

Wellington Planning Commission

Documenter Name: Nanci Wendland

Agency:

Agency Website:

Date & Meeting Time: June 5, 2023; 6:30PM

Members Present: Eric Sartor, Chair; Linda Knaack, Vice Chair; Lisa Chollet; Lowrey Moyer; Bert McCaffrey; Tim Whitehouse; Stephen Carman

Members Absent: None

Others Present to Note: John Warren, Connell Resources; Carolyn White, Land Use Council for Connell Resources; Cody Bird, Town Planner; Stephen Zemba, PhD, Sanborn, Head & Associates; Larimer County Dept. of Health and Environment

Relevant Document Links:

Meeting agenda: <https://www.wellingtoncolorado.gov/Archive.aspx?ADID=716>

Meeting packet: <https://www.wellingtoncolorado.gov/Archive.aspx?ADID=718>

Recorded Meeting: <https://www.youtube.com/watch?v=zWVs0hZDPJY>

Meeting Notes:

The Town of Wellington Planning Commission is responsible for developing, adopting, and implementing the Comprehensive Plan to address community development and growth. This includes creating zoning regulations, land use policies, and other guidelines that help shape the community's physical and economic landscape.

Some of the common tasks include:

- Developing and updating the Comprehensive Plan.
- Reviewing and making recommendations on development proposals and land use applications.
- Drafting and updating zoning regulations and other planning policies.
- Engaging with community members to gather input and feedback on planning initiatives.

This meeting was to review and approve, or deny, the Connell Resources Site Plan for an asphalt mixing plant in north Wellington. There was a large crowd of residents, many of whom spoke of their concerns during the Public Comment section of the meeting.

Presentations were given first by Cody Bird, Town Planner, Carolyn White, Land Use Council for Connell Resources, and the Larimer County Department of Health & Environment. Carolyn White reviewed all the residents' concerns voiced at the May 6, 2023, meeting and used her presentation to address those concerns. Below is a list of the 7 most voiced issues about this plant:

1. Compliance with all County and State permits
 - a. Connell has gone above & beyond the standards required for testing.
 - b. The setback was changed from 1,000ft to 800ft from the Board of Adjustments and it still allows enough space from residential properties.
 - c. Silo height: The Silos are only 70' high.
 - d. The dryer stack emission is steam, not toxic chemicals.
2. John Warren with Connell Resources used photos to explain the process of mixing asphalt and addressed landscaping and traffic concerns believing Connell Resources used a very thoughtful approach to minimizing any impact visually on the community. He explained what asphalt cement is: extremely hot but not toxic. There is no threat to wildlife in the area, and after two (2) noise assessments decided there will be no 'Jake Brakes' and Connell will add white noise to cover any generator noise. He mentioned that the I25 traffic noise was louder than any generator noise produced from the plant.

Carolyn White continues:

3. Permitting – Wellington will have at least four of the seven allowed permits to regulate the plant site. The fines for air quality pollution can be significant and she cleared Connell's reputation by explaining a previous Timnath permit violation that was not accurate.
4. Stormwater and Drainage: there will be an onsite detention pond on the southwest side of the site where all stormwater and plant drainage will be routed to. The detention pond will have a containment wall to prevent any solids from leaving the site.
5. Water issues: contamination has been very rare with asphalt plants and this Wellington plant will have a ground water monitoring plan. Connell has also agreed to only use non-potable water for all plant and outdoor use, in accordance with Wellington's need to conserve potable water for their residents at least until the water/sewer plant is completed in 2025.
6. Odor: asphalt mixing plants burn clean and do not have an odor. There will be three (3) onsite full-time staff to monitor any odors from the plant.
7. Air Studies: Connell believes they are a very minor source of air pollution and greenhouse emissions causing ozone damage compared to Larimer County's top 5 offenders (see 6.5.2023 Wellington Planning Commission Packet_Addendum (page 24)). All air quality studies performed are below EPA standards.

Steve Zemba, PhD, with Sanborn, Head & Associates, studied and presented the findings on any health risks to the community. This air study was conducted voluntarily

for Connell Resources. Any long-term effects of emissions toxins would take 70+ years to have any measurable effect on personal health. Because Larimer County is already emitting greenhouse gases, this plant will not change the ozone layer much. Mr. Zemba continued with a discussion and visual charts on cancer risks which upset the residents attending. They did not seem to agree with the findings of the study.

Carolyn White then concluded the Connell Resources presentation summarizing the following:

1. These types of plants are heavily regulated and monitored by State agencies,
2. Connell is adding buffering and landscaping to minimize visual effects of the plant,
3. No Wellington town water will be used,
4. This should help diversify the town by bringing other businesses to the area,
5. In Conclusion, Connell has listened to the commission and residents, made changes as requested, many of them beyond what's needed, and they are now asking for approval from the Planning Commission (see 6.5.2023 Wellington Planning Commission Packet_Addendum (page 52)).

Cody Bird, Town Planner, added a short summary: (see 6.5.2023 Wellington Planning Commission Packet_Addendum (page 53-62)).

In a letter from Tom Peterson, Executive Director, Colorado Asphalt Pavement Association, to Cody Bird, Tom responds to some of the concerns by Wellington.

1. Asphalt Mix Plants are heavily regulated and need to comply with Colorado air permits.
2. Approximately 65 plants operating in Colorado near people environments: homes, shopping, schools, and rivers. All operate efficiently and have similar setbacks to what Connell Resources has proposed in Wellington.
3. Emissions will not increase an individual's or community's health risk. The quantity and type of emissions have been compared to fast food restaurants and gas stations, all located within Wellington's town borders. The plant emissions will not be different, more toxic, or additional risk to anyone's health.

Commission Questions:

Lisa Chollet: she had numerous questions about building heights; setback measures used; slight change approvals; signage – Connell agreed there will be no signage on silos; night operations will only for special night paving projects; what about bike lanes with heavy truck traffic? Could white poles be put up to put a break between heavy trucks and cyclists? This would have to be taken with CDOT

10-minute break 9:15pm – 9:25pm

Public Comments: (see 6.5.2023 Wellington Planning Commission Packet_Addendum (pages 63-331)). There were many comments, some in favor of the project but most against approval. The packet addendum lists every public comment by name of resident. Below is a sampling of residents' concerns:

1. What about all the emissions from up to 240 diesel trucks each day?
2. EPA recognizes asphalt as toxic, as does OSHA in Europe & Australia.
3. Land Use code violations – the plant is too close to residents and the setback area is in violation of the Land Use Code. Setback measurement should start at the perimeter of the site, not at the northern top of the area.
4. A positive comment: Matthew Mullett business owner, this is good for business and town growth. Connell Resources is a good company to have in town.
5. Why heavy industrial next to residences? Response is area was zoned industrial before the residences were built so it takes precedent.
 - a. A response to this was “If you had an issue with industrial zoning, why did you buy there (Buffalo Creek neighborhood)?
6. Very angry resident: there will be a lawsuit by the town of Wellington against Connell Resources and the town commissions. In the presentation by Carolyn White, Connell Resources, she mentioned how these resident concerns are a bit late because many decisions have already been made by the Board of Adjustments approval.
7. There was a Pediatric and Cancer Research nurse voicing her concerns about air quality.
8. A mother of two (2) children said “shame on Connell for putting this plant close to kids, schools, and parks. Timnath doesn't want them so they're going to make Wellington a dump. Another parent Erin said, “do not underestimate the resolve of the residents”.
9. Another comment: at the March 6 meeting it was admitted that asphalt emits toxic air pollutants. Greeley already has heavy industrial land available. Why not put the plant there where codes and protections are already in place?
10. The studies used are 10 years old with some dating back to 2006.
11. Wellington is very windy. Wind studies were done at 5mph.
12. What if there is a train derailment? The plant and silos are up against the railroad.

Carolyn White with Connell Resources was allowed time for a rebuttal after all the public comments.

1. The town of Wellington decided on the Land Use Code and zoning heavy industrial. The town is responsible for regulating according to code.
2. Land Use criteria:
 - a. The plant toxins are way lower than industry standards.
 - b. The 2,600' setback should be applied to all businesses and sources in Wellington but that hasn't been done. Disputing the 800' setback change

is not applicable unless all other businesses in town emitting toxins such as gas stations and fast-food restaurants have the same rule. She doubts these already existing businesses will change their buildings to standardize the setback footage throughout the town.

3. The Planning Commission makes the decision based on experts' studies and opinions versus residents using Google to pull their information. Crowd not happy with this comment!

*As a side note, a lot of residents really did their homework, consulting with experts such as the EPA, wrote to governing agencies, and several residents submitted photos and data to the commission prior to the meeting.

Board Closing Comments:

Lowrey Moyer has concerns that this site plan is not in conformance with the Land Use Code. She restated a comment she made at the March 2023 meeting: The Commission decisions should always be in the best interest of the community, promote recommendations for the community's health, safety and welfare for the future, all expert research should be considered thoughtfully, respect all views and treat everyone equally, give citizens meaning and opportunity to participate, always focus on the bigger picture and goal setting for the community should be based on long term accomplishments. Based on the findings of fact, Lowrey does not believe that findings of toxic chemicals, diminished property values, opposition of the residents, and using outdated information conform to the town Land Use Code.

Eventually the members of the planning commission voted to Approve with Conditions from the Board of Adjustments including their suggestion about using non-potable water for all outdoor water needs to match a requirement for any new residents and new residential communities.

Voting Yes: 6 No: 1 (Lowrey Moyer)

At approximately 11:25pm residents left the room

Board Adjourned at 11:26pm.

Summary:

This meeting was to address continued business from the May 2023 meeting regarding the Connell Resources Site Plan Review for an asphalt mixing plant north of the town of Wellington. The site is thirty-five acres (35) located on the northeast corner of E. County Road 65 and the Burlington Northern Railroad. All board members were present, and more than seventy (70) residents attended.

Several presentations were given:

1. Cody Bird, Wellington Town Planner, gave a brief overview of the project.
2. Representatives from Connell Resources attended the meeting and Carolyn White, Connell Resources Land Use Council, gave a .pdf presentation with plant details addressing the most common concerns she heard at the May meeting (see 6.5.2023 Wellington Planning Commission Packet_Addendum (pages 8-52)):
 - a. Compliance with permits
 - b. How the process of making asphalt works
 - c. Traffic
 - d. Permitting
 - e. Stormwater, drainage, and water issues
 - f. Odor
 - g. Air quality
3. A Health Risk Assessment presentation was given by Stephen Zemba, PhD, with Sanborn, Head & Associates who performed the risk assessment.
4. Larimer County Department of Health & Environment (LCDHE) also presented their studies and findings regarding asphalt plants affecting air quality.

After the presentations, the Wellington residents were given an opportunity to present their questions, concerns, with some approving of the project (a full list with names is in the 6.5.2023 Wellington Planning Commission Packet_Addendum (pages 63-331)).

After the residents voiced their concerns, Carolyn White with Connell Resources, was given a chance for rebuttal. The Planning Commission eventually voted and approved the Connell Resources Site Plan for an asphalt mixing plant in North Wellington.

Follow-up Questions:

1. No one addressed why this part of the plant was leaving Timnath. Only hearsay from residents.
2. Someone mentioned that Wellington is an attainment zone for ozone emissions. What does that mean exactly?
3. A lot of old historical data was used. Why not get current data? Especially with new climate change regulations and changes in the weather patterns.
4. Why wasn't there a working session with the planning committee members prior to this meeting that they knew would be somewhat volatile? One commission member made a comment that she only had four days to review the over 1,000-page agenda.
5. Even though this area was zoned industrial in 2001, before any resident community's were built, once this area built out such a heavy concentration of homes, why couldn't they change the zoning realizing it was no longer appropriate?