Irrigated)" per the 1979 Soil Conservation Service Important Farmlands of Weld County Map. The proposed USR does not directly relate to nor is it dependent upon agriculture and it will be removing about 90 acres of Prime (Irrigated) Farmland from production.

Additionally the impacts to the surrounding properties are not minimal. Due to the prevailing winds the dust, noise and odors from the facility will be a disruption to the surrounding residential land owners. These disruptions will last 24 hours a day for 8 weeks at a time when Martin Marietta is operating at night due to a special paving project. The odors from the facility may meet federal, state and local odor regulations but will still be an impact to the adjacent residential properties. The noise, odor, dust, and traffic will interfere with the neighbor's ability to have peaceful enjoyment of their property.

Section 22-2-20.G.2. - A.Policy 7.2. states, "Conversion of agricultural land to nonurban residential, commercial and industrial uses should be accommodated when the subject site is in an area that can support such development, and should attempt to be compatible with the region."

The site is located within the three (3) mile referral area of the Towns of Windsor and Johnstown and the Cities of Greeley and Loveland. The site is also located within the three (3) mile referral area of Larimer County. Since the site is adjacent to Weld County Road 13/Larimer County Road 1 both counties provided comments on the traffic and road impact. All of the affected jurisdictions submitted referral agency comments and most of the comments indicate that the proposed Martin Marietta project is incompatible with the area, the region, and the vision for the future for this gateway to Weld County.

The Town of Johnstown submitted referral agency comments dated June 15, 2015, in the form of Resolution #2015-07 opposing Martin Marietta's application. The Resolution states, in part:

"...that if this use is permitted it would create undesirable, offensive and harmful consequences, inconsistent with the Town of Johnstown's long-range planning and inconsistent with the best growth and development along the U.S. Highway 34 corridor."

The Town of Windsor and the City of Greeley submitted referral agency comments both dated May 27, 2015, which state that this development is inconsistent with the existing

2008 Windsor/Greeley Intergovernmental Agreement (IGA). Both municipalities in their referral comments state, in part:

“...the property is located within a sensitive location with various competing interests. It is important to consider – and, ideally, master plan this area in a collaborative manner due to the proximity of this site to three municipalities, an established unincorporated neighborhood, large swaths of productive agricultural land, and major regional transportation systems.

In 2008, the Town of Windsor and City of Greeley entered into an amended Intergovernmental Agreement (IGA), that identified a defined Cooperative Planning, Land Use and Utility Area (CLUA) as a means to attempt to identify and support a land use pattern for the U.S. Highway 34 corridor that would be consistent with the jurisdictions’ visions and infrastructure planned and existing in the area. The CLUA outlines permitted uses and site design characteristics within the Principal Employment Corridor and Secondary Corridor Area. The proposed facility for Martin Marietta is located within this Secondary Corridor Area.

The proposed use is incompatible with this particular vision that the Town of Windsor and City of Greeley have developed for this area. The proposed batch plant is an intensive industrial use unsuited for the nature of this corridor, and its impacts likely cannot be fully mitigated. Furthermore, approval of this Use by Special Review, as proposed, would likely establish a sprawling and overly-intense land use pattern for future development of the corridor.

The Town of Windsor and the City of Greeley urge careful consideration for the proposed uses and its regional impact, particularly concerning future land use patterns for the area and along Highway 34. You are aware of the decades of discussion about preserving the unique identities of the Northern Colorado communities, with community buffers that allow cities and towns to maintain their character and thereby contributing to a larger regional economy. With the proposed scale and location, this proposal may frustrate that vision, or at least contribute to the beginnings of a land use pattern with significant impacts to the gateway into the City of Greeley and Town of Windsor.”

The Larimer County Board of County Commissioners submitted referral agency comments dated June 16, 2015 that state:

“Based upon the attached letters [please see the PC Exhibits and the referral from Larimer County] and discussions with our staff, the proposed use represents a significant change to the area with regards to traffic, noise, dust and odors, to mention a few. While this area of our County is comprised of a variety of agricultural, rural residential and non-residential uses, compatibility of land uses should still be at the heart of consideration when making a determination of the appropriateness of the proposed use and the mitigation of potential impacts. We understand that decisions on land use such as this are difficult, especially in areas experiencing significant growth, and would therefore respectfully ask that you consider the concerns raised by property owners in the attached letters.”

The application was sent to five jurisdictions to review. All five jurisdictions provided a response with the majority stating that the proposed use is incompatible with the surrounding land use and the area. The placement of a heavy industrial use, such as Martin Marietta is proposing, is a disturbance to the existing residential area and is not compatible with the existing land uses or the vision of this region. This area is a gateway into Weld County and the land uses in this area should reflect this significance to the residents of- and visitors to Weld County.

Section 22-2-80.C.2. - I.Policy 3.2. states, "The land use applicant should demonstrate that the roadway facilities associated with the proposed industrial development are adequate in width, classification and structural capacity to serve the development proposal."

The application material state that the traffic generated by Martin Marietta will be up to 2,260 daily site visits. The roadway facilities associated with this industrial development require a number of upgrades before they will be adequate in width and structural capacity to serve this facility and this has been noted by CDOT, and Larimer and Weld County traffic engineers. The traffic from this project poses safety concerns for the surrounding community and commuters of U.S. Highway 34. With the addition of 2,260 vehicles accessing the site on a daily basis the potential for accidents between trucks & cars and trucks & trains increases significantly.

The Town of Johnstown Resolution states, in part:

"...the applicant forecasts a significant increase in the generation of traffic along U.S. Highway 34 and County Road 13 arising from its operation, with the potential to negatively impact residents of the area and drivers along the roadways."

And

"The proposed uses also include an increase in the use of the railroad line across County Road 17, which presently has only a rural crossing that may not be adequate to address safety and delay concerns arising from the increased traffic."

The Weld County engineer in the Department of Planning Services states:

"There was no information in the traffic study concerning the train related traffic and safety issues."

The traffic impact study stated that 95% of the traffic will travel north on County Road 13 and 5% will travel south. The comments received from CDOT, the Larimer County and Weld County traffic engineers indicate that this is extremely unusual. If this site is a regional distribution center then it would seem that there would be a higher trip distribution to the south. The Weld County Traffic Engineer has stated that a more realistic trip distribution would be 75% of traffic traveling north on County Road 13 and 25% of traffic traveling south on County Road 13.

The intensity of the traffic proposed for the intersection of County Road 13 and U.S. Highway 34 warrants signalization as pointed out in by at least four referral agencies. Additionally, the auxiliary lanes on County Road 13 and U.S. Highway 34 will need to be extended in length and acceleration and deceleration lanes will need to be installed on both County Road 13 and U.S. Highway 34. Both the signalization of the intersection and the improvements to the auxiliary and acceleration and deceleration lanes requires coordination with the affected railroad companies. At this time there has been no comments submitted from Great Western Railroad Company concerning the expansion of the lanes along U.S. Highway 34.

The addition of 2,260 site visits daily from this project poses safety concerns for the surrounding community and commuters of U.S. Highway 34. The increased traffic increases the potential for accidents between trucks & cars and trucks & trains. The impact of the traffic will adversely affect the roadway facilities in the area.

- B. Section 23-2-220.A.3 -- The uses which will be permitted will not be compatible with the existing surrounding land uses.

There are 14 single-family homes/lots within 500 feet of this site. Indianhead Subdivision (approximately 100 lots) is located adjacent and northwest of the site. Currently there is a single-family residence on the site adjacent to County Road 56. The application

materials state that some of the outbuildings associated with this home will need to be demolished in order to build the 24 foot high berm for the rail loop spur. The Department of Planning Services has received 763 letters and many phone calls concerning this USR. 534 letters – 70% are in support of this USR and 229 letters – 30% are in opposition to this USR. The supporting letters primarily originate from outside of Weld County: 42% supporting this USR are from folks living outside of Weld County, 27% are from folks living in Weld County in Greeley, Windsor, Longmont, etc. and 1% are from Weld County Citizens living in the Johnstown area including Indianhead Subdivision.

The opposing letters primarily originate from Indianhead Subdivision: 23% are from Weld County Citizens living in the Johnstown area including Indianhead Subdivision, 5% opposing this USR are from folks living outside of Weld County, and 2% are from folks living in Weld County in Greeley, Windsor, Longmont, etc. The table below shows the breakdown for the letters.

Table 1 – Surrounding property owner letters*		
Support – total number of letters	534	70%
Live in Johnstown area including Indianhead Subdivision.....	5	1%
Live in Weld County (Greeley, Windsor, Longmont, etc).....	208	27%
Live outside of Weld County (Fort Collins, Westminster, etc.).....	321	42%
Oppose – total number of letters	229	30%
Live in Johnstown area including Indianhead Subdivision.....	175	23%
Live in Weld County (Greeley, Windsor, Longmont, etc).....	18	2%
Live outside of Weld County (Fort Collins, Westminster, etc.).....	36	5%
	Total	763

*Letter count as of July 13, 2015

The issues cited in the letters that oppose this project include, but are not limited to: traffic, noise, dust, visual impact, lighting, odors, health concerns, air and water pollution, and safety concerns due to increase in rail and truck traffic.

The following is an incomplete list of the concerns from letters of opposition:

- Health concerns from the processing of asphalt including, but not limited to, nitric oxide, styrene (ethenylbenzene), benzene, methyl ethyl ketone, hydrogen sulfide, heavy metals, formaldehyde, hexane, phenol, polycyclic organic matter, and toluene.
- Health issues due to long term exposure to low level carcinogens
- Health concerns related to toxic odors
- Escalation of respiratory ailments (i.e. asthma) due to odors, smoke, dust and pollution
- Health issues for those who have allergies or who are sensitive to the emissions from the plant
- Visual impacts for the residents to the west including those who live in the Indianhead Subdivision
- Visual ugliness/degradation
- Obstructed view to the west
- Excessive dust from the processing of Ready Mix Concrete and recycling materials in the crusher/screener
- Dust, noise, and odors from the transloading conveyor belt
- Dust from traffic
- Hazardous dust
- Caustic dust that is detrimental to plant life, livestock, and humans
- Odors from the processing of asphalt and concrete
- Odors from train cars unloading asphalt cement
- Odors from diesel trucks
- Inability to sleep with the windows open due to odors
- Light pollution

- Noise from train and machinery
- Noise from the recycling crusher/screener
- Noise from the rail
- Backup beeping noise
- Noise from the site interfering with those who work at home
- Traffic concerns
- Increase in commute times due to increased traffic
- Traffic congestion at the intersection of U.S. Highway 34 and County Road 13
- Damage to the roads due to increase in truck traffic
- Traffic delays on U.S. Highway 34 the gateway to area that will kill future growth
- Increase in rail traffic
- Potential for train derailment
- Vibration from trains
- Increase in train traffic may mean more trains at night that will disrupt sleep
- Noise from rail including horns, whistles, car switching (uncoupling), and screeching wheel noise
- Trains blocking County Roads (County Road 15, County Road 17, 54, etc.)
- Decrease in property values
- Decrease in quality of life for the residential properties surrounding the site
- Air pollution
- Water pollution
- Seeping of chemicals into the ground water
- Inability to sell or re-sell homes
- Pollution draining into the Big Thompson River, the Koenig Reservoir, and the adjacent ditches
- Setting precedent for more heavy industrial operations to locate in this area
- Disruption of the peace and quiet
- Diminish the desire of people from outside the area to visit or relocate to this area
- Negative impact to the ducks, geese, loons, pelicans, and herons in the area
- Negative impact to the wildlife
- Improper use of viable cropland
- Safety for the workers at the asphalt plant
- The high winds in Northern Colorado will sandblast the homes to the west
- Safety concerns due to the potential for lightning strikes
- Wildfires caused that may be caused by railroad sparks and human activity
- Safety concerns due to the potential for dust explosions
- Endangering the residents, travelers, and business people due to a potential for an accident or explosion at the Martin Marietta site
- Explosion or accident due to deliberate human actions at the site
- Families not being able to enjoy the outdoors due to odors, dust, and noise
- Safety concerns for children due to increased truck traffic and rail
- Deception from Martin Marietta in presenting the information about the project
- Letters of support are from people who do not live in the area and the negative impacts will not affect them
- Flawed traffic impact study
- Flawed environmental study
- Safety of pedestrians, equestrians, and bikers on the County Roads
- The revised rail (making a smaller loop and moving it further west) will require more trains will be required for the same amount of product to be delivered
- The definition of the batch plant is not part of the Weld County Code and this asphalt manufacturing facility should be a *continuous plant* because batch plants 'make asphalt as needed' and continuous plants operate 24/7; Martin Marietta's asphalt plant is proposing to operate 24/7 therefore it is probably a continuous plant.
- An aviation safety light may be required
- Air quality for those who exercise outside
- The placement of Martin Marietta at this location is not good planning

- Screening the asphalt and Ready Mix plants will be nearly impossible because of the uphill slope of Indianhead Subdivision as compared to the Martin Marietta site
- Negative impact on the future development in the area

The noise, odors, and traffic from the proposed uses will cause disruption to the adjacent residential properties and safety concerns due to truck traffic on County Road 13 and U.S. Highway 34 especially where the truck traffic acceleration and deceleration lanes cross over Great Western rail on U.S. Highway 34. The Department of Planning Services believes that the negative impacts are such that there are no conditions that could be placed on this USR that would ensure the compatibility with the surrounding existing land uses.

This recommendation is based, in part, upon a review of the application materials submitted by the applicant, other relevant information regarding the request, and responses from referral entities.

Should the Planning Commission approve the proposal, the Department of Planning Services recommends the following conditions:

1. Prior to recording the map:
 - A. An Improvements and Road Maintenance Agreement is required for offsite improvements at this location. Road maintenance including dust control, damage repair, specified haul routes and future traffic triggers for improvements will be included. (Department of Public Works)
 - B. A Final Drainage Report and Certification of Compliance stamped and signed by a Professional Engineer registered in the State of Colorado is required. (Department of Planning Services - Engineering)
 - C. The traffic study should be updated to address the comments from CDOT, Larimer County, and Public Works. The study should include information pertaining to the additional train traffic and discuss local traffic impacts that may be created by additional train traffic. (Department of Planning Services - Engineering)
 - D. The applicant shall address the requirements (concerns) of CDOT, as stated in the referral response dated July 6, 2015. Evidence of such shall be submitted, in writing, to the Weld County Department of Planning Services. (Department of Planning Services and Department of Public Works)
 - E. The applicant shall address the requirements (concerns) of the Weld County Department of Public Works, as stated in the referral response dated July 6, 2015. Evidence of such shall be submitted, in writing, to the Weld County Department of Planning Services. (Department of Planning Services and Department of Public Works)
 - F. The applicant shall address the requirements (concerns) of the Weld County Department of Building Inspection, as stated in the referral response dated June 4, 2015. Evidence of such shall be submitted, in writing, to the Weld County Department of Planning Services. (Department of Planning Services and Department of Building Inspection)
 - G. The applicant shall attempt to address the concerns of Larimer County, as stated in the referral response dated June 16, 2015 and July 1, 2015. Evidence of such shall be submitted, in writing, to the Weld County Department of Planning Services. (Department of Planning Services)
 - H. The applicant shall attempt to address the concerns of the Town of Windsor, as stated in the referral response dated May 27, 2015. Evidence of such shall be submitted, in writing, to the Weld County Department of Planning Services. (Department of Planning Services)
 - I. The applicant shall attempt to address the concerns of the City of Greeley, as stated in the referral response dated May 27, 2015. Evidence of such shall be submitted, in writing, to the Weld County Department of Planning Services. (Department of Planning Services)

- J. The applicant shall attempt to address the concerns of the Hill and Brush Ditch Company, as stated in the referral response dated May 20, 2015. Evidence of such shall be submitted, in writing, to the Weld County Department of Planning Services. (Department of Planning Services)
- K. The applicant shall attempt to address the concerns of the Reorganized Farmers Ditch Company, as stated in the referral response dated May 18, 2015. Evidence of such shall be submitted, in writing, to the Weld County Department of Planning Services. (Department of Planning Services)
- L. The applicant shall attempt to address the concerns of the Northern Colorado Water Conservancy District, as stated in the referral response dated May 1, 2015. Evidence of such shall be submitted, in writing, to the Weld County Department of Planning Services. (Department of Planning Services)
- M. The map shall be amended to delineate the following:
 - 1) All sheets of the map shall be labeled USR15-0027. (Department of Planning Services)
 - 2) The attached Development Standards. (Department of Planning Services)
 - 3) The map shall be prepared per Section 23-2-260.D of the Weld County Code. (Department of Planning Services)
 - 4) The applicant shall delineate the trash collection areas. Section 23-3-350.H of the Weld County Code addresses the issue of trash collection areas. (Department of Planning Services)
 - 5) The map shall delineate the approved landscaping/screening. (Department of Planning Services)
 - 6) The map shall delineate the lighting for the site. (Department of Planning Services)
 - 7) The parking areas shall adhere to Appendices 23-A & 23-B of the Weld County Code. (Department of Planning Services)
 - 8) Show and label the approved access(es), turning radii, and access permit number(s) on the map. (Department of Public Works)
 - 9) Show and label the entrance gate set back a minimum of 100ft from edge of shoulder. (Department of Planning Services - Engineer)
 - 10) Show and label all off-site auxiliary lane improvements. (Department of Planning Services - Engineer)
- 2. Upon completion of Condition of Approval #1 above, the applicant shall submit one (1) paper copy or one (1) electronic copy (.pdf) of the map for preliminary approval to the Weld County Department of Planning Services. Upon approval of the map the applicant shall submit a Mylar map along with all other documentation required as Conditions of Approval. The Mylar map shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The map shall be prepared in accordance with the requirements of Section 23-2-260.D of the Weld County Code. The Mylar map and additional requirements shall be submitted within one hundred twenty (120) days from the date of the Board of County Commissioners Resolution. The applicant shall be responsible for paying the recording fee. (Department of Planning Services)

3. In accordance with Weld County Code Ordinance #2012-3, approved April 30, 2012, should the map not be recorded within the required one hundred twenty (120) days from the date of the Board of County Commissioners Resolution, a \$50.00 recording continuance charge shall added for each additional three (3) month period. (Department of Planning Services)
4. The Department of Planning Services respectfully requests a digital copy of this Use by Special Review, as appropriate. Acceptable CAD formats are .dwg, .dxf, and .dgn (Microstation); acceptable GIS formats are ArcView shapefiles or ArcGIS Personal GeoDataBase (MDB). The preferred format for Images is .tif (Group 4). (Group 6 is not acceptable). This digital file may be sent to maps@co.weld.co.us. (Department of Planning Services)
5. Prior to Construction:
 - a. If more than one (1) acre is to be disturbed, a Weld County Grading Permit will be required. (Department of Planning Services - Engineer)
6. Prior to Operation:
 - a. Accepted construction drawings and construction of the offsite roadway improvements are required prior to operation. (Department of Planning Services - Engineer)
7. The Use by Special Review activity shall not occur, nor shall any building or electrical permits be issued on the property, until the Use by Special Review map is ready to be recorded in the office of the Weld County Clerk and Recorder or the applicant has been approved for an early release agreement. (Department of Planning Services)

**SITE SPECIFIC DEVELOPMENT PLAN
USE BY SPECIAL REVIEW PERMIT
DEVELOPMENT STANDARDS**
Weld LV LLC & Gerrard Investments LLC, c/o Martin Marietta
USR15-0027

1. An Amendment to a Site Specific Development Plan and Use by Special Review Permit No. USR-1584, USR15-0027, for any use permitted as a Use by Right, an Accessory Use, or a Use by Special Review in the Commercial or Industrial Zone Districts (construction business with two shop buildings, office buildings, and outdoor storage) provided that the property is not a lot in an approved or recorded subdivision plat or lots parts of a map or plan filed prior to adoption of any regulations controlling subdivisions to include a Mineral Resource Development Facility including asphalt & concrete batch plants (materials processing) and transloading in the A (Agricultural) Zone, subject to the Development Standards stated hereon. (Department of Planning Services)
2. Approval of this plan may create a vested property right pursuant to Section 23-8-10 of the Weld County Code. (Department of Planning Services)
3. The number of on-site employees for Gerrard Construction shall be 36, as stated by the applicant. (Department of Planning Services)
4. The number of on-site employees for Martin Marietta shall be 71 full-time employees, 45 truck drivers, and 25 field construction workers, as stated by the applicant. (Department of Planning Services)
5. The hours of operation for Gerrard Construction shall be 6:00 a.m. to 6:30 p.m. Monday – Friday and 7:00 a.m. to 12:00 p.m. Saturday, as stated by the applicant. (Department of Planning Services)
6. The hours of operation for Martin Marietta shall be 24 hours a day / 7 days a week.
Hours of Operation for Asphalt:
 - The plant will typically only operate Monday through Saturday
 - The standard hours of plant operation will be limited to being between one hour before sunrise and one hour after sunset.
 - Load out from storage silos will be limited to being between one hour before sunrise and one hour after sunset.
 - When the plant is operating at night, it will only occur when material is requested by cities, counties or CDOT for night paving projects. Operations will be considered “night operations” when they take place between the hours of one hour after sundown to one hour before sunrise. Depending on the request of the jurisdiction purchasing the asphalt, night operations could occur seven days per week.
 - When Martin Marietta becomes aware of projects that require night operations, they will email the Weld County Planning Director to let him/her know about the plans to operate outside of daylight hours, who the project is for, how long it will be occurring, and where the materials are being delivered.Hours of Operation for Ready Mix Concrete:
 - The Ready Mix Concrete Plant will only operate Monday through Saturday.
 - Actual operating hours of the Ready Mix Concrete Plant will vary depending on weather and business levels. The plant will generally not begin operating until daylight. Occasionally, it may need to operate earlier to accommodate daily business demands; however, in no instance will the plant ever operate before 3:00 a.m.
 - The plant will not operate more than 16 hours per day.
 - Ready Mix trucks will generally operate during plant operations, but may return to the plant after plant shutdown to be cleaned and parked.Hours of Operation for Aggregate and Recycling:
 - Aggregate sales and recycling operations will only occur Monday through Saturday.
 - Aggregate washing and recycling operations will only occur during daylight hours (dawn to dusk or 6:30 a.m. to 6:00 p.m. during the winter), actual operating hours will vary dependent on weather, and business levels.
 - Train unloading operations during the summer will only take place between the hours of

6:00 a.m. and 8:00 p.m., actual hours will be dependent on the time the train arrives at the site.

- Train unloading operations during the winter will only take place during daylight hours, actual hours will be dependent on the time the train arrives at the site. (Department of Planning Services)
7. The parking area on the site shall be maintained. (Department of Planning Services)
 8. All signs shall adhere to Chapter 23, Article IV, Division 2 and Appendices 23-C, 23-D and 23-E of the Weld County Code. (Department of Planning Services)
 9. The landscaping/screening on the site shall be maintained. (Department of Planning Services)
 10. Should noxious weeds exist on the property or become established as a result of the proposed development, the applicant/landowner shall be responsible for controlling the noxious weeds, pursuant to Chapter 15, Articles I and II, of the Weld County Code. (Department of Planning Services - Engineer)
 11. There shall be no tracking of dirt or debris from the site onto publically maintained roads. The applicant is responsible for mitigation of any offsite tracking and maintaining onsite tracking control devices. (Department of Planning Services - Engineer)
 12. There shall be no parking or staging of vehicles on public roads. On-site parking shall be utilized. (Department of Planning Services - Engineer)
 13. The historical flow patterns and runoff amounts will be maintained on the site. (Department of Planning Services - Engineer)
 14. Weld County is not responsible for the maintenance of onsite drainage related features. (Department of Planning Services - Engineer)
 15. All liquid and solid wastes (as defined in the Solid Wastes Disposal Sites and Facilities Act, 30-20-100.5, C.R.S., as amended) shall be stored and removed for final disposal in a manner that protects against surface and groundwater contamination. (Department of Public Health and Environment)
 16. No permanent disposal of wastes shall be permitted at this site. This is not meant to include those wastes specifically excluded from the definition of a solid waste in the Solid Wastes Disposal Sites and Facilities Act, 30-20-100.5, C.R.S. (Department of Public Health and Environment)
 17. Waste materials shall be handled, stored, and disposed in a manner that controls fugitive dust, blowing debris, and other potential nuisance conditions. The applicant shall operate in accordance with the accepted Waste Handling Plan, at all times. The facility shall operate in accordance with Chapter 14, Article 1 of the Weld County Code. (Department of Public Health and Environment)
 18. Fugitive dust and fugitive particulate emissions should be controlled on this site. The facility shall be operated in accordance with the accepted dust abatement plan, at all times. Uses on the property should comply with the Colorado Air Quality Commission's air quality regulations. (Department of Public Health and Environment)
 19. Adequate drinking, handwashing and toilet facilities shall be provided for employees and patrons of the facility, at all times. For employees or contractors on site for less than 2 consecutive hours a day portable toilets and bottled water are acceptable. Records of maintenance and proper disposal for portable toilets shall be retained on a quarterly basis and available for review by the Weld County Department of Public Health and Environment. Portable toilets shall be serviced by a cleaner licensed in Weld County and shall contain hand sanitizers. (Department of Public Health and Environment)

20. If applicable, the applicant shall obtain a Stormwater Discharge Permit from the Colorado Department of Public Health and Environment, Water Quality Control Division. (Department of Public Health and Environment)
21. Any septic system located on the property must comply with all provisions of the Weld County Code, pertaining to On-site Wastewater Treatment Systems. A permanent, adequate water supply shall be provided for drinking and sanitary purposes, as needed. The facility shall utilize the public water supply. (Department of Public Health and Environment)
22. All potentially hazardous chemicals must be handled in a safe manner in accordance with product labeling and in a manner that minimizes the release of hazardous air pollutants (HAPs) and volatile organic compounds (VOCs). All chemicals must be stored securely, on an impervious surface, and in accordance with manufacturer's recommendations. (Department of Public Health and Environment)
23. A Spill Prevention, Control and Countermeasure Plan, prepared in accordance with the applicable provisions of 40 CFR, Part 112, shall be available on site. (Department of Public Health and Environment)
24. This facility shall adhere to the maximum permissible noise levels allowed in the Industrial Zone as delineated in Section 14-9-30 of the Weld County Code.
25. The facility shall comply with all provisions of the Colorado Department of Labor and Employment Division of Oil and Public Safety Underground and Above Ground Tank Regulations, as applicable. (Department of Public Health and Environment)
26. Any washing areas shall capture all effluent and prevent discharges in accordance with the Rules and Regulations of the Water Quality Control Commission, and the Environmental Protection Agency. (Department of Public Health and Environment)
27. Process wastewater (such as floor drain and laboratory wastes) shall be captured in a watertight vault/container and hauled off for proper disposal. Records of installation, maintenance, and proper disposal shall be retained. (Department of Public Health and Environment)
28. The facility shall comply with the Air Pollution Emission Notice (A.P.E.N.) permit requirements as stipulated by the Air Pollution Control Division, of the Colorado Department of Public Health and Environment. (Department of Public Health and Environment)
29. Material being recycled shall be separated by material type or use. Incoming loads shall have all non-concrete, non-asphalt and non-rebar material removed from concrete and asphalt materials within thirty (30) calendar days. Non-concrete, non-asphalt and non-rebar material shall not exceed 10% of the total material onsite by weight or volume. (Department of Public Health and Environment)
30. Odors detected off site shall not exceed the level of seven-to-one dilution threshold, as measured pursuant to Regulation 2 of the Colorado Air Pollution Control Regulations. (Department of Public Health and Environment)
31. The operation shall comply with all applicable rules and regulations of State and Federal agencies and the Weld County Code. (Department of Public Health and Environment)
32. Sources of light shall be shielded so that light rays will not shine directly onto adjacent properties where such would cause a nuisance or interfere with the use on the adjacent properties in accordance with the plan. Neither the direct, nor reflected, light from any light source may create a traffic hazard to operators of motor vehicles on public or private streets. No colored lights may be used which may be confused with, or construed as, traffic control devices. (Department of Planning Services)

33. A building permit may be required, per Section 29-3-10 of the Weld County Code. Currently the following has been adopted by Weld County: 2012 International Codes; 2006 International Energy Code; 2014 National Electrical Code; A building permit application must be completed and two complete sets of engineered plans bearing the wet stamp of a Colorado registered architect or engineer must be submitted for review. A geotechnical engineering report performed by a registered State of Colorado engineer shall be required or an open hole inspection. (Department of Building Inspection)
34. The property owner or operator shall be responsible for complying with the Design and Operation Standards of Chapter 23 of the Weld County Code. (Department of Planning Services)
35. Necessary personnel from the Weld County Departments of Planning Services, Public Works, and Public Health and Environment shall be granted access onto the property at any reasonable time in order to ensure the activities carried out on the property comply with the Conditions of Approval and Development Standards stated herein and all applicable Weld County regulations. (Department of Planning Services)
36. The Use by Special Review area shall be limited to the plans shown hereon and governed by the foregoing standards and all applicable Weld County regulations. Substantial changes from the plans or Development Standards, as shown or stated, shall require the approval of an amendment of the Permit by the Weld County Board of County Commissioners before such changes from the plans or Development Standards are permitted. Any other changes shall be filed in the office of the Department of Planning Services. (Department of Planning Services)
37. The property owner or operator shall be responsible for complying with all of the foregoing Development Standards. Noncompliance with any of the foregoing Development Standards may be reason for revocation of the Permit by the Board of County Commissioners. (Department of Planning Services)
38. **WELD COUNTY'S RIGHT TO FARM:** Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top ten counties in the country in total market value of agricultural products sold. The rural areas of Weld County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize and accept there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town. Along with the drawbacks come the incentives which attract urban dwellers to relocate to rural areas: open views, spaciousness, wildlife, lack of city noise and congestion, and the rural atmosphere and way of life. Without neighboring farms, those features which attract urban dwellers to rural Weld County would quickly be gone forever.

Agricultural users of the land should not be expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; slow-moving farm vehicles on rural roads; dust from animal pens, field work, harvest and gravel roads; odor from animal confinement, silage and manure; smoke from ditch burning; flies and mosquitoes; hunting and trapping activities; shooting sports, legal hazing of nuisance wildlife; and the use of pesticides and fertilizers in the fields, including the use of aerial spraying. It is common practice for agricultural producers to utilize an accumulation of agricultural machinery and supplies to assist in their agricultural operations. A concentration of miscellaneous agricultural materials often produces a visual disparity between rural and urban areas of the County. Section 35-3.5-102, C.R.S., provides that an agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production.

Water has been, and continues to be, the lifeline for the agricultural community. It is unrealistic to assume that ditches and reservoirs may simply be moved "out of the way" of residential development. When moving to the County, property owners and residents must realize they cannot take water from irrigation ditches, lakes, or other structures, unless they have an adjudicated right to the water.

Weld County covers a land area of approximately four thousand (4,000) square miles in size (twice the size of the State of Delaware) with more than three thousand seven hundred (3,700) miles of state and County roads outside of municipalities. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the County, and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulance, and fire. Fire protection is usually provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are bladed, will not provide the same kind of surface expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Services in rural areas, in many cases, will not be equivalent to municipal services. Rural dwellers must, by necessity, be more self-sufficient than urban dwellers.

People are exposed to different hazards in the County than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center pivot operations, high speed traffic, sandburs, puncture vines, territorial farm dogs and livestock, and open burning present real threats. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood. (Department of Planning Services)