



**TOWN OF WELLINGTON
PLANNING COMMISSION
March 6, 2023**

**MINUTES
REGULAR MEETING – 6:30 PM**

1. CALL REGULAR MEETING TO ORDER – 6:30 p.m.

The Planning Commission for the Town of Wellington, Colorado, met on March 6, 2023, at the Wilson Leeper Center, 3800 Wilson Avenue, Wellington, Colorado at 6:30 p.m.

2. ROLL CALL

Commissioners Present:

Eric Sartor, Chairperson
Lisa Chollet
Lowrey Moyer
Tim Whitehouse
Linda Knaack

Absent:

Bert McCaffrey

Town Staff Present:

Cody Bird, Planning Director
Paul Whalen, Planner III
Patty Lundy, Planning Analyst

3. ADDITIONS TO OR DELECTIONS FROM THE AGENDA

None

4. PUBLIC FORUM

None

5. CONSIDERATION OF MINUTES

A. Meeting Minutes of January 9, 2023

Commissioner Moyer moved to approve the meeting minutes of January 9, 2022.
Commissioner Whitehouse seconded.

Yeas – Chollet, Moyer, Knaack, Whitehouse, Sartor

Nays – None

Motion carried

B. Work Session Minutes of February 6, 2023

Commissioner Chollet moved to approve the meeting minutes of January 9, 2022.
Commissioner Knaack seconded.

Yeas – Chollet, Moyer, Knaack, Whitehouse, Sartor

Nays – None

Motion carried

6. NEW BUSINESS

A. **Site Plan Review – Connell Resources Asphalt Plant – South of County Road 66, West of BNSF Railroad**

Paul Whalen, Planner III presented the staff report. The applicant is seeking approval for a site plan for the development of an asphalt batch plant located at the north end of town. This property is currently zoned I – Industrial Use, which this is a permitted use by right in this zoning district.

The Board of Adjustment granted a variance to reduce the 1,000 ft. separation setback to 800-ft at the October 27, 2023 Board of Adjustment meeting. They also granted a variance from the maximum building height requirement to allow a 70-ft silo structure height. In granting the variances, the Board of Adjustment required the following conditions of approval:

- Site Plans must be reviewed and approved by the Planning Commission;
- The height variance (up to 70-ft) is for the silo only;
- A 15-foot earthen berm and landscaping is required on the west side;
- There is to be no signage on the silo;
- Require signage and operator policies to disallow engine braking (“Jake Brakes”);
- Compliance with all applicable County and State permits for operation of an Asphalt Plant

The Board of Adjustments also recommended Town-supplied potable water should not be used for plant process operations.

Neighborhood comments have been expressed about air emissions, odor, noise, water use, aesthetics, operational standards, and traffic impacts. The applicant has addressed the Board of Adjustment comments as well as the water. The site layout and design includes placement of the highest intensity use as far from residential properties as possible and locating the silo and operations at the northeast corner of the site by the railroad. A 15-foot berm is proposed along with landscaping and screening. The landscaping proposed follows low-water use recommendations and is proposed to be irrigated with non-potable water available from offsite. A traffic impact study has been provided and the applicant is working on revisions to address agency review comments. The air emissions, odor, noise and operational standards are regulated by other agencies and the applicant will have to comply with all regulations and obtain the necessary permits.

John Warren, Connell Resources, presented information about the existing asphalt plant at their Timnath location and a history of the business. He also explained his plan for the future site. They are a family owned and operated business for over 76 years and have over 265 employees. They would like to keep their site in Larimer County and have close access to their sand and gravel location near Carr (just north of Wellington). He explained the day-to-day operations and proposed truck routes. Connell Resources intends to comply with all of the Town’s regulations as well as all regulatory agencies to get required permits. The company already works with the regulatory agencies for maintaining permits and operations for its existing site at its Timnath location.

Chairman Sartor opened the meeting for public comment.

Chris Pletcher shared that he had concerns about ground water and air quality. He felt the presentations answered his questions and feels better about those. He did mention he has worked with Connell in the past and that they are honest and easy to work with.

Jason Waldo shared that he resides east of the railroad tracks adjacent to the proposed site. He said he is the closest resident to this property. Twenty years ago, the property was zoned industrial, and they were worried what would go in. He has met with Connell Resources and feels his family can support this project. He would like to see signs about no jake breaks going both directions on the county road.

Janelle Scammahorn was concerned about the ground water contamination along Boxelder Creek and asked if there is any mitigation for stormwater drainage. She also wanted to know more about air pollutants.

Rachel Hayes said she had emailed her comments in and felt like a decision had already been made.

Chairman Sartor stated that the Planning Commissioners have not made any decisions about this project and that the process allows public comment to be heard for the Commissioners to consider as part of its review. He asked for public comments to continue.

James Raymond asked the audience to raise their hands if they were from Buffalo Creek. He wanted it acknowledged that many raised their hands. He was interested in the truck traffic and concerns on the impact of the current county roads around the property.

Ryan Burtis was concerned about the property tax values and wanted to know if there is any information on that. Will there be any recourse if something goes wrong with the plant and how would that work.

Sean Younghein had signed on the list to provide comment and was called, but chose not to provide comment.

Lisa Clay introduced herself as the current property owner where the project is proposed. The property was zoned Industrial on purpose because the Town didn't have anything that was industrial property when her company (Advance Tank and Construction) first moved to Town. Everything around them was just Agricultural zoning. They saw the need to have a buffer around their property to have more businesses like them as the Town grew so residential wouldn't build up to them. Connell Resources maintains an attractive site and has better landscaping than her own site. She stated she believes Connell Resources will be good for the Town.

John Robertson expressed concerns about water quality and air pollution and would like to know more about those topics.

Reesa Conney asked why this site was chosen if the company's aggregate material was in Carr, and why wouldn't they put the plant there instead. She asked about the timing and steps in the review process? She agreed with some of the same concerns others had expressed and the site being close to Wellington Community Park.

Ben Leistikow shared that he had reached out to other State and Local agencies to learn about the toxins. They have the potential to cause cancer and skin irritants. He stated he would like to see approved with conditions including having a 2,640 foot setback since the use is a heavy producer of these toxins. He would like to know how this will affect the park and surrounding area.

Kathlyn Folmer has similar comments as others. Her main concern was why they didn't have plans to put the plant in Carr. The 800 feet setback seems to be too close for comfort.

Brendan Gallagher asked for a number for how many trucks will be driving on the roads instead of expressing in terms of how much tonnage is being moved. He asked why a variance had been granted to allow for the height and setback for this project.

Kenton Schuett would like to know if there can be a tour setup as he doesn't understand how the plant works.

Chairman Sartor said that this was everyone that had signed up to speak during the public comment. He asked if there was anyone else who would like to speak. There were no further public comments.

Public comments were closed.

Chairman Sartor called for a motion for a 10 minute recess.

Commissioner Moyer moved to have a 10 minute recess
Commissioner Chollet seconded.

Yeas – Chollet, Moyer, Knaack, Whitehouse, Sartor

Nays – None

Motion carried

Chairman Sartor asked the applicant and staff to address public comments that had been presented.

Bird shared information about the review process and steps. He explained that the Board of Adjustment had met in October 2022 and voted to grant a variance to the maximum building height to allow the silo up to 70 ft. and granted a variance to reduce the setback distance from residential property from 1,000 ft. to 800 ft. with conditions of approval. The site plan review process is often the last review step in a development process, however in this development, the applicant did not want to make the easements dedications and utility designs final until they knew where all the site elements were approved to be placed. Public improvements are still being evaluated. The Town is still working with Larimer County Road and Bridge to address traffic topics.

Warren addressed the questions he heard in the public comments. Stormwater drainage will be detained in the southwest corner of the property and meets the 100-year flood event. They also are working on an agreement with North Poudre Irrigation Company to release stormwater to the irrigation ditch. They do not have plans for spills from the asphalt mixing process, but they do for the rest of the site for diesel fuel, grease, and oils. All improvements for the roads and the traffic plans have to be completed before they would get a Certificate of Occupancy for the site anyhow, so they will be completing the road improvements as part of this project. Connell Resources selected the Wellington location over Carr because weather patterns are actually very different there than in Wellington. It is windier there and it is better for their operations to have the finished product closer to the end user because as the asphalt cools, it is a perishable product. Weld and Larimer Counties no longer permit asphalt plants in the unincorporated county, so they need to be within a town and it also allows this public process to take place. The asphalt processes do not produce toxic chemicals – products used in the process already have chemicals in them. He responded to the comment about how much tonnage equates to number of truck trips. 150,000 tons is about 50-60 truck trips per day. They have done a traffic study that was submitted for review and they are working through that process. If anything were to happen after the plant is permitted and is open, that would be up to the Larimer County Health Department. The Health Department holds them to high standards, and the company and operations have to follow their regulations.

Lea Schneider, Larimer County Environmental Health Planner was invited to speak to some of the questions that she had heard. She stated as a regulatory agency, she desires to learn more about the studies and modeling that Connell Resources is evaluating for the site. The site and operations at this location have not been modeled before. It was her understanding testing would take place sometime in the summer when production was at its highest peak. She said that the Health Department monitors Connell Resources' current asphalt plant at the Timnath location and have had no issues. Connell Resources has been approved for all of their required permits at their other location and would have to do the same for any new facility. The air dispersion modeling and emissions characterization that Connell Resources is undertaking will be a huge benefit and is outside of the permitting requirements of the State Air Pollution Control Division. There is another local asphalt batch plant permitted in Larimer County that is currently producing about 500,000 tons of material per year. The County looked at a 1-hour average hazardous air pollutant exposure with the accepted concentration would be 55 microgram per cubic meter and at the nearest residential receptor they had 36 micrograms per cubic meter. That other site has significantly more volume compared to Connell Resources that is permitted for 300,000 tons of material per year. For the annual level the consultant that was working with the County said the threshold is 13 and they found that formaldehyde came in at .49 at the closest receptor which was 784 feet from the asphalt towers to the house. Each asphalt plant is very individual and depends on the controls they have in place on their system.

Commissioner Chollet asked how Larimer County Health monitors the truck traffic for noise and air pollutants and how this project will impact having more trucks included with the new landfill. She stated she does not live in Buffalo Creek, but her front window faces I-25 and she see the increase in the trucks.

Schneider said that truck traffic is the number one contributor.

Chairman Sartor added that this proposed site is not really adding more trucks to the roads, but rather the trucks are just relocating from down south to up here as far as emissions.

Bird asked Schneider if the “Nasal Ranger” [tool used for measuring odors] could identify the difference between different odors and sources. Schneider said it is more how they evaluate the odor. They go up wind, and down wind. They do several tests to see what is around.

Commissioner Chollet asked if an environmental impact study had been completed. Bird replied that the Town does not have that as a requirement and staff has not required one to be done.

Commissioner Whitehouse said that he understands that there is a detention pond that will accommodate site drainage but was wondering if there were any concerns about what was in the water before it left the site. Schneider said that there is a control and a permit before they can discharge.

Commissioner Chollet asked about cleaning up the site once they are finished with the site. Warren replied that Connell Resources will own the property and they will not just leave it. As the owner, they will be responsible for the site conditions.

Commissioner Chollet asked about operating hours and also the lights that are needed. Warren said they need the lights for operations during daylight savings time. They only operated six (6) nights last year. The company works hard not to work at night but sometimes is required for State or CDOT jobs that require activities to occur at night.

Chairman Sartor said that he would like to end the questions section and bring it back around for the Commissioner’s to have a discussion about what they heard. Sartor thanked everyone who signed the sheet to come up and speak. He feels that the comments during the public meeting seemed very different than the emailed comments the Planning Commission received. He would like to have more time to try and find answers to some of the questions and concerns raised which will take time.

Commissioner Moyer said she felt there were people here that had the same concerns as the concerns that were emailed. She also felt that there were about the same number in favor for the project as there were against here tonight.

Chairman Sartor said that since this is the last stop for the site plan review, and site plans do not go to the Board of Trustees, he would like to see as much information presented to help address all the concerns as possible.

Commissioner Moyer stated she would like to see the data on the current plant.

Commissioner Whitehouse said that he has been on the Planning Commission for many years and he has never seen so many referral agencies involved. He liked seeing all of their comments for the project and that they were involved.

Commissioner Knaack said she would like more time to look through all the comments that came in after the agenda was published. She also would like to see all the Commissioners present to vote on this project.

The Commissioners would like to get all the information on the studies that have been done. Any data on the current plant would be helpful. They wanted to have all the outside agency numbers on the tests that have been conducted. Any environmental information that Larimer County could provide on the current plant and desired more time to look at the information. The Commission also asked to see the traffic impact study that was done.

Commissioner Moyer moved to table the Site Plan Review for Connell Resources to the regular meeting of the Planning Commission to be held on May 1st, 2023, at 6: 30pm at the Wilson Leaper Center, 3800 Wilson Avenue, Wellington, Colorado.

Motion seconded by Commissioner Whitehouse.

Yeas – Chollet, Moyer, Knaack, Whitehouse, Sartor

Nays – None

Motion carried

B. Update Recommendations on Adoption of the Zoning Map for P – Public Zoning Districts

Bird gave a brief background on the zoning map process and mentioned that the Planning Commission had voted to send the recommendation to the Board of Trustees at the December meeting. They had asked for more information on the P – Public District with a work session which was held in February. During that work session there was a consensus on how to handle the Public Districts and what the standard for zoning a district Public would be. The Planning Commissioner's asked Mr. Bird to make sure that he sends to the Board of Trustees how they went through the properties when it gets presented to them.

Jim Flowers asked if his property would be zoned the R-4 zoning like he had asked at the December meeting. The Commissioners reassured him that they are showing his zoning be R-4 on the zoning map and that would be presented to the Board of Trustees at a later meeting.

Commissioner Chollet made a motion to forward a recommendation to the Board of Trustees to approve the official zoning map as presented, including recommendations for the P Public Zone district.

Motion seconded by Commissioner Whitehouse.

Yeas – Chollet, Moyer, Knaack, Whitehouse, Sartor

Nays – None

Motion carried

7. ANNOUNCEMENTS

Bird mentioned that we are currently advertising for a vacancy on the Planning Commission. There are also two vacancies on the Board of Adjustments. He mentioned that the Planning Commissioners can also be Board of Adjustment members. He encouraged Commissioners to advise anyone interested in serving on a board or commission to consider applying.

8. ADJOURNMENT

Chairman Sartor adjourned the regular meeting at 10:40 PM.

Approved this 3rd day of April, 2023



Recording Secretary