



PLANNING COMMISSION REGULAR MEETING

June 7, 2023 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration
3. Public Invited to be Heard

Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Town Board.

Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Written comments are welcome and should be given to the Town Clerk prior to the start of the meeting.

B. CONSENT CALENDAR

1. Approval of the May 17, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk

C. BOARD ACTION

1. Public Hearing - Great Western 7th Annexation Master Plan - Dean Brown, owner and applicant, GWIP LLC.; Mark Cevaal, applicant's representative, Redland
 - Quasi-judicial
 - Staff Presentation: Sandra Mezzetti, Senior Planner
2. Recommendation to Town Board - Great Western 7th Annexation Master Plan - Dean Brown, owner and applicant, GWIP LLC.; Mark Cevaal, applicant's representative, Redland
 - Quasi-judicial
 - Staff Presentation; Sandra Mezzetti, Senior Planner
3. Public Hearing - Request for a Conditional Use Permit to allow gravel surface mining - Great Western 7th Annexation - Dean Brown, owner, GWIP LLC; Julie Mikulas, applicant, Martin Marietta Materials, Inc.; Pam Hora, applicant's representative, Tetra Tech, Inc.
 - Quasi-judicial
 - Staff Presentation: Sandra Mezzetti, Senior Planner

4. Recommendation to Town Board - Request for a Conditional Use Permit to allow gravel surface mining - Great Western 7th Annexation - Dean Brown, owner, GWIP LLC; Julie Mikulans, applicant, Martin Marietta Materials, Inc.; Pam Hora, applicant's representative, Tetra Tech, Inc.

- Quasi-judicial
- Staff Presentation: Sandra Mezzetti, Senior Planner

D. COMMUNICATIONS

1. Communications from Planning Commission
2. Communications from Town Board Liaison
3. Communications from Staff

E. ADJOURN

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.



MEMORANDUM

Date: June 7, 2023
To: Planning Commission
From:
Re: Approval of the May 17, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon,
Deputy Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 05.17.23 Planning Commission Draft Minutes



Planning Commission Regular Meeting

May 17, 2023 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

MINUTES

A. CALL TO ORDER

Chairman Schick called the meeting to order at 7:00 p.m.

1. Roll Call

Present:

Chairman Schick
Vice-Chair Timothy Reddick
Cindy Beemer
Jose Valdes
Ben Kirch
Nathan Kinney
David Hassard

Also Present:

Town Board Liaison Tallon
Scott Ballstadt, Planning Director
Carlin Malone, Chief Planner
Sandra Mezzetti, Senior Planner
Ben Bodiker, Visual Media Coordinator
Kaitlyn Cinnamon, Deputy Town Clerk

2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration

Planning Commissioner Beemer moved to approve the agenda as presented, Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

3. Public Invited to be Heard

Chairman Schick opened the meeting up for public comment on any non-agenda item, to which there were none.

B. CONSENT CALENDAR

1. Approval of the April 19, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk

Planning Commissioner Reddick moved to approve the consent calendar as presented, Planning Commission Member Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

Town Board Liaison Tallon gave a statement to the Commission.

"Mr. Chair, for the record, I would like to disclose that I am a sitting member of the Town Board and that I am here in my capacity as a nonvoting liaison to the Planning Commission. Although I will be present during all public hearings tonight, I will not be giving my opinion or participating in any of the discussions. I will not let tonight's proceedings influence or affect my review of these matters when they come before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearings."

C. BOARD ACTION

1. Public Hearing - Conditional Use Permit (CUP) for a Public Services Office (Windsor Police Facility) in the Recreation Open Lands (ROL) Zone District (34429A Weld County Road 15) - Rick Klimek, Windsor Chief of Police, on behalf of the Town of Windsor, applicant and property owner

The applicant, the Town of Windsor, is requesting a Conditional Use Permit (CUP) to allow a public service office (police facility) in the Recreation and Open Lands (ROL) zone district.

This proposal is to construct a new facility to house the Town of Windsor Police Department headquarters, consisting of administrative offices and complimentary uses. Staff is recommending Planning Commission forward a recommendation of approval of the CUP, with conditions, as included in the recommendation.

Per Town Municipal Code, Section 16-1-150(c)(3)(a), public administrative offices and services buildings service offices shall be permitted in the ROL zone district upon approval of a conditional use permit, as provided in Section 14-2-130 – Conditional Use Permit.

A major site plan has been submitted concurrently with the conditional use permit application, which is under Town staff review and applicable referral agencies. Additionally, a master plan amendment was submitted for this site, also under review. This site is part of the 2007 Tacincala Master Plan, which depicts "open space" for this area. The master plan amendment requires a separate public hearing and recommendation by the Planning Commission prior to a public hearing and approval by the Town Board.

There are site-specific items that will need to be addressed with the refinement of the site plan design and a portion of the Tacincala Master Plan will need to be amended prior to approval of the subject CUP. Therefore, these conditions of approval are reflected in the recommendation to Town Board.

The proposed use will be located on a site of approximately 15.35 acres within a 138-acre property. The Town purchased the property in 2021. The property was once known as the Beethe Farm and was annexed in 2006, with the zoning and master planned approved in 2007 (Tacincala Annexation and Tacincala Master Plan).

Review Criteria for Conditional Use Permits

Section 14-2-130 of the Municipal Code outlines the review criteria to be evaluated prior to granting of a conditional use.

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.

The proposal generally complies with the Comprehensive Plan's goals and objectives and the Strategic Plan as noted below.

2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.

The proposal does not create any undue or unnecessary burdens on existing public infrastructure or public improvements. The Town's Land Use Plan had depicted the area to the north as RMU (Residential Mixed Use), anticipating a residential neighborhood with approximately 500 homes (based on a density of four dwelling units per acre). With the Town's purchase of this property, the proposed use has changed from residential neighborhood to a public facilities campus including: the police facility (15 acres), Weld RE-4 middle school (48 acres), Town parks (72 acres), and the existing Town of Windsor Public Services facility.

As stated, a site plan for the facility was submitted concurrently with the CUP application and is under review with Town staff, also known as the DRC (Development Review Committee) and applicable referral agencies. The DRC consists of Town staff and Windsor-Severance Fire and Rescue (WSFR). Referral agencies for both the CUP application and site plan include the utility providers, City of Greeley Water, Lake Canal, Weld County, and CDOT (Colorado Department of Transportation). There are no concerns from staff or referral agencies regarding the public service office use in this location.

The site is north of existing public facilities, an existing neighborhood (Windshire Park Subdivision), and northwest of planned neighborhoods of Overland and Trevenna Subdivisions. The site is west of the planned subdivision of Tacincala (Prairie Song). These properties are within the Town of Windsor. The proposal is south and shares a property line with the existing Beethe property (one acre), located in unincorporated Weld County. The Town and the Beethes have been coordinating and will continue to coordinate as plans develop.

Weld County Road 15 will be improved with development of this public facilities campus, including undergrounding the existing overhead power lines, as well as extending the 10' trail along the west side of 15th Street/WCR 15.

There will be two access points to the facility: one southern access point from WCR 15, with a temporary secondary access point on WCR 15 (north) until a future access point to the northwest is constructed with development of the middle school. The northwestern access point will be a local roadway stemming from a roundabout from a major collector roadway, west of WCR 15. This intersection is in the design stage (please see illustration in staff presentation).

3. The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.

The appearance of the use from WCR 15 will include enhanced architecture and the site will be screened with landscaping, where safety is not an issue. Parking lot landscaping and buffering along WCR 15 will be provided. Plant materials within the parking lot area and surrounding the foundation of the building will be chosen with the safety of the police personnel and visitors in mind.

Adequate parking and an area designed for future parking on the site has been shown in the site plan.

Operations will be conducted seven days a week, 24 hours per day. With few customers visiting the site, the use will generate relatively minimal traffic. Traffic generated by the site will primarily consist of employees. Visitor traffic will enter from WCR 15 and into the parking lot on the south side of the site. With the development of the middle school, a permanent access point from WCR 70 will reduce left turns from WCR 15 into the site. The sidewalk/trail along 15th Street will continue from the south along this site and will continue north when the school is developed.

Storm drainage will be properly accommodated through the site plan process.

Relationship to Comprehensive Plan

Chapter 7 – Community Facilities & Infrastructure

Goal: *Maintain and enhance Windsor as a safe and healthy community that is served by quality facilities and infrastructure that support a high quality of life.*

Objectives:

Coordinate annexation and development plans with community service and utility providers to ensure adequate levels of service are extended to new growth areas and maintained in existing service areas.

Work with the Windsor Police Department and Windsor-Severance Fire Rescue to maintain and enhance Windsor as a safe community.

Work with other public agencies throughout the community to maintain adequate and appropriate sites and facilities for the provision of public services.

Notification

The Municipal Code requires a public hearing notification for a CUP. Notifications were provided as follows:

- May 5, 2023 – affidavit of letters mailed to property owners within 500 feet of the subject property boundary
- May 5, 2023 – development review sign posted on the property (west side of CR 15)
- May 5, 2023 – legal notices posted on the Town of Windsor website
- May 7, 2023 – legal ad published in the local newspaper (Greeley Tribune)

Chairman Schick opened the public hearing for Conditional Use Permit (CUP) for a Public Services Office (Windsor Police Facility) in the Recreation Open Lands (ROL) Zone District (34429A Weld County Road 15).

Carlin Malone, Chief Planner, presented to the Commission.

Chairman Schick opened the meeting for public questions or comments.

Douglas Beethe, 34429 CR 15 Windsor, addressed the Commission regarding the address assignment of the Windsor Police Facility.

Scott Ballstadt, Planning Director, and Sandra Mezzetti, Senior Planner, addressed the concern regarding the address number.

Commissioners asked questions of staff and the applicant.

Rick Klimek, Windsor Chief of Police, addressed the Commission's questions via Zoom.

Planning Commissioner Reddick moved to close the public hearing, Planning Commission Member Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

2. Recommendation to Town Board - Conditional Use Permit (CUP) for a Public Services Office (Windsor Police Facility) in the Recreation Open Lands (ROL) Zone District (34429A Weld County Road 15) - Rick Klimek, Windsor Chief of Police, on behalf of the Town of Windsor, applicant and property owner

Please refer to public hearing item materials.

Planning Commissioner Beemer moved to forward a recommendation of approval to Town Board for Conditional Use Permit (CUP) for a Public Services Office (Windsor Police Facility) in the Recreation Open Lands (ROL) Zone District (34429A Weld County Road 15) as presented and subject to staff conditions, Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

3. Public Hearing - Conditional Use Grant (CUG) to amend the Raindance Oil and Gas Pad Site CUG to allow for a 40-foot communications tower - Tisa Juanicorea, PDC Energy Inc., Applicant; and Martin Lind, Raindance Aquatic Investments, LLC, Property Owner

The applicant, PDC Energy, Inc., is requesting a Conditional Use Grants (CUG) to amend an existing CUG, approved on June 12, 2017, and amended on June 28, 2021, to allow oil and gas facilities in the RMU zone district for a site known as the Raindance Pad. Oil and gas facilities are allowed as a conditional use in all zoning districts, per Section 16-7-60 of the Town's Municipal Code, Oil and Gas Facilities.

The approved CUG for this site allows 36 oil and gas wells. The subject CUG requests the addition of a 40-foot communication tower only. No other change is proposed with this request.

Staff requests that the Planning Commission forward to the Town Board a recommendation of approval of the CUG for the communications tower addition, retaining the 2021 CUG conditions of approval (attached).

The property was previously Lot 5 of Water Valley West Subdivision, which was subdivided into Raindance Subdivision 8th Filing, Tract J. The property has been further subdivided and is now Raindance 21st Filing. The site area includes approximately 78 acres and is situated between New Liberty Road and the Cache La Poudre River, with the drilling pad located

approximately 800 feet south of the river. The pad is surrounded by berming and landscaping, installed with the Raindance Golf Course (west and south of pad). The property is adjacent to the Poudre Trail to the north, a residence along the eastern boundary of the property, as well as undeveloped and developed single-family residential lots to the east and south. The site area of the Raindance Drill Pad is approximately 5.5 acres.

Section 14-2-130 of the Municipal Code outlines the review criteria to be evaluated prior to granting of a conditional use.

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.

The proposal generally complies with the Comprehensive Plan's goals and objectives.

2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.

The proposal does not create any undue or unnecessary burdens on existing public infrastructure or public improvements. This proposal has no change / no impact.

3. The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.

The communication tower will be located internal to the oil and gas pad. As demonstrated within the submittal application materials, there will be little impact to the surrounding area. The existing pad site includes berming and landscaping, which is also incorporated into the surrounding golf course.

Neighborhood Meeting Notice

A neighborhood meeting is required by the Town's Municipal Code for an oil and gas CUG. On April 18, 2023, the applicant's representatives held a neighborhood meeting at the Water Valley Company Office Banquet Room, 1600 Pelican Lakes Point, at 6:00 p.m. No neighbors attended this meeting or have had inquiries about the meeting.

Notice of the neighborhood meeting was provided in accordance with the Town's Municipal Code, as follows:

- April 7, 2023 - Mailing to surrounding property owners within 500 feet of the subject site property boundary
- April 7, 2023 - Advertisement in the local newspaper (Greeley Tribune)

Public Hearing Notice

Notification of this public hearing was completed in accordance with the Town's Municipal Code as follows:

- May 5, 2023 - Affidavit of mailing to surrounding property owners within 500 feet of the subject site property boundary + Town Board Member Wilson
- May 5, 2023 - Advertisement in local newspaper (Greeley Tribune)
- May 4, 2023 - Sign posted on property (adjacent to New Liberty Road)

- May 4, 2021 - Posted on Town website

Chairman Schick opened the public hearing for the Conditional Use Grant (CUG) to amend the Raindance Oil and Gas Pad Site CUG to allow for a 40-foot communications tower.

Carlin Malone, Chief Planner, presented to the Commission.

Tisa Juanicorea, applicant representing PDC Energy, presented to the Commission.

Commissioner Valdez asked a question of the applicant regarding an additional tower pictured in the slideshow. The applicant stated that it's an existing tower and is not theirs.

Chairman Schick opened the meeting for public questions or comments, to which there were none.

Planning Commissioner Reddick moved to close the public hearing, Planning Commission Member Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

4. Recommendation to Town Board - Conditional Use Grant (CUG) to amend the Raindance Oil and Gas Pad Site CUG to allow for a 40-foot communications tower - Tisa Juanicorea, PDC Energy Inc., Applicant; and Martin Lind, Raindance Aquatic Investments, LLC, Property Owner

Please refer to public hearing item materials.

Planning Commissioner Reddick moved to forward a recommendation of approval to Town Board for a Conditional Use Grant (CUG) to amend the Raindance Oil and Gas Pad Site CUG to allow for a 40-foot communications tower. Planning Commission Member Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

None

2. Communications from Town Board Liaison

Town Board Liaison Tallon spoke to the Commission regarding the Windsor Police Departments search for a grant with adding stationary security cameras to problem areas in town.

3. Communications from Staff

Carlin Malone, Chief Planner, spoke to the Commission regarding the Colorado State Planning Conference to be held from September twenty-seventh through twenty-ninth.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:47 p.m.

Kaitlyn Cinnamon, Deputy Town Clerk

DRAFT



MEMORANDUM

Date: June 7, 2023
To: Planning Commission
From: Sandra Mezzetti, Senior Planner
Re: Public Hearing - Great Western 7th Annexation Master Plan - Dean Brown, owner and applicant, GWIP LLC.; Mark Cevaal, applicant's representative, Redland
Item #: C.1.

Background / Discussion:

The applicant, Mr. Dean Brown of GWIP LLC, represented by Mr. Mark Cevaal from Redland, has submitted a Master Plan application for 349.108 acres of land known as the Great Western 7th Annexation.

The subject property is part of the Great Western 7th Annexation of 2019. The Great Western 7th Annexation established zoning for the property of Heavy Industrial (HI). A Master Plan was not submitted at the time of annexation. Staff will be recommending approval of the Great Western 7th Annexation Master Plan.

The subject request proposes the following:

- Five defined planning areas (tracts) for heavy industrial uses;
- River Corridor Protection Area
- Weld County Road 23 ROW dedication
- Road E and Future Crossroads Boulevard expansion, internal ROW dedication
- Mining Plan

Adjacent Zoning:

North: Heavy Industrial (HI) – Vestas Blades America

East: Unincorporated Weld County Agricultural Zoning (AG) – Martin Marietta Parson Mine Operations, undeveloped parcel

Unincorporated Weld County Greeley Zoned - Vestas Blades America

South: Unincorporated Weld County Agricultural Zoning (AG) – Cache La Poudre River, undeveloped bluff area - Recreation and Open Lands (ROL) – Cache la Poudre River

West: Heavy Industrial (HI) – Central Oceans container storage, undeveloped properties (south), Ceti Alpha Cold Storage (Lineage), other industrial uses; Unincorporated Weld County Agricultural Zoning (AG) – Residential property; Unincorporated Weld County Industrial -1 (I-1) Zoning – residential property; Recreation and Open Lands (ROL) – Cache la Poudre River

Relationship to Land Use Code

Municipal Code Section 14-2-40 states that a Master Plan shall be required in the following situations:

1. *Concurrently with an Annexation Application if the Town determines the Master Plan is necessary to evaluate potential impacts of a proposed Annexation.*
2. *Prior to or concurrent with the subdivision of any parcel of land unless the Director determines it unnecessary due to existing infrastructure already being in place.*
3. *Prior to or concurrent with a rezoning application of any parcel of land unless the Director approves submittal of a Site Plan in-lieu of a Master Plan or if the site is already fully developed and the Master Plan serves no further purpose regarding future development of the property.*

4. *Any area where the Director determines that the coordination of future roads, utilities, parks, or other public investments requires more specific plans than currently available.*
5. *Any area where the Director determines that the scale of future development, presence of multiple owners with anticipated development plans, or impact on adjacent properties from potential development requires further planning and coordination.*

Master Plan Review Criteria

A Master Plan shall be reviewed according to the following criteria:

1. *The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.*

Staff comment: The proposal is in compliance with the Comprehensive Plan's goals and objectives as noted below.

1. *The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.*

Staff comment: This area is designated a HI on the Land Use Map. Industrial uses have been planned for this area.

1. *Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.*

Staff comment: The property is zoned HI. Residential is not an allowed use.

1. *Transportation improvements are consistent with the following: Roadway Improvement Plan, Subdivision street standards in Chapter 17, Design Criteria and Construction Specifications, Transportation Master Plan, Trails Plan, and Complete Streets Guide.*

Staff comment: The proposal is in compliance with the Roadway Improvement Plan and Transportation Master Plan. Further review will be required at the time of development.

1. *Provision of utilities to serve the development shall be in accordance with Design Criteria and Construction Specifications and any other utility provider requirements.*

Staff comment: The northern portion of the proposed master plan area is currently served by Town infrastructure and services.

1. *The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.*

Staff comment: Heavy industrial uses are designated for each of the five planning areas. This is compatible with the surrounding heavy industrial uses.

Relation to the major transportation system

The proposed master plan depicts connections to WCR 23 on the west, which connect to Eastman Park Drive/WCR 64.75. The future expansion of Crossroads Boulevard is planned to traverse through the lower half of the property.

Extension of public utilities will be the responsibility of the applicant, subject to potential reimbursement for oversizing which adds to the system capacity. The subject master plan includes a utility plan.

Relationship to Comprehensive Plan

The application is consistent with the Comprehensive Plan, particularly the following:

Chapter 5b – Growth Framework

Goal: *Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.*

Objective 1: *Prioritize new growth in areas served by Town infrastructure and services.*

Staff comment: The subject property is located within the Great Western Industrial Park. This area has been identified in the Growth Strategy map as an area of primary growth. The master plan proposes heavy industrial uses thus maintaining the community character of the surrounding heavy industrial uses.

The area is currently served by Town infrastructure and services.

Chapter 5d – Commercial & Industrial Areas Framework Plan

Goal: *Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.*

Staff comment: As stated above, the master plan proposes heavy industrial uses thus maintaining the community character of the surrounding heavy industrial uses.

Many areas within GWIP have been developed and are serviced by Town services and infrastructure. Infrastructure has been extended to the existing developed areas in the northern portion of the proposed master plan area. This allows future development within the master plan area to connect to the existing infrastructure.

Neighborhood Meeting

As required by the Municipal Code for a master plan application, the applicant held a neighborhood meeting on May 25, 2023. A summary of the neighborhood meeting is attached.

Notification

The following notifications were completed in accordance with the Municipal Code as follows:

- May 22, 2023 – sign posted on property
- May 26, 2023 – public hearing notice published to Town website
- May 26, 2023 - applicant mailed letters to surrounding property owners
- May 26, 2023 – public hearing notice published in Greeley Tribune

Financial Impact:

A Master Plan application is intended to plan for infrastructure to serve future development. Major Subdivision and Site Plan land use applications will further identify unique developer obligations and provide specific information regarding public infrastructure improvements.

Relationship to Strategic Plan:

The application is consistent with the Strategic Plan's Mission: *The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner.*

The subject property is located within the Great Western Industrial Park which is already served by Town infrastructure and services. Connections to existing infrastructure and services is not only a sustainable practice but is also fiscally responsible.

Recommendation:

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the Great Western 7th Annexation Master Plan, subject to any outstanding Planning Commission and staff comments being addressed.

CC:

Dean Brown, GWIP LLC, Owner/Applicant; Mark Cevaal, Redland, Applicant's Representative
Scott Ballstadt, Director of Planning

Attachments:

1. GW 7th Annex MP Narrative
2. GW 7th Annex Master Plan
3. GW 7th Annex MP Affidavit of Water Rights
4. GW 7th Annex Master Plan Neigh Mtg Notes
5. GW 7th Annx MP - Staff Presentation

May 31, 2030

Mr. Sandra Mezzetti
Town of Windsor
301 Walnut Street
Windsor, CO 80550

**Re: Great Western Industrial Park 7th Annexation Master Plan
Letter of Intent**

Dear Sandra:

We respectfully submit to the Town of Windsor an application for the Great Western Industrial Plan 7th Annexation Master Plan. The Great Western Industrial Park Master Plan Amendment consists of approximately 348.4-acres and is located east of Weld County Road 23 and south of Eastman Park Drive.

Letter of Intent:

The overarching goal is to create the Master Plan document as required by the Town of Windsor. The property consists of five planning areas all zoned Heavy Industrial: PA-G, PA-F, PA-J, PA-I and PA-N. The property also includes a future potential ROW for Crossroads Blvd and the Cash La Poudre River Corridor Protection area. The primary access into the planning areas will be from Weld County Road 23 and the future Crossroads Blvd.

Comprehensive Plan:

The 2016 Comprehensive Plan outlines the 2030 vision for the Town of Windsor, with growth framework goals to maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible. The Town of Windsor growth framework goals are the following.

Town Goal: Create a distinct sense of place for the Town's commercial and industrial districts.

Action: The 7th Annexation will build upon the existing commercial development and keep the Town's goal of expanding industrial and manufacturing opportunities.

Town Goal: Maintain the health and competitiveness of its core industrial districts in close partnership with private property owners, businesses, and potential developers.

Action: GWIP represents one of Windsor's best opportunities for additional job creation, property value, and new investment over the next 10-15 years.

Town Goal: (Evaluate Build-out Scenarios) The Town should work with BROE Group to evaluate the merit of expanding the core industrial park further east.

Action: The 7th annexation of Great Western Industrial Park expands the industrial development to the farthest eastern boundary of the master plan, creating more growth, business opportunities, and access to Class 1 railroad service.

Town Goal: Fully leverage the Great Western Industrial Park for Industrial development and growth.

Action: There are limited number of available locations for manufacturing with access to Class 1 railroad service. The 7th annexation supports the towns goals of developing more industrial and manufacturing sites with Class 1 railroad access.

Conclusion:

Given the site-specific location and character of the Great Western Industrial Park 7th Annexation Master Plan and building upon the Town's Goals, the Broe Real Estate Group is committed to creating a unique industrial opportunity for the Town of Windsor.

We look forward to working with you and your team during this review and approval process for the Great Western Industrial Park 7th Annexation Master Plan. Please let us know if you have any questions or if you need any additional information.



Susan Wade, PLA
Senior Planner
Associate Principal

File Name	Size	Created	Modified	Accessed	Permissions	Owner	Group	Comments
16003 - Great Western Industrial Park\CAD\Sheet Sets\16003.06 GWP 6 & 7th amend-7th annex CoverSheet.dwg	2.11 MB	2023-04-24	2023-04-24	2023-04-24	2	LEGAL DESCRIPTIONS	tab: 2	LEGAL DESCRIPTIONS

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, PORTION OF THE SOUTHEAST QUARTER OF SECTION 26, PORTION OF THE NORTHWEST QUARTER OF SECTION 36, THE EASTERLY 30 FT OF THE NORTHEAST QUARTER OF SECTION 35, AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO.

Redland
WHERE GREAT PLACES BEGIN

- Land Planning
- Civil Engineering
- Landscape Architecture
- Construction Management

720.283.6783
REDLAND.COM

**NOT FOR
CONSTRUCTION**

THENCE North 00°33'37" West along said parallel line a distance of 2639.80 feet to the North line of the Northeast Quarter of said Section 35;
The following 3 courses are along the Southerly, Westerly, and Northerly lines of Lot C of RE 1245;
THENCE South 89°39'11" West a distance of 709.59 feet;
THENCE North 00°18'28" West a distance of 648.00 feet;
THENCE North 89°38'31" East a distance of 709.45 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Southeast Quarter of said Section 26;
THENCE North 00°19'12" West along said line a distance of 1769.89 feet the Southerly line of Lot A of RE 455.
The following 3 courses are along the Southerly, Westerly, and Northerly lines of Lot A of RE 455;
THENCE South 88°02'10" West a distance of 280.65 feet;
THENCE North 01°22'02" East a distance of 185.05 feet;
THENCE North 89°40'44" East a distance of 274.79 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Southeast Quarter of said Section 26;
THENCE North 00°19'12" West along said line a distance of 33.57 feet to the North line of the aforesaid Southeast Quarter;
THENCE North 89°41'50" East along the North line of the Southeast Quarter of said Section 26 a distance of 30.00 feet to the West Quarter Corner of said Section 25 and to the POINT OF BEGINNING.

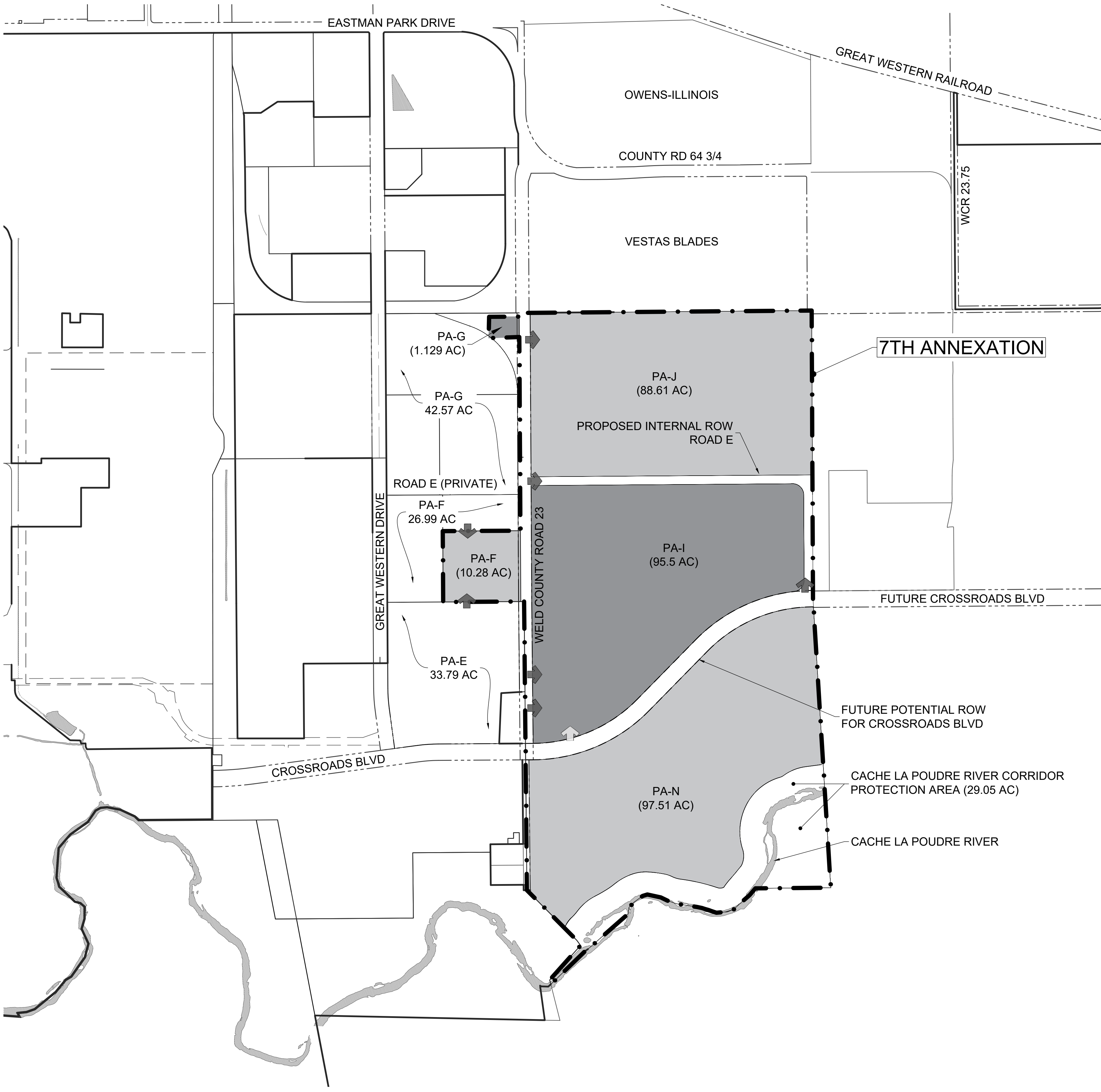
Less and except the following:

Said parcel contains 1.345 acres, more or less.

DATE	NO.	NOTES
2023-02-20	1	FIRST SUBMITTAL TO TOWN
2023-04-24	2	SECOND SUBMITTAL TO TOWN

GREAT WESTERN
7TH ANNEXATION MASTER PLAN
LEGAL DESCRIPTIONS

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LEGEND

6TH ANNEXATION BOUNDARY

7TH ANNEXATION BOUNDARY

TRACT BOUNDARY

CONCEPTUAL ACCESS POINT
(FULL ACCESS)

CONCEPTUAL ACCESS POINT
(LIMITED ACCESS)

PROPOSED RIGHT OF WAY

CACHE LA POUDRE RIVER
CORRIDOR PROTECTION AREA
(RCPA)

LAND USE CHART

TRACT	ZONING	USE	ACRES	SIZE (S.F.)	ESTIMATED BUILT (S.F.)	LAND USE %	MINIMUM LOT SIZES
PA-G	HI	HEAVY INDUSTRIAL	1.129	49,179	0	0.32%	N/A
PA-F	HI	HEAVY INDUSTRIAL	10.28	447,797	102,993	2.95%	N/A
PA-J	HI	HEAVY INDUSTRIAL	88.61	3,859,852	887,766	25.43%	60,000
PA-I	HI	HEAVY INDUSTRIAL	95.5	4,159,980	956,795	27.41%	60,000
PA-N	HI	HEAVY INDUSTRIAL	97.51	4,247,536	0	27.99%	N/A
RCPA		RIVER CORRIDOR PROTECTION AREA	29.05	1,265,418	N/A	8.34%	N/A
ROW		WELD COUNTY ROAD 23 (COLLECTOR ROW)	9.34	406,850	N/A	2.68%	N/A
ROW		RIGHT OF WAY INTERNAL (CROSSROADS BLVD AND ROAD E)	16.99	740,084	N/A	4.88%	N/A
		TOTAL	348.409	15,176,696		100.00%	

GENERAL NOTES:

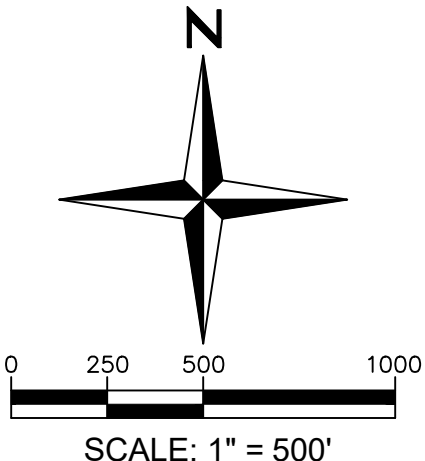
- INDUSTRIAL DEVELOPMENT WITHIN PA G, F, J, I, AND N SHALL COMPLY WITH TOWN OF WINDSOR'S LAND USE CODE. SEE LAND USE CHART FOR SPECIFIC USES PER PLANNING AREA.
- MINOR VARIATIONS IN THE BOUNDARY, ACREAGE, AND DENSITY ARE ALLOWED FOR EACH PLANNING AREA. ANY SUCH MODIFICATIONS WILL NOT REQUIRE AN AMENDMENT TO THIS MASTER PLAN.
- ROAD ALIGNMENTS, ACCESS POINTS AND TRAILS AS SHOWN HEREON ARE CONCEPTUAL IN NATURE AND ARE SUBJECT TO MINOR MODIFICATION IN CONNECTION WITH FINAL PLAT APPROVAL, INCLUDING WITHOUT LIMITATION, RELOCATION OF ROAD ALIGNMENTS AND ACCESS POINTS AND/OR REMOVAL OF ACCESS POINTS.
- MEDIAN TREATMENTS MAY BE NECESSARY TO CONTROL RI/RO ACCESS TO ARTERIAL ROADWAYS. DESIGN OF SUCH ACCESS POINTS SHALL BE SUBJECT TO TOWN OF WINDSOR AND / OR CDOT APPROVALS AS APPLICABLE.
- MAINTENANCE RESPONSIBILITY ADDRESSED IN DEVELOPMENT AGREEMENT.
- OIL & GAS SETBACK REQUIREMENTS MAY BE SUBJECT TO CHANGE DUE TO FUTURE SITE CONDITIONS, WELL PRODUCTIVITY, AND ABANDONMENT.
- REFER TO GWIP MASTER TRAFFIC STUDY FOR INTERSECTION AND ROAD IMPROVEMENTS.

CITY OF GREELEY NOTES:

- ALL EASEMENTS AND RIGHTS-OF-WAY CROSSING THE CITY OF GREELEY EASEMENT ARE SUBJECT TO THE RIGHTS OF SAID CITY OF GREELEY EASEMENT.
- THERE SHALL BE NO PERMANENT STRUCTURES, CONCRETE SLABS, DETENTION PONDS, FENCES, WALLS, TREES, OR OTHER LANDSCAPING OR BERMS GREATER THAN 3 FEET AT MATURE GROWTH, OR OTHER OBSTRUCTIONS WITHIN THE CITY OF GREELEY EASEMENT. NO COVER SHALL BE REMOVED AND/OR ADDED WITHOUT WRITTEN PERMISSION FROM CITY OF GREELEY WATER ENGINEER
- THERE SHALL BE NO OTHER UTILITIES WITHIN THE CITY OF GREELEY EASEMENT EXCEPT AT RIGHT ANGLE CROSSINGS AND UNLESS PREVIOUSLY APPROVED BY THE CITY OF GREELEY WATER & SEWER DEPARTMENT. ALL PLANS SHALL BE SUBMITTED DURING THE DESIGN PHASE AT LEAST TWO WEEKS PRIOR TO CONSTRUCTION AND SHALL SHOW POTHOLED LOCATIONS AND ELEVATIONS IN PLAN AND PROFILE VIEW. GREELEY WATER & SEWER WILL ISSUE APPROPRIATE CROSSING APPROVAL.
- IN THE EVENT THAT EXCAVATION IS REQUIRED FOR THE CITY OF GREELEY WATER PIPELINES DUE TO WATER PIPELINE REPAIRS, REPLACEMENT OR OTHER OPERATIONS, THE EXCAVATION WILL BE BACKFILLED SAFELY BUT SURFACE RESTORATION WILL NOT BE DONE BY/ OR AT THE EXPENSE OF THE CITY OF GREELEY.
- GREELEY WATER PIPELINE LOCATIONS ARE APPROXIMATE, CONTACT THE TRANSMISSION LINE TECHNICIAN AT 970 350-9320 72 HOURS IN ADVANCE OF ANY LOCATE REQUEST OR ANY CONSTRUCTION ACTIVITIES WITHIN THE GREELEY WATER PIPELINE EASEMENT.
- ANY IRRIGATION LINES AND/OR SPRINKLER SYSTEMS LOCATED WITHIN GREELEY EASEMENT REQUIRES CONTRACTOR TO PROVIDE GREELEY A FULL SET OF LANDSCAPING & IRRIGATION/SPRINKLER SYSTEM PLANS FOR REVIEW AND APPROVAL. PLANS TO BE PROVIDED A MINIMUM OF 2 WEEKS PRIOR TO CONSTRUCTION. VALVE BOXES ARE NOT TO BE LOCATED WITHIN GREELEY'S EASEMENT.

CACHE LA POUDRE RIVER CORRIDOR PROTECTION AREA (RCPA) NOTES:

- THE PURPOSE OF THE PRESERVATION CORRIDOR IS TO CREATE AND ALLOW FOR HIGH-LEVEL POTENTIAL TREATMENT OPPORTUNITIES ALONG CACHE LA POUDRE RIVER. THESE OPPORTUNITIES COULD INCLUDE:
- FLOODPLAIN CONNECTION IMPROVEMENTS VIA EARTHWORK AND/OR FLOODPLAIN CULVERTS
 - TRAIL RELOCATION OFF OF THE RIVER BANK, REDUCING ARMORING
 - CHANNEL PLANFORM IMPROVEMENTS
 - CHANNEL DIMENSION IMPROVEMENTS VIA CHANNEL NARROWING
 - RIPARIAN HABITAT IMPROVEMENT VIA FENCING FOR CATTLE CONTROL
 - BRIDGE IMPROVEMENTS VIA STABLE CHANNEL CONFIGURATION AND FLOODPLAIN CULVERTS



Redland

WHERE GREAT PLACES BEGIN

720.283.6783

REDLAND.COM

Land Planning

Landscaping Architecture

Civil Engineering

Construction Management

NOT FOR
CONSTRUCTION

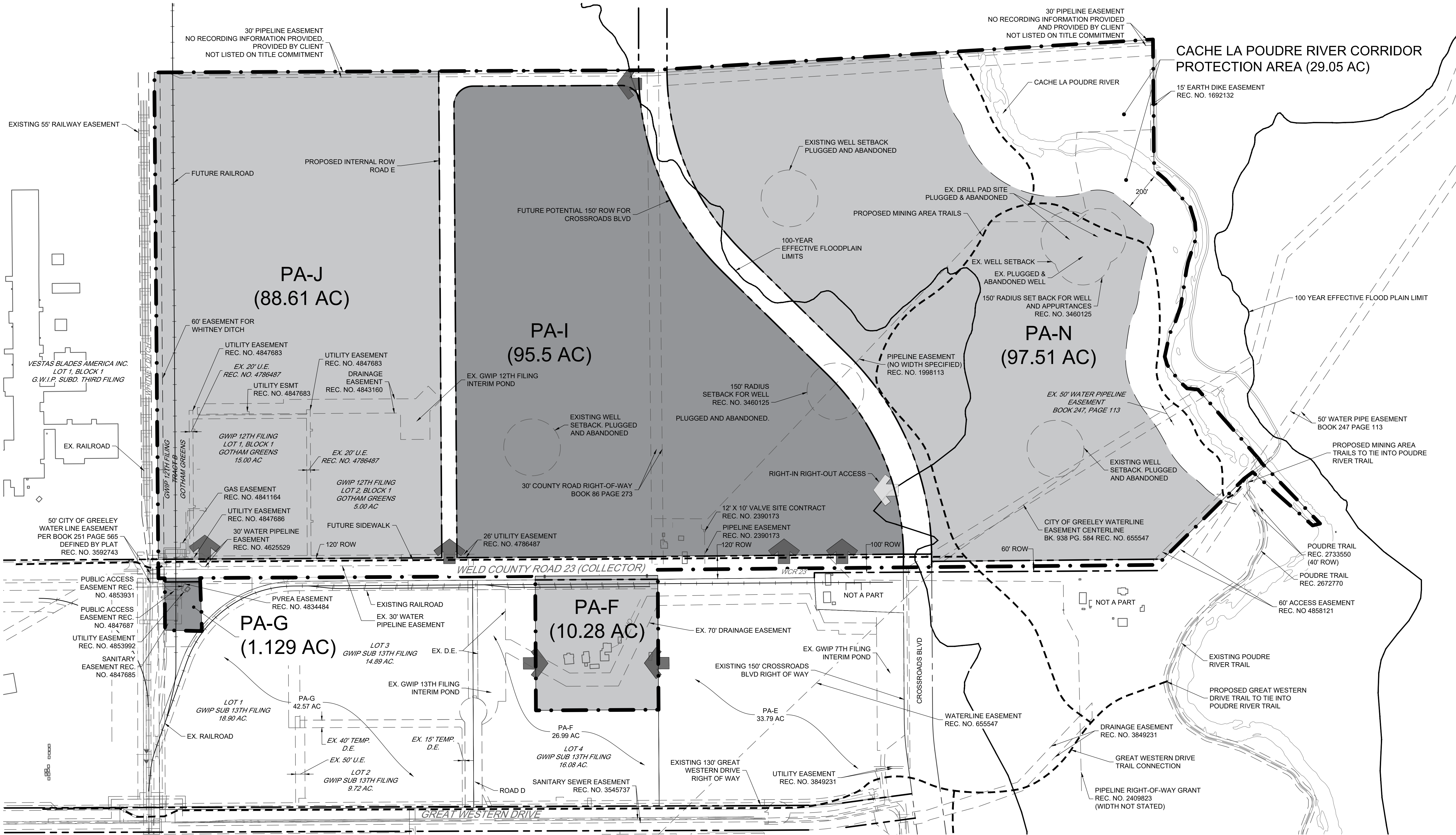
PROJECT NO: 16003.23		NOTES	
DATE	NO	DATE	NO
2023-02-20	1	FIRST SUBMITTAL TO TOWN	
2023-04-24	2	SECOND SUBMITTAL TO TOWN	

GREAT WESTERN
7TH ANNEXATION MASTER PLAN
OVERALL MASTER PLAN

SHEET

3 OF 7

I:\2016\16003 - Great Western Industrial Park\CAD\Sheet Sets\16003.06 GWP 6 & 7th Annex\6003.06-GWP_6th amend-7th annex Master Plan.dwg tab: 4 MASTER PLAN Apr 24, 2023 - 2:12pm jfraser



GENERAL NOTES:

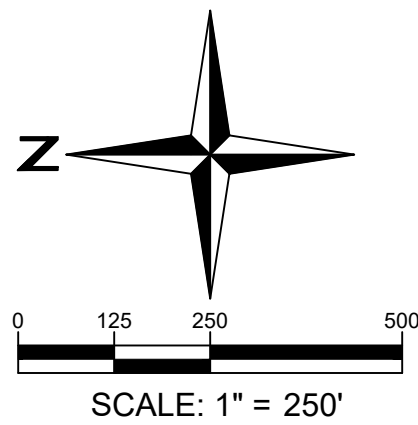
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 - CHANNEL PLANFORM IMPROVEMENTS
 - CHANNEL DIMENSION IMPROVEMENTS VIA CHANNEL NARROWING
 - RIPARIAN HABITAT IMPROVEMENT VIA FENCING FOR CATTLE CONTROL
 - BRIDGE IMPROVEMENTS VIA STABLE CHANNEL CONFIGURATION AND FLOODPLAIN CULVERTS

LEGEND

- 7TH ANNEXATION BOUNDARY
- TRACT BOUNDARY
- CONCEPTUAL ACCESS POINT (FULL ACCESS)
- CONCEPTUAL ACCESS POINT (LIMITED ACCESS)
- RIGHT OF WAY
- PROPOSED TRAIL
- CACHE LA POUDRE RIVER CORRIDOR PROTECTION AREA (RCPA)



GREAT WESTERN 7TH ANNEXATION MASTER PLAN MASTER PLAN

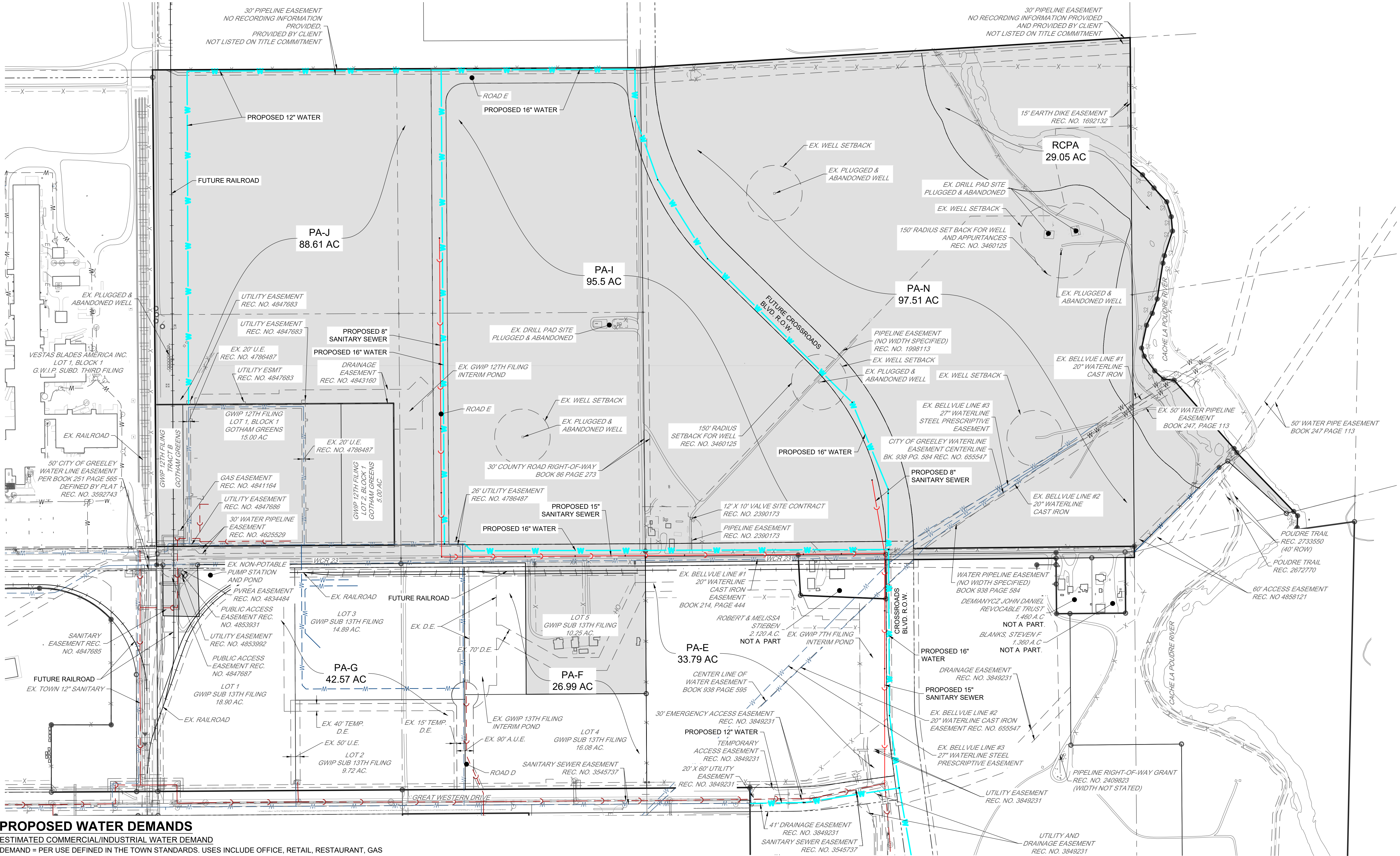
SHEET

4 OF 7

NOT FOR
CONSTRUCTION

PROJECT NO.	DATE	NO.	NOTES
16003.23			
DATE	NO.		NOTES
2023-02-20	1		FIRST SUBMITTAL TO TOWN
2023-04-24	2		SECOND SUBMITTAL TO TOWN

I:\2016\16003 - Great Western Industrial Park\CAD\Sheet Sets\16003.06-GWP-6th amend-7th annex Utility Plan.dwg Tab: 5 PRELIMINARY UTILITY PLAN Apr. 24, 2023 - 3:52pm wcmwcy



PROPOSED WATER DEMANDS

ESTIMATED COMMERCIAL/INDUSTRIAL WATER DEMAND

DEMAND = PER USE DEFINED IN THE TOWN STANDARDS. USES INCLUDE OFFICE, RETAIL, RESTAURANT, GAS STATION, AND HOTEL. AREAS WITHOUT BUILDINGS PLANNED ASSUMED 1,500 GALLONS PER DAY PER ACRE.
AREA = 194.11 ACRES
PEAK FACTOR = 1.5 FOR MAX DAY, 4.0 FOR PEAK HOUR.

AVERAGE DAY DEMAND= 202.20 GALLONS PER MINUTE
MAXIMUM DAY DEMAND= 303.30 GALLONS PER MINUTE
PEAK HOUR DEMAND= 808.79 GALLONS PER MINUTE

PROPOSED WASTEWATER DEMANDS

ESTIMATED COMMERCIAL/INDUSTRIAL WASTEWATER DEMAND

DEMAND = 1,500 GALLONS PER DAY PER ACRE
AREA = 194.11
PEAK FACTOR = 2

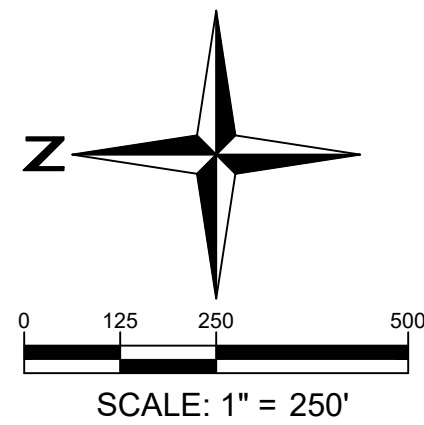
AVERAGE DAY DEMAND= 291,165 GALLONS PER DAY
PEAK DEMAND= 582,330 GALLONS PER DAY

EXISTING LEGEND

—W— EXISTING WATER LINE
—S— EXISTING SANITARY SEWER
D.E. - DRAINAGE EASEMENT
U.E. - UTILITY EASEMENT
A.U.E. - ACCESS UTILITY EASEMENT

PROPOSED LEGEND

—W— PROPOSED WATER LINE
—S— PROPOSED SANITARY SEWER
— MPA BOUNDARY
MPA AREA



GREAT WESTERN 7TH ANNEXATION MASTER PLAN PRELIMINARY UTILITY PLAN

SHEET

5 OF 7

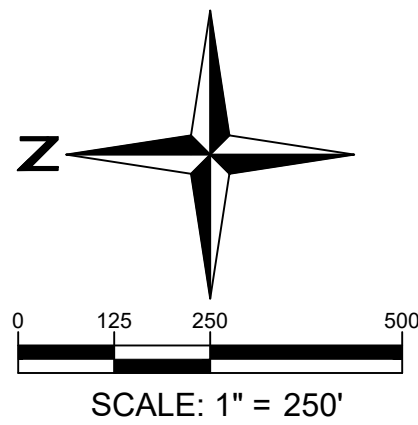
NOT FOR
CONSTRUCTION

PROJECT NO. 16003.23		DATE		NO.		NOTES	
DATE	NO.	NOTES	DATE	NO.	NOTES	DATE	NO.
2023-02-20	1	FIRST SUBMITTAL TO TOWN					
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I:\2016\16003 - Great Western Industrial Park\CAAD\Sheet Sets\16003.06 GWP 6 & 7th Annex\16003.06-GWP_6th annex-7th annex Master Plan.dwg tab: 7 MINING PLAN Apr 24, 2023 - 2:14pm jfraser



- LEGEND**
- 7TH ANNEXATION BOUNDARY
 - - - LIMIT OF MINING EXCAVATION
 - TRACT BOUNDARY
 - RIGHT OF WAY
 - PROPOSED TRAIL
 - CACHE LA POUDE RIVER PROTECTION AREA (RPA)



**GREAT WESTERN
7TH ANNEXATION MASTER PLAN
MINING PLAN**

SHEET

7 OF 7

PROJECT NO.	16003.23	DATE	NO.	NOTES
DATE	2023-02-20	1	FIRST SUBMITTAL TO TOWN	
	2023-04-24	2	SECOND SUBMITTAL TO TOWN	

**NOT FOR
CONSTRUCTION**

Affidavit of Water Rights

Parcels Proposed for Annexation: Portion of Lot 9, Portion of Lot 10, Lot 14 and 15, Lot 17, and Portion of Tract 7 within the Great Western Industrial Park.

Ditch Company: Whitney Irrigating Ditch Company

2012-2015 History of Shares: In Case No. 08CW65, Great Western Development Company, Inc. (Great Western) changed the use of 112 shares in the Whitney Irrigating Ditch Company (Whitney). These shares were associated lands that are part of the Great Western Industrial Park, including Portion of Lot 9, Lot 14 and 15, Lot 17, and Portion of Tract 7. The decree in Case No. 08CW65 states that as of 2009 the 112 changed Whitney shares irrigated approximately 678 acres or 6.1 acres per share. Based on the 6.1 acres per share ratio, the table below summarizes the number of Whitney shares associated with Portion of Lot 9, Lot 14 and 15, and Portion of Tract 7. In Case No. 13CW3067, Great Western changed the use of 20 Whitney shares, which included 6 Whitney shares historically used on the Lot 17.

Parcel	Approx. Parcel Size (acres)	Approx. Irrigated Area (acres)	No. of Shares Associated with Parcel	2012-2015 History
Portion of Lot 10	1.217	0.0	0.0	No irrigation use.
Portion of Lot 9	10.566	3.2	0.52	Irrigated in 2012 but was dried up in 2013-2015.
Lot 14 and 15	81.786	71.6	11.74	Shares used for irrigation.
Lot 17	79.916	76.5	6.00	Shares used for irrigation.
Portion of Tract 7	175.633	120.7	19.79	Shares used for irrigation.

The undersigned Jonathan D. George, P.E., having knowledge of the water rights associated with the above-described parcels by virtue of being the water rights engineer of the owner of the parcels, hereby states to the best of his knowledge that the above information describes the water rights associated with the subject parcels.

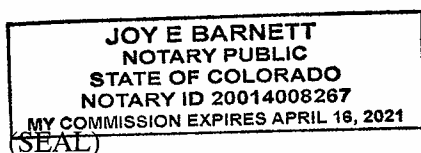
Signed this 29 day of January, 2018.

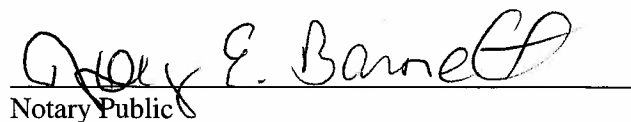


STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

The foregoing instrument was acknowledged before me this 29 day of January, 2018 by Jonathan D. George

Witnessed my hand and official seal.
My Commission expires 4-16-21




Notary Public

MEMORANDUM

To: Sandra Mezzetti - Senior Planner Town of Windsor

Prepared By: Susan Wade – Redland

Date: May 20, 2023

RE: GWIP 7th Annex Master Plan Neighborhood Meeting Notes

MEETING: GWIP 7th Annex Master Plan Neighborhood Meeting held on Thursday May 18th at 6:00 pm.

ATTENDEES:

Sandra Mezzetti Town of Windsor
Nate Weigel – Broe Real Estate
Julie Mikulas Martin Marietta
Residents - see sign-in sheet attached

COMMENTS:

No question or comments pertaining to the 7th Annex Master Plan Process.
There was one comment concerning access for adjacent property.

PLEASE SIGN-IN

GWIP 7th Annexation Master Plan Neighborhood Meeting
May 18, 2023

Name	Email	Phone number
1. Colleen Blanks	cblanks123@gmail.com	970-686-5048
2. Julie Mikulas	julie.mikulas@martinmaietta.com	
3. Greg & Missy Stroben	Stroben.frm@msn.com	970-481-1246
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Great Western 7th Annexation Master Plan

Sandra Mezzetti, Senior Planner

Planning Commission — June 07, 2023



Master Plans

Article II, Chapter 14 of the Municipal Code outlines when a Master Plan shall be required:

Section 14-2-40 Master Plans

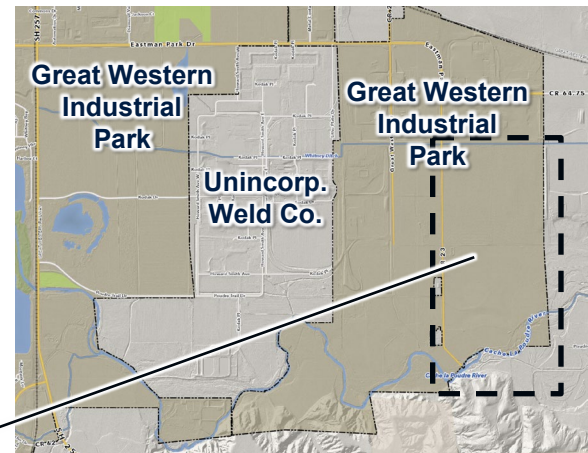
- 1) Concurrently with an Annexation Application if the Town determines the Master Plan is necessary to evaluate potential impacts of a proposed Annexation.
- 2) Prior to or concurrent with the subdivision of any parcel of land unless the Director determines it unnecessary due to existing infrastructure already being in place.
- 3) Prior to or concurrent with a rezoning application of any parcel of land unless the Director approves submittal of a Site Plan in-lieu of a Master Plan or if the site is already fully developed and the Master Plan serves no further purpose regarding future development of the property.



Master Plans, cont.

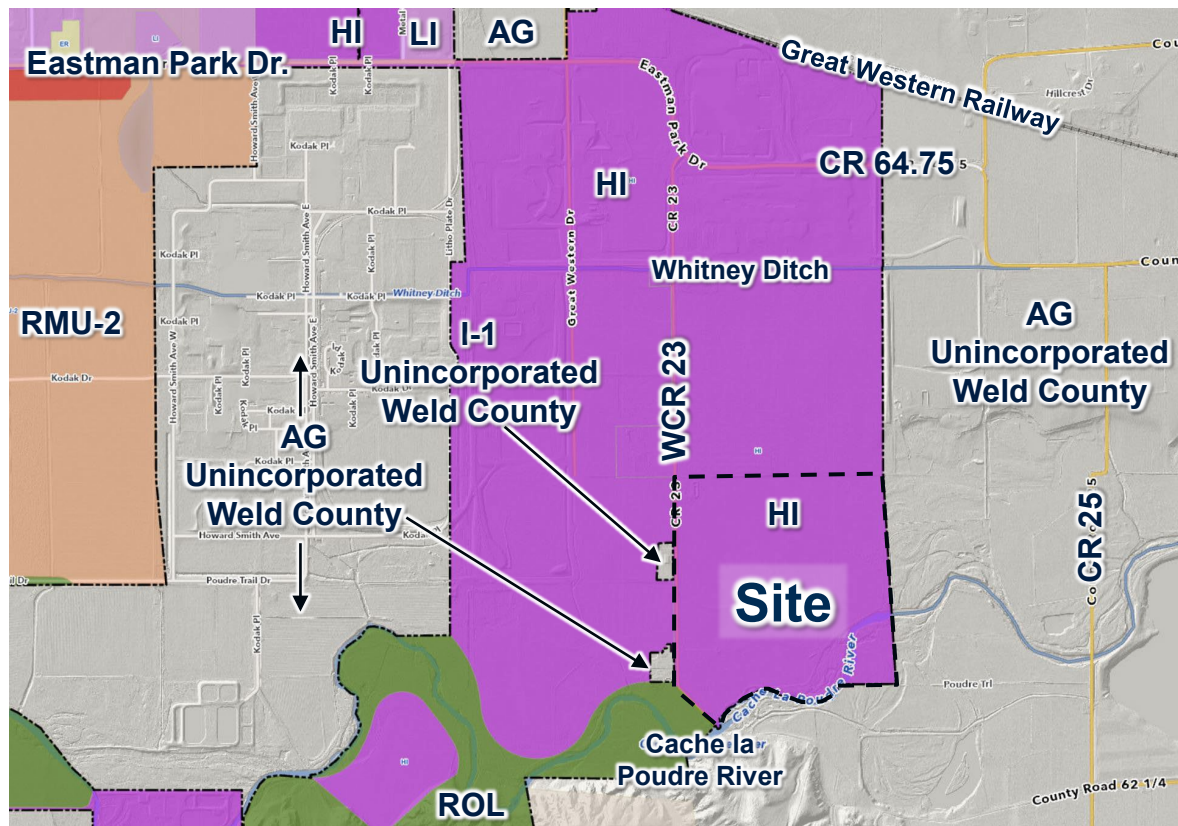
- 4) Any area where the Director determines that the coordination of future roads, utilities, parks, or other public investments requires more specific plans than currently available.
- 5) Any area where the Director determines that the scale of future development, presence of multiple owners with anticipated development plans, or impact on adjacent properties from potential development requires further planning and coordination.

Site Vicinity Map



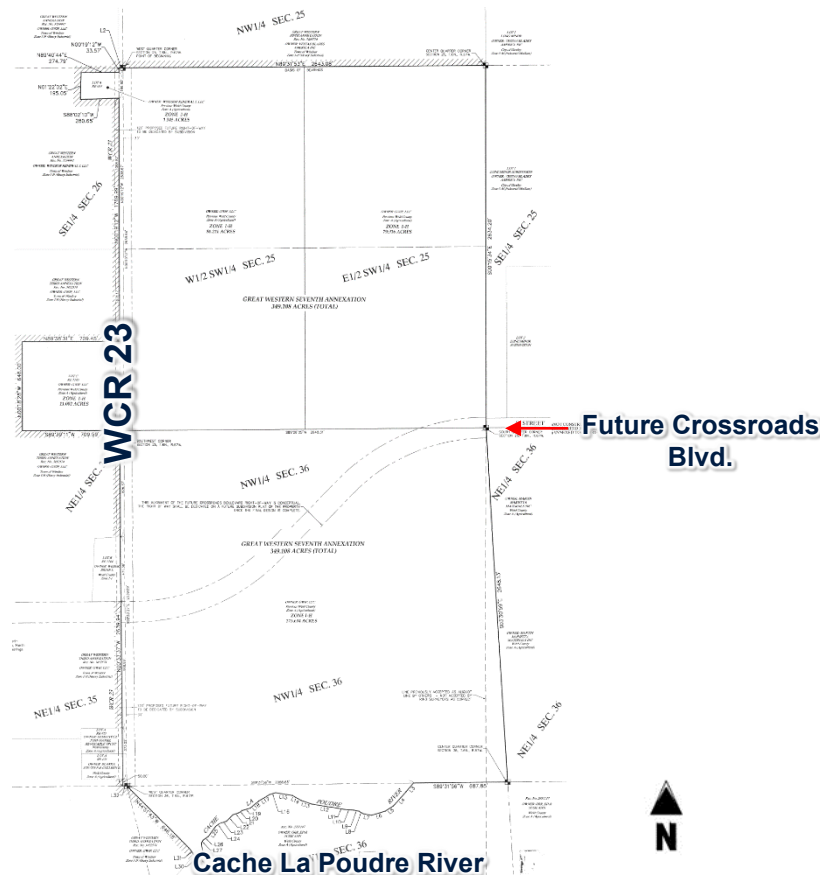


Zoning Map





Great Western 7th Annexation Plat





Master Plan

Site Characteristics:

- ❖ Area: ~349.108 acres
- ❖ Five defined planning areas for heavy industrial uses;
- ❖ Cache la Poudre River corridor protection area
- ❖ Weld County Road 23 additional ROW dedication
- ❖ Road E and future Crossroads Boulevard expansion, internal ROW dedication
- ❖ Mining Plan





Cache la Poudre River Trail

- Cache la Poudre River Corridor Protection area

Road E

- Future Crossroads Blvd.

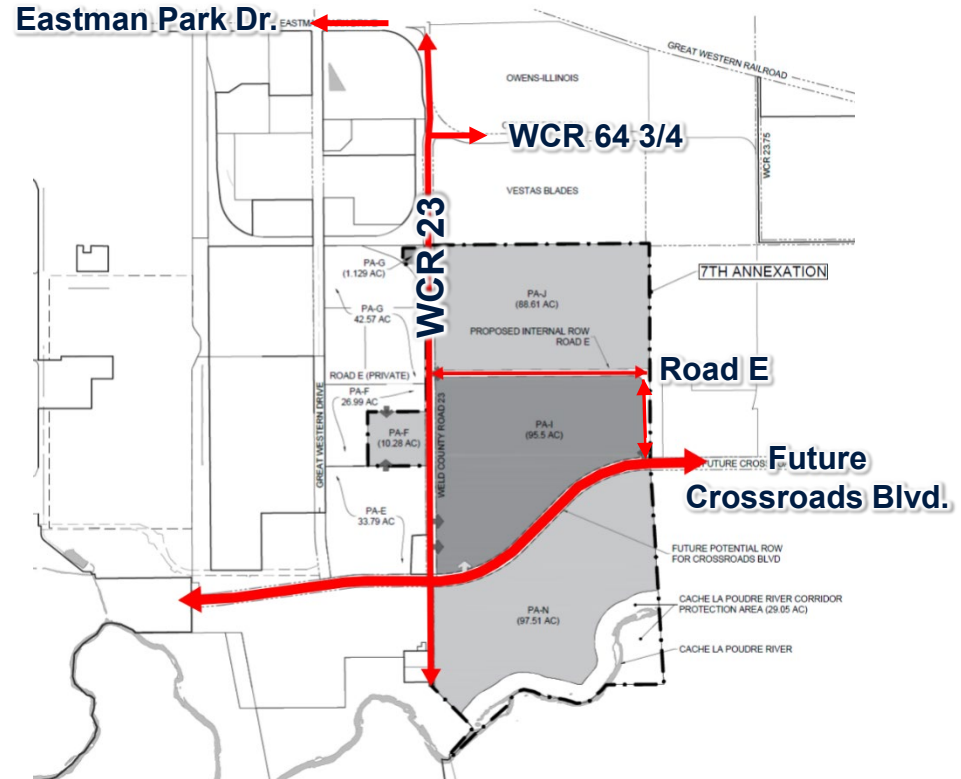
 Access point

Future access
point



Relation to the Major Transportation System

The proposed master plan depicts connections to WCR23 on the west which connects to Eastman Park Drive/WCR 64.75. The future expansion of Crossroads Boulevard is planned to traverse through the lower half of the property.





Master Plan Review Criteria

A Master Plan shall be reviewed according to the following criteria:

- 1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.*

Staff comment: The proposal is in compliance with the Comprehensive Plan's goals and objectives as noted below.

- 2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.*

Staff comment: This area is designated HI on the Land Use Map. Industrial uses have been designated for this area.

- 3. Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.*

Staff comment: The property is zoned HI. Residential is not an allowed use.

Master Plan Review Criteria, cont.

4. *Transportation improvements are consistent with the following: Roadway Improvement Plan, Subdivision street standards in Chapter 17, Design Criteria and Construction Specifications, Transportation Master Plan, Trails Plan, and Complete Streets Guide.*

Staff comment: The proposal is in compliance with the Roadway Improvement Plan and Transportation Master Plan.

5. *Provision of utilities to serve the development shall be in accordance with Design Criteria and Construction Specifications and any other utility provider requirements.*

Staff comment: The northern portion of the proposed master plan is currently served by Town infrastructure and services.

Master Plan Review Criteria, cont.

6. *The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.*

Staff comment: Heavy Industrial uses are designated for each of the five planning areas. This is compatible with the surrounding heavy industrial uses



Relationship to the Comprehensive Plan

The application is consistent with the Comprehensive Plan, particularly the following:

Chapter 5b – Growth Framework

Goal: *Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.*

Objective 1: *Prioritize new growth in areas served by Town infrastructure and services.*

Staff comment: The subject property is located within the Great Western Industrial Park (GWIP). This area has been identified in the Growth Strategy map as an area of primary growth. The master plan proposes heavy industrial uses thus maintaining the community character of the surrounding heavy industrial uses.

The area is currently served by Town infrastructure and services.



Relationship to the Comprehensive Plan, cont.

Chapter 5d – Commercial & Industrial Areas Framework Plan

Goal: *Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.*

Staff comment: As stated above, the master plan proposes heavy industrial uses thus maintaining the community character of the surrounding heavy industrial uses.

Many areas within GWIP have been developed and are serviced by Town services and infrastructure. Infrastructure has been extended to the existing developed areas in the northern portion of the proposed master plan area. This allows future development within the master plan area to connect to the existing infrastructure.



Relationship to the Strategic Plan

The application is consistent with the Strategic Plan's Mission:

The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner.

The subject property is located within the Great Western Industrial Park which is currently served by Town infrastructure and services. Connections to existing infrastructure and services is not only a sustainable practice but is also fiscally responsible.

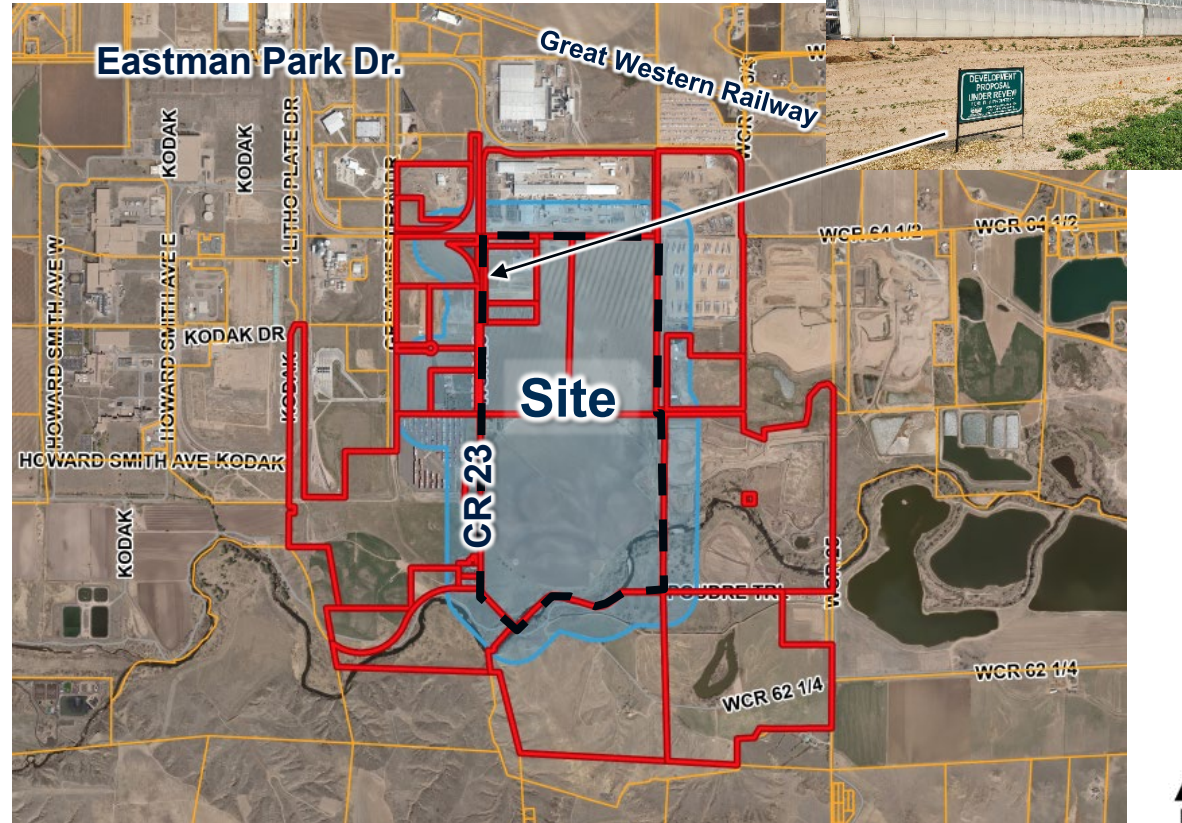
Notification Area

Neighborhood Meeting:

- May 25, 2023

Notifications for this public hearing were as follows:

- May 22, 2023 – sign posted on property
- May 26, 2023 – published in the paper
- May 26, 2023 – affidavit of mailing to property owners within 500 feet; Town Board Member Hallett
- May 26, 2023 – posted to Town website





Recommendation

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the Great Western 7th Annexation Master Plan, subject to any outstanding Planning Commission and staff comments being addressed.



Record

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Testimony from the public hearing
- Recommendation



Approval Criteria

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.
2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
3. Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.
4. Transportation improvements are consistent with the following: Roadway Improvement Plan, Subdivision street standards in Chapter 17, Design Criteria and Construction Specifications, Transportation Master Plan, Trails Plan, and Complete Streets Guide.
5. Provision of utilities to serve the development shall be in accordance with Design Criteria and Construction Specifications and any other utility provider requirements.
6. The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.



Thank You



MEMORANDUM

Date: June 7, 2023
To: Planning Commission
From: Sandra Mezzetti, Senior Planner
Re: Recommendation to Town Board - Great Western 7th Annexation Master Plan - Dean Brown, owner and applicant, GWIP LLC.; Mark Cevaal, applicant's representative, Redland
Item #: C.2.

Background / Discussion:

Please refer to public hearing item material.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the Great Western 7th Annexation Master Plan, subject to any outstanding Planning Commission and staff comments being addressed.

CC:

Attachments:



MEMORANDUM

Date: June 7, 2023
To: Planning Commission
From: Sandra Mezzetti, Senior Planner
Re: Public Hearing - Request for a Conditional Use Permit to allow gravel surface mining - Great Western 7th Annexation - Dean Brown, owner, GWIP LLC; Julie Mikulas, applicant, Martin Marietta Materials, Inc.; Pam Hora, applicant's representative, Tetra Tech, Inc.
Item #: C.3.

Background / Discussion:

The applicant is requesting a Conditional Use Permit (CUP) to allow open and surface gravel mining operations on a site within the Great Western 7th Annexation boundary, in the Heavy Industrial (HI) zone district. Staff is recommending the Planning Commission forward to the Town Board a recommendation of approval of the CUP, with conditions, as reflected in the staff recommendation section of the memorandum.

Per Town Municipal Code, Section 16-1-140(c)(4)(c), open or surface mining operation for the development or extraction of solid materials shall be permitted in the HI zone district upon approval of a conditional use permit, as provided in Section 14-2-130 – Conditional Use Permit.

A major site plan has been submitted concurrently with the conditional use permit application, which is under Town staff review and applicable referral agencies. Additionally, a master plan for Great Western 7th Annexation has been submitted and is currently under review. The proposed master plan depicts this area as mining operations. The master plan requires a separate public hearing and recommendation by the Planning Commission prior to a public hearing and approval by the Town Board. Because a master plan was not submitted during the annexation process for GWIP 7th Annexation, approval of the CUP is contingent on approval of the master plan. This condition is included in staff's recommendation.

The subject property is 150.3 acres with approximately 90.1 acres designated to be mined for aggregates (sand and gravel). The remaining unmined acres will be used for temporary overburden and topsoil stockpiles, and a temporary equipment storage area. The mining areas will consist of four cells. Each cell is to be mined completely before mining of the next cell begins. All aggregates from the Windsor East Mine will be transported from the mining cells to Martin Marietta's existing Parsons Mine site, east of the Windsor East Mine site, via conveyor for processing. Mining operations are expected to last approximately six years. Upon completion of mining operations, the conveyors will be removed from the site.

After all viable aggregates from the site have been mined, the land will be reclaimed to create two water storage reservoirs that GWIP LLC., will own and use for water storage and to augment GWIP's future non-potable demands. The reclamation process is expected to take approximately two years to complete.

The Windsor East Mine specifically excludes the riparian area along the Cache la Poudre River and the Poudre Trail. Prior to mining, a dewatering trench will be constructed around the perimeter of each cell. A sump hole will be created at the lowest point of each dewatering trench. The sump

holes and dewatering trenches will allow sediment to settle before the water is pumped to the Cache la Poudre River using a dewatering pump in accordance with Colorado/NPDES discharge permit regulations. Pipes will be used to transport the water from the mine to the Cache la Poudre River.

Prior to the commencement of mining operations, the applicant will secure the following permits:

- Colorado Division of Reclamation, Mining and Safety
 1. 112c Reclamation Permit M-2022-042
- Colorado Department of Public Health and Environment:
 1. Fugitive Air Permit 15WE1438F (permit also includes the Parsons Mine)
 2. Air Permit 21WE0692 (for the crusher at Parsons Mine)
 3. Air Permit 19WE0182 (for a screen at Parsons Mine)
 4. Air Permit 19WE0183 (for a screen at Parsons Mine)
 5. CDPS Sand and Gravel Mining and Processing Discharge Permit COG501594 (permit also includes the Parsons Mine)

Wetlands on the subject property were reviewed by the US Army Corp of Engineers and determined to be non-jurisdictional; therefore, no permit is required to disturb the non-jurisdictional wetlands. A copy of the Corps of Engineers correspondence is included with this packet.

Adjacent Zoning:

North: Heavy Industrial (HI) – Gotham Greens Greenhouse

East: Unincorporated Weld County Agricultural Zoning (AG) – Martin Marietta Parson Mine Operations

South: Unincorporated Weld County Agricultural Zoning (AG) – Cache la Poudre River, undeveloped bluff area
Recreation and Open Lands (ROL) – Cache la Poudre River

West: Heavy Industrial (HI) –Central Oceans Container storage, undeveloped properties (south)
Unincorporated Weld County Agricultural Zoning (AG) – Residential property
Unincorporated Weld County Industrial -1 (I-1) Zoning – Residential property
Recreation and Open Lands (ROL) – Cache la Poudre River

Review Criteria for Conditional Use Permits

Section 14-2-130 of the Municipal Code outlines the review criteria to be evaluated prior to granting of a conditional use.

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.

The proposal generally complies with the Comprehensive Plan's goals and objectives and the Strategic Plan as noted below.

2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.

The proposal does not create any undue or unnecessary burdens on existing public infrastructure or public improvements. No additional infrastructure is required with this proposal.

Primary access to the subject site will be via an existing access road, in the northeast corner of

the site. This road connects to WCR 23 from the existing Parsons Mine to the east. Martin Marietta has obtained an access easement from GWIP LLC. to allow them to utilize this access point for employees, equipment deliveries, and emergency access.

All aggregate from the Windsor East Mine will be transported from the mining cells to the Parsons Mine via conveyor for processing. Power for the extension of the conveyor into the Windsor East Mine site will be connected to the existing conveyor within the existing Parsons Mine. Power for the conveyor is generated using a diesel generator. Upon completion of mining operations at Windsor East, the conveyors will be removed from the site.

Minimal vehicle traffic is expected on WCR 23 and will be limited to occasional support vehicles used to bring equipment to the site for mining or reclamation. WCR 23 will also be used for emergency access to the site. The proposal has been reviewed by the Windsor Severance Fire and Rescue (WSFR) and the site plan will comply with emergency requirements.

3. The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.

The applicant plans on mitigating mining operations using the following options:

- **Visual and Noise Impacts:** Temporary 8' high berms will be constructed along the north and west property boundaries using topsoil and overburden materials. The topsoil piles will be temporarily revegetated to prevent erosion as required by the applicants' permit from the Division of Reclamation, Mining and Safety.
- **Dust Mitigation:** Industry best practices will be employed to minimize offsite fugitive dust impacts. The applicant has submitted a Dust Abatement Plan with the application.
- **Hours of Operation:** Mining operations will be limited to 6:00 am – 6:00 pm Monday through Saturday with maintenance permitted after hours. If extended hours are required, Martin Marietta must provide written notice to the Town at least 48 hours prior to the date of the extended hours.
- **Transportation/Haul Route/Access:** Minimal truck traffic is expected on WCR 23 from the mining operations. All mined material will be transported via a conveyor system extending to the existing Parsons Mine.
- **Reclamation:** After the aggregate from the site is mined, the land will be reclaimed to create two water storage reservoirs surrounded by revegetated areas.

Relationship to Comprehensive Plan

Chapter 2- Community Profile – Zoning Regulations – Industrial Districts

The Comprehensive Plan defines mining operations as a heavy industrial use. The HI zone district permits more intense industrial uses. However, the uses within this district must comply with performance standards.

The subject property is located within the HI zone district and as noted above, the applicant will be implementing procedures to mitigate the impact of the mining operations.

Chapter 3 – Community Outreach – Issues & Concerns – Water Supply & Storage

The development of water supply and storage amenities was identified as an important issue during community outreach efforts. The Windsor East Mine will create two large water storage reservoirs that GWIP LLC. will use to support the water needs associated with the future

development within the Great Western Industrial Park.

Chapter 5D – Commercial & Industrial Areas Framework

Goal: *Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.*

Industrial Areas:

The Windsor East Mine site is located within the Great Western Industrial Park which the Comprehensive Plan identifies as a major center of employment and manufacturing activity. The property is zoned Heavy Industrial (HI).

Because the Windsor East Mine is located within an area designated to accommodate Heavy Industrial land uses, the character of the community will not be negatively impacted by the proposal. After mining reclamation, the site will provide future water storage reservoirs, which will contribute towards the Comprehensive Plan goal of accommodating future growth in an environmentally responsible manner.

Neighborhood Meeting

The Municipal Code requires a neighborhood meeting for Conditional Use Permits for open and surface gravel mining operations. The applicant held a neighborhood meeting on December 13, 2022. The neighborhood meeting summary is included with the project packet.

Notifications

The Municipal Code requires a public hearing notification for a CUP. Notifications were provided as follows:

- May 22, 2023 – development review sign posted on the property (west side of CR 15)
- May 26, 2023 – affidavit of letters mailed to property owners within 500 feet of the subject property boundary
- May 26, 2023 – legal notices posted on the Town of Windsor website
- May 26, 2023 – legal ad published in the local newspaper (Greeley Tribune)

Financial Impact:

There is no financial impact.

Relationship to Strategic Plan:

Although the Strategic Plan does not specifically address open or surface gravel mining operations, the proposed Windsor East Mine CUP includes the creation of two water storage reservoirs which will be used to support the water needs associated with the future development within the Great Western Industrial Park. Therefore, the CUP is in general conformance with the Strategic Plan's Mission:

The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner.

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Conditional Use Permit (CUP) application, with the following conditions:

1. Any Planning Commission comments be addressed;
2. The Great Western 7th Annexation Master Plan be approved;
3. Approval of the Major Site Plan.

CC:

Dean Brown, Julie Mikulas, Pam Hora

Attachments:

1. NARRATIVE
2. SITE PLAN
3. DUST ABATEMENT PLAN
4. JUR DETERMIN-FORM
5. Neighborhood Meeting Minutes_Windsor East Mine
6. CUG - GW 7th Annex - Staff Presentation-Mine

WINDSOR EAST MINE NARRATIVE DESCRIPTION

1.0 PROPOSED PROJECT DETAILED DESCRIPTION

Overview

The Windsor East Mine property (Windsor East) is located within the Town of Windsor (Town) in Weld County, Colorado on land that is zoned Heavy Industrial. The land is owned by GWIP, LLC (GWIP), and Martin Marietta Materials (Martin Marietta) has a lease to mine the GWIP property. The leased area is located within Parcel 08073600021, in Section 35 and 36, Township 6 North, Range 67 West of the 6th Prime Meridian. The geographic coordinates for the main entrance area are 40.450040° N, -104.851359° W. The property contains a significant commercial deposit of sand and gravel that is associated with the Cache la Poudre River. While the property is owned by GWIP, the mineral rights in Section 36 are owned by the Colorado State Board of Land Commissioners and Martin Marietta also has a lease with them.

The Windsor East Mine is 150.3 acres. Within the site, 90.1 acres of the land will be mined for aggregates (sand and gravel), and the remaining unmined acres will be used for temporary overburden and topsoil stockpiles, and a temporary equipment storage area.

The land that Martin Marietta elected to lease from GWIP for the Windsor East Mine was specifically defined to exclude the riparian area along the Cache la Poudre River and the Poudre Trail.

On the Windsor East Mine Major Site Plan map, there are four mining cells called out as Cells A, B, C, and D. The four mining cells were strategically positioned to avoid the area where the Town plans to eventually acquire right-of-way for Crossroads Boulevard through the site. The four cells in Windsor East will be mined as explained below.

1. The topsoil from Cell A will be stripped and placed on the north property line in stockpile TS1 to create a temporary visual and noise barrier for the neighbor to the north. Overburden from Cell A will be stockpiled in OB1.
2. Cell A will be mined.
3. Topsoil from Cells B and C will be stripped and placed in stockpiles TS1, TS2, and TS3 to create a temporary visual and noise barrier for the neighbors to the west. Overburden from Cell B will remain in place and overburden from Cell C will be used to reclaim the slopes of Cell A. Any excess overburden from Cell B will be placed in stockpile OB1 or the overburden overflow area on top of Cell B.
4. Cell C will be the second cell mined. The slopes of Cell C will be concurrently reclaimed using overburden from stockpiles OB1 and the overburden overflow area on top of Cell B.
5. Cell D topsoil will be stripped and used in the reclamation of Cells A and C. Overburden from Cell D will be used in the reclamation of Cell C. Any excess overburden from Cell D will be placed in stockpile OB2.
6. Cell D will be mined. It will then be reclaimed by backfilling it with overburden from the overburden overflow area on top of Cell B including the overburden originally left behind in Cell B.
7. Cell B will be the last cell mined and then backfilled with the remaining overburden from stockpile OB1.
8. The topsoil from TS1, TS2, and TS3 will then be used to complete the reclamation of Cells B and C and the edges of Cells A and C.

As the site is mined, any areas slated for protection will be identified in the field to assure that mining operations will only occur in approved areas. The topsoil and overburden will be stripped with scrapers and temporarily stockpiled in the designated stockpile areas. Overburden found on the site, will also be used to fill in the reclamation slopes as part of the reclamation for Division of Reclamation, Mining and Safety Permit M-2022-042. Overburden and topsoil reserved for reclamation will be vegetated and stabilized. Prior to mining, a dewatering trench will be constructed around the perimeter of each cell. A sump hole will be created at the lowest point of each dewatering trench. The sump holes and dewatering trenches will allow sediment to settle before the water is pumped to the Cache la Poudre River using a dewatering pump in accordance with Colorado/NPDES discharge permit regulations. Pipes will be used to transport the water from the mine to the Cache la Poudre River. The

location of the discharge pipes will be adjusted throughout the mining process.

When the mined alluvium is sufficiently dry, front-end loaders will excavate the material. The high wall of the mine cells will not exceed a 1:1 slope. All mined material will be deposited on conveyors which will transport the material to Martin Marietta's existing plant site at the Parsons Mine, directly east of Windsor East. No materials processing will occur at the Windsor East Mine site.

Surface water within the mine areas will drain internally. Direct precipitation falling on a mine cell is collected in the perimeter dewatering trench and pumped out. There will not be any uncontrolled releases of surface water and sediment from mining areas. Storm water collected in the open mine will be managed in accordance with Colorado/NPDES discharge permit requirements.

Water will be used for dust control operations along the roads, stockpiles, transport of material and berms. The water will be applied using a 2,500-gallon water truck and water will come from the Parsons Mine.

After the aggregate from the site is mined, the land will be reclaimed to create two water storage reservoirs that the landowner, GWIP, will own and use for water storage. The water storage reservoirs will be created by compacting material sourced from the Windsor East Mine site to create a liner. Water stored in the ponds will be used by GWIP to satisfy augmentation requirements. Currently, GWIP leases water from the Town to satisfy some augmentation requirements. Therefore, upon completion of the reservoirs, GWIP will no longer need to lease water from the Town to meet this requirement. In addition, the reservoirs will be used to augment GWIP's future non-potable demands required to support future proposed development,

Depending on market conditions, Martin Marietta anticipates it will take approximately 6 years to mine all four cells. Martin Marietta will begin reclamation of disturbed areas as soon as possible after mining the aggregate in each of the cells; however, complete reclamation of the site will likely take about 2 years after mining concludes.

The table below outlines the anticipated mine schedule by phase. This schedule is just an estimate since the rate of mining and overall life of the mine depends upon demand and market conditions.

Phase	Mine Area (in acres)	Projected Time to Mine (in years)
Cell A	35.3	±2
Cell B	17.7	±1
Cell C	32.3	±2
Cell D	4.8	±1

Existing Wetland

A wetland area was identified on the site and mapped. The US Army Corps of Engineers is reviewing this wetland to determine if it is jurisdictional. The proposed mining plan shows that Martin Marietta will mine through this area. However, if the wetland is determined to be jurisdictional, Martin Marietta will modify their mining plans based on permitting with the US Army Corps of Engineers.

Status of Oil and Gas Facilities

There were oil and gas wells and flowlines through the middle of the property that were owned by Noble and DCP Midstream and are no longer used. The wells have all been plugged and abandoned per COGCC requirements. Martin Marietta contacted DCP Midstream and found out that all the flowlines were properly abandoned in place and Martin Marietta can remove them as they mine. Martin Marietta will contact DCP Midstream as they encounter and remove these lines so that DCP can appropriately document their removal. There is also an oil and gas flowline running north and south along the east edge of the property. Martin Marietta is working with DCP Midstream to determine what needs to be done to cross this line with conveyor and equipment.

Number of Employees

There will typically be 2 Martin Marietta employees working at this site at any one-time loading material onto the conveyor. There may be up to 6 additional employees for short periods of time at the start and finish of each cell when topsoil and overburden are being removed to prep for mining and again during reclamation to create the liners and replace the overburden and topsoil prior to seeding.

Hours of Operation

The hours of operation of the Windsor East Mine site will be limited to 6:00 am – 6:00 pm Monday through Friday, and 7:00 am – 6:00 pm on Saturday, with maintenance permitted after hours. If Martin Marietta requires extended hours for operations, they must make written notice to the Town at least 48 hours prior to the date of the extended hours.

Noise Mitigation Plan

General construction noises will be expected from the mining. There is no rock crushing or processing of the mined material proposed at this site as all the material will be conveyed to the Parsons' Mine, directly east of the Windsor East site, to be processed. Topsoil stockpiles have been strategically placed on the property to help serve as screening buffers to the adjacent residential homes located northeast, northwest, and west of the Windsor East Mine site. The topsoil piles will be temporarily revegetated to prevent erosion as required by our permit from the Division of Reclamation, Mining and Safety. The berms will provide both visual screening and noise mitigation. Noise studies have shown that earthen berms are one of the most effective ways to mitigate noise.

Dust Mitigation

Martin Marietta will employ industry best practices at the Windsor East Mine to minimize offsite fugitive dust impacts. Included in the application is a Dust Abatement Plan which will be followed by Martin Marietta.

Visual Requirements

Topsoil stockpiles have been strategically placed on the west and north boundaries of the property to help serve as visual screening buffers into the site during mining and will be used to reclaim the property once mining is completed.

Transportation/Haul Routes/Access

Martin Marietta will not use trucks to haul the mined aggregate from this site; therefore, there is no need for a defined haul route.

There is an existing access road that connects to WCR 23 that will be used to access the Windsor East Mine site in the northeast corner of the site. Martin Marietta obtained an access easement from GWIP to allow them to utilize this access point for employees, equipment deliveries and emergency access. This access point is called out on the Site Plan map.

Employees working at the Windsor East Mine site will access the mine primarily by using internal roads through the Parsons Mine operation to get over to the Windsor East Mine site. The only vehicles expected to use the access off of WCR 23 will be occasional support vehicles; this will be limited to an average of four round trips per day. Weld County Road 23 could also occasionally be used to bring equipment to the site to use for mining or reclamation and the fire department requested that we establish this entrance for possible emergency use. Martin Marietta does not intend to use the farm service road north of the project area.

Landscaping

There are some existing naturally occurring trees along the fence line of County Road 23, which will provide some visual buffer for the neighbors. During mining, the temporary topsoil stockpiles will be revegetated with a native seed mix, as called out on the Conditional Use Permit Site Plan map. Since the life of the mine will be relatively short (expected to be 6 years), additional trees or shrubs will not be planted since they would not have time to

establish themselves before they would need to be removed as a result of the topsoil stockpiles being removed to use the material for reclamation.

The Reclamation Plan calls for two compacted liner water storage reservoirs surrounded by revegetated upland areas. A native seed mix will be used to revegetate all the upland areas as approved by our Division of Reclamation Mining and Safety Permit, M-2022-042. No trees are planned as part of the reclamation plan because tree roots are not acceptable near clay-lined water storage reservoirs as they can cause damage to the liner.

As discussed with Windsor staff, trees are not required to be planted prior to or during mining. Trees are also not a requirement specific to mining reclamation. The landowner (GWIP) has a separate arrangement with Windsor related to the future installation of trees on the property. Windsor staff is in the process of finalizing the details of this arrangement directly with GWIP related to future tree planting as part of a Master Plan process for the property and not part of this application.

The Code does not require landscaping for open spaces and natural areas which is what the land use of the property will be after it is mined and reclaimed to meet the requirements of the Division of Reclamation, Mining and Safety.

Fencing

Fencing currently exists around the perimeter of the mine site on the west, and south sides amongst the trees and varies utility easements. A temporary gate will be added at the entrance during mining and reclamation. The north side will have a temporary 8-foot berm so fencing is not necessary, The east side of the Windsor East Mine site runs along the Parsons Mine site; as both sites are part of MM mining operations, fencing is not necessary on the east side. As part of the reclamation, fencing, with a maximum height of 6 feet, will be installed around the water storage reservoirs after topsoil is replaced.

Floodplain Requirements

Portions of the property are in the floodway and floodplain for the Cache la Poudre River. No fill will be placed in the floodway. There will be some berms placed in the floodplain; therefore, a Floodplain Permit is being requested for the project. The impact of the fencing on the floodway will be considered as part of the no-rise certification.

Restroom Facilities

A portable toilet with handwashing facilities will be utilized on-site. It will be placed in the 100-foot x 100-foot storage area in the northwest corner of the Windsor East Mine site. There is an existing scale house and employee building with toilets at the Parsons Mine that employees will utilize pre-shift.

DRMS Permitting

Martin Marietta is concurrently obtaining a 112 Reclamation Permit for Windsor East Mine through the Colorado Division of Reclamation, Mining and Safety (DRMS) and will be required to post a bond prior to mining to ensure reclamation occurs. This bond will be based on the cost to reclaim the site, which is usually several million dollars. A copy of the in-process materials is attached. Upon approval, a copy of the approved permit documents will be provided to the Town. As required by the DRMS process, a hard copy of the application materials is also available for review through the Weld County Clerk to the Board located at 1150 O Street, Greeley and a temporary sign is posted at the site entrance for the public indicating the hard copy location.

2.0 REVIEW CRITERIA

Section 14-2-130 of the Windsor Land Use Code establishes three review criteria associated with the granting of a Conditional Use Permit. Below are the criteria followed by an explanation in *italics* about how the application satisfies each criterion.

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.

The Windsor East Mine will comply with the Windsor Comprehensive Plan in the following ways:

- *The Windsor East Mine site is in the Great Western Industrial Park which the Windsor Comprehensive Plan identifies as a major center of employment and manufacturing activity. The developer of the Great Western Industrial Park is interested in having the site mined because of the gravel resource available and to create the water storage reservoirs which they plan to use to support the water needs associated with the future development of the Great Western Industrial Park.*
- *The Windsor East site is zoned Heavy Industrial. According to the Comprehensive Plan, mining activities are considered a heavy industrial use.*
- *In community outreach efforts, the community identified the development of water supply and storage amenities as important. The Windsor East Mine will create two large water storage reservoirs that the landowners will use to meet some water augmentation requirements so that they will no longer need to lease water from the Town of Windsor to meet those needs which means the water will be freed up for Windsor to use to meet other needs of the community.*
- *According to the Comprehensive Plan, the Goal for Industrial Areas is to maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible. Because the Windsor East Mine is in an area anticipated to accommodate Heavy Industrial land uses, the character of the community will not be negatively impacted by the proposal. In addition, the water storage reservoirs, which will be the result of the mining, help accommodate future growth in an environmentally responsible manner.*

To the best of our knowledge, Windsor East Mine, as described in Section 1 of this narrative, is being designed and will operate in a manner that will satisfy all the other applicable adopted plans and policies of the Town of Windsor.

2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.

Windsor East will not create any undue or unnecessary burdens on the existing public infrastructure and public improvements for the following reasons:

- *The material mined from the site will not be trucked. It will be conveyed to the Parsons Mine site for processing, avoiding any impacts on WCR 23 or other public streets in Windsor.*
- *Plans to mine the site include a corridor that will not be mined to accommodate the future right-of-way for Crossroads Boulevard through the site.*
- *The permit boundary of the Windsor Mine excludes any portion of the Poudre River Trail. Martin Marietta understands there is some interest in rerouting the trail through a portion of the Windsor East Mine site. That will be possible after the mining operation is complete, and it is safe for the public to be in the area.*
- *The mining operation will not place any demand on any public utilities. The power for the extension of conveyor into the Windsor East Mine will be connected to the existing conveyor in Phase 4 of the Parsons Mine which is run off a diesel generator. There is no need for water and*

sewer service as portable toilets and portable handwashing facilities will be used to meet the needs of Martin Marietta's employees while the site is being mined and reclaimed.

3. The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to building placement and orientation, transitions in density or height, screening, and/or landscape buffers.

Martin Marietta has addressed all compatibility issues typically associated with a mining operation as follows:

1. *The site is zoned Heavy Industrial which anticipates a use like aggregate mining.*
2. *Topsoil and overburden stockpiles were placed on the north and west edges to serve as an effective visual and noise buffer for the residential neighbors around the site.*
3. *A dust mitigation plan will be in place.*
4. *An insignificant amount of traffic will be associated with the operation since no aggregate will be trucked off-site from the Windsor East Mine site; all the mined material will be conveyed to Parsons Mine site for processing and then delivered to customers from the Parsons site.*
5. *The hours of operation will generally be limited to 6:00 am to 6:00 pm Monday through Friday and 7:00 am to 6:00 pm on Saturday.*

A PARCEL OF LAND, LOCATED IN THE WEST HALF (W1/2) OF SECTION THIRTY-SIX (36) AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4 SE1/4) OF SECTION THIRTY-FIVE (35), TOWNSHIP SIX NORTH (T.6N.), RANGE SIXTY-SEVEN WEST (R.67W.), SIXTH PRINCIPAL MERIDIAN (6TH P.M.), COUNTY OF WELD, STATE OF COLORADO

A PARCEL OF LAND, LOCATED IN THE WEST HALF (W1/2) OF SECTION THIRTY-SIX (36) AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4 SE1/4) OF SECTION THIRTY-FIVE (35), TOWNSHIP SIX NORTH (T.6N.), RANGE SIXTY-SEVEN WEST (R.67W.), SIXTH PRINCIPAL MERIDIAN (6TH P.M.), COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE NORTH 89°26'04" EAST ALONG SAID NORTH LINE A DISTANCE OF 230.85 FEET TO THE POINT OF BEGINNING;

SAID DESCRIBED PARCEL OF LAND CONTAINS A TOTAL OF 6,544,695 SQ. FT. OR 150.246 ACRES, MORE OR LESS.

THE UNDERSIGNED, BEING ALL THE OWNERS, LIENHOLDERS, AND HOLDERS OF ANY OWNERSHIP INTEREST AS DEFINED BY THE TOWN OF WINDSOR, OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SUCH LAND TO BE SITE PLANNED AS INDICATED ON THIS SITE PLAN. THE WITHIN SITE PLAN IS SUBMITTED IN ACCORDANCE WITH THE WINDSOR MUNICIPAL CODE. IT IS HEREBY ACKNOWLEDGED THAT ALL CONSTRUCTION, USE AND DEVELOPMENT OF THIS PROPERTY WILL BE IN STRICT ACCORDANCE WITH THIS SITE PLAN. IT IS FURTHER ACKNOWLEDGED THAT DEVIATION FROM THIS SITE PLAN WITHOUT THE EXPRESS WRITTEN CONSENT OF THE TOWN OF WINDSOR MAY RESULT IN REVOCATION OF THE TOWN'S APPROVAL OF THE SITE PLAN, DENIAL OF BUILDING PERMITS, REFUSAL TO ISSUE CERTIFICATES OF OCCUPANCY, INJUNCTIVE RELIEF PROHIBITING USE OF THE PROPERTY AND OTHER REMEDIES AVAILABLE TO THE TOWN UNDER THE WINDSOR MUNICIPAL CODE AND OTHER APPLICABLE LAWS OF THE STATE OF COLORADO. KNOWN ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED HAVE CAUSED SAID LAND TO BE LAID OUT AND SITE PLANNING UNDER THE NAME OF GREAT WESTERN 3RD ANNEXATION WINDSOR EAST MINE.

NAME	NAME	NAME
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STATE OF _____

COUNTY OF _____) ss

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____, THIS

____ DAY OF _____, 20____.

MY COMMISSION EXPIRES: _____.

NOTARY PUBLIC

ALL PERSONS TAKE NOTICE THAT CERTAIN DOCUMENTS HAVE BEEN EXECUTED PERTAINING TO THIS DEVELOPMENT, WHICH CREATE CERTAIN RIGHTS AND OBLIGATIONS OF THE DEVELOPMENT. THE DEVELOPER AND/OR SUBSEQUENT OWNERS OF ALL OR PORTIONS OF THE DEVELOPMENT SITE, MANY OF WHICH OBLIGATIONS CONSTITUTE PROMISES AND COVENANTS THAT RUN WITH THE LAND. THESE DOCUMENTS ARE OF RECORD AND ARE ON FILE WITH THE DIRECTOR OF PLANNING OF THE TOWN OF WINDSOR AND SHOULD BE CLOSELY EXAMINED BY ALL PERSONS INTERESTED IN PURCHASING ANY PORTION OF THE DEVELOPMENT SITE.

ALL AREAS DEPICTED HEREON AS "OPEN SPACE" SHALL REMAIN UNDEVELOPED, REGARDLESS OF OWNERSHIP AND REGARDLESS OF OFFICIAL ZONING DESIGNATION. NO PERMANENT STRUCTURES OF ANY KIND MAY BE ERECTED UPON AREAS DEPICTED HEREON AS "OPEN SPACE" WITHOUT THE PRIOR WRITTEN CONSENT OF THE TOWN MANAGER FOR THE TOWN OF WINDSOR.

ZONE HEAVY INDUSTRIAL

PERMIT BOUNDARY ACREAGE:

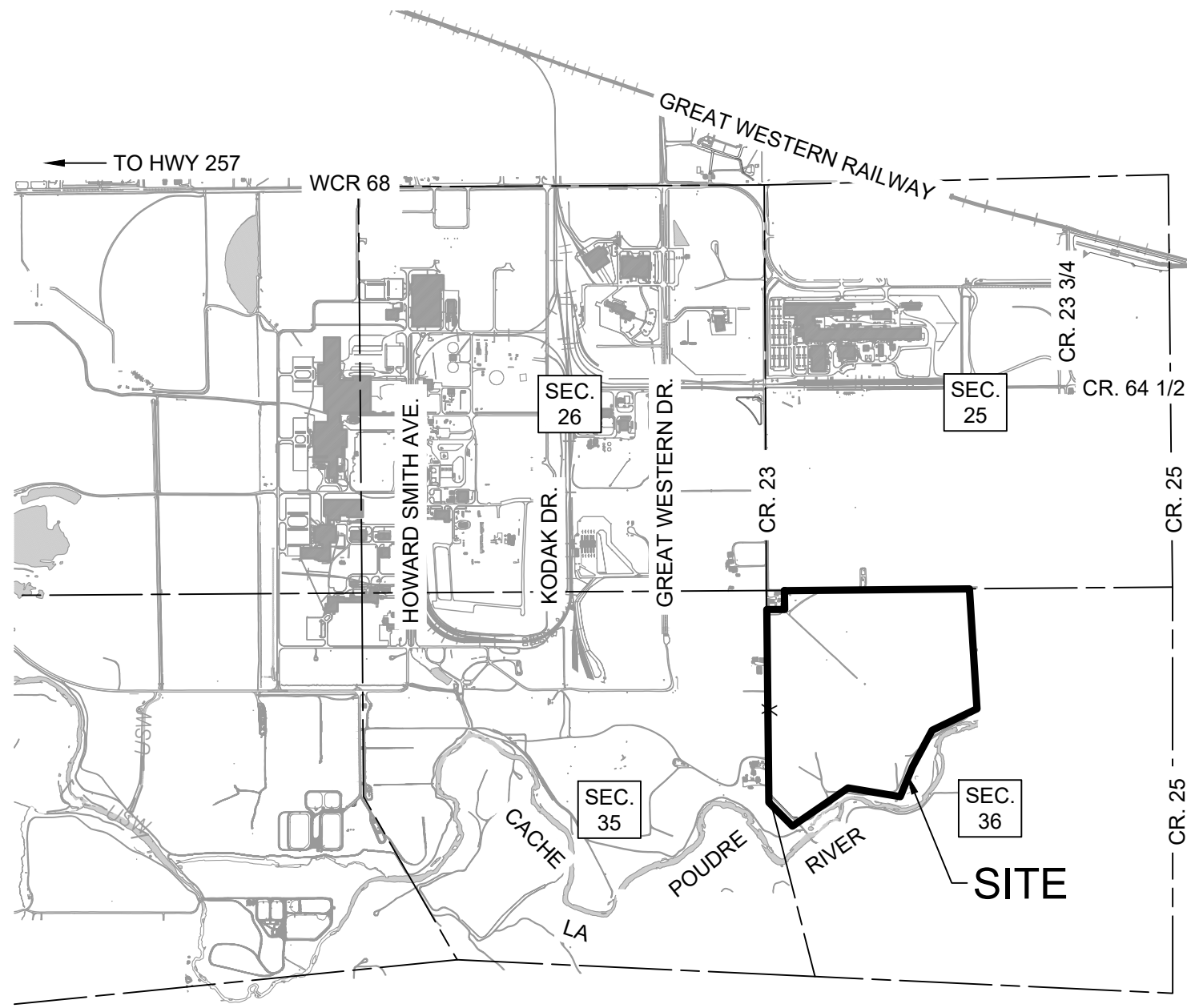
ACREAGE IS 105.3

EFFECTIVE ZONE AE: AREA OF 1% ANNUAL CHANCE FLOOD WITH BASE FLOOD ELEVATIONS DETERMINED, AS SHOWN ON PRELIMINARY FEMA FIRM (MARCH 23, 2022)

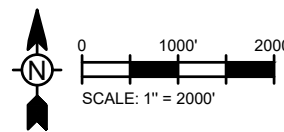
EFFECTIVE ZONE X: AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD, AS SHOWN ON PRELIMINARY FEMA FIRM (MARCH 23, 2022)

EFFECTIVE FLOODWAY: THE FLOODWAY IS THE CHANNEL OF A RIVER AND THE ADJACENT LAND AREA THAT MUST BE RESERVED IN ORDER TO DISCHARGE THE 1% ANNUAL CHANCE FLOOD WITHOUT CUMULATIVELY INCREASING THE WATER SURFACE ELEVATION MORE THAN DESIGNED HEIGHT, AS SHOWN ON PRELIMINARY FEMA FIRM (MATCH 23, 2022)

PRE-PROJECT / MINING CONDITIONS: AREA OF 1% ANNUAL CHANCE FLOODPLAIN PER TETRA TECH STUDY (NOV. 2018 OR AS REVISED)



SCALE: 1" = 2000



1	COVER SHEET
2	EXISTING CONDITIONS
3	MINING PLAN
4	RECLAMATION PLAN
5	DRAINAGE PLAN

MARTIN MARIETTA MATERIALS, INC
1800 NORTH TAFT HILL ROAD
FORT COLLINS, COLORADO 80521
ATTN: H. ABBOTT LAWRENCE, WEST DIVISION PRESIDENT

GWIP LLC
252 CLAYTON ST FL 4
DENVER, COLORADO 80206-4816

1. ALL EASEMENTS AND RIGHTS-OF-WAY CROSSING THE CITY OF GREELEY EASEMENT ARE SUBJECT TO THE RIGHTS OF SAID CITY OF GREELEY EASEMENT.
2. THERE SHALL BE NO PERMANENT STRUCTURES, CONCRETE SLABS, DETENTION PONDS, FENCES, WALLS, TREES, OR OTHER LANDSCAPING OR BERMS GREATER THAN 3 FEET AT MATURE GROWTH, OR OTHER OBSTRUCTIONS WITHIN THE CITY OF GREELEY EASEMENT. NO COVER SHALL BE REMOVED AND/OR ADDED WITHOUT WRITTEN PERMISSION FROM CITY OF GREELEY WATER ENGINEER.
3. THERE SHALL BE NO OTHER UTILITIES WITHIN THE CITY OF GREELEY EASEMENT EXCEPT AT RIGHT ANGLE CROSSINGS AND UNLESS PREVIOUSLY APPROVED BY THE CITY OF GREELEY WATER & SEWER DEPARTMENT. ALL PLANS SHALL BE SUBMITTED DURING THE DESIGN PHASE AT LEAST TWO WEEKS PRIOR TO CONSTRUCTION AND SHALL SHOW POTHOLED LOCATIONS AND ELEVATIONS IN PLAN AND PROFILE VIEW. GREELEY WATER & SEWER WILL ISSUE APPROPRIATE CROSSING APPROVAL.
4. IN THE EVENT THAT EXCAVATION IS REQUIRED FOR THE CITY OF GREELEY WATER PIPELINES DUE TO WATER PIPELINE REPAIRS, REPLACEMENT OR OTHER OPERATIONS, THE EXCAVATION WILL BE BACKFILLED SAFELY BUT SURFACE RESTORATION WILL NOT BE DONE BY/ OR AT THE EXPENSE OF THE CITY OF GREELEY.
5. GREELEY WATER PIPELINE LOCATIONS ARE APPROXIMATE, CONTACT THE TRANSMISSION LINE TECHNICIAN AT 970-371-3728, 72 HOURS IN ADVANCE OF ANY LOCATE REQUEST OR ANY CONSTRUCTION ACTIVITIES WITHIN THE GREELEY WATER PIPELINE EASEMENT.
6. THERE SHALL BE NO VIBRATORY OR HEAVY SHEEPSFOOT COMPACTION WITHIN 20 FEET OF THE EXISTING WATER TRANSMISSION PIPELINE. STATIC COMPACTION EQUIPMENT SHALL BE USED.
7. GREELEY PIPELINES MUST HAVE A MINIMUM OF SIX (6) FEET OF COVER AT ALL LOCATIONS TO BE USED AS A LAND BRIDGE DURING ANY CONSTRUCTION ACTIVITIES.
8. NO CUTS IN GRADING ARE ALLOWED WITHIN THE TRANSMISSION WATERLINE EASEMENTS UNLESS SUFFICIENT COVER EXISTS AND IS REVIEWED / APPROVED BY THE CITY OF GREELEY.
9. GREELEY WATER LINE SUPPORT AT CROSSINGS SHALL BE INCORPORATED INTO THE DESIGN IF PROPOSED UTILITY CROSSING IS BELOW THE WATER LINE USING OPEN TRENCH CONSTRUCTION.
10. ANY IRRIGATION LINES AND/OR SPRINKLER SYSTEMS LOCATED WITHIN GREELEY EASEMENT REQUIRES CONTRACTOR TO PROVIDE GREELEY A FULL SET OF LANDSCAPING & IRRIGATION/SPRINKLER SYSTEM PLANS FOR REVIEW AND APPROVAL. PLANS TO BE PROVIDED A MINIMUM OF 2 WEEKS PRIOR TO CONSTRUCTION. VALVE BOXES ARE NOT TO BE LOCATED WITHIN GREELEY'S EASEMENT.
11. ANY WORK TO BE DONE ON CITY OF GREELEY WATERLINE(S) SHALL CONFORM TO CURRENT CITY OF GREELEY SPECIFICATIONS.
12. GREELEY PIPELINES MUST HAVE A MINIMUM OF SIX (6) FEET OF COVER AT ALL LOCATIONS TO BE USED AS A LAND BRIDGE DURING ANY CONSTRUCTION ACTIVITIES. IF REQUIRED COVER CANNOT BE MAINTAINED OR PROPOSED LOADS ARE DETERMINED TO PRESENT A RISK OF DAMAGE TO GREELEY PIPELINE COVER, AN ENGINEERED BRIDGING SOLUTION ACCEPTABLE TO THE CITY OF GREELEY MUST BE DESIGNED AND IMPLEMENTED.

APPROVED THIS THE _____ DAY OF _____, 20____.

DIRECTOR OF PLANNING

THIS IS TO CERTIFY THAT A SITE PLAN OF THE PROPERTY DESCRIBED HEREIN IS APPROVED BY THE TOWN OF WINDSOR PASSED AND ADOPTED ON THIS THE _____ DAY OF _____, 20____, A.D. AND THAT THE MAYOR OF THE TOWN OF WINDSOR, ON BEHALF OF THE TOWN OF WINDSOR, HEREBY ACKNOWLEDGES AND ADOPTS THE SAID SITE PLAN UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

MAYOR

TOWN CLERK

APPROVED THIS THE _____ DAY OF _____, 20____.

TOWN MANAGER

APPROVED THIS THE _____ DAY OF _____, 20____.

DEPUTY DIRECTOR OF PUBLIC WORKS

REVIEWED BY: _____
WATER / SEWER CHIEF ENGINEER DATE

REVIEW DOES NOT CONSTITUTE "APPROVAL" OF PLANS. PERMITTEE IS RESPONSIBLE FOR ACCURACY AND COMPLETENESS OF PLANS.

APPROVED THIS THE _____ DAY OF _____, 20____.

DEPUTY DIRECTOR OF ENGINEERING

I CERTIFY THAT THIS MASTER PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION

Pamela Franch Hora
PAMELA FRANCH HORA, AICP
SENIOR PLANNER, TETRA TECH

MARK	DATE	DESCRIPTION	BY
	09/02/2023	INITIAL SUBMITTAL	PH
	1/20/23	RESPONSE TO DRC COMMENTS	PH

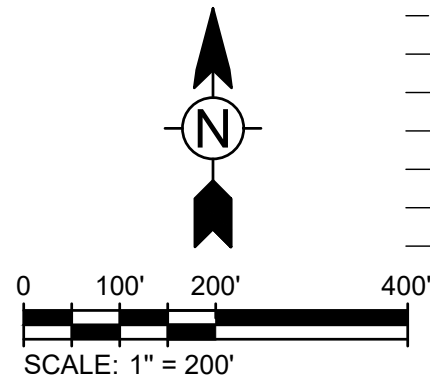
MARTIN MARIETTA MATERIALS
GREAT WESTERN 7TH ANNEXATION
WINDSOR EAST MINE

COVER SHEET

PROJ:	117-8741006
DESN:	GH
DRWN:	LAW
CHKD:	PFH

1

A PARCEL OF LAND, LOCATED IN THE WEST HALF (W1/2) OF SECTION THIRTY-SIX (36) AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4 SE1/4) OF SECTION THIRTY-FIVE (35), TOWNSHIP SIX NORTH (T.6N.), RANGE SIXTY-SEVEN WEST (R.67W.), SIXTH PRINCIPAL MERIDIAN (6TH P.M.), COUNTY OF WELD, STATE OF COLORADO



THE EXACT LOCATIONS OF THE WATER SERVICE LINES TO THE LOTS WEST OF WCR 23 WILL BE FIELD LOCATED BY THE OPERATOR PRIOR TO MINING IN CELL D, AS SHOWN ON THE MINING PLAN MAP (SEE SHEET 3). IF THE LINES ARE FOUND TO BE LOCATED AS SHOWN ON THIS MAP, THE SERVICE LINES WILL EITHER BE RELOCATED OR CELL D WILL NOT BE MINED.

THE SOUTH BOUNDARY OF THE WINDSOR EAST MINE IS NORTH OF THE RIPARAIN VEGETATION ALONG THE CACHE LA POUDE RIVER. THIS BOUNDARY WAS SET TO ENSURE THAT ALL MINING ACTIVITY WOULD BE OUTSIDE OF THE CACHE LA POUDE RIVER CORRIDOR.

WETLANDS SHOWN ON PLANS ARE PER INVESTIGATION REPORTS BY PINYON ENVIRONMENTAL, INC. DATED JULY 2022. THE ARMY CORPS OF ENGINEERS HAS DETERMINED THAT THE WETLANDS ARE NOT JURISDICTIONAL SEE EXHIBIT J-1 FOR DETERMINATION LETTER.

	PERMIT & AFFECTED AREA BOUNDARY
	PARCEL BOUNDARY
	ROW LINE
	SECTION LINE
	EASEMENT LINE
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING ROAD EDGE
	RIVERBANK
	EXISTING EDGE OF WATER
	EXISTING WETLAND BOUNDARY
	EFFECTIVE ZONE FLOODWAY
	EFFECTIVE ZONE AE
	EFFECTIVE ZONE X
	EXISTING BRUSH LINE
	EXISTING FENCE LINE
	EXISTING SWALE
	OVERHEAD ELECTRIC
	UNDERGROUND ELECTRIC
	TELEPHONE
	GAS LINE
	GAS LINE/ CLEANED & CUT, ABANDONED IN PLACE
	WATER LINE
	WATER SERVICE
	SANITARY SEWER FORCE MAIN
	SANITARY SEWER GRAVITY MAIN
	STORM SEWER
	IRRIGATION
	MISCELLANEOUS PIPELINE

- CITY OF GREELEY
-
- REVIEWED BY: _____ DATE _____
 WATER/SEWER CHIEF ENGINEER
- REVIEW DOES NOT CONSTITUTE "APPROVAL" OF PLANS. PERMITTEE
IS RESPONSIBLE FOR ACCURACY AND COMPLETENESS OF PLANS.

2/22/2023 5:36:49 PM - C:\USERS\LAURA.WEATHERLACCO\CS\TETRA TECH\INC\117-8741006_WINDSOR EAST MINE\PROJECT FILES\CAD\PROJECT FILES\CAD\RECLAMATION PLAN EAST SIDE.DWG - WEATHERL, LAURA

GREAT WESTERN 7TH ANNEXATION WINDSOR EAST MINE

A PARCEL OF LAND, LOCATED IN THE WEST HALF (W1/2) OF SECTION THIRTY-SIX (36) AND
THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4 SE1/4) OF SECTION
THIRTY-FIVE (35), TOWNSHIP SIX NORTH (T.6N.), RANGE SIXTY-SEVEN WEST (R.67W.),
SIXTH PRINCIPAL MERIDIAN (6TH P.M.), COUNTY OF WELD, STATE OF COLORADO

LEGEND

- PERMIT & AFFECTED AREA BOUNDARY
- PARCEL BOUNDARY
- ROW LINE
- SECTION LINE
- EASEMENT LINE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING ROAD EDGE
- RIVERBANK
- 400' OFFSET FROM RIVERBANK
- EXISTING WETLAND BOUNDARY
- EFFECTIVE ZONE FLOODWAY
- EFFECTIVE ZONE AE
- EFFECTIVE ZONE X
- EXISTING EDGE OF WATER
- EXISTING BRUSH LINE
- EXISTING FENCE LINE
- EXISTING SWALE
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- TELEPHONE
- GAS LINE
- WATER LINE
- SANITARY SEWER FORCE MAIN
- SANITARY SEWER GRAVITY MAIN
- STORM SEWER
- IRRIGATION
- MISCELLANEOUS PIPELINE
- SECTION CORNER/ PROPERTY MONUMENTS
- MONITORING WELL
- WATER MANHOLE AND VALVE
- UTILITY POLE
- TELEPHONE PEDESTAL
- SANITARY MANHOLE
- STORM MANHOLE
- FLARED END SECTION
- EXISTING HOUSE
- EXISTING METAL/ WOOD POST
- EXISTING TREES
- RECLAIM AS UPLANDS
- WATER STORAGE RESERVOIR
- MONITORING WELL LOCATION
- 8' WIDE POUDRE RIVER TRAIL BY OTHERS (SHOWN ON PLAN FOR CONCEPTUAL PURPOSES ONLY)
- 4' TALL 3 STRAND FENCE BY MARTIN MARIETTA

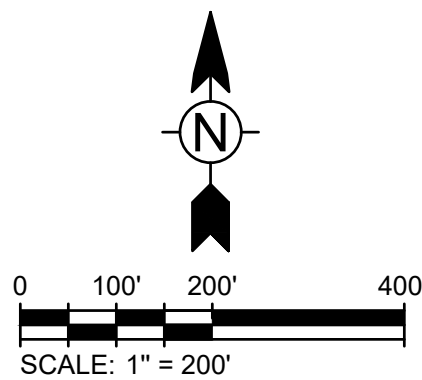
RECLAMATION AREA ACREAGE TABLE:

WATER STORAGE RESERVOIR	54.2 ACRES
UPLAND	96.1 ACRES
TOTAL	150.3 ACRES

SEED MIX AND SEED MIX NOTES: (SUBJECT TO CHANGE BASED ON OUR DIVISION OF RECLAMATION, MINING AND SAFETY PERMIT M-2022-042)

COMMON NAME	SCIENTIFIC NAME	VARIETY	% OF MIX	PLS APPLICATION RATE (LBS/AC)
WESTERN WHEATGRASS	AGROPYRON SMITHII	ARRIBA	17.0%	1.74
SIDEOTS GRAMA	BOUTELOUA CURTIPENDIA	BUTTE	17.5%	1.80
MOUNTAIN BROME	BROMUS MARGINATUS	BROME	17.0%	1.74
PRAIRIE SANDREED	CALAMOVILFA LONGIFOLIA	GOSHEN	1.0%	0.48
SWITCHGRASS	PANICUM VIRGATUM	PATHFINDER	7.0%	0.67
ALKALI SACATON	SPOROBOLUS AIROIDES		1.0%	0.10
NEEDLE AND THREAD	STIPA COMATA		13.0%	1.29
NORTHERN SWEETVETCH	HEDYSARUM BOREALE	TIMP.	10.0%	1.02
ROCKY MOUNTAIN RENSTEMON	PENSTEMON STRICTUS	BANDERA	5.0%	0.46
SCARLET GLOBEMALLOW	SPHAERALCEA COCCINEA	ARS2936	3.0%	0.26
PRAIRIE WILDROSE	ROSA ARKANSANA		8.5%	0.87
TOTAL LBS/AC			100%	10.43

- NO TREES ARE TO BE PLANTED BETWEEN THE RESEVOIRS AND THE FENCES TO MAINTAIN BUFFER BETWEEN THE RESERVOIR LINERS AND THE TREE ROOTS.
- TREES MAY BE PLANTED (BY OTHERS) FOR ENHANCEMENT OF FUTURE TRAIL SYSTEM.



CITY OF GREELEY
REVIEWED BY: WATER/SEWER CHIEF ENGINEER DATE
REVIEW DOES NOT CONSTITUTE "APPROVAL" OF PLANS. PERMITTEE IS RESPONSIBLE FOR ACCURACY AND COMPLETENESS OF PLANS.

TETRA TECH



www.tetratech.com
351 Coffman Street, Suite 200
Longmont, CO 80501
Phone: (303) 772-5282

MARTIN MARIETTA MATERIALS
GREAT WESTERN 7TH ANNEXATION
WINDSOR EAST MINE
RECLAMATION PLAN

PROJ: 117-8741006
DESN: GH
DRWN: LAW
CHKD: PFH

4

CITY OF GREELEY	
REVIEWED BY: _____	DATE _____
REVIEW DOES NOT CONSTITUTE "APPROVAL" OF PLANS. PERMITTEE IS RESPONSIBLE FOR ACCURACY AND COMPLETENESS OF PLANS.	

DUST ABATEMENT PLAN FOR THE WINDSOR EAST MINE

Martin Marietta Materials, Inc. will employ industry best practices at the Windsor East Mine in order to minimize offsite fugitive dust impacts. The following measures are planned to be used at the Windsor East Mine site:

- To control fugitive dust from exposed areas, inactive, exposed areas will be vegetated or stabilized so that they will not be a significant source of fugitive dust.
- Fugitive dust from removal activities and the movement of removed material will be inherently controlled by the high moisture content of the material.
- A conveyor system will be used to transport material from the extraction area to the material processing and storage area to the east of the site at the Parsons Mine. Use of a conveyor system results in a significant reduction in emissions over transporting the material by trucks. Fugitive dust associated with loading the conveyor will be controlled by the high moisture content of the material.
- Unpaved roads and disturbed areas associated with the mining operation will be watered down as often as necessary to minimize re-entrainment of fugitive particulate matter from the road surface.
- On-site unpaved roads will be scraped and compacted to stabilize the road surface as often as necessary to minimize re-entrainment of fugitive particulate matter from the road surface.
- The site will be mined and reclaimed concurrently to minimize the area of disturbance at any one time.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

September 9, 2022

**SUBJECT: Approved Jurisdictional Determination
Corps File No. NWO-2022-01585-DEN, Windsor East Site
Weld County, CO**

Abbott Lawrence
Martin Marietta Materials, Inc.
1627 Cole Boulevard, Suite 200
Lakewood, CO 80401

Dear Mr. Lawrence

This letter is in reference to the approximate 150-acre project area at approximate latitude 40.446608°N longitude 104.846744°W, in Weld County, Colorado. We received a request for an Approved Jurisdictional Determination (JD) for the above project area. The project area has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activity associated with a dredge and fill project in waters of the United States.

At your request, a JD has been prepared for the subject area. Based on a review of available documentation, we have determined that the resources labeled "Unnamed Ditch 1, Unnamed Ditch 2, and Wetland 1 are not waters of the United States. The attached JD form provides rationale for why no resources on the property meet the definition of waters of the United States. Therefore, a Department of the Army permit is not required for the discharge of fill material into this site under Section 404.

The JD is attached to this letter. If you are not in agreement with the JD decision, you may request an administrative appeal under regulation 33 CFR 331, by using the attached Appeal Form and Administrative Appeal Process form. The request for appeal must be received within 60 days from the date of this letter. It is not necessary to submit a Request for Appeal if you do not object to the JD.

This JD is valid for a period of five years from the date of this letter, unless new information warrants revisions of the JDs before the expiration date, or unless the Corps has identified, after a possible public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

If there are any questions please feel free to contact Daniel Ishmael at (720) 948-3266 or by e-mail at Daniel.C.Ishmael@usace.army.mil, and reference **Corps File No. NWO-2022-01585-DEN**.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Downing', with a stylized flourish at the end.

Kiel Downing
Chief, Denver Regulatory Office

Enclosure(s):

- 1) Approved Jurisdictional Determination Form
- 2) Notification of Administrative Appeal Options and Process and Request for Appeal



APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): September 9, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER:

Omaha District
Denver Regulatory Office
Windsor East Site
NWO-2022-01585-DEN

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: CO County/parish/borough: Weld City: Windsor

Center coordinates of site (lat/long in degree decimal format): Lat. 40.446608 N; Long. -104.846744W

Name of nearest waterbody: Cache La Poudre River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A

Name of watershed or Hydrologic Unit Code (HUC): 10190007

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: September 9, 2022

☒ Field Determination. Date(s): September 6, 2022

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are not** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply): ¹

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet:

Wetlands:

c. Limits (boundaries) of jurisdiction based on:

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Windsor East Site Unnamed Ditch 1, Unnamed Ditch 2, Wetland 1. See reference below in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: **Pick List**

Drainage area: **Pick List**

Average annual rainfall: inches

Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☐ Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵:

Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):

Average width: feet

Average depth: feet

Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

☐ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .

Presence of run/riffle/pool complexes. Explain: .

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume: .

Surface flow is: **Pick List**. Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

☐ Dye (or other) test performed: .

Tributary has (check all that apply):

☐ Bed and banks
☐ OHWM⁶ (check all indicators that apply):
☐ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☐ shelving ☐ the presence of wrack line
☐ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☐ abrupt change in plant community
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction:

☐ High Tide Line indicated by: ☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☐ physical markings;
☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) **Chemical Characteristics:**

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶ A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: .
Identify specific pollutants, if known: .

(iv) Biological Characteristics. Channel supports (check all that apply):

- ☐ Riparian corridor. Characteristics (type, average width): .
- ☐ Wetland fringe. Characteristics: .
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings: .
 - ☐ Fish/spawn areas. Explain findings: .
 - ☐ Other environmentally-sensitive species. Explain findings: .
 - ☐ Aquatic/wildlife diversity. Explain findings: .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain: .
 - ☐ Ecological connection. Explain: .
 - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

- ☐ Riparian buffer. Characteristics (type, average width): .
- ☐ Vegetation type/percent cover. Explain: .
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings: .
 - ☐ Fish/spawn areas. Explain findings: .
 - ☐ Other environmentally-sensitive species. Explain findings: .
 - ☐ Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- ☐ TNWs: linear feet width (ft), Or, acres.
☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

⁸See Footnote # 3.

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

☐ Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from “waters of the U.S.,” or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
- ☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- ☒ Other: (explain, if not covered above): **Reference is made to the November 13, 1986 Federal Register (Page 41217), Part 328 (b). Artificially irrigated areas which would revert to upland if the irrigation ceased. In this case, Wetland 1 appears to have formed from bank failure associated with an irrigation ditch with additional input from sheet flow runoff associated with crop irrigation. If agricultural activities were to cease, the wetland would no longer exist. The wetland was not present prior to ditch construction. As such, this aquatic resource is not considered jurisdictional.**

Reference is made to the November 13, 1986, Federal Register (Page 41217), Part 328.3(a) Non-tidal drainage and irrigation ditches excavated on dry land. Unnamed Ditch 1 and Unnamed Ditch 2 appear to be irrigation ditches associated with excess agricultural runoff. Unnamed Ditch 1 and Unnamed Ditch 2 do not appear to carry relatively permanent flows to the Cache La Poudre River. As such, these aquatic resources are also not considered jurisdictional.

The Corps reserves the right on a case-by-case basis to determine that a particular waterbody within these categories of waters is a water of the United States.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **Wetland Delineation Report authored by Pinyon Environmental Inc., Figure 1 and Figure 2, submitted September 1, 2022.**
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- ☒ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: .
- ☐ Corps navigable waters' study: .
- ☒ U.S. Geological Survey Hydrologic Atlas: .
- ☒ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: **1:24000 Bracewell 2016.**
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .
- ☐ National wetlands inventory map(s). Cite name: .
- ☐ State/Local wetland inventory map(s): .
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): **Google Earth: 2003-2021. USGS Aerial Photos of Colorado: 1978, 1969, 1948.**
- ☐ or ☐ Other (Name & Date): .
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☒ Other information (please specify): **Colorado's Decision Support System**

B. ADDITIONAL COMMENTS TO SUPPORT JD:

RESOLUTION

613

RE: APPROVE CLOSURE OF A PORTION OF THE RIGHT-OF-WAY OF WELD COUNTY ROADS 23 AND 62.25 TO PUBLIC ACCESS, EXCEPTING ACCESS BY EMERGENCY AND MAINTENANCE VEHICLES AND BY ADJACENT LANDOWNERS, THEIR TENANTS AND INVITEES

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, a portion of the right-of-way of Weld County Roads 23 and 62.25, lying in portions of Sections 35 and 36, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, extending from the current location of a gate at the southern end of Weld County Road 23 and proceeding southeast for approximately 612 feet, to a point being approximately 50 feet northwest of the current location of the cement pad of the Poudre River Trail, as shown on the attached sketch and map (hereinafter referred to as "Right-of-Way"), extends from Weld County Road 23 to the Poudre River Trail, and has been used to gain access to said Poudre River Trail by persons desiring to recreate thereon, and

WHEREAS, such access fosters parking problems on Weld County Road 23 and provides means for trespass onto adjoining agricultural lands, and

WHEREAS, ample and appropriate parking and trail access for those persons desiring to recreate on the Poudre River Trail exists only a quarter-mile away in both directions (east and west), and

WHEREAS, after review, the Board deems it advisable to close said Right-of-Way to public access, excepting access by emergency vehicles and vehicles used in maintenance of the Poudre River Trail, and by adjacent landowners, their tenants and invitees, until such time as the Board determines to rescind the closure, with such closure not being intended to act as an abandonment of the Right-of-Way by Weld County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the Right-of-Way of Weld County Roads 23 and 62.25, lying in portions of Sections 35 and 36, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, extending from the current location of a gate at the southern end of Weld County Road 23 and proceeding southeast for approximately 612 feet, to a point being approximately 50 feet northwest of the current location of the cement pad of the Poudre River Trail, as shown on the attached sketch and map, be, and hereby is, closed to public access, excepting access by emergency vehicles and vehicles used in maintenance of the Poudre River Trail, and by adjacent landowners, their tenants and invitees, until such time as the Board determines to rescind the closure, with such closure not being intended to act as an abandonment of Right-of-Way by Weld County.



3072613 06/13/2003 12:32P Weld County, CO
1 of 3 R 0.00 D 0.00 Steve Moreno Clerk & Recorder

2003-1216
EG0047

cc: PW, Comm, SO, ASP

RE: APPROVE CLOSURE OF A PORTION OF THE RIGHT-OF-WAY OF WCR'S 23 AND
62.25 TO PUBLIC ACCESS
PAGE 2

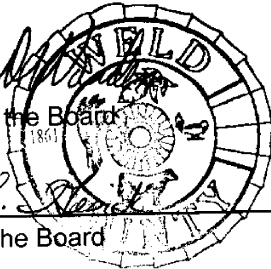
The above and foregoing Resolution was, on motion duly made and seconded, adopted by
the following vote on the 14th day of May, A.D., 2003.

ATTEST:

Weld County Clerk to the Board

BY:

Deputy Clerk to the Board



APPROVED AS TO FORM:

County Attorney

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

David E. Long, Chair

Robert D. Masden, Pro-Tem

M. J. Geile

William H. Jerke

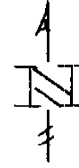
Glenn Vaad

Date of signature: 5/29

3072613 06/13/2003 12:32P Weld County, CO
2 of 3 R 0.00 D 0.00 Steve Moreno Clerk & Recorder

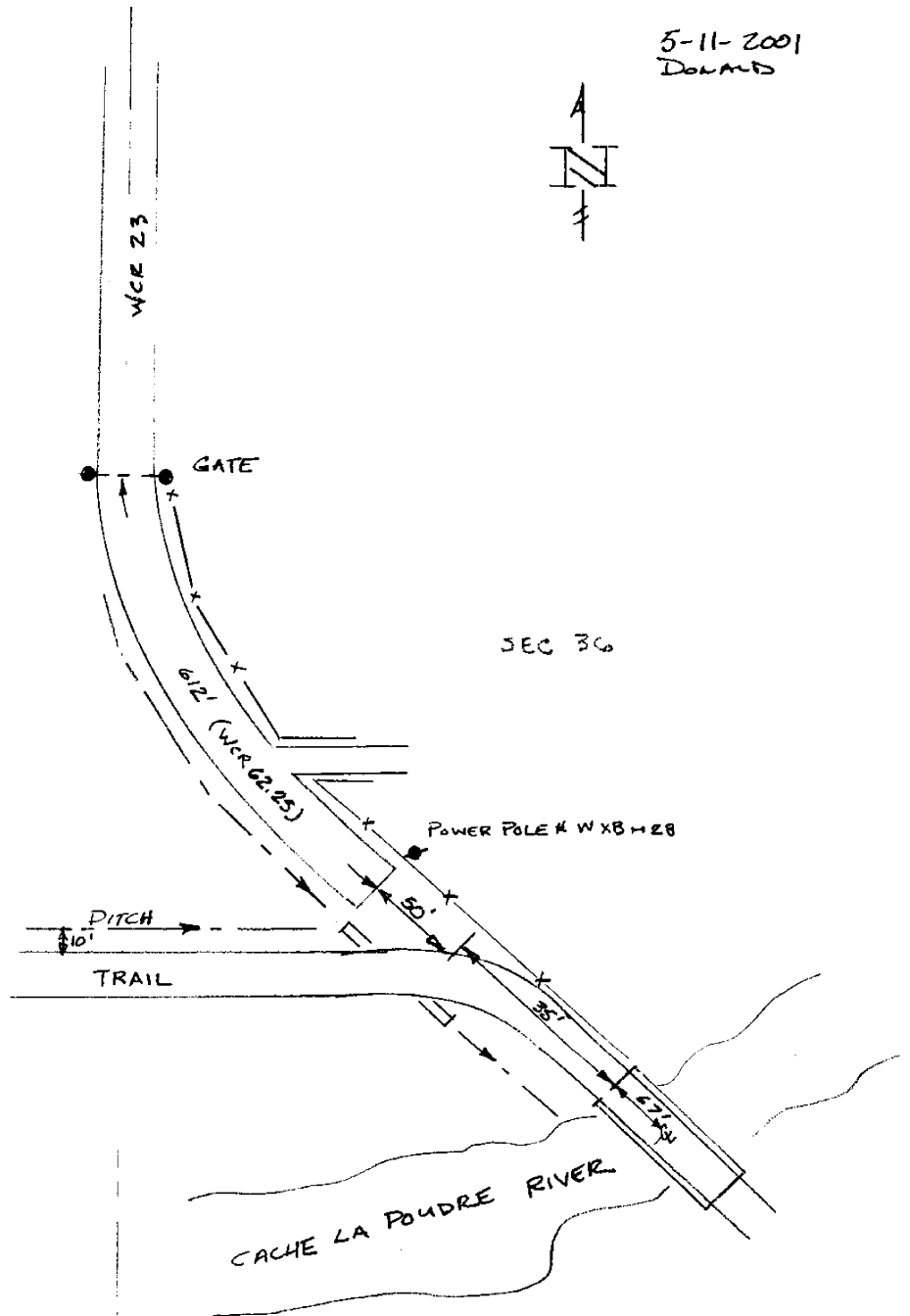
2003-1216
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5-11-2001
DOLAND



SEC 35

SEC 36



3072613 06/13/2003 12:32P Weld County, CO
3 of 3 R 0.00 D 0.00 Steve Moreno Clerk & Recorder

2003-1072

Meeting:	Windsor East Mine Neighborhood Meeting
Date/Time:	December 13, 2022, at 6:00 pm
Location:	Great Western Industrial Park Office
Attendees:	Martin Marietta: Julie Mikulas, James Sharn, Britney Guggisberg, Travis Newman, Joe Lee Tetra Tech: Pam Hora, Grace Hart Town of Windsor: Sandra Mezzetti Neighbors: Greg Stieben, Judy Firestein, Ken Tigges, Colleen Blanks

Windsor East Mine neighborhood meeting was split into two parts: a presentation and a question/comment period. The room was set up with a presentation in the front and three printed maps in the back, for easy viewing. Displayed maps included the mining plan, reclamation plan, and an existing conditions aerial photo map. Julie Mikulas, with Martin Marietta, led a PowerPoint presentation.

The presentation consisted of an overview of Martin Marietta as a company, highlighting the significant role aggregate plays in the community, the landowner's (GWIP) Master Plan and Martin Marietta's plan for mining and reclaiming the site, how the plan was designed to limit the impacts of mining on neighboring properties, the permitting process highlighting permits that Martin Marietta must obtain before mining can begin and the timeline.

Comments and questions varied throughout the meeting and discussion. Most questions focused on the two water storage reservoirs created through the reclamation process. Neighbors' concerns centered around the purpose of the water storage, whether that be for irrigation or augmentation. Martin Marietta responded that plans for the water will ultimately be decided by the landowner and Martin Marietta is not involved. After Martin Marietta constructs the reservoirs, they will place a three-strand fence around the reservoirs to help prevent people from using them for recreational purposes, as requested by the landowner.

Greg Stieben, a neighbor to the west, asked if the water storage reservoirs will be lined, to which Martin Marietta explained that yes, the reservoirs will be lined with clay materials found on the site. Martin Marietta did this on their Parsons' Mine site, and the material has been found to compact well so it is assumed it will work here too.

Colleen Blanks, a neighbor to the west of the proposed mine, expressed concerns about the noise and dust created from mining operations. She indicated it is already dusty and that she hears beeping noises coming from the Parsons Mine site. Regarding dust, Martin Marietta explained that the wind will be traveling away from her house so that is to her benefit. Regarding noise, Martin Marietta uses white noise backup beepers on their equipment; they explained MSHA requires that the conveyor have a startup alarm, but they will explore orienting the alarm speakers in such a way as to redirect the noise. Separately, Martin Marietta explained that the berms on the west side of the site were placed as far south as possible to provide a buffer, but they can't be extended farther south across from her home because that would place them in the floodway, which is not allowed.

Ken Tigges, a neighbor of the Parsons Mine, shared that he appreciated that Martin Marietta is keeping their neighbors “in the know” about what activities they are doing and is willing to work with the neighbors.

Contact information for Julie Mikulas from Martin Marietta and Pam Hora with Tetra Tech was shared with all attendees to use should they have any other questions or concerns about the project.

After the presentation and question and answer session, attendees were free to talk to Martin Marietta and Tetra Tech staff. The content of individual conversations was not captured and therefore is not a part of these minutes.

Name	Street Address	Phone Number	Email Address
Greg Stieben	30801 CR 23	970-481-1246	stiebenfcm@msn.com
Judy Firestien	31127 CR 27, Greeley	970 225 2949	Judy.firestien@brae.wa.fam.com
He Tye	12406 WCR 64 1/2 Greeley	970 396 8183	_____
Colleen Blanks	30523 County Rd 23	970-686-5048	cblanks123@gmail.com

AFFIDAVIT OF MAILING

I, Elizabeth Mayne, of Tetra Tech, attest that a mailing notice was sent on November 23 and 24, 2022, via U.S. Postal Service, First Class Mail, in accordance with the Windsor Municipal Code Chapter 14, at least ten (10) days before the Neighborhood Meeting scheduled on the 13th day of December, 2022. The mailing was sent to each person or entity on the attached list.

Project Description:

Martin Marietta's Conditional Use Permit proposal
for gravel surface mining operations on the Great Western 7th Annexation Property,
"Windsor East Mine"

Signature



Elizabeth Mayne

Tetra Tech, Inc.
351 Coffman St, Suite 200
Longmont, CO 80501

**Windsor Mine East
Surrounding Property Owners
Notice of Neighborhood Meeting (December 13, 2022)
Sent November 23 & 24, 2022 by USPS first class mail**

Owner	Mail Address 1	Mail Address 2	Mail City	State	Mail Zip Code	Notes
3W PROPERTIES LLC	1210 HONEYSUCKLE CT		WINDSOR	CO	80550-5600	
MELISSA & ROBERT STIEBEN	PO BOX 363		TIMNATH	CO	80547	(new owner 3W Property)
BLANKS STEVEN F	30523 COUNTY ROAD 23		GREELEY	CO	80631-9328	
DEMIANYCZ JOHN DANIEL REVOCABLE TRUST	PO BOX 147		WINDSOR	CO	80550-0147	
GWIP LLC	252 CLAYTON ST	4TH FLOOR	DENVER	CO	80206-4800	
MARTIN MARIETTA MATERIALS INC	C/O BADEN TAX MANAGEMENT	PO BOX 8040	FORT WAYNE	IN	46898-8040	(applicant, not sent)
PALMER JEFFREY J	11492 COUNTY ROAD 64 3/4		GREELEY	CO	80631-9339	
POUDRE RIVER RANCH LLC	1813 61ST AVE STE 200		GREELEY	CO	80634-8059	
VESTAS BLADES AMERICA INC	11140 EASTMAN PARK DR		WINDSOR	CO	80550-3397	
TOWN OF WINDSOR ATTN SANDY MEZZETTI	301 WALNUT ST		WINDSOR	CO	80550-5141	
HALLETT JASON	1849 GALAPAGOS CT		WINDSOR	CO	80550-3574	



November 23, 2022

Notice of Neighborhood Meeting*

You are invited to attend a neighborhood meeting and make comments on a presentation of a Conditional Use Permit proposal which has been filed with the Town of Windsor by Martin Marietta to allow gravel surface mining operations on the Great Western 7th Annexation property. This gravel surface mining Conditional Use Permit is located east of Weld County Road 23, north of the Cache la Poudre River.

The meeting will be held at the:

Great Western Industrial Park Office
2005 Howard Smith Ave East, Building C6
Windsor, CO 80550
Tuesday, December 13, 2022
6:00 PM

***Please be advised that in addition to this neighborhood meeting which is being conducted by the developer of this specific land use proposal, the Town of Windsor will also hold at least one public hearing on this land use proposal, the time and date of which shall be posted on the Town's website at www.windsorgov.com in the future.**

For additional information on this proposal or the neighborhood meeting, please call Pam Hora with Tetra Tech at 720-864-4507 or pam.hora@tetrattech.com. Tetra Tech is Martin Marietta's consultant assisting with the processing of the application.

The affected property owners list for this neighborhood meeting is derived from official records of the Assessor's Office of Weld County, Colorado. Because of the lag time between home occupancy and record keeping or because of rental situations, a few affected property owners or residents may have been missed. Please feel free to notify your neighbor of this pending meeting so all neighbors may have the opportunity to attend.

Sincerely,

TETRA TECH

Pamela Franch Hora, AICP
Senior Planner

O:\Projects\Longmont\8741\117-8741006\Deliverables\Town of Windsor Newspaper & Notice\Notice of Meeting Letter.docx

Payment Receipt



Tuesday, November 29, 2022

Transaction Type: Payment

Order Number: 0001938951

Payment Method: Credit Card

Bad Debt: -

Credit Card Number: *****5702

Cardholder Name: Julie M. Mikulas

Credit Card Expire Date: 1/28/2025

Payment Amount: \$585.00

Reference Number: 086973

Charge to Company: **PMM**

Category: ROP

Credit to Transaction Number: P369362

Invoice Text:

Invoice Notes:

Customer Type: Local

Customer Category: Retl Other

Customer Status: Active

Customer Group:

Customer Trade:

Account Number: 1118029

Phone Number: 9704073631

Company / Individual: **Company**

Customer Name/Address: MARTIN MARIETTA MATERIALS, INC.
1800 N TAFT HILL ROAD
FORT COLLINS CO 80521 USA

Check Number:

Neighborhood Meeting*

Presentation of:

Windsor East Mine

Located east of Weld County Road 23,
north of the Cache la Poudre River

The meeting will be held at the
Great Western Industrial Park Office
2005 Howard Smith Ave East, Building C6
Windsor, CO 80550

Tuesday, December 13, 2022
6:00 PM

The public is invited to attend the presentation
and provide comments.

*Please be advised: In addition to this neighborhood meeting conducted by the applicant of this specific land use proposal, the Town of Windsor will also hold at least one public hearing on this land use proposal. The time and date of the hearing will be posted on the Town's website at www.windsorgov.com in the future.

For information call:

Pam Hora, Senior Planner, Tetra Tech
720-864-4507 or pam.hora@tetratech.com



Conditional Use Permit

To allow gravel surface mining operations in the HI (Heavy Industrial) Zone District

Sandra Mezzetti, Senior Planner

Planning Commission – June 07, 2023



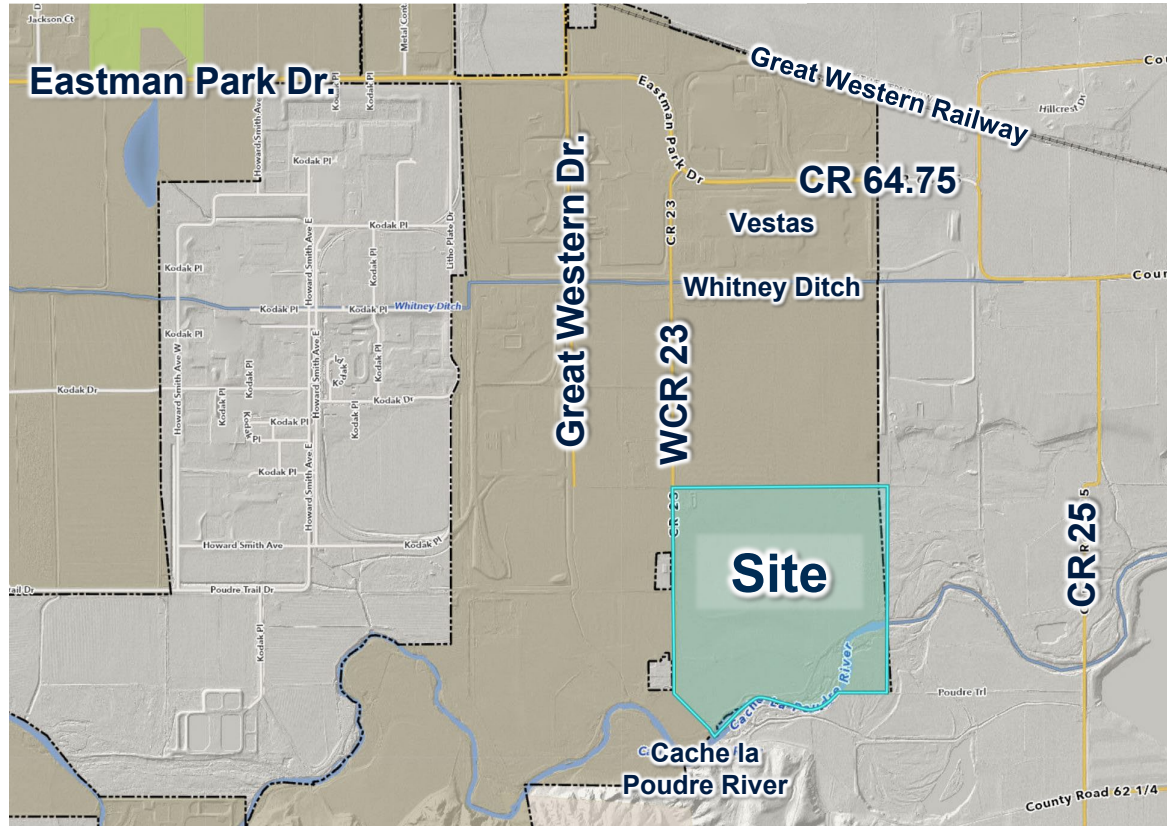
Conditional Use Permit

Article II, Chapter 14 of the Municipal Code outlines the intent of the Conditional Use Permit process, including:

Section 14-2-130 – Conditional Use Permit

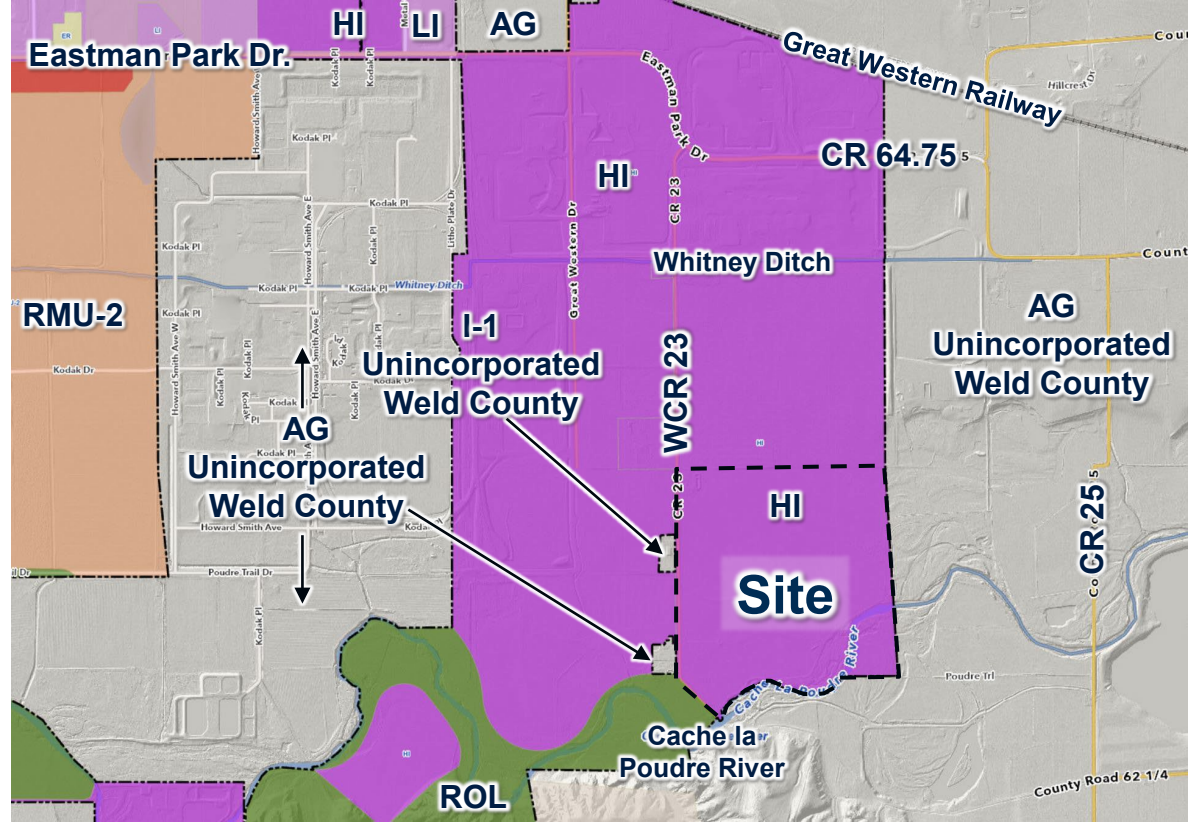
The *conditional use* classification is intended to allow consideration of *uses* which are unique in nature or character and, except as otherwise specifically provided in this Chapter, not specifically included as *uses* by right in any specific zoning districts. It is the specific intent of this Article, except as otherwise specifically provided in this Chapter, to prohibit the granting of *conditional uses* in any zone when such *use* is allowed as a *use* by right in any other zone.

Site Vicinity Map



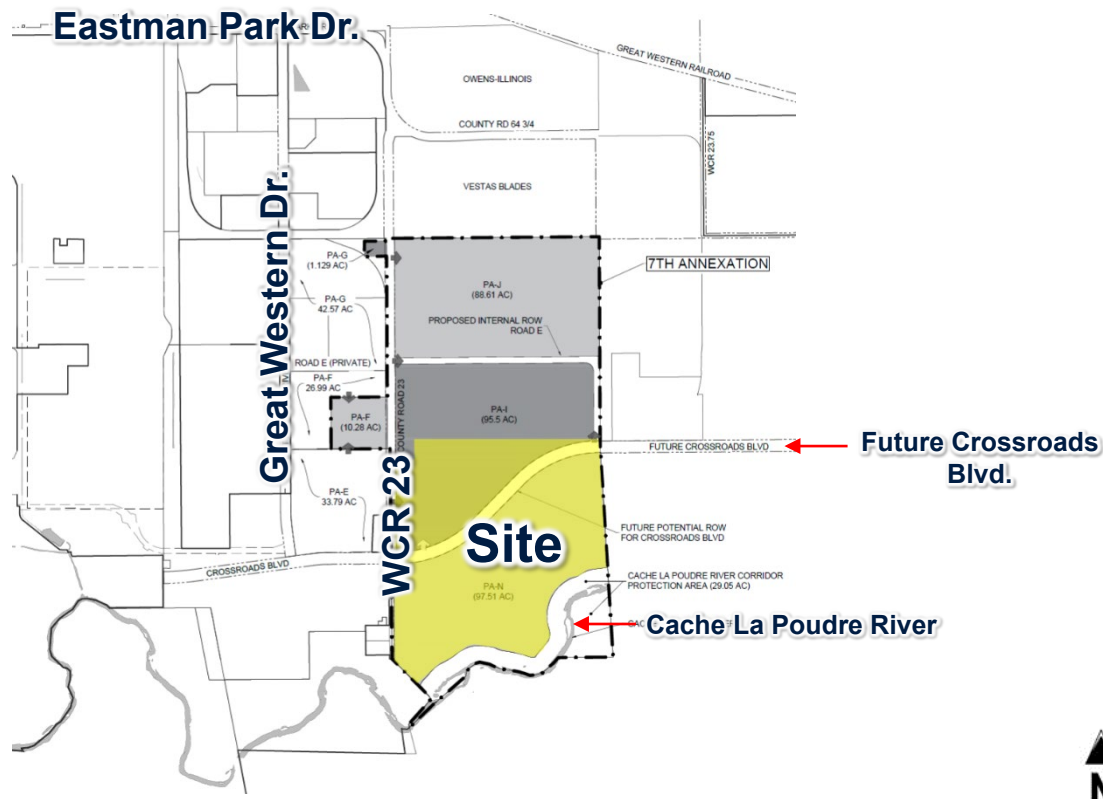


Zoning Map





Great Western 7th Annexation Master Plan





Conditional Use Permit

Site Characteristics:

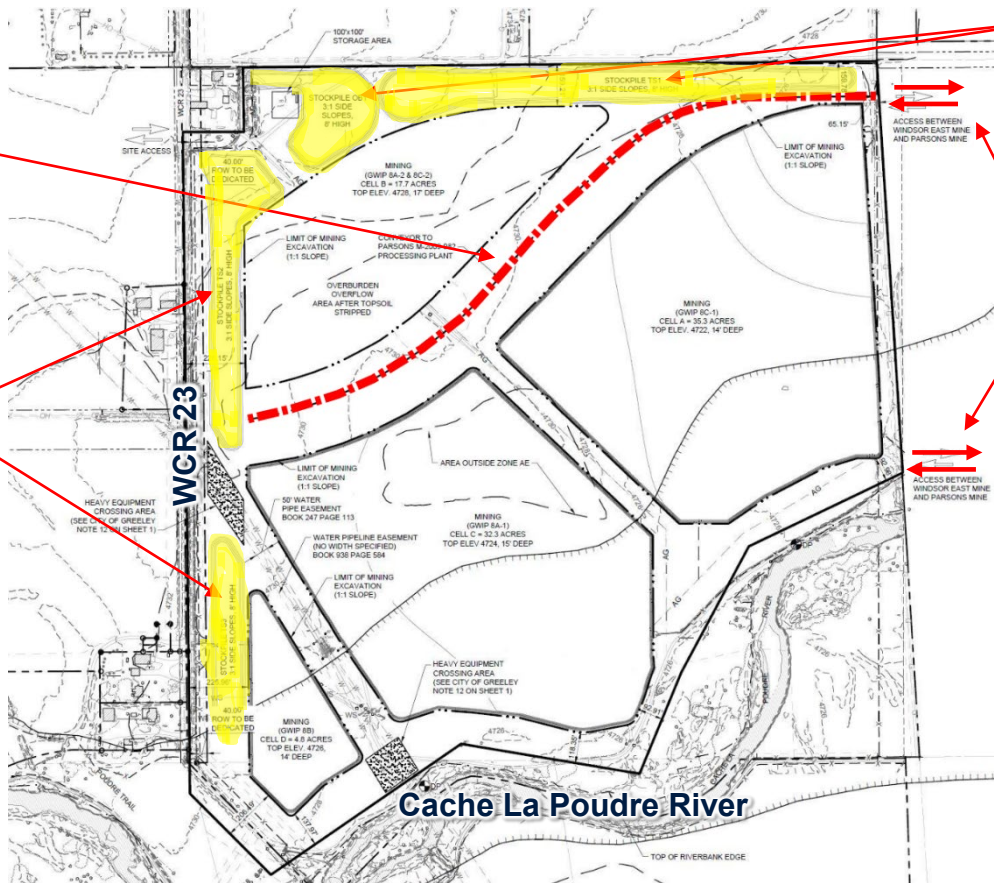
- ❖ Area: ~150.38 acres
- ❖ Proposed Gravel Mining Facility
 - 90.1 acres - mined aggregates (sand and gravel)
 - Mining will occur in four cells (4 phases)
 - Aggregates will be transported via conveyor to the existing Parsons Mine site
 - During Mining – 8' stockpile berms along north and west property lines for screening and noise mitigation
 - Reclamation Plans will include two water storage reservoirs (non-recreational)



Site Plan

Conveyor to the
Parsons Mine

Stockpile –
8' high

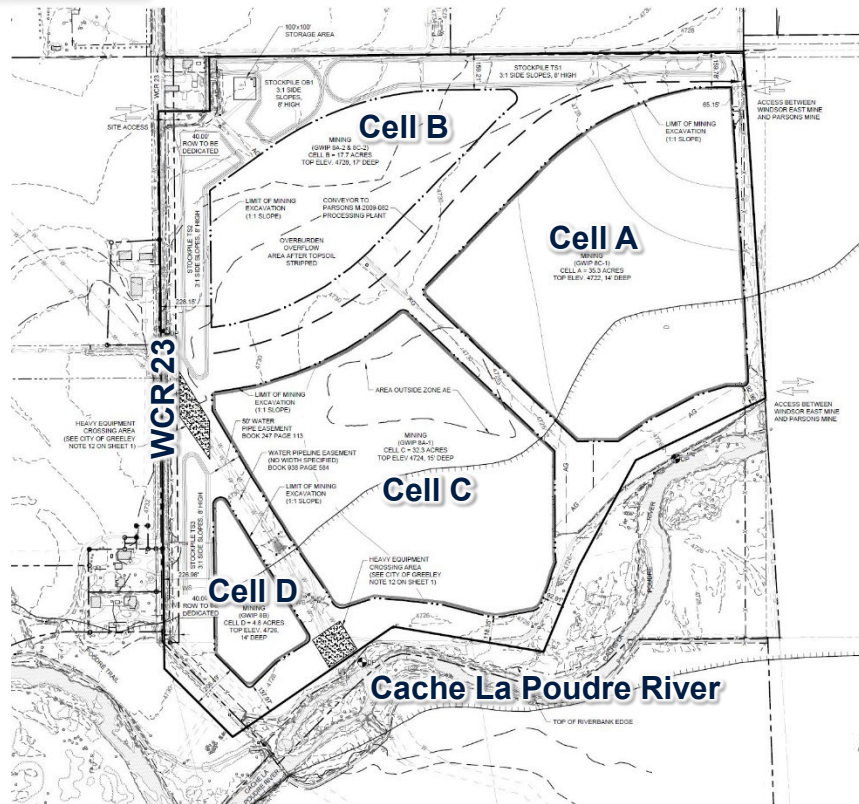


Stockpile –
8' high

Access between
Windsor East
Mine and the
Parsons Mine



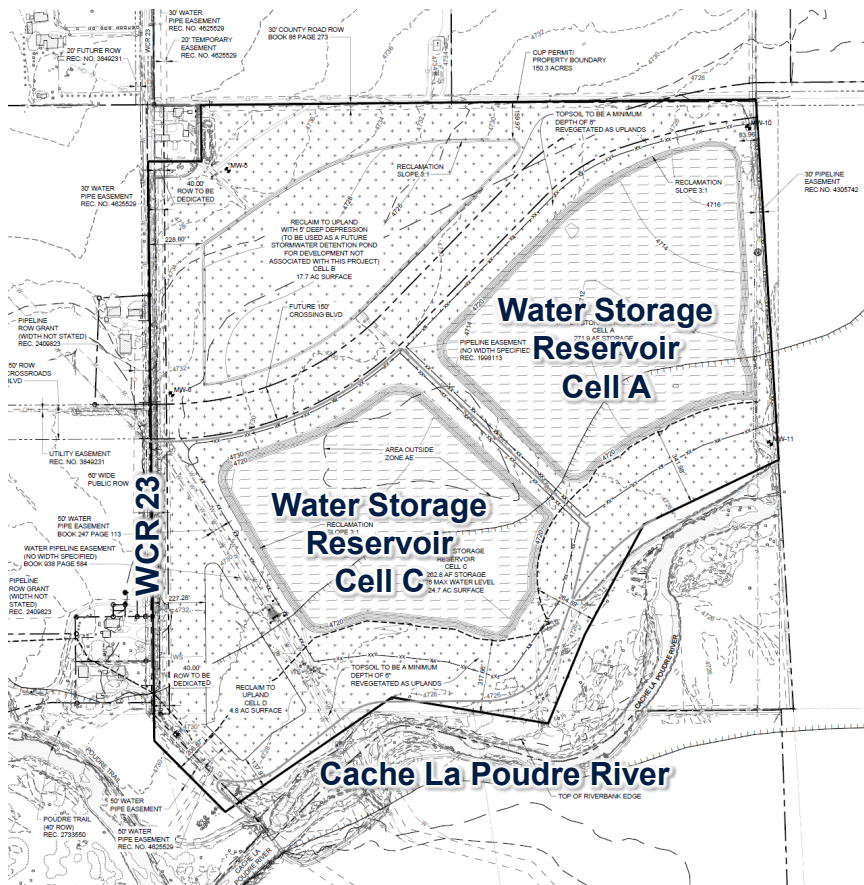
Mining Phasing Plan



Phasing & Timing

- ❖ Phase 1 – Cell A:
Area = 35.3 acres, 2 +/- years
- ❖ Phase 2 – Cell B:
Area = 17.7 acres, 1 +/- years
- ❖ Phase 3 – Cell C:
Area = 32.3 acres, 2 +/- years
- ❖ Phase 4 – Cell D:
Area = 4.8 acres, 1 +/- years

Reclamation Plan





Analysis

Section 14-2-130 of the Municipal Code outlines the review criteria to be evaluated prior to granting of a conditional use.

- 1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.***

The proposal complies with the Comprehensive Plan's goals and objectives, as noted below.

Analysis

- 2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.***

The proposal does not create any undue or unnecessary burdens on existing public infrastructure or public improvements.

- Primarily accessed to the subject site will be via an existing access road, in the northeast corner of the site. This road connects to WCR 23 from the existing Parsons Mine to the east. Power for the conveyor is generated using a diesel generator.
- All aggregate from the Windsor East Mine will be transported from the mining cells to the Parsons Mine via conveyor for processing.
- Minimal vehicle traffic expected on WCR 23 and will be limited to occasional support vehicles used to bring equipment to the site for mining or reclamation. WCR 23 will also be used for emergency access to the site.



Analysis

3. *The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.*

The applicant plans on mitigating mining operations using the following options:

- **Visual and Noise Impacts:** Temporary 8' high berms will be constructed along the north and west property boundaries using topsoil and overburden materials. The topsoil piles will be temporarily revegetated to prevent erosion as required by the applicants permit from the Division of Reclamation, Mining and Safety.
- **Dust Mitigation:** Industry best practices will be employed to minimize offsite fugitive dust impacts. The applicant has submitted a Dust Abatement Plan with the application.

Analysis

3. *The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers. Cont.*
- **Hours of Operation:** Mining operations will be limited to 6:00 am – 6:00 pm Monday through Saturday with maintenance permitted after hours. If extended hours are required, Martin Marietta must provide written notice to the Town at least 48 hours prior to the date of the extended hours.
 - **Transportation/Haul Route/Access:** Minimal truck traffic is expected on WCR 23 from the mining operations. All mined material will be transported via a conveyor system extending to the existing Parsons Mine.
 - **Reclamation:** After the aggregate from the site is mined, the land will be reclaimed to create two water storage reservoirs surrounded by revegetated upland areas.



Relationship to the Comprehensive Plan

Chapter 2- Community Profile – Zoning Regulations – Industrial Districts

The Comprehensive Plan defines mining operations as a heavy industrial use. The HI zone district permits more intense industrial uses, however, the uses within this district must comply with performance standards.

The subject property is located within the HI zone district and as noted above, the applicant will be implementing procedures to mitigate the impacts of the mining operations.

Chapter 3 – Community Outreach – Issues & Concerns – Water Supply & Storage

The development of water supply and storage amenities was identified as an important issue during community outreach efforts.

The Windsor East Mine will create two large water storage reservoirs that GWIP LLC. will use to support the water needs associated with the future development within the Great Western Industrial Park.



Relationship to the Comprehensive Plan

Chapter 5D – Commercial & Industrial Areas Framework

***Goal:** Maintain the character of the community while accommodation future growth that is fiscally and environmentally responsible.*

Industrial Areas:

The Windsor East Mine site is located within the Great Western Industrial Park which the Comprehensive Plan identifies as a major center of employment and manufacturing activity. The property is zoned Heavy Industrial (HI).

Because the Windsor East Mine is located within an area designated to accommodate Heavy Industrial land uses, the character of the community will not be negatively impacted by the proposal. In addition, the water storage reservoirs, which will be the result of the mining, help accommodate future growth in an environmentally responsible manner.



Relationship to the Strategic Plan

Although the Strategic Plan does not specifically address open or surface gravel mining operations, the proposed Windsor East Mine CUP includes the creation of two water storage reservoirs which will be used to support the water needs associated with the future development within the Great Western Industrial Park. Therefore, the CUP is in general conformance with the Strategic Plan's Mission:

The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner.

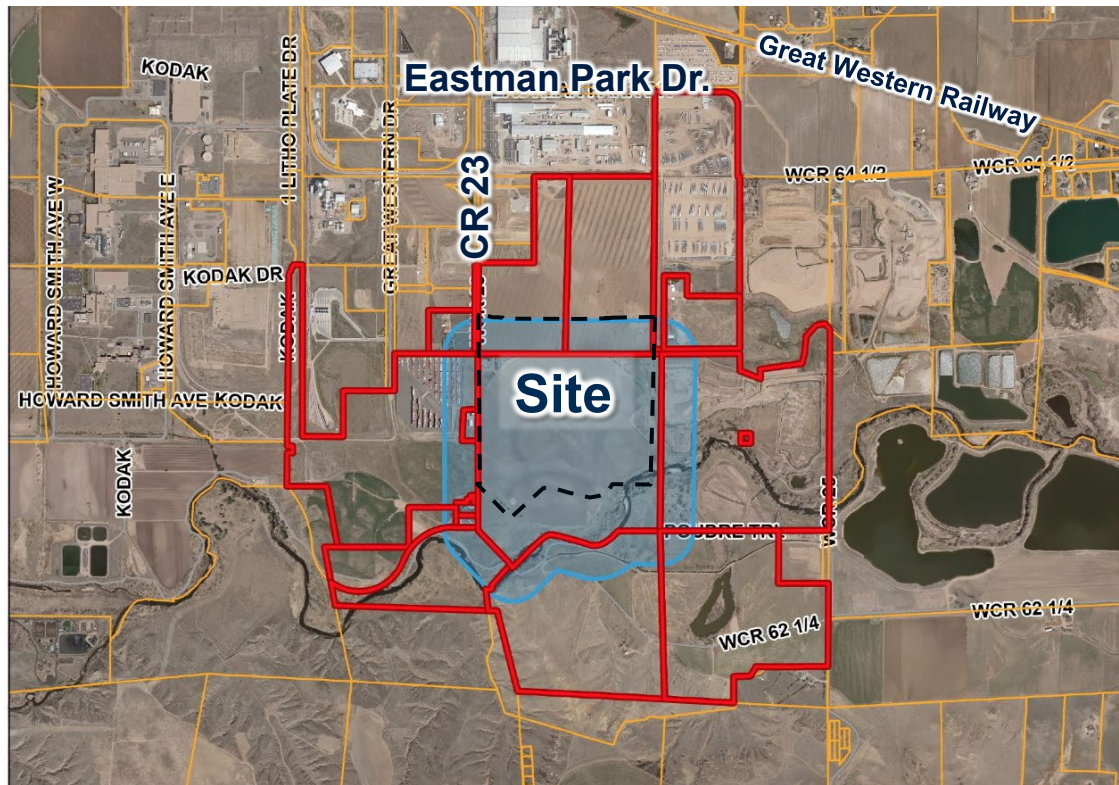
Notification Area

Neighborhood Meeting:

- December 13, 2022

Notifications for this public hearing were as follows:

- May 22, 2023 – sign posted on property
- May 26, 2023 – published in the paper
- May 26, 2023 – affidavit of mailing to property owners within 500 feet; Town Board Member Hallett
- May 26, 2023 – posted to Town website





Recommendation

Staff recommends that the Planning Commission forwarded to the Town Board a recommendation of approval of the conditional use permit to allow gravel surface mining operations in the HI (Heavy Industrial) Zone District :

1. Any Planning Commission comments be addressed;
2. The Great Western 7th Annexation Master Plan approval;
3. Approval of the Major Site Plan.



Record

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Testimony from public hearing
- Recommendation

Approval Criteria

Sec. 14-2-130. – Review criteria for conditional use permits.

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.
2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
3. The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.



Thank You



MEMORANDUM

Date: June 7, 2023
To: Planning Commission
From: Sandra Mezzetti, Senior Planner
Re: Recommendation to Town Board - Request for a Conditional Use Permit to allow gravel surface mining - Great Western 7th Annexation - Dean Brown, owner, GWIP LLC; Julie Mikulans, applicant, Martin Marietta Materials, Inc.; Pam Hora, applicant's representative, Tetra Tech, Inc.
Item #: C.4.

Background / Discussion:

Please refer to information submitted with the public hearing item.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Conditional Use Permit (CUP) application, with the following conditions:

1. Any Planning Commission comments shall be addressed;
2. The Great Western 7th Annexation Master Plan shall be approved;
3. Approval of the Major Site Plan.

CC:

Attachments: