

## ROUTT COUNTY PLANNING COMMISSION

### MINUTES

May 4, 2023

The regular meeting of the Routt County Planning Commission was called to order at 6:00 p.m. with the following members present: Acting Chairman Brian Kelly and Commissioners Bill Norris, Andrew Benjamin, Greg Jaeger, Jim DeFrancia, Ren Martyn, Paul Weese, Linda Miller, and Pete Wood. Commissioner Steve Warnke was absent. Planning Director Kristy Winser and staff planner Alan Goldich also attended. Sarah Katherman prepared the minutes from a recording.

#### **PUBLIC COMMENT**

There was no public comment.

#### **MINUTES - April 6, 2023**

Commissioner Miller moved to approve the above cited minutes, as written. Commissioner DeFrancia seconded the motion. **The motion carried unanimously.**

**ACTIVITY: PL20230027**

**PETITION: Special Use Permit for a Composting Facility**

**APPLICANT: Winn Cowman - Cowgirl Composting**

**LOCATION: 41090 CR 80; located approximately 1 mile east of the intersection of CR 80 and CR 76**

Ms. Winn Cowman, owner of Cowgirl Compost Company, introduced herself, reviewed her background, and presented photos of her former site at the Bar U Eat facility near Hayden. She stated that a study performed in 2018 indicated that over 22% of the material entering landfills from domestic households was food waste. She discussed the 2019 Routt County Waste Diversion Strategic Plan that she assisted in developing. Ms. Cowman said that she had volunteered to take on the project of establishing a community composting program. She stated that many community members had collaborated in getting the program going. Ms. Cowman noted that Strategy 1, Action 2 of the Routt County Climate Action Plan (CAP), adopted in 2021, is to “reduce the amount of solid waste disposed of in landfills.” Ms. Cowman reviewed the process through which food waste is composted, and noted that only food waste is accepted. The food waste is collected from residents and businesses in the Yampa Valley and is combined with wood chips from landscaping operations companies. Water is added if needed during very dry conditions. The temperature is monitored and the piles are aerated weekly. Ms. Cowman reviewed the reporting requirements of the state. When the compost is complete, it is returned to the community. In response to a question from Chairman Kelly, Ms. Cowman said that the complete process

takes about 90 days, but the material reaches the pathogen reduction phase, based on temperature, in 15 - 30 days. She reviewed the many benefits of composting. She noted that food waste in landfills is particularly harmful because it produces methane. She added that Cowgirl Compost is a carbon negative operation.

Ms. Cowman reviewed the state regulations and environmental protections that apply to compost facilities. She said that her operation is a conditionally exempt small quantity generator, which means that the operation has a maximum of 5 cubic yards of in-process feedstock if on-the-ground composting is done or 10 cubic yards if in-vessel composting is employed, and that the material composted is limited to food waste. She said that due to contamination problems, she no longer accepts compostable products and materials that are not food waste. She said that she only does on-ground composting and that the volume limits apply only to the food waste, not the wood chips. She clarified that "in-process" refers to material prior to its reaching the temperature and aeration requirement. She said that the final product continues to cure after this stage, however, and must be lab tested before distribution. Ms. Cowman said that she is required to file an annual report on the operation with the Colorado Department of Public Health and the Environment (CDPHE) and is required to maintain stormwater protection around the facility.

In response to a question from Commissioner Miller, Ms. Cowman said that paper products, such as napkins or coffee filters, are counted as carbon like the wood chips, not as food waste in the process. She clarified that the source of food waste for her operation is individual households, restaurants and coffee shops.

Commissioner Jaeger asked what the reason was for the move. Ms. Cowman said that her lease expired because Bar U Eat intends to use that area for another use. Mr. Goldich asked about the carbon tracking. Ms. Cowman stated that total amount of carbon reduced includes transportation. Commissioner Martyn asked if anything other than the location would change from when this use was originally reviewed. Ms. Cowman said that when she originally applied, she was accepting compostable materials and now is only accepting food waste. She estimated that last year the operations generated 50 cubic yards of finished compost.

Mr. Goldich stated that because Routt County's current use chart does not have a listing particularly for composting facilities, the application is being processed as a solid waste transfer site. He said that composting facilities and size thresholds would be considered in the revision of the Zoning Regulations. Mr. Goldich stated that staff is recommending approval with the same conditions that were included in the original permit. He reviewed the state classification of composting facilities. Mr. Goldich presented an aerial photo of the proposed compost site, which is on the western most two acres of the 52-acre parcel. The parcel also contains a residence, several out buildings and facilities for agricultural activities. The

operation will utilize an existing three-sided structure to store equipment including a skidsteer and the containers used by customers to collect food waste. The operation will consist of 2 -3 part-time employees, who will work from 8 a.m. to 5 p.m. Mr. Goldich said that in addition to the storage structure, compost and woodchip piles, there will be trailer located on the site.

Mr. Goldich said that two calls had been received in opposition to the application. **One call was from Allen Bocco, who lives approximately ½ mile from the subject property to the west on CR 80.** He expressed concerns regarding increased traffic, dust, odors and rodents. The other call was from Gerald Gilbert, whose son lives over the hill to the east of site. He expressed concerns regarding traffic, wildlife, and odors. He stated that there are other places where this operation could be located. Neither caller was willing to submit written comments.

Mr. Goldich added that two neighbors of the operation at the current location have submitted comments regarding an increase in wildlife activity in the area, including birds, raccoons and skunks. This seems to be most prevalent in late winter. Mr. Goldich stated that in response to these comments, the operator covered the piles to prevent access. This was only marginally successful and limited the oxygen to the piles. Mr. Goldich said that in its referral comments, Colorado Parks and Wildlife (CPW) recommended covering the piles nightly and limiting fencing. He said that staff is not currently recommending fencing of the area. He said that the other recommendations from CPW have been included in the suggested conditions of approval. Mr. Goldich presented photos of the site and noted that the drainage from the site is very well vegetated. He said asked Planning Commission to consider if any additional mitigations would be appropriate.

Mr. Goldich reviewed the CAP, which puts an emphasis on waste diversion. He said that the policies and actions contained in the CAP will be incorporated into the updated regulations.

Commissioner Jaeger noted the amended hours of operation recommended by CPW.

### **Public Comment**

Mr. Patrick Delaney, the owner of the ranch on CR 80 proposed for the operation, said that he and his wife have owned the property since 1994 and have a great relationship with the neighbors and the community. He said that the proposed operation supports the whole community, forwards the goals of the CAP, and is very low impact. He said that the increased traffic would be minimal. Mr. Delaney said that the operation will utilize a small pasture that is not good for either grazing or hay production. He stated his support and urged Planning Commission to recommend approval of the application.

Seeing no further, Chairman Kelly closed public comment.

Commissioner Jaeger asked about the complaints regarding the operation at the Bar U Eats site. Mr. Goldich said that the first complaint was received in March of last year and the second was in March of this year. He presented a site plan of the Bar U Eats parcel and reported that he had found bones and rodent feces along the fence line. Mr. Goldich indicated the location of the closest neighbors to the existing site and to the proposed new site. He said there is no direct sight line from the new site to the closest neighbor's house. The closest neighbor was not one of the callers that opposed the application. Mr. Goldich noted the location of the Bocco residence. Commissioner Jaeger asked about remediation of the existing site. Ms. Winser said that the owner has an approved site plan and that Planning staff would be in touch to ensure that the site is in compliance. Regarding the new site, she said that remediation of the site when the operation ceases would occur through an agreement between the operator and the landowner. Mr. Delaney offered that composting would improve the soil, so remediation wouldn't be an issue. Ms. Winser noted that at the March site visit, it was discovered that some of the Bar U Eats fencing was down, probably due to the harsh winter. She said that this could have contributed to the rodent problem.

Commissioner Martyn suggested that the addition of this operation to a property should qualify as agricultural production with the assessor's office. He offered that the agricultural assessor needs to be educated regarding new agricultural uses. Mr. Delaney agreed and suggested that many ranchers could incorporate this use on a small scale into their operations to implement the CAP and improve the soil. Ms. Cowman said that the state is considering increasing the amount of material in production allowed for an exempt composting operation. Commissioner Benjamin offered that the operation is very small and that this use occurs often on agricultural properties in different ways. He stated his support.

Commissioner Jaeger said that he understands the concerns regarding increased traffic and asked if limits on drop-offs should be considered. There was consensus that limits were not needed.

### **MOTION**

Commissioner DeFrancia moved to recommend approval of item PL200230027, a Special Use Permit for a composting facility, with the findings of fact that the proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, and 6 of the Routt County Zoning Regulations.

This approval is subject to the following conditions:

#### **General Conditions:**

1. The SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, and 6.

2. The SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application.
3. Any complaints or concerns that may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
5. Permits will be assessed an Annual Fee in accordance with the Fee Schedule in Appendix B of the Routt County Zoning Regulations.
6. No junk, trash, or inoperative vehicles shall be stored on the property.
7. This approval is contingent upon the acquisition of and compliance with any required federal, state and local permits. The operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to the commencement of operations.
8. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
9. All exterior lighting shall be downcast and opaquely shielded.
10. All trash and unmixed food waste shall be stored either inside a garage or inside Interagency Grizzly Bear Committee (IGBC) certified receptacles
11. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety Requirements policy then in effect. **The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.**
12. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
13. Transfer of this SUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, transferee shall submit written consent for the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.
14. The Permittee shall prevent the spread of weeds to surrounding lands and comply with the most current version of the Colorado Noxious Weed Act and Routt County regulations for noxious weeds. A Noxious Weed Control Plan shall be developed by the Permittee and reviewed and approved by the County Weed Supervisor.

**Specific Conditions:**

15. The Special Use Permit (SUP) is valid for the life of the provided it is acted upon within one year of approval. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
16. The Permittee shall provide quarterly reporting on types and volumes of diverted waste.
17. Hours of operations shall be 8 a.m. to 5 p.m., Monday through Friday.
18. All regular reports required by any permitting agency shall be submitted to the Routt County designee, including but not limited to the annual stormwater permit and compost report.
19. If, after inspection by the Weed Supervisor in the spring of 2023, weeds are determined to be present on-site, the following conditions will take effect. If it is determined that these conditions will take effect, a technical correction to the permit shall take place indicating that these conditions are valid.
  - Permittee shall submit an annual report prior to December 31 of each year to document all weed control measures undertaken, including herbicides used, rates of application, and total gallons of mixed herbicide solution applied.
  - Permittee shall conduct an annual inventory of weeds on site each spring including but not limited to species identification and map locations. Inventory shall be submitted to Routt County Weed Program (RCWP) supervisor within 30 days of conducting the survey.
20. Best management practices will be implemented to prevent nuisance conditions from occurring.

Commissioner Norris seconded the motion.

**Discussion and Amendments**

Commissioner Jaeger asked if the hours of operation listed in COA #17 should be amended to 9 a.m. to 5 p.m. This friendly amendment was rejected, as indicated above.

**The motion carried 9 - 0, with the Chair voting yes.**

**ADMINISTRATOR'S REPORT**

Ms. Winser stated her appreciation for the comments made at the joint meeting last week to discuss the code update. She offered that the petition tonight represents an excellent example of a use that will be incorporated into the new regulations. She said that Friday after the joint meeting there had been a very successful community meeting, as well as site tours with the consultants.

Ms. Winser noted that the Thunderstruck permit review had been heard by the Board of County Commissioners. The permit was not revoked, but the Board

made it very clear that the operator must comply with the conditions. Ms. Winser reviewed the process. She said that it is likely that the operator will apply for an amendment to his permit. She added that anytime there are complaints about an operation, staff tries to work with the operator to resolve the issues before bringing them back in for a review.

Mr. Goldich reviewed the upcoming agendas.

There was a discussion of Stagecoach.

**The meeting was adjourned at 7:30 p.m.**