

RESOLUTION NO. 27 Series of 2021

**RESOLUTION FOR MODIFICATION OF SPECIAL REVIEW USE PERMIT AND  
CERTIFICATE OF DESIGNATION  
DEPARTMENT OF PLANNING AND ZONING FILE # SRU 98-007  
TWIN ENVIRO SERVICES**

WHEREAS, Twin Enviro Services, (hereafter "Applicant") has made application for modification of a Special Review Use Permit (SRU 98-007) and Certificate of Designation pursuant to §6.7 and §8.14 of the Zoning Resolution of Fremont County to allow for vertical and lateral expansion of the solid waste disposal site, which is expected to increase the useful life of the landfill by approximately ten years; and

WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **January 5, 2021**, regular meeting and recommended the approval of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on **February 9, 2021**, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

WHEREAS, the Board continued the matter for a second public hearing, which was held on **June 10, 2021**, at which time additional comments and evidence were considered; and

WHEREAS, a notice of the June 10, 2021 public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the June 10, 2021 public hearing was announced at the February 23, 2021, and April 13, 2021 formal Board of County Commissioners' meetings; and

WHEREAS, it appears that modification of Special Review Use Permit 98-007 is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Fremont County:

1. The Board makes the following findings with respect to the modification of Special Review Use Permit 98-007 and the accompanying Certificate of Designation issued to Applicant as follows:
  - a. Twin Enviro Services owns and operates the only landfill sited in Fremont County to serve the citizens by providing a municipal solid wastes disposal site. The landfill is used by commercial waste haulers and private citizens seeking to dispose of solid waste and is necessary for the continued management of the waste stream generated within the county.
  - b. Twin Enviro Services has operated the landfill at this site since the issuance of the original Special Review Use Permit and Certificate of Designation since its inception more than 20 years ago.
  - c. Although some issues have arisen from time to time over blowing trash, tracking mud onto County Road 67, vegetation along the boundaries and berms surrounding the landfill, dust and exterior drainage, the Applicant has generally remained in compliance with the conditions of the SRU and CD and the Department of Planning and Zoning. The Department notes no unresolved complaints or areas of non-compliance in the Staff Report.
  - d. While there were objections posed by members of the public during the two public hearings, they were primarily focused on the general existence and location of the landfill, and were not specific to the issue of vertical and lateral expansion. The Board acknowledges that the expansion will likely extend the useful life of the landfill operations by an additional ten years (approximate).
  - e. The Applicant acknowledged little or no efforts to plant vegetation to mitigate the barren berms forming the exterior boundaries of the landfill and during the time between the first and second public hearings began concerted efforts to remedy this issue and expressed future plans to continue attempts to vegetate the areas.

- f. There is no anticipated increase in traffic from the proposed expansion, which is primarily intended to extend the useful life, rather than attract additional customers and users.
  - g. The procedural requirements of Sections 6.7 and 8.14 of the Fremont County Zoning Resolution have been met.
  - h. The proposed SRU and CD modification will not have additional or increased detrimental effects on property values.
  - i. The proposed modification will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
  - j. The site will continue to be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed modification will not result in undue traffic congestion or traffic hazards.
  - k. The proposed modification, if it continues to comply with all previous conditions imposed since the initial approval, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.
2. The Application for modification of Special Review Use Permit 98-007 and accompanying Certificate of Designation is approved subject to the continued acceptance and observance by the Applicant of the conditions in effect as of the date of this approval, including the following conditions:
- A. Applicant shall complete construction of the 8' trash containment fencing and shall maintain the same in good condition to prevent waste from escaping from the landfill site. Applicant may also use additional measures to prevent waste from escaping the site, as deemed appropriate.
  - B. Applicant shall continue to make efforts to vegetate the exterior perimeter of the landfill site, including application of water, provided however, that no water shall be used or applied in such a manner that is not permitted by the state and federal regulations applicable to the operation of a solid waste disposal site. Applicant shall provide statements reporting vegetation efforts made to the Department of Planning & Zoning on an annual basis.
  - C. Applicant shall maintain the mud tracking mat at the entrance to the landfill in a manner that mitigates mud and other debris from being tracked onto County Road 67.
  - D. Applicant shall immediately begin providing copies of all water quality reports produced from sampling the landfill monitoring wells to the Fremont County Department of Planning & Zoning AND to the Fremont County Department of Public Health and Environment.

E. Applicant shall continue to be responsible for contribution to improvement and maintenance costs of County Road 67 from U.S. Highway 50 to the landfill entrance, subject to reasonable notice and invoicing from the Fremont County Department of Transportation.

F. The south and west berms providing visual screening for the landfill shall increase in height in coordination with and prior to the actual landfill expansion to provide ongoing visual screening of the working area of the landfill.

G. All existing conditions of operation imposed under SRU 98-007, as modified and amended from time to time since the date of initial approval, shall remain in full force and effect and shall continue to govern the operations.

Commissioner Bell moved for adoption of this resolution, with a second by Commissioner Grantham. The roll call vote of the Board was as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Kevin J. Grantham	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Dwayne McFall	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

The Resolution was declared to be duly adopted.

Date: June 22<sup>nd</sup>, 2021

By: Doug McFall  
Chairman

Attest: [Signature]  
Clerk

