



Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

BOARD OF COUNTY COMMISSIONERS

BUSINESS MEETING AGENDA ITEM

January 3, 2016 -- 10:30 AM

Hearing Room, Third Floor, County Courthouse, Boulder

STAFF PLANNER: Abby Shannon, AICP

Docket SU-96-18: Request for decision for SU-96-18 Martin Marietta Materials, “Rockin’ WP North” Site Plan and Landscape Plan

Use: Special Use Review and Site Specific Development Plan to conduct open mining on approximately 647 acres within an 881-acre area
Location: At 5891 Hygiene Rd., with the nearest entrance at 5610 Ute Highway approximately ½ mile west of the intersection of Ute Highway (SR 66) and N 61st St, in the Sections 20, 21, 22, 27, 28, 29, Township 3N, Range 70W
Zoning: Agricultural (A)
Owner: Martin Marietta Materials, LLC
Applicant: Summer Howard, TetraTech

SUMMARY:

Martin Marietta Materials, LLC, seeks approval to improve the processing facilities and operations of its approved gravel mine. Condition #12 for special use docket SU-96-18, memorialized in Resolution 98-32 (attached), requires the site plan and landscape plan to be approved by the Board of County Commissioners at a business meeting. Staff is requesting a decision on whether to approve the site plan, landscape plan, and the applicant’s request for an exemption to the lighting standards.

DISCUSSION:

Western Mobile Boulder, Inc. initiated a special use review process in 1996. The conditional approval of the docket in 1997 repealed and replaced previously approved special use dockets allowing for open mining on 647 acres within a larger 881-acre area. In 2011, the properties were acquired by Martin Marietta Materials, LLC.

This area has been utilized as a processing and storage facility for many years – the first special use approval on record was initiated in 1969. Within the subject area, there exist storage silos located on a railroad siding as well as a conveyor belt to load the materials into the silos.

The Board of County Commissioners conditionally approved SU-96-02 on January 22, 1998, following two previous public hearings (July 1, 1997, and October 28, 1997). Prior to review by the Board of County Commissioners, Planning Commission also reviewed the docket at public hearings on December 18, 1996, and April 16, 1997, ultimately recommending approval the docket.

The conditions of approval establish a maximum time period for mining activities – 30 years for the mining (starting in 2003) and 3 years for post-mining land reclamation.¹ The conditions also outline hours of operation for the new mining and hauling activities approved through this special use – these hours are generally confined to daylight hours during the Monday-Friday work week with the exception of emergency situations.² The final site plan and landscape plan must be approved by the Board at a regularly scheduled business meeting, according to the approval.³ Staff did not find specific requirements for the site plan or the landscape plan within the docket file other than the requirement they be approved at a business meeting.

Site Plan

The attached site plan proposes to construct structures related to the processing and shipping of materials mined at the subject properties. The proposed improvements include:

- the processing plant (approximately 35' tall),
- a 980 sq ft employee building,
- a 320 sq ft scale house,
- a 200 sq ft motor control building,
- a 800 sq ft machine shop,
- a 672 sq ft quality control lab,
- a 448 sq ft storage building,
- four 320 sq ft storage buildings,
- bathrooms and a septic system,
- a 10,000 gallon fuel storage tank, and
- parking spaces for employees and equipment.

The proposal under review would allow the processing of materials in a 5 acre area located north of St.Vrain Creek and south of the BNSF railway. A large portion of the subject property is within the 100-year floodplain of St Vrain Creek, although the applicant has proposed to construct some of the improvements in the small area located between the railroad and the 100-year floodplain designation including the 10,000 gallon fuel tank.

The development is anticipated to be visible to Ute Highway given the visibility of the existing silos; however, this location is preferred to the location south of St. Vrain Creek because of its consolidated nature, because most of the activities will be on the north side of the creek, and because the area already includes considerable site disturbance. Also, some of the structures will be located outside of the 100-year floodplain including the fuel storage, quality control lab, machine shop, and four 320 sq ft storage buildings.

¹ See Condition #1, Resolution 98-32.

² See Condition #2, Resolution 98-32.

³ See Condition #12, Resolution 98-32.

Staff supports the site plan as presented. The applicant is aware that many structures will require floodplain development permits in addition to building permits.

Landscape Plan

The applicant has proposed trees and shrubs along the access road from Ute Highway (State Road 66) south to the subject site. According to the landscape plan, a mixture of deciduous and evergreen trees and shrubs are proposed. While the landscaping will help soften and shield the access road, it will do little to screen the plant itself which will be plainly visible to Ute Highway. Landscaping to soften the look of the silos is not practical given the necessary proximity of the silos to the BNSF railway. The land between the railway and Ute Highway is owned by Boulder County Parks and Open Space.

Staff would prefer that no additional landscaping is added along the access drive connecting the subject area to Ute Highway. More landscaping would formalize the area and would make the entrance more prominent – something we do not support in the unincorporated areas. The applicant has proposed to replace the existing fence with a chevron design split rail wood fence. They propose to move the existing gate approximately 125 feet south of the current location (at the edge of the right-of-way). The proposed monument sign would be located approximately 70 feet from the right-of-way and is proposed to be the maximum allowable size – 10 feet tall, two-sided, with each side displaying 32 sq ft of sign area. While we would prefer that a monument sign is not added, we understand the applicant's desire to identify the driveway to haulers. Once the gravel mining operations cease, the sign should be removed by this or future operators.

Lighting

The applicant has proposed lighting that exceeds the maximum height for outdoor lighting found in the Land Use Code (Article 7-1600). A temporary exemption for a period of 10 years has been requested. Article 7-1600.D.1.a. states, "lighting sources shall be mounted no more than 12 feet above finished grade." Initially, the applicant has requested 15 pole-mounted light fixtures as tall as 25 feet and lighting mounted on the processing plant itself could be as tall as 35 feet. Following a discussion with staff, the number of pole-mounted fixtures were reduced from 15 to eight (8), however, the applicant still requests 25-foot poles. The supplemental materials provided on 12/23/2016 seem to indicate that 20-foot pole-mounted lighting would be adequate, although less desirable than 25-foot lights.

Condition #13 of Resolution 98-32 states, "*Any exterior lighting or signs associated with this use must be in compliance with applicable provisions of the Land Use Code, as amended.*"

The exemption request notes the plant-mounted lights (up to 35 feet tall) will only be used during operational hours as necessary, however the applicant has requested to allow the 25-foot pole-mounted lights to remain on throughout the night for security purposes.

As stated previously, operational hours have been limited in the conditions of approval to daytime hours only (generally described in the conditions of approval as "daylight to dark") therefore staff can support the lights mounted up to 35 feet above grade on the processing plant – it should be a rare occurrence that these lights are utilized and we understand the safety aspects which necessitate the location.

Staff is very concerned about 25-foot pole-mounted lighting, particularly if it is to be utilized outside of business hours. The subject area will be visible to Ute Highway. While we understand the desire to have a secure site, we wonder if lighting would be beneficial considering the distance of the site from the public road. We cannot support 25-foot tall pole-mounted lights. That quantity and height of lighting is inconsistent with the rural character of the area. Photometric studies have been provided by the applicant demonstrating lighting capabilities at 25 feet, 20 feet, and 12 feet and these are available in the submittal materials.

We support eight 12-foot pole-mounted lights and we would prefer they are only utilized at the shoulders of the work day rather than all night long. The applicant's stated reason for needing lights taller than 12 feet is that many of the work vehicles (large trucks, loaders, etc.) have cab heights taller than 12 feet. Staff can support eight 20-foot pole-mounted light fixtures on the site for a 10-year period provided these lights are turned off from the hours of 8 pm until 6 am. Again, Resolution 98-32 limits the mining operations and truck hauling to daylight hours only.

RECOMMENDATION:

The Land Use staff finds that the Applicant has provided a site plan and landscape plan that complies with the conditions of approval described in the original special use approval. Staff recommends the Board approve the site plan, landscape plan, and exemption to the lighting standards provided the following conditions are met:

1. All necessary building permits for the structure and components shall be obtained and the structure and components shall comply with Boulder County Building Codes.
2. Floodplain development permits are required for structures located within the designated floodplain.
3. Plant-mounted lighting up to 35' is permitted provided these lights are only used during operational hours as described in Resolution 98-32. The plant-mounted lighting must be down-lit and fully shielded fixtures. This exception to the Land Use Code lighting standards is allowed for up to 10 years starting at completion of construction (final inspection).
4. Eight (8) pole-mounted lights up to 20' in height are permitted. These lights must be turned off every day between the hours of 8 pm and 6 am. This exception to the Land Use Code lighting standards is allowed for up to 10 years starting at completion of construction (final inspection).
5. As part of the reclamation phase, all structures, pole-mounted lighting, and signage must be removed.

Attachments

- Application materials for MD-16-0014 (12/2/2016, 12/23/2016)
- Plan set – site plan, landscape plan, and photometric studies
- Resolution 98-32
- Determination letter from Land Use staff dated August 30, 2016
- Site maps and photos