

SUMMARY OF THE WELD COUNTY PLANNING COMMISSION MEETING

Tuesday, July 21, 2015

A regular meeting of the Weld County Planning Commission was held in the Weld County Administration Building, Hearing Room, 1150 O Street, Greeley, Colorado. This meeting was called to order by Chair, Jason Maxey, at 9:00 am.

**Roll Call.**

Present: Benjamin Hansford, Bruce Johnson, Bruce Sparrow, Jason Maxey, Jordan Jemiola, Joyce Smock, Michael Wailes, Nick Berryman, Terry Cross.

Also Present: Diana Aungst and Michelle Martin, Department of Planning Services; Wayne Howard, Department of Planning – Engineering Division; Janet Lundquist, Public Works, Lauren Light, Phil Brewer and Heather Barbare, Department of Health; Brad Yatabe, County Attorney, and Kris Ranslem, Secretary.

Motion: Approve the July 7, 2015 Weld County Planning Commission minutes, Moved by Joyce Smock, Seconded by Bruce Sparrow. Motion passed unanimously.

CASE NUMBER: USR15-0018  
APPLICANT: KENNETH & SANDRA BROOKER, C/O CRISWELL TRUCKING  
PLANNER: DIANA AUNGST  
REQUEST: A SITE SPECIFIC DEVELOPMENT PLAN AND USE BY SPECIAL REVIEW PERMIT FOR MINERAL RESOURCE DEVELOPMENT FACILITIES, OIL AND GAS SUPPORT AND SERVICE, (TRUCK PARKING AND STORAGE OF OIL AND GAS CONSTRUCTION AND MAINTENANCE EQUIPMENT) IN THE A (AGRICULTURAL) ZONE DISTRICT  
LEGAL DESCRIPTION: LOT 7 BUFFALO ACRES BEING PART OF SECTION 13, T2N, R68W OF THE 6TH P.M., WELD COUNTY, COLORADO.  
LOCATION: SOUTH OF AND ADJACENT TO CR 22; APPROXIMATELY 400 FEET WEST OF CR 13.

Diana Aungst, Planning Services, stated that the applicant has requested that this case be withdrawn. A letter of withdrawal has been provided to staff.

The Chair asked if there was anyone in the audience who wished to speak for or against this application.

Karen Nelson, 5884 CR 22, understands that there is a letter of withdrawal of this application and is in support of this withdrawal.

Brad Yatabe, County Attorney, stated that there is no formal action for the Planning Commission to take regarding withdrawal.

CASE NUMBER: USR15-0027  
APPLICANT: WELD LV LLC AND GERRARD INVESTMENTS LLC, C/O MARTIN MARIETTA  
PLANNER: DIANA AUNGST  
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 DISTRICT.  
LEGAL DESCRIPTION: LOT B REC EXEMPT 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, COLORADO.

LOCATION: EAST OF AND ADJACENT TO CR 13 AND APPROXIMATELY 1 MILE SOUTH OF US HWY 34.

Michael Wailes stated that he is an adjacent property owner of the proposed site. At the time that the surrounding property owners, including himself, were informed of this request, he approached the applicants and their consultant about relocating this project to a different location, one that would benefit him financially. Therefore, Mr. Wailes stated that he would like to recuse himself from this case.

Terry Cross stated that because his employer, Rush Enterprises, has a business relationship with Martin Marietta and upon advice of legal counsel, he stated that he would also like to recuse himself from hearing this case.

Diana Aungst, Planning Services, presented Case USR15-0027, reading the recommendation and comments into the record. Ms. Aungst stated that this USR is also for the continued operation of Gerrard Construction as approved under USR-1584. Ms. Aungst outlined the applicant's proposed landscape plan as well as two (2) proposed accesses and the rail loop on the property.

The site is located within the three 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 mile referral area of Larimer County. 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.

She briefed the Planning Commission on the concerns received from the public. As of July 13, 2015 the Department of Planning Services received 763 letters and many phone calls concerning this USR application. 534 of the categorized letters, or 70 percent, are in support of this request and 229 letters, or 30 percent, are in opposition to this request. In the past week, staff has received additional letters and they are part of the record.

The supporting letters primarily originate from outside of Weld County. 42 percent supporting this USR are from individuals living outside of Weld County, 27 percent are from individuals living in Weld County and 1 percent are from Weld County citizens living in the Johnstown area including Indianhead Subdivision.

The opposition letters primarily originate from the Indianhead Subdivision. 23 percent are from Weld County citizens living in the Johnstown area including the Indianhead Subdivision, 5 percent opposing this USR are from individuals living outside of Weld County, and 2 percent are from individuals living in Weld County in places like Greeley, Windsor, and Longmont.

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 Department of Planning Services recommends denial of this application with the attached conditions of approval and development standards.

Wayne Howard, Engineering, reported on the existing traffic, access and drainage conditions and the requirements on site. Mr. Howard provided a visual slide with the vicinity of the roads in the area and how the applicant proposes their traffic to come to the site and leave the site. Additionally, he noted the railroads that enter and leave the site as well as the crossings on the Weld County roads and State Highway 34. Mr. Howard said that in Stage 1 there are approximately 560 daily round trips, 490 are expected to be trucks and 70 are expected to be passenger vehicles and Stage 2 there will be approximately 1,130 daily round trips. Several referral agencies have expressed concerns regarding the amount of traffic and the impacts to the roadways.

Janet Lundquist, Public Works, outlined the requirements as part of their review through the Public Works Department. She said that with the proposed traffic volumes, the facility triggered a southbound left deceleration lane and northbound right acceleration lane out of the proposed facility. Ms. Lundquist reiterated that a traffic signal will be required at the intersection of County Road 13 and US Highway 34.

She indicated that CDOT, Larimer County and Weld County will not participate in any of the cost designs or construction of the traffic signal.

Ms. Lundquist said that the requirements for the railroad crossings will need to be worked out between the railroads and CDOT. She added that there are various railroad crossings on the county roadways and they may trigger additional safety requirements. Therefore, staff has requested railroad signalization to be required at the crossings on County Road 13, County Road 17, County Road 52, County Road 54 and also US Highway 34.

Ms. Lundquist said that in her opinion the traffic study is not entirely correct. They believe a more realistic trip distribution from the facility would be 75-25 percent. She added that it is very rare that we get such a low trip distribution of 95-5 percent attributed at a "regional" facility. Assuming a trip distribution of 75-25, Public Works identified a northbound right deceleration could be warranted and also the potential upgrade of County Road 13 between County Roads 54 and 50 may also be necessary. Additionally, she stated that there could potentially be auxiliary lanes at County Roads 54 and County Road 13.

Lauren Light, Environmental Health, reviewed the public water and sanitary sewer requirements. Ms. Light said that Little Thompson Water District will provide water and there will be two (2) commercial septic systems on the proposed site.

Heather Barbare, Environmental Health, stated that the applicants will need to manage all waste and comply with all state and federal regulations. Any chemicals to be stored on site will need to be addressed as well.

Phil Brewer, Environmental Health, stated that he oversees the noise, odor and dust concerns in Weld County. Odor and fugitive emissions are regulated by the State of Colorado Air Pollution Control Division. Permits to Martin Marietta will be addressing the rigid control of the emissions of odor and particulates or dust. The investigations of any complaints of dust or particulates will be handled and managed by Weld County Environmental Health Services.

Noise will be evaluated for compliance with Weld County Code Chapter 14, Article 9, Sections 14-9-10 through 14-9-90. Noise complaints will be investigated by an employee of the Weld County Environmental Health Services and will be conducted by utilizing an annually certified noise meter and calibrator. Any complaints found to be in possible violation of the Weld County Noise Code will be shared with a representative of the Martin Marietta Materials Company and forwarded to the Weld County Planning Department officials for possible enforcement of action.

Pam Hora, Tetra Tech, 1900 South Sunset Street, Longmont, Colorado, provided an introduction of the representatives for the applicant, Martin Marietta. Ms. Hora said that Martin Marietta has supplied construction materials to several industries and development in Weld County. She stated that the 35<sup>th</sup> Avenue mine site is home to the only plant that operates in Weld County. Once the mining wraps up at this location, the asphalt plant and other equipment will need to be taken off the property. She added that it is nearing its completion. She added that the only other asphalt plant in Weld County is located in the Firestone area and that site is also a mining site and once it wraps up mining it will go away. Therefore Weld County will have no asphalt plants if another asphalt plant is not approved.

Ms. Hora stated that the site suits the location of development of commercial and industrial development in Weld County. The best location was to site this facility west of Greeley as it provides access to I-25 and Highway 34 as well as along the Union Pacific Railroad. Additionally, County Road 13 is designated as a future arterial roadway.

Ms. Hora stated that Martin Marietta identified 13 sites and provided a visual slide on the criteria that was used to determine which location was best suited for this facility. After evaluating the site criteria, the proposed Highway 34 development site was determined to best meet the criteria. It is located on two (2) parcels encumbering 130 acres.

Ms. Hora noted that initially start there will be one (1) train per week; however at full build out there will be 2-3 trains per week. These trains will not cross Highway 34.

Ms. Hora provided details on the primary and secondary accesses to the site. Based on Martin Marietta's knowledge of their business and the future growth projections, the service area for the proposed facility is Greeley as well as the I-25 corridor between Loveland and Fort Collins. Therefore the proposed haul route from this facility is north on County Road 13 to Highway 34 and either east or west to Greeley or the I-25 corridor. It is possible that some trucks could turn south to be able to make local deliveries. Based on the market, it is anticipated that 95 percent of the truck traffic will head north and the rest will head south for local deliveries. After heading north, approximately 67 percent of the trucks will turn west and the remaining 33 percent will head east into Greeley. Currently, Highway 34 carries approximately 42,000 vehicles per day and by 2035 is expected to have 68,000 vehicles per day. Martin Marietta's traffic will account for 2-3 percent of all traffic onto Highway 34.

Poudre Valley REA currently provides power to the site. Additional power will be required by Martin Marietta and so Poudre Valley REA will build a dedicated supply from their substation in order to meet Martin Marietta's needs so there will be no impact on the residents in the area to power.

Ms. Hora said that the site is planned to be fully operational by 2017. She added that rail construction and the Ready Mix facility will be constructed by 2016. She said that they do recognize the fact the offsite road improvements need to be made before the facility can begin operating and therefore that may impact some of the timing.

Ms. Hora said that they understand the concerns of the group (CLR 34) in opposition. As a result of listening to the neighbors, Martin Marietta has made significant changes to the application and have reached out multiple times to the neighbors. They have held several open house neighborhood meetings. Additionally, Martin Marietta has set up a website to provide the public with information about the project as well as a way to submit emails for any concerns or questions they might have.

Ms. Hora referred to a visual slide providing examples of noise and their decibel levels. She said that Martin Marietta will be compliant with the required noise levels. She noted that the majority of time, the facility will not be operating at night. Ms. Hora stated that they plan to have a 700 foot setback from the residential development as well as vegetated berms that will extend 10 feet higher than the railroad tracks. She added that the proposed below grade hopper will also help with the noise.

Ms. Hora provided a visual slide on how the proposed landscaping will improve the visual effects of the site to help soften the view. Additionally, neighbors have indicated that they would be acceptable to landscaping, such as trees, to be installed on their property to help mitigate the views. Therefore Martin Marietta has reserved up to \$100,000 for this landscaping.

Ms. Hora provided copies of the requested changes to the staff report and when time allows they would be happy to explain the requests. She requested that the Planning Commission consider these changes and forward a recommendation of approval to the Board of County Commissioners.

Patrick Groom, 822 7<sup>th</sup> Street, Suite 760, Greeley, Colorado, represents the landowner, Gerrard Investments LLC, who owns the 42 acres locate to the west. Gerrard Investments LLC is currently under contract to purchase the approximately 90 acres located to the east and will be included in the proposed development by Martin Marietta. It is Gerrard Investments intention to lease the property to Martin Marietta to occupy the property for up to one (1) year and then relocate its facilities to a separate location.

Mr. Groom said that the challenge today is the need to balance the right of the property owners to develop their property along with the impact on neighboring property owners. Mr. Groom said that the property located east of the Gerrard property (90 acres) has been on/off the market for 15 years and no one has shown any interest. He added that given the infrastructure available at this location this is the appropriate location for this facility. Mr. Groom stated that the recommendation of denial by the Weld County Planning Department is based in part that this location is prime agricultural farmland. He said that there is farmland throughout this area that has been taken out of production such as the residential subdivision to the northeast, Gerrard's property directly to the west, the Iron Horse development across Highway 34. He added that the Highway 34 corridor is going to be developed and unfortunately that land will be taken out of production. He said that the question is not whether it is being taken out of production but whether this is the best use for that land and added that they believe it is.

Chase Mullen, 1167 Logan Street, Denver provided video segments that provided visual models of the facility from the Highway 34 corridor, County Road 13 and also within the Indianhead subdivision.

Ms. Hora asked if the Planning Commission had any questions. There were no questions from the Planning Commission.

Brad Mueller, Director of Community Development, City of Greeley, referred to the referral they submitted to Weld County. Mr. Mueller said that Greeley does want to recognize the need for aggregate in the region and the important role it does play for economic development in the future. He wished to speak to the regional perspective and the context with this facility in the region and the potential implications long term. Mr. Mueller referred to the Intergovernmental Agreement between the City of Greeley and the Town of Windsor and provided a brief outline of the vision they have for this area. He added that there is a concern of establishing a potential industrial land use pattern.

John Franklin, Johnstown Planner, stated that the Town Council has provided the resolution in response to the referral. He added that Johnstown is in agreement with Windsor, Greeley and Loveland and also Weld County in looking at the future of the US Highway 34 corridor. He further added that Johnstown believes that this location is not the right place or time and should be reconsidered.

Commissioner Berryman referred to the resolution provided from Johnstown and said that it appears the vision from Johnstown is a mixed use or maybe residential/commercial type development in this area. Mr. Franklin said that was correct and added that the frontage of Highway 34 is important from a retail and professional standpoint.

The Chair called a recess at 11:54 am.

The Chair called the meeting back to order at 1:02 pm.

The Chair asked if there was anyone in the audience who wished to speak for or against this application.

Tom Haren, AGPROfessionals, 3050 67<sup>th</sup> Avenue, stated that he is Chairman of the Board of Upstate Economic Development. He said on behalf of the Board of the Directors of Upstate Colorado Economic Development Corporation they wanted to extend their support for Martin Marietta and the jobs and the support of these necessary operations in northern Colorado. He added that with the future growth of this region this type of business is needed. He urged the Planning Commission to consider approval of this project.

Commissioner Maxey asked how many businesses or entities are represented by Upstate Colorado Economic Development. Mr. Haren stated that the membership includes 350-400 businesses throughout Weld County. He added that he is speaking for the Board of Directors and not individual members of Upstate Colorado Economic Development.

Dave Kisker, 6681 Apache Road, Indianhead Estates, stated that he is one of the organizers of the group, called CLR 34, that opposes this application. This group represents approximately 250-300 people and is funded solely by donations.

Mr. Kisker stated that this proposed facility needs to be compatible with the health and welfare of surrounding uses and they will show that it fails to meet those expectations.

John Cummings, 26700 CR 13, Johnstown, stated that he lives 1500 feet from this proposed development. He stated that Martin Marietta's development is incompatible as it removes prime farmland and does not meet the intent of the agricultural land use regulation as well as the agricultural goals and policies of the Weld County Code. It is also incompatible with the existing and future uses of the neighborhood. Mr. Cummings said that there have been several research studies that show dust decreases the respiration between the leaves of crops and the outside climate.

Mr. Cummings said that water quality is a large concern as the site will generate highly contaminated stormwater runoff which contains oil, grease, sediments, etc. and potentially contaminate groundwater.

Mike Chrisman, 6713 Apache Road, Indianhead Estates, presented the traffic impact study technical review and comments. Mr. Chrisman stated that the Traffic Impact Study did not include analysis of the railroad impact on the road network. He added that it assumes an unfunded future condition of US Highway 34 from a four-lane condition to a six-lane condition. He noted that local jurisdictions have worked to develop a regional plan to provide parallel routes to US Highway 34.

Gary Oplinger, 27687 Hopi Trail, stated that he lives 500 feet from the Gerrard property line. He presented the review of the projected noise levels of the Martin Marietta facility. He noted some errors in the Martin Marietta data regarding noise analysis. The noises from train coupler slacking noise were not addressed and railroad car wheel squeal were omitted. Effects of vibration must be evaluated and mitigated. He concluded by stating that the neighbors should not have to police the noise emissions.

Mr. Kisker stated that all emissions sources must be considered and this was not done. He added that all fugitive dust must be included and this was not done. Additionally, all emission calculations should be done at worst case conditions and this was not done. Mr. Kisker provided an overview of the inaccuracies of the Stewart Environmental Report.

Mr. Kisker provided visual slides on the visual impacts to the Indianhead Subdivision. He stated that the landscape plan does not address the fact that much of the surrounding area is at a substantially higher elevation than the proposed facility.

Ellen Kisker, 6681 Apache Road, Indianhead Estates, stated that she is an economist and added that she consulted with a leading researcher in the area on the effects of environmental disamenities on residential property values. Ms. Kisker reviewed the report provided by Martin Marietta in looking at the affect of the proposed project on residential property values. She said that this report includes only comparisons that are hand-picked and selected in a scientific manner and the results are biased. Ms. Kisker provided details on the approach of analysis and price models.

Mr. Kisker talked about general compatibility in the area. He stated that there is roughly 44 million dollars worth of homes in the area based upon Weld County records. In conclusion he added that there is a lot of uncertainty with this project.

Mr. Kisker played a video providing testimony by surrounding property owners on the incompatibility in the surrounding area.

Commissioner Sparrow understands that this will affect the resident's property rights; however he added that they are being asked to deny the landowner the ability to benefit from his property rights. Mr. Kisker said that when they started looking for their property it took two years for them to find their home. He added that they looked at the plans of the surrounding communities to see what the intentions or plans were for the area. Commissioner Sparrow said that you purchased property next to a railroad and asked if he had any expectations that this property could be used for anything other than residential. Mr. Kisker said that the railroad, as it currently exists, comes through and it is there for about 5 minutes. He added that they asked the applicants on the schedule of the trains and haven't gotten clear answers on this. Mr. Sparrow said that the railroad existed and added that things have a tendency to develop along a railroad. Mr. Kisker said that the existence of railroads does not necessarily mean further industrial uses.

Commissioner Smock referred to a previous comment that the property was for sale for 15 years and asked why it was for sale so long. Mr. Kisker said that there was a severe recession and that had a lot to do with it as well as it may have been what the expectations of the property owner were.

In response to Commissioner Berryman's inquiry of what they envision for uses in the area, Mr. Kisker said that this application is such an intensive use and added that the communities talk about having commercial activities such as a bank or electronics assembly facility. He added that lighter or less intensive uses is more appropriate.

The Chair called a recess at 2:53 pm and reconvened at 3:07 pm.

Sharon Collins, 27811 Hopi Trail, resident of Indianhead Estates stated that there are real risks from this proposed facility of catastrophic industrial accidents. Ms. Collins expressed concerns of fire and explosion, safety, noise, odor, and traffic.

Janet Ross, 6248 CR 56, supports the denial of this application. She expressed concern on traffic backing up at the intersection of Highway 34 and County Road 13 and provided suggestions on adding a left turn lane, right turn lane and straight lane. Additionally, she requested that the noise levels be adhered to residential limits and not the industrial limits.

Jacqueline Ross, 6190 CR 56, said that her two-year old plays outside and is concerned with the traffic. She requested denial of this application.

Sandra Cole, 2538 14<sup>th</sup> Avenue, stated that she has watched the agricultural areas of Weld County shrink. She believes that this proposed facility will be destructive and expressed concerns of pollution, noise, odor, and traffic. Ms. Cole urged the Planning Commission to deny this application

Dr. Craig Wilson, 27790 Hopi Trail, opposes this application. He said that he is a physician and provides care for some individuals in the Indianhead Estates and emphasized concerns regarding the health of the surrounding community.

Commissioner Maxey noted the applicant's testimony of hospitals that are in close proximity to other Martin Marietta facilities and asked if that is inaccurate. Mr. Wilson said that he didn't look at that information but added that he takes care of a lot of asthma and COPD patients and said that he believes the added pollution in the air will affect these individuals.

Eric Wingerson, 27601 Hopi Trail, said that air pollution is generated by particulates processed from this plant. It accounts for 45% of lung cancer in the world. The health impact study provided by the applicants is focused on the asphalt component. It does not talk about concrete and the transport of it. He provided a brief outline of the particulates and how it affects health and the development of cancer, asthma, etc.

Denise Rhoades, 6771 Algonquin Drive, stated that she has health problems and will be directly impacted by this facility. She said that over and over she heard that this site was the best for Martin Marietta and not what is best for the location. She urged the Planning Commission to deny this case.

Paula Oransky, 10170 Church Ranch Way, 9278, Erie, Colorado, stated she is in support of this proposed facility. She joined Martin Marietta as it is a world class business that has integrity and assures that everything they have said they will do.

Marsha Mendenhal, 19231 CR 22, stated that she is an employee for Martin Marietta and requested approval of this project.

Renata Meusch, 27647 Hopi Trail, stated that this location is the most beautiful spot. She asked that this case not be approved.

David Jordan, 5371 South Eaton Parkway, Aurora, Colorado, stated that he has worked for Martin Marietta for 16 years. He believes that Martin Marietta is a very responsible operator and they are prideful of being part of a community. He added that they are at a standpoint of where their reserves are running out and if they do not find a location in northern Colorado project costs will be increased as well as lost jobs. If this is not approved, this could affect thousands of people negatively.

Preston Kunkel, 10402 Butte Drive, Longmont, stated this area was all farmland and added that this subdivision was developed on that farmland. He is in support of this project as it creates jobs and revenue for the county and cities. He believes that this company has high integrity and added that they work with their neighbors to mitigate concerns.

Aaron Coulter, 3509 Columbia Court, said that he supports this case. He said that he does not want to lose his job and wants to continue to support his family.

Jamie Garcia, 455 Buckeye Avenue, Eaton, Colorado, said that he has been with the company for 18 years. He works next to an asphalt and concrete plant and recycling plant all day long and he does not have any medical issues.

Dale Henry, 127 North 23<sup>rd</sup> Avenue, Greeley, stated that he has worked for Martin Marietta for 18 years. He said that this will negatively affect a lot of people in Weld County through loss of jobs and an increase of project costs.

Russell Brynjulson, 5164 East 129<sup>th</sup> Place, Thornton, Colorado, stated that he supports this project. He works for Martin Marietta and said that the safety and environmental standards are above anything he has ever seen.

Harriette Eastman, 6731 Lakota Court, Indianhead Estates, stated that she has lived in Weld County since 2003. She has enjoyed their retirement home and added that both she and her husband have heart and respiratory conditions. She requested denial of this case.

Alice Anderson, 6995 Commanche Court, lives in the Indianhead subdivision. She is in agreement of the CLR 34 presentation. She said that she is not against Martin Marietta but believes that this is the wrong location for it. She encouraged denial of this application

Carol Pernicka, 27848 Arikaree Road, lives in Indianhead Estates and is concerned with a large industrial center and doesn't hear how this will benefit agriculture. She said that they are not against Martin Marietta but doesn't believe that this should be turned into an industrial site.

Electra Johnson, 2036 Ridgeway Ave, Colorado Springs, said that she represented Chris Friede who was recently approved for a wedding venue by the Board of County Commissioners. She said that they are not trying to demonize Martin Marietta but this is not necessarily the most appropriate site. She added that this facility would destroy Ms. Friede's property. She encouraged denial of this project.

Timothy Hodsdon, 903 Uran Street, said that he also worked with Chris Friede on her project. Mr. Hodsdon said that it is a matter of balancing economics with quality of life. He said that the issue of precedent should be reviewed. He urged denial of this application.

Ellen DeLorenzo, 1744 Goldenvue Drive, Johnstown, stated that the health and welfare should be first and foremost. She read an article from the Loveland Times Call regarding train noise. She hasn't heard how this will affect the I-25 corridor. She is opposed to this application.

Larry Sipes, 6900 Commanche Court, expressed opposition to the proposed facility. He chose to live here because of the location and has lived there since 1987. He stated that he is opposed to this proposed facility.

Rene Wingerson, 27601 Hopi Trail, lives in Indianhead Estates. She asked the Planning Commission to deny this application.

Josh Kruchten, 9100 Harlequin Circle, Frederick, Colorado, said that he is a Martin Marietta employee. Of several companies he has worked with, he has found that Martin Marietta is one that has the highest integrity and most ethical. Mr. Kruchten said that as a site manager for Martin Marietta he is directly responsible for dealing with the neighbors and they are directed to go above and beyond to meet the needs of the neighbors and they try to be good neighbors. He encouraged support of this application.

Commissioner Sparrow asked if the employees wear dust masks. Mr. Kruchten replied that no one wears a dust mask.

The Chair asked, for the sake of saving time, for advice from counsel if we can ask for a show of hands from the employees of Martin Marietta or do they all need to come up and say they are in support of this project. Brad Yatabe, County Attorney, said that you need to look at whether any information is relevant of proving the USB case. Unless there is something new and relevant you might ask to just take names. The Chair said that he has been hearing the same theme from the employees of Martin Marietta and



therefore asked that anyone else who wishes to speak that they give their name and they are in support of this case.

Tom Donkle, 1717 Mountainview Boulevard, Greeley, stated that he works for Gerrard Investments, who is the landowner of the proposed site. He referred to the Greeley/Windsor Intergovernmental Agreement. He added that he was a City of Greeley employee at that time and played a part in that agreement process. Mr. Donkle referred to the 2013 floods and added that a lot of the gravel resources were not readily available as they were located along the river. This site would allow the materials to be more readily available to any natural disasters in the future. He recommended approval of this application.

Preston Pierson, 660 Dakota Bay, Windsor, stated that he is a Martin Marietta employee and also a Weld County resident. He is in support of this application.

Troy McWhinney, 4054 CR 20E, Loveland, stated that Colorado is one of the fastest growing states in the entire nation. He added that Weld County is one of the fastest growing regions in Colorado. He said that it is unfortunate for these homes to overlook this site but for them to purchase a 1 acre site and then expect to control the acres next door is not right. He believes that this area is the right location for this business.

Jim Piraino, 22776 Hopi Trail, said that he is concerned with the noise. He asked if the noise is constant or if there will be peaks of noise. He said he has the right to use his land as he wants as well.

Lucas Brown, 6859 CR 56, stated that he is opposed to this project and requested denial of this case.

Jack Daniels, 1327 Poplar Street, Johnstown, said that he is opposed to this project.

Roxanne Chrisman, 6713 Apache Road, Indianhead Estates, stated her opposition to this proposal. She requested denial of the proposed use.

Laurie Hockheimer, 6767 East CR 18, stated that she wonders why a special use permit would be allowed if this is zoned agricultural. She is opposed to this project.

Nick Ferguson, 5724 Prairie Circle, Frederick, stated that he works for Martin Marietta. He supports this proposal.

Dan Ensrud, 2434 26<sup>th</sup> Ave, Greeley, stated that he is a ready mix operator for Martin Marietta. He said that they are passionate about air quality and standards. He asked for approval of this project.

Steve Lloyd, 1515 Harpendan Court, Windsor, works for Martin Marietta as plant manager in Fort Collins. Mr. Lloyd stated that Martin Marietta has high standards that they need to comply with for air quality. He added that here are several inspections and people to monitor this.

Bernard Lucero said that he has been with Martin Marietta for 27 years and 15 of those years in Weld County. He is in support of this project.

Anita Comer, 503 North CR 3, lives in Larimer County. She moved to Kelim in 2000 and said that no one has come up with a good solution for the Kelim frontage road access. She is opposed to this project.

Tammy Brown, 27400 Hopi Trail, requested denial of this proposal.

Ron Pernicka, 27848 Arikaree Road, Indianhead Estates, expressed concern regarding air quality and pollution from the idling of trains and trucks.

Dale Horn, 1074 Poplar Street, said that Martin Marietta is one of the best companies but he is opposed to this proposal. He is concerned about the traffic.

Lori Horn, 900 N Grant, Loveland, said that the railroad loop is away from the property but there is still an idling problem. Every time a train turns they are required to blow their safety horns and the applicant has not spoken about how they will mitigate that. She requested denial of this case.

The Chair called a recess at 5:04 and reconvened at 5:25 pm

Brett Mills, 6433 CR 56, is opposed to the proposed facility. He said that they moved there in 2010 and inquired about purchasing the subject property and at that time was told it wasn't for sale.

Barbara Moe, 1209 North County Line Road, asked the Planning Commission to think this through and encouraged denial of this application.

Melanie Schlotter, 27700 Hopi Trail, stated that they are in the direct line of site of this area. She asked where the jobs are coming from. From what she heard from the employees of Martin Marietta, she believes these jobs will be transferred rather than new jobs created.

Becky Martinez, 27840 Hopi Trail, stated that she has a four-year old daughter with heart disease. If this is approved they will be forced to move due to the possible impacts to her health.

Chad Niesent stated that he works for Martin Marietta. He said that he is the fourth generation of his family to work for the same company and none of his family members have had adverse health effects from working there.

Todd Loose, 25201 CR 53, stated that he drives Highway 34 twice a day as well as his wife travels daily. He said that this doesn't mean that Martin Marietta will go away; it just means that we are challenging them to find a better location. He requested for denial of this project.

Peggy Peters, 27819 Arikaree Road, Indianhead Estates stated that she has lived there for over 30 years. Ms. Peters asked the Planning Commission to think about this and to deny the proposal. She added that she is not opposed to Martin Marietta but rather is opposed to the plant at this location.

Earl Wellnitz, 4700 West O Street, stated that he works for Martin Marietta and manages the Greeley asphalt plant. He said that the plants have really changed from the 1960's. He provided a description of how the particulates are captured and added that he has not had any health effects from working at the Martine Marietta site for 40 years. He added that if this is approved he will live one (1) mile away from the facility.

Sara Cassidy, Union Pacific Railroad, 1400 W 52<sup>nd</sup> Avenue, Denver, spoke in favor of this application. She stated that she is here to answer any follow up questions regarding the railroad.

Lester Eastman, 6731 Lakota Court, Indianhead Estates stated that he has had two (2) heart attacks and is maxed out on medications for breathing problems. He is opposed to the proposed facility.

The Chair closed the public portion of the hearing.

Ms. Hora said that industrial uses are not unique to the area as there are other industrial uses in the surrounding area. As to why this hasn't been developed or residential activity hasn't occurred, Ms. Hora said that they learned that there are expansive soils and high ground water and that may be a reason why development hasn't occurred.

Ms. Hora said that the property is prime farmland and added that this prime farmland was taken out of production for the existing subdivision when developed. She said it was mentioned to find another site; however she added that if there was another site they would be there. She said that this facility also needs good access to the road network and rails. CLR 34 suggested optional sites; however some of these sites would create additional problems such as taking traffic through the towns and impacting more people. She added that the Milliken site has an elevation drop issue and there are also two subdivisions next to that site.

Ms. Hora said that the hours of operation are better explained in the application on how Martin Marietta has reduced those hours. The planting of vegetation was a result of the neighborhood working group and Martin Marietta would not tell them where to plant vegetation.

Ms. Hora said that trains will be parked at night and will not be idling.

Commissioner Johnson said he likes the 65 mph speed limit on Highway 34 and added that he doesn't like stop lights. He asked if there have been any thoughts on something other than stop lights such as a round-a-bout or overpass. Ms. Hora said in CDOT's Master Plan they intend to have a traffic signal at the intersection and added that there may be an overpass when it is warranted based on the traffic.

Gene Coppola stated that he is the traffic consultant for this project. He said that he was not provided a copy of the comments from the CLR 34 group and he would like to get a copy of those comments so he could respond to them. He added that several entities including Greeley, Loveland, Windsor, Larimer County and Weld County reviewed the traffic study and didn't have any further inquiries or comments.

The intersection at Highway 34 and County Road 13 is, at best, difficult during peak hours. There is a lot of delay on County Road 13. According to his calculations, the wait will average from 3.5 minutes to 20 minutes depending on the afternoon peak hour. He added there will be a traffic signal installed at that intersection and that will drop the wait time. Currently all right turning traffic going towards Greeley have to wait for the people turning left before they can go; therefore the addition of the right turn lane will allow the right turn traffic to keep going. He added that the other acceleration/deceleration lanes will be brought up to current standards.

Mr. Coppola said that round-a-bouts are not typically used as they are associated with a lot of turning traffic that conflicts with a lot of other traffic movements and this case is not that situation. He added that the speed in round-a-bouts is typically 25 mph and not 65 mph.

Mr. Coppola said that they will have to work with CDOT on the design of the Kelim frontage road and Highway 34.

Commissioner Hansford referred to the peak hours and the proposed traffic entering and leaving the facility and added that according to his calculations there will be 5.3 vehicles per minute entering or exiting one (1) access. He added that it appears that will be a mess. Ms. Lundquist clarified that the clearing of traffic is addressed with the proposed turn lanes. She added that the MUTCD has nine warrants to determine whether the warrant is required or not. One of the warrants is volume and in that warrant they analyze the traffic in an 8 hour period and then also a peak hour period. With the use of the turn lanes and the traffic signal that traffic will be cleared to meet an acceptable level of service.

Commissioner Maxey asked what triggers the next warrant as it was mentioned in CDOT's referral the possibility of an overpass and on/off ramps. Mr. Coppola said that Highway 34 will have about 60,000 vehicles in the future and County Road 13 is projected to have 17,000 vehicles by 2035. He added that within that time frame some sort of grade separation will need to be reviewed.

Dave Stewart, Stewart Environmental Consultant, prepared the preliminary air report for this application. The report was for the Colorado Department of Public Health and Environment (CDPHE) and is not the final report. Mr. Stewart provided a brief explanation of what air screen and air mod is and how it will be used in this project. He stated that Mr. Kisker was looking at worst case scenario and was giving high capacities and longer run times than the plant is allowed and uncontrolled emission factors. Therefore this will find much bigger values.

Paul Burge prepared the noise analysis for this project. He added that this report was fairly conservative and assumed that everything was operating at once. The train activities, the asphalt and ready mix plant, loading, internal truck movements, truck washing station, rail car movements and locomotive, and idling were all included in the report.

Commissioner Maxey referred to a visual slide that showed the line of sight of the subdivision and asked about sound with the elevation of the subdivision. Mr. Burge said that in the design they would make sure that the berm would be higher than the train so that it blocks the noise from line of sight. Ms. Hora noted that the homes at the higher elevation would be further away so distance would be accounted for as well.

The Chair called a recess at 7:23 pm and reconvened at 7:38 pm.

Fernando del Monte, 3225 W 23<sup>rd</sup> Avenue, Denver, stated that he is a civil and geotechnical engineer. Mr. del Monte prepared and submitted the drainage report. He said that he reviewed the topographical data and looked at what run off there will be and where it will go. He said that they designed two off-site channels and routed it around the site. Additionally, the erosion control sediment plans have been designed and submitted for the site.

Commissioner Johnson asked where the water will be discharged and also how they will monitor the cleaning of any water that leaves the detention pond. Mr. del Monte said that the detention pond captures the runoff of the site and is discharged at the other section of the railroad and County Road 56 where there is a system of culverts in the southeast corner. Mr. del Monte said that the detention pond will be inspected to make sure that there is not an oil sheen and when clearance is given the control valve is released and complied with water rights. Commissioner Johnson asked how this will be handled in a large storm event. Mr. del Monte said it is outlined in the Spill Prevention Control Plan. He added that if there is a spill EPA will be notified. Walt Wrights, Senior Environmental Engineer for Martin Marietta, said that they are required to obtain a discharge permit from the State of Colorado Public Health and Environment. Within this permit are requirements for testing parameters for oil, total suspended solids, total dissolved solids and different metals.

Mr. del Monte said that they came up with load equivalency factors for the proposed structures. He added that the soils in this area are not the best as it is clay and it is expansive. He provided an outline of things that can be added to create a stable foundation for these types of structures.

Dave Hagerman, Martin Marietta, Regional Vice President/General Manager for Aggregates, stated that initially they asked for 24/7 operation but the reality is the majority of the operations will be Monday through Saturday. He added that during the winter the asphalt plant will not operate. The asphalt plant may operate at night; however they will be loading out trucks and the plant itself will not be operating. He added that this is to meet the demands from local municipalities. On the aggregate site, train unloading operations will take place between the hours of 6 am and 8 pm. During the winter, the train unloading operations will only take place during daylight hours. He added that typically when they are open on Saturdays it is for sales and not for operations.

Mr. Hagerman said that they reviewed several locations. He provided a list of criteria that they used when reviewing 13 potential sites. He explained their grading scale and why these sites were or were not able to accommodate the criteria. Mr. Hagerman said that they really focused on avoiding travel through towns or school zones to get to the highway system.

David Lemesany, Regional Vice President/General Manager of Asphalt said that these plants are being retrofitted now for odor control. He added that odor is a strange thing and not everyone recognizes odor the same way.

Commissioner Maxey asked if there is a nasal ranger on site. Mr. Lemesany said that there is one at the Ft. Collins plant and added that there will be one on this proposed site as well. He added that when a complaint comes in, Weld County will contact them and they will take a reading. Phil Brewer, Weld County Environmental Health, stated that they would arrive to the complaint site as soon as possible.

The Chair referred to the document which the applicant has proposed changes to the staff report. He explained the changes made above the listed conditions of approval will not be changed as it is not part of the resolution. The Chair asked to start with the proposed change on Condition of Approval 1.C and asked staff for their opinion. Wayne Howard, Engineering, believes that the train information is relevant and important to the area and asked the applicant to compile the data and submit that. Janet Lundquist, Public Works, asked that the railroad crossing analysis be included in the study as well.

Sara Cassidy, Union Pacific Railroad, 1400 West 52<sup>nd</sup> Avenue, Denver, Colorado said that she understands that train traffic would come from the south to the facility and will go back the way it came. She said that there is a process involved in conducting diagnostics at railroad crossings.

Mr. Coppola said that he doesn't have a problem with the evaluation but he doesn't have a way of including these types of assessment in his report. It is usually a Public Utilities Commission (PUC) function.

Ms. Lundquist said that typically a diagnostic with the PUC is pretty lengthy and can take up to 30-90 days to complete. She suggested making a condition to signalize and have crossing arms at the intersection unless the requirement is waived by PUC. Ms. Cassidy said that they are proposing 2-3 trains per week. Given the train traffic in this proposal, she said that they didn't see that threshold trigger to warrant a full diagnostic and upgraded signals.

The Chair said that it sounds better to leave the condition as it is written and the applicants and Union Pacific can address this prior to Board of County Commissioner hearing. Ms. Cassidy said that the road authority does share in the cost of upgrading the crossings. She added that if the crossings are not warranted for signalization the cost would be up to the road authorities.

The Chair said that Conditions of Approval 1.H, 1.I, 1.J. and 1.K are ones that the applicant stated have been completed. He added that these conditions say that the applicant shall attempt and therefore they have made the attempt and the Planning Commission does not need to address them at this point.

The Chair referred to Condition of Approval 1.M.10 as the applicant proposed changes. Mr. Howard understands what the applicant is proposing and as long as it is included in a note, he is acceptable to the change. Mr. Howard recommended amending Condition of Approval 1.M.10 to read "Show and label all off-site auxiliary lane improvements at the access location."

**Motion:** Amend Condition of Approval 1.M.10 as recommended by staff, **Moved by** Bruce Sparrow, **Seconded by** Nick Berryman. Motion carried unanimously.

The Chair referred to the proposed changes to Development Standard 4 regarding the number of employees. Ms. Hora said that they do not want to be held to a set number of employees; therefore she suggested limiting the number of trips generated by the site. Commissioner Sparrow suggested rounding the number of employees up to 75 full-time employees, 50 truck drivers, and 30 field construction workers. After consulting with Martin Marietta, Ms. Hora stated that the applicants are acceptable to those numbers. Ms. Aungst stated that staff had no concerns with this request.

**Motion:** Amend Development Standard 4 to read "The number of on-site employees for Martin Marietta shall be 75 full-time employees, 50 truck drivers, and 30 field construction workers, as stated by the applicant", **Moved by** Bruce Johnson, **Seconded by** Bruce Sparrow. Motion carried unanimously.

With regard to the proposed changes to Development Standard 5, Ms. Hora wished to clarify that Gerrard Construction will only operate on site for one year. Michelle Martin, Planning Department, stated that the USR does not have a time limit with respect to Gerrard Construction. She added that this application is a request for an amendment to the existing USR permit to include the Martin Marietta facility. The Chair clarified that this is more of an agreement between Gerrard Construction and Martin Marietta; therefore no action will be taken on this item.

The Chair referred to the proposed changes to Development Number 6 by adding "however, Martin Marietta will operate under the following restrictions".

**Motion:** Amend Development Standard 6 as proposed, **Moved by** Bruce Sparrow, **Seconded by** Bruce Johnson. Motion carried unanimously.

The Chair asked the applicant if they have read through the amended Development Standards and Conditions of Approval and if they are in agreement with those. The applicant replied that they are in agreement.

Commissioner Johnson said he has known about this case for the past month and added that he has struggled with this. He said that this is the most professional approach he has heard from the applicants and the public. He indicated that by moving to other places isn't always suitable either. With the regard to the public and their professionalism and staff working with the applicant to bring it to a safe environment and mitigating these issues, he believes the integrity of the company will uphold to these standards. He is in support of this proposal.

Commissioner Smock said that all the presentations were outstanding. She said that there are a lot of unknowns, such as pollution into the atmosphere. She added that she has concerns when she hears terms like “generally” and “typically” because they don’t know.

Commissioner Sparrow agreed with both Commissioners and added that he is also concerned with removing farmland from Weld County. However, as was pointed out the homes that are lived in were once prime farmland. He believes in property rights. As far as traffic, there is a concern in this area. He added that this is very difficult.

Commissioner Hansford said that there are too many variables and uncertain things. He believes it is an intense industry for this location.

Commissioner Berryman said he is still concerned about traffic in the area. He said that the applicant has done a good job of addressing a lot of the concerns. When he boils it down, he asked if it is still generally compatible with surrounding uses and added that he is leaning slightly against that.

Commissioner Jemiola concurred with Commissioners Berryman and Hansford and added that it is a very intense use of the site. He is having difficulty with compatibility, specifically with traffic and the intense use.

Commissioner Maxey said that after reviewing the criteria and the duties of the Planning Commission, it is hard to answer the questions relating to compatibility. He said that there could be an argument that it is compatible with the existing surrounding land uses; however with regard to compatibility with future development, there is growth in the area and trends and speculation. He believes the public has had very good testimony and did the evaluation based on information submitted. He believes the applicant has done a good job of stating why this could be located in the agricultural zone district. He said working together with the municipalities is key; however Weld County does not have any intergovernmental agreements that says the County will or will not allow development in this area of the county. Commissioner Maxey said that when the County’s standards are stricter than EPA or State standards, he has a hard time believing that this facility will not comply with the health, safety and welfare.

Commissioner Sparrow asked for opinions regarding traffic. Commissioner Jemiola said that the site itself, the fact that it has the rail access and its proximity to I-25, there is no question that this is the site for this facility. However, he doesn’t believe it is compatible with the surrounding area. He is a private property rights advocate and believes that they have the right to have the property at its fullest, highest and best use. However, he doesn’t feel convinced that this proposed use is compatible with the surrounding properties.

Commissioner Jemiola said that the applicant made a valiant effort in terms of what they were willing to offer to the community. Commissioner Maxey said that the applicant has done a very good job to try their best to make this compatible with the area. Commissioner Berryman said that it is a very strategic location and makes sense; however when he asks if it is a good idea to plop that amount of activity right there with the existing surrounding uses he said it is a very grey area for him.

Commissioner Maxey stated that in Weld County there are a lot of things that can be a Use by Right and since this is zoned agricultural with 130 acres there is the potential of having over 400 cows or dairy or poultry barn and there is no process for that whatsoever. In his opinion that is the beauty of Weld County, the special review process allows them to look at other entities like this proposal. Commissioner Johnson noted that when you look within 4 miles of this site there is a lot of activity that has taken agriculture out of production. He said that agriculture will be taken out of production and no matter what it is it is going to impact the neighborhood. He added that he believes they have addressed the controls of what needs to be done to protect the health, safety and welfare of the community. Commissioner Sparrow said it is not 100 percent compatible but doesn’t believe that it is incompatible either.

**Motion:** Forward Case USR15-0027 to the Board of County Commissioners along with the Conditions of Approval and Development Standards with the Planning Commission’s recommendation of denial, **Moved by** Jordan Jemiola citing Section 23-2-220.A.3, **Seconded by** Benjamin Hansford.

**Vote:** Motion passed (**summary:** Yes = 4, No = 3, Abstain = 2).

**Yes:** Benjamin Hansford, Jordan Jemiola, Joyce Smock, Nick Berryman.

**No:** Bruce Johnson, Bruce Sparrow, Jason Maxey.

**Abstain:** Michael Wailes, Terry Cross.

Commissioner Berryman said that his objections relate to Section 23-2-220.A.3.

Commissioner Maxey said that he believes these issues can be mitigated and would be compatible with the area.

The Chair asked the public if there were other items of business that they would like to discuss. No one wished to speak.

The Chair asked the Planning Commission members if there was any new business to discuss. No one wished to speak.

Meeting adjourned at 9:39 pm.

Respectfully submitted,

Kristine Ranslem  
Secretary