



Weld County Referral

July 28, 2015

The Weld County Department of Planning Services has received the following item for review:

Applicant: W3 Legacy, LLC

Case Number: USR15-0040

Please Reply By: August 25, 2015

Planner: Chris Gathman

Project: A Site Specific Development Plan and Use by Special Review Permit 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 (parking and staging area for a trucking and construction business along with transloading of flyash), 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 in the A(Agricultural) Zone District.

Location: Approximately 370 feet south of CR 56; approximately 0.5 miles east of CR 13.

Parcel Number: 095719000049-R0184690 Legal: PART E2/PART NW4 SECTION 19, T5N, R67W LOT A REC EXEMPT RE-1247 of the 6th P.M., Weld County, Colorado.

The application is submitted to you for review and recommendation. Any comments or recommendation you consider relevant to this request would be appreciated. Please reply by the above listed date so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a positive response to the Department of Planning Services. If you have any further questions regarding the application, please call the Planner associated with the request. **Please note that new information may be added to applications under review during the review process. If you desire to examine or obtain this additional information, please call the Department of Planning Services.**

- We have reviewed the request and find that it does / does not comply with our Comprehensive Plan because: _____*
- We have reviewed the request and find no conflicts with our interests.*
- See attached letter.*

Signature BPascoe

Date 07/28/2015

Agency Zoning Compliance



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Signature CAPT ALAN CALDWELL

Date 073115

Agency WCSO



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Signature Jeff Behncke, Greeley South DWM

Date 07/29/2015

Agency Colorado Parks and Wildlife



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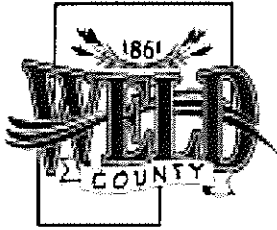
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- See attached letter.*

Signature Josh Olhava, Associate Planner

Date 7/31/2015

Agency Town of Windsor



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-

Signature  Date 7/30/2015

Agency City of Greeley



MEMORANDUM

TO: Chris Gathman, Planning Services DATE: 8/27/15
FROM: Wayne Howard, P.E., Development Engineer
SUBJECT: USR15-0040, W3 Legacy

The Weld County Department of Planning Services-Engineering has reviewed this proposal. Staff comments made during this phase of the application process may not be all-inclusive, as other issues may arise during the remaining application process.

COMMENTS:

General Project Information/Location:

Project description

This project is west of CR 15 and is south of CR 56 and proposes to offload flyash for road construction purposes

Parcel number 095719000049. Access is from CR 56.

Roads:

County Road 56 is a gravel road and is designated on the Weld County Road Classification Plan as a local road, which requires 60 feet of right-of-way at full buildout. The applicant shall delineate on the site plan the future and existing right-of-way. If the existing right of way cannot be verified it shall be dedicated. All setbacks shall be measured from the edge of future right-of-way. This road is maintained by Weld County.

Traffic:

No traffic counts are available in the area.

A traffic narrative was submitted with the application materials and indicated that there will be approximately 20 trucks daily roundtrips and 26 employee round trips/day. The expected traffic routes are CR 56 to CR 13 then to US 34.

Access:

An access permit has been approved for the access to the site (AP15-00293).

For shared accesses, Public Works strongly recommends that the property owner establish an access road maintenance agreement so future owners of the properties will be aware of their requirements for shared maintenance of the access road. This is not a requirement for the recorded exemption but is recommended to avoid property owner conflicts in the future.

Entrance gates (if applicable) must be set back a minimum of 100 feet from edge of shoulder to allow a truck with trailer or RV to pull completely off of the roadway and open the gate. In no case shall any vehicle(s) stopped to open a gate be allowed to create a safety issue for roadway users.

Show and label a 30 ft minimum access easement to provide adequate access to the parcel.

TRACKING CONTROL:

Tracking control is required to prevent tracking from the site onto public roadways. Minimal standards are listed below. Temporary Tracking Control shall be used during construction unless permanent tracking control is installed ahead of construction activities.

More than 10 round truck trips/day (tandem or semi-trucks) or more than 50 round passenger vehicles trips:

- **Access onto gravel roads requires a tracking control device and a minimum of 300ft of recycled asphalt or road base.**

**Recycled concrete is not allowed in County ROW*

***Tracking control devices can be double cattle guards or other specialized device*

**** Tracking control for unmaintained public ROW is required just prior to entering publically maintained roadways.*

A variance request for alternatives to the above tracking control can be submitted to the Traffic Division of Public Works for review and consideration.

Improvements and Road Maintenance Agreement:

No improvements agreement will be required as the anticipated traffic is less than 21 round truck trips/day or 50 round passenger vehicle trips/day. A development standard will be applied to the recorded plan indicating any impacts to the road must be mitigated by the owner. There shall be no tracking from the site onto publically maintained roads. The applicant is responsible for mitigation of any damage or offsite tracking and upgrading and/or maintaining onsite tracking control.

Drainage Requirements:

The applicant has submitted a site analysis signed and stamped by a P.E. stating the site meets exemption 1.h - Development of sites where the change of use does not increase the imperviousness of the site. The drainage certification letter must be revised, signed, and stamped to also indicate compliance with the new Drainage Code Chapter 23, Article 12.

Grading Permit:

A Weld County Grading Permit will be required if disturbing more than 1 acre. Grading Permit applications are accepted after the planning process is complete (plan recorded). An Early Release Request Form may be entertained only after the applicant and Planning Department have reviewed the referral and surrounding property owner comments. The Early Release Request may or may not be granted depending on referral comments and surrounding property owner concerns. Contact a Engineering representative from the Planning Department for more information.

A Construction Stormwater Permit is also required with the State for disturbing more than 1 acre. Contact: Colorado Department of Public Health and Environment, Water Quality Control Division, Rik Gay, 303-692-3575.

Geologic Hazard Area:

This area IS NOT in a Geologic Hazard Area.

Floodplain:

This area IS NOT in a FEMA regulatory floodplain.

CONDITIONS OF APPROVAL:

- A. Revise, sign, and stamp the drainage narrative to include the reference to the new Drainage Code - Chapter 23, Article 12. (Department of Planning Services-Engineer)
- B. The plan shall be amended to delineate the following:

1. Show and label the approved tracking control on the site plan.

Prior to Construction:

- A. The approved access and tracking control shall be constructed prior to on-site construction. (Department of Planning Services-Engineer)
- B. If more than one (1) acre is to be disturbed, a Weld County Grading Permit will be required. (Department of Planning Services-Engineer)

DEVELOPMENT STANDARDS (NOTES ON THE SITE PLAN)

1. 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)
2. The site shall be maintained to mitigate any impacts to the public road including damages and/or offsite tracking. (Planning and Engineering)
3. There shall be no parking or staging of vehicles on public roads. On-site parking shall be utilized. (Department of Public Works)
4. The historical flow patterns and runoff amounts will be maintained on the site. (Department of Planning Services-Engineer)



MEMORANDUM

TO: CHRIS GATHMAN, PLANNING SERVICES

FROM: HEATHER BARBARE, ENVIRONMENTAL HEALTH

SUBJECT: USR15-0040, EH REFERRAL – W3 LEGACY

DATE: AUGUST 5, 2015

A Site Specific Development Plan and Use by Special Review Permit 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 (parking and staging area for a trucking and construction business along with transloading of flyash), 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 in the A (Agricultural) Zone District.

The applicant is proposing to have up to 6 total office employees and up to 20 drivers onsite.

The applicant is proposing to permit and install a septic system for the facility and have portable toilets. The applicant indicated that water would be provided by the Little Thompson Water District.

The applicant has indicated that no vehicle maintenance will be occurring at the facility. The applicant also indicated that vehicle and equipment washing would not be occurring at the facility, as a wash station will not be present onsite.

The applicant has indicated that fly ash stored onsite will be used as a product for soil stabilization and for construction products and disposal or transfer to a disposal facility would not be occurring.

We have no objections to the proposal, however, we do recommend that the following conditions be part of any approval:

1. Prior to the issuance of the Certificate of Occupancy:
 - A. An onsite wastewater treatment system is required for the proposed facility and shall be installed according to the Weld County Onsite

Wastewater Treatment System Regulations. The septic system is required to be designed by a Colorado Registered Professional Engineer according to the Weld County Onsite Wastewater Treatment System Regulations.

2. We recommend that the following requirements be incorporated into the permit as development standards:
 - A. 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.
 - B. 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., as amended. This facility shall not operate as a transfer facility, as outlined in the Solid Wastes Disposal Sites and Facilities Act, 30-20-100.5, C.R.S., as amended.
 - C. Waste materials shall be handled, stored, and disposed in a manner that controls fugitive dust, fugitive particulate emissions, blowing debris, and other potential nuisance conditions. The facility shall operate in accordance with Chapter 14, Article 1 of the Weld County Code.
 - D. The facility shall comply with the Air Pollution Emission Notice (APEN) and Emissions permit requirements as stipulated by the Air Pollution Control Division, Colorado Department of Public Health and Environment, as applicable.
 - E. This facility shall adhere to the maximum permissible noise levels allowed in the Non-Specified Zone as delineated in Section 14-9-30 of the Weld County Code, or with all applicable State noise statutes and/or regulations.
 - F. Fugitive dust and fugitive particulate emissions should attempt to be confined on the property. Uses on the property should comply with the Colorado Air Quality Commission's air quality regulations.
 - G. Adequate drinking, hand washing and toilet facilities shall be provided for employees and patrons of the facility, at all times. If employees or contractors are 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.

- H. Sewage disposal for the facility shall be by septic system. Any septic system located on the property must comply with all provisions of the Weld County Code, pertaining to On-site Wastewater Treatment Systems.
- I. A permanent, adequate water supply shall be provided for drinking and sanitary purposes. The facility shall utilize the existing public water supply.
- J. 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 and volatile organic compounds. All chemicals must be stored securely, on an impervious surface, and in accordance with manufacturer's recommendations. Fly ash must be handled and stored securely, in a safe manner, and in a manner that minimizes dust, the release of hazardous air pollutants, and minimizes spills.
- K. 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 Storage Tank Regulations, as applicable.
- L. A Spill Prevention, Control and Countermeasure Plan, prepared in accordance with the applicable provisions of 40 CFR, Part 112, shall be available on site, as applicable.
- M. The operation shall comply with all applicable rules and regulations of State and Federal agencies and the Weld County Code.



RESPONSE TO REFERRAL

August 20, 2015

Referral Entity: Weld County Department of Planning Services

Project Name: W3 Legacy, LLC (Fly Ash)

Project Type: USR 15-0040

We have reviewed the proposal/plans and find the following;

1. There will be a need for a secondary emergency access point.
2. There will be a need for a water supply (hydrants) on a looped system. The water demand (G.P.M.) to be determined.
3. Any mechanical gates would require a KNOX switch for emergency access
4. Further research/information is needed to determine any fire safety needs with respect to the Fly Ash operations.