

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
January 5, 2021 AT 3:00 P.M.**

**MEMBERS PRESENT**

Byron Alsup (Chairman)  
Mark Masar  
Larry Brown  
Michael Pullen  
Larry Baker  
John Hamrick  
Gardner Fey

**STAFF PRESENT**

Brenda Jackson, County Attorney  
Sean Garrett, Planning Director  
Alicia Stone, Office Manager

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**
5. **UNFINISHED BUSINESS**
6. **NEW BUSINESS**

December 1, 2020 Planning Commission Meeting

**A: Request: MS 20-006 Bradley Subdivision**

Requesting approval for a minor subdivision, department file # MS 20-006 Bradley Minor Subdivision. The subject property is located in the Agricultural Rural Zone District, at the intersection of 3<sup>rd</sup> Street and E Street in Penrose CO. The Subdivision will consist of two lots, lot one being 4.68 acres and lot 2 being 4.67 acres

Representative: Matt Koch

**B: Request: SRU 98-007 Twin Enviro Major Modification**

Requesting approval of a Modification of a Special Review Use, Department File # SRU 98-007 Twin Enviro Major Modification to allow for a vertical and lateral expansion of the landfill. The expansion includes expanding the limits of waste by approximately 100 feet along the current waste limit Southern boundary, and includes raising the final waste/cover grades along the southern portion of the landfill. The 77.82 acres site is located off of County Road 67 in Penrose and is within the Agriculture Forestry Zone District.

Representative: Chris Brochu

## **7. ADJOURNMENT**

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### **1. CALL TO ORDER**

Chairman Byron Alsup called the meeting to order at 3:00 p.m.

### **2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

### **3. APPROVAL OF AGENDA**

Chairman Alsup asked if there were any changes, additions or corrections to the January 5, 2021 Fremont County Planning Commission Agenda.

#### **MOTION**

Mr. Larry Brown motioned to accept the January 5, 2021 Fremont County Planning Commission Meeting agenda.

#### **SECOND**

Mr. Gardner Fey seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (7 of 7)

### **4. APPROVAL OF THE DECEMBER 1, 2020 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsup asked if there were any changes, additions or corrections to the December 1, 2020 Fremont County Planning Commission Meeting Minutes.

#### **MOTION**

Mr. Mark Masar motioned for approval of the December 1, 2020 minutes.

#### **SECOND**

Mr. Larry Brown seconded the motion.

Chairman Alsup called for a roll call vote and the motion passed unanimously. (7 of 7)

### **5. UNFINISHED BUSINESS**

### **6. NEW BUSINESS**

#### **A. MS 20-006 Bradley Subdivision**

Chairman Alsup called Mr. Matt Koch to present.

Mr. Koch stated that the proposed subdivision is a two-lot subdivision located off 3<sup>rd</sup> and E Streets in Penrose, the owners are Bruce and Wendy Bradley. He stated that currently they are building their residence on lot 2 and the vacant lot to the north will be for sale, their plans are to sell it and let someone else build on it. He noted that this property sits on a ridge, so they have

asked for a deferral of the drainage plan, as they do not know which side of the ridge they will be building on. Mr. Koch noted that the lot can be serviced by Penrose Water, will contain a septic system and all utilities are adjacent to the property.

Chairman Alsup called Director Sean Garrett to give a staff report.

Director Garrett stated that the department has reviewed the application and found it to be complete and a true representation of the request as stated herein. The department finds that all minimal requirements per the Fremont County Subdivision Regulations will be satisfied by this application. He also noted that the Department has no issues with the request for a deferral of the drainage plan, as it would be better to wait and see which side of the ridge will be developed. Director Garrett stated that the only contingency is needing an access permit for lot 1.

Mr. Koch asked how an access permit will be done, considering the fact that we don't know where the property will be accessed from. He stated that FCDOT will have nothing to inspect if an access permit is applied for now.

Director Garrett stated that the access permit can be applied for at the time of application for an issuance of address.

Mr. Koch asked if they will be able to record the plat without the access permit.

Director Garrett stated that they will be able to record the plat without it.

Chairman Alsup asked about an unused well being noted on this property and inquired what happens with that well.

Mr. Koch stated that there is not an unused well on the property. He said that the State came back and said that there is an unused well on the property, but they believe that it actually belongs to the property to the North and it does not impact this property.

Chairman Alsup asked about a new easement being proposed and asked what easement that will be.

Mr. Koch noted that those are just regulatory easements.

Mr. Gardner Fey asked if a stormwater plan had been done on Lot 2 and can be used for Lot 1.

Mr. Koch stated that there is not a stormwater plan on Lot 2, as the building permit was issued prior to the subdivision. He stated that there will be one for lot 1.

Mr. Fey asked if the need one for lot 2.

Mr. Koch stated the he's not aware of one being needed.

Chairman Alsup stated that he was open to a motion.

### **MOTION**

Mr. Michael Pullen motioned to approve MS 20-006 Bradley Subdivision.

**SECOND**

Mr. Larry Baker seconded the motion.

Chairman Alsup asked if there was any discussion.

Mr. John Hamrick asked for clarification on the driveway access permit for lot 1, if it needs to be taken off as a contingency.

Mr. Koch noted that he was just curious why you would need to get an access permit before anyone tries to build on the property, as we won't know where the driveway access will be located.

Director Garrett noted that according to the way the regulations are written, the driveway access permit can be listed as a contingency, but the Department can go ahead and record the plat and do the driveway access at the time of the issuance of address application.

Chairman Alsup stated that the driveway access will not be a contingency.

Chairman Alsup called for a roll call vote and the motion passed unanimously (7 of 7)

**B. SRU 98-007 Twin Enviro Major Modification**

Chairman Alsup called Chris Brochu to present.

Mr. Chris Brochu stated that Twin Enviro is asking for a modification to expand the land fill vertically, which will push it up above the hogback. He stated that on the East end it would be about 50 feet and on the West end it would be about 20 feet. Mr. Brochu noted that this will be the same footprint, they are just asking to expand vertically.

Chairman Alsup called Director Garrett to give a staff report.

Director Garrett stated that there are a few items of discussion. The visual impacts, the property is located off of County Road 67, which does lie within a scenic byway. The natural features of the property include a berm along the Southern boundary line, that at the time of initial submittal, helped to limit the visual impacts from County Road 67 and County Road 132. Director Garrett noted that a condition of approval was the installation of a berm along the Western property line. As the modification includes vertical expansion, impacts are likely to increase. The slope from the North will be higher than the South, so the berm will need to be increased at least equal to the vertical expansion in order to maintain the visual impact. Fencing was also required to be installed around the boundary for security will also need to be raised as needed as the expansion goes up. Some debris does leave the site, so, internal fencing will be required. The department would recommend approval only upon meeting the following requirements and limitations:

1. The berm located along the south increases in conjunction with the vertical expansion and in a manner where it exceeds the height of the working area at all times.
2. The use of interior fencing and other measures be required and utilized to limit debris leaving the site.
3. Cleanup of surrounding areas increases in frequency, specifically to the East of the facility.

4. The berm along the Western boundary be increased as needed to maintain limited visual view along County Road 67.

Chairman Alsup asked Mr. Brochu if there were any issues with the department recommendations.

Mr. Brochu stated that they have no issues with the recommendations.

Mr. Mark Masar asked about Fremont County Department of Transportation, Tony Adamic's, recommendation for asphalt to be put in from Highway 50 all the way to the site entrance.

Director Garrett stated that was part of the original approval.

Mr. Masar noted that it called for an asphalt overlay.

Director Garrett stated that was part of the resolution #97-012 from the original approval, so that would still maintain for this modification.

Mr. Masar asked if that is going to happen or if it has already happened.

Director Garrett stated that he believes the overlay is already there.

Mr. Brochu stated he's been there 13 years and they haven't done an overlay since he's been there.

Chairman Alsup noted that he assumes that was done originally with the original permit.

Mr. Masar asked if that would be a contingency.

Director Garrett stated that it will not be a contingency, as it was a requirement from the original resolution and will still carry over.

Mr. Fey asked what the current estimated life of the landfill is and what it will be when they are done.

Mr. Brochu stated that originally it was 30 years and with the expansion, it will be a total of 45 years.

Mr. Fey asked what is would be without this expansion getting approved.

Mr. Brochu stated that it would be 10 years at the maximum.

Mr. Fey asked if their volume is growing slowly or exponentially.

Mr. Brochu stated the volume is growing along with the County. He stated that they aren't expecting any more volume than they are already getting, but that all depends on the County.

Mr. John Hamrick asked if the engineered berm that is to be installed to raise the level of the repository would need to be meet construction and engineering requirements for compaction.

A gentleman associated with Twin Enviro stated that there will need to be, as it needs to be compacted.

Mr. Hamrick inquired, since there is engineered earthworks, if the County reviews the quality control that is associated with those types of activities.

Director Garrett stated that the County can check on it, however that is typically done by the State.

Chairman Alsup asked if there was anything else needing to be discussed.

Director Garrett noted that there are two contingencies for approval as well:

1. Approval of Modification to the Certification of Designation (CD) Modification (State & Local).
2. Approval of the Stormwater drainage plan.

Mr. Michael Pullen asked if the drainage plan needs to be changed.

Director Garrett stated that the drainage plan is currently undergoing changes and will be submitted.

Mr. Pullen asked if they have submitted a new drainage plan.

Director Garrett noted that the Department received the original one, which the county engineer commented on, and they are making the necessary changes now.

Mr. Pullen asked if the fence needs to be built up as they raise the level of the landfill.

Mr. Brochu stated that he doesn't see how it's possible to build a fence 50-60 feet high, so they have implemented using moveable fencing so as the working face moves, they have their moveable fences that will encapsulate that. He noted that when they move over, they can just move the fencing.

Mr. Pullen asked if the tow of the slope will be right up against the fence line.

Mr. Brochu stated that is not the case, they are going straight up from where it is right now at a 4 to 1 angle. He stated that the berm that will be installed is going to go around the perimeter and they are going to fill within that berm.

Mr. Pullen asked if they will be maintaining that slope.

Mr. Brochu stated yes, the 4 to 1 slope with the filling on the interior.

Mr. Fey asked what the biggest rain they have received out there.

Mr. Brochu stated that seven years ago they received four inches in one hour.

Mr. Fey asked if all of the stormwater held ok with that amount of rain.

Mr. Brochu stated that there were not any issues.

Chairman Alsup inquired about the cultural or historic features on the site. He asked if there are ruins of some sort at the bottom of the South berm.

Mr. Brochu said has seen what they called a kiln on the side of the hill, but it's almost non-existent now. He noted that it's not even located within the operation side of it, that's on the South side.

Chairman Alsup asked if anyone from the historical society has taken a look at that.

Mr. Brochu stated they have not.

Mr. Brochu noted that in the original application there was information about that. He said that is why they chose this location, because of the clay and soils, that way they don't need to haul in any clay to re-build.

Mr. Fey noted that there have been some dinosaur finds a little higher up from their site and asked if any dinosaur bones have been discovered there.

Mr. Brochu noted that they have not found any.

Mr. Fey asked if that would shut them down.

Mr. Brochu stated that he thinks that it would.

Mr. Larry Brown asked about debris blowing around and if there have been any complaints. He also inquired if they have a partial fence to stop the debris from blowing, specifically to the East.

Mr. Brochu noted that is why they have a moveable fence to catch blowing debris. He stated that once they move up on top, he already has a fence in place which is pretty stationary. Mr. Brochu also noted that there have been complaints from the neighbors. He stated that he has a crew of guys that go out and pick-up wind-blown debris, Monday through Friday, all along County Road 67, County Road 123, County Road 132, the school section directly North, and the East section.

Mr. Brown asked if they should to increase the frequency of the picking up of debris, especially in the afternoons when the wind really starts picking up.

Mr. Brochu noted that they close well before the wind gets too bad and blows debris around, that way they can limit the amount of blowing debris off-site. He Stated that as soon as the wind starts blowing and they cover and then send out crews to pick up trash.

Chairman Alsup noted that he was glad to see they are following the guidelines.

Mr. Brochu stated that the actual guidelines are to close after sustained winds of 35 mph, and gusts of 45 mph and noted that they close at about 20 mph.

Mr. Pullen wanted to make a note about the neighbors indicated that they are happy with the effort that the landfill is making in keeping trash picked up.

Mr. Fey also noted that the Planning Commission is in receipt of letters and emails in support of the landfill as well.

Chairman Alsup asked if there were any more questions and stated that he was open to a motion.

**MOTION**

Mr. Larry Baker motioned to approve SRU 98-007 Twin Enviro Major Modification with the recommendations and contingencies as stated.

**SECOND**

Mr. Hamrick seconded the motion.

Chairman Alsup called for a roll call vote and the motion passed unanimously (7 of 7)

**C. Officer Elections for Planning Commission 2021**

Chairman Alsup asked County Attorney Brenda Jackson if they can do officer elections, as it was not included on the agenda.

County Attorney Brenda Jackson stated that they could have the officer elections now.

Chairman Alsup stated that he is willing to perform as Chairman for one more year, if nobody else wanted to do so, but noted that this would definitely be his last year as Chairman.

**MOTION**

Mr. Michael Pullen made a motion to keep the current officers as they stand with Mr. Byron Alsup as Chairman, Mr. Mark Masar as Vice Chairman, and Mr. Larry Brown as secretary.

**SECOND**

Mr. Gardner Fey seconded the motion.

Chairman Alsup called for a roll call vote and the motion passed unanimously (7 of 7)

**7. ADJOURNMENT**

Chairman Alsup adjourned the meeting at 3:22 p.m.

Byron Alsup 2-2-21  
CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION DATE