



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: September 27, 2022	ITEM TIME: 9:35 am

FROM:	Alan Goldich
TODAY'S DATE:	September 20, 2022
AGENDA TITLE:	D&D Recycling; PL20220003

CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:
Consideration of a Special Use Permit for a Recycling Station.
II. RECOMMENDED ACTION (motion):

I move to approve SUP PL20220003 for a Recycling Transfer Station, with the finding 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, 6 and 8 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, 6, and 8.
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. 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.
7. All exterior lighting shall be downcast and opaquely shielded.
8. 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



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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.

9. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
10. 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.
11. The Permittee shall prevent the establishment and 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.

Specific Conditions:

12. The Special Use Permit (SUP) is valid for ten years provided it is acted upon within one year of approval. If no issues have been identified, the permit may be renewed administratively for an additional 10 years. The SUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
13. The SUP is limited to uses and facilities presented in the approved project plan, including the uses and structures listed below. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.

Recycling Uses:

- Scrap metal
- Tires
- Batteries
- Used oil and other fluids

Structures

- One office buildings
 - 8' x 4.3' detached sign
14. Any additional uses or facilities that are not considered accessory to a recycling operation, including those listed below will be reviewed by Routt County Environmental Health and Planning Department staff to determine if a formal review will be required. If a formal review is required, such amendment shall be applied for in a new or amended application.
 - Food waste collection for composting
 - General recycling of nonmetal household items
 - Other green processes



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15. The operation shall meet or exceed accepted industry standards and Best Management Practices.
16. Hours of operations shall be 7:00 a.m. to 7:00 p.m., 7 days per week.
17. This permit is contingent upon the acquisition of and compliance with all applicable permits. The operation shall comply with all federal, state, and local laws. Copies of required permits or registrations shall be submitted to the Routt County Planning Department. Such permits and approvals include but are not limited to:
 - CDPHE Industrial Stormwater Permit
 - State Recycler registration (if required in the future based on current operations)
 - CDOT Access permit
18. All annual submittals, as listed in #19 and #20 shall be submitted to the Routt County designee at annualreports@co.routt.co.us.
19. 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 report.
20. The permittee shall provide quarterly reporting on types and volumes of diverted waste
21. Any required permits from the Routt County Environmental Health, Public Works, or Building Department shall be obtained and any inspections completed by August 1, 2023.
22. The proposed stormwater controls shall be installed by August 1, 2023.
23. A Floodplain Development Permit for the storage of materials in the floodplain shall be obtained by December 31, 2022.
24. A screening plan shall be developed by the Permittee to mitigate the visual impacts of the operation. Such screening plan shall be approved by the Planning Director and be implemented by August 1, 2023.
25. Prior to issuance, the six flags will need to be removed from the site.
26. If, after inspection by the Weed Supervisor, 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 31st 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.
27. The soil type shall be taken into consideration in the design of the retention pond to ensure that stormwater does not exfiltrate directly to the groundwater and river.
28. A soil test shall be conducted by an independent third party to determine if there has been any hydro carbon contamination, with particular focus on the southern portion of the site.



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29. The permittee shall enter into a Reclamation Agreement for cleanup and reclamation of the site as appropriate for the site’s continued use as an industrially zoned property. Such agreement shall require surety in the amount of 150% of the cost of cleanup and reclamation of the site. Surety shall be in compliance with the Routt County Insurance and Surety policy and shall be in favor of Routt County. Items covered under this requirement include, soil testing, soil remediation, tire and trailer removal, and miscellaneous items.

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
PROPOSED REVENUE (if applicable): \$
CURRENT BUDGETED AMOUNT: \$
PROPOSED EXPENDITURE: \$
FUNDING SOURCE:
SUPPLEMENTAL BUDGET NEEDED: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Explanation:
IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):
V. BACKGROUND INFORMATION:

This item was tabled on August 2, 2022, and then again on August 23, 2022, to allow staff additional time to formulate condition of approval #29.

Planning Commission heard this application at their July 21, 2022 hearing. They voted to recommend approval with a 7-0 vote. The main issues that were discussed were visual impacts and associated mitigation, stormwater control, potential soil contamination, and reclamation.

Planning Commission agreed that some sort of visual mitigation should be employed to mitigate those impacts. They directed the applicant to work with staff to come up with a visual mitigation plan. This plan would be approved by the Planning Director. Due to the fact that this was part of an old gravel pit, and located next door to one, Planning Commission wanted to make sure that the stormwater retention pond was properly designed and installed. Condition #27 requires that the soil type be taken into consideration when designing the pond to ensure that stormwater does not exfiltrate from the pond before the amount of time that is required to clean the water has expired. They recommended a condition requiring a soil test to be done to determine if any soil contamination has occurred. This condition was crafted at the hearing without consultation with Environmental Health, who is the County’s expert on this subject. After consultation with E-Health, proposed condition #28 was modified. The recommended motion includes the modified language.

They also recommended that a bond for site cleanup be put in place. Staff researched this and discussed it with the applicant’s attorney. It was agreed that since this site is zoned Industrial, that typical reclamation (spread topsoil and seed and establish vegetative cover) would not be appropriate for this site. It was also agreed that anything that is considered a commodity, such as scrap metal, would not be calculated. The items that the bond would address are soil testing and remediation, and the cleanup of tires, trailers, and miscellaneous junk. It is suggested that the Board approve the



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permit with condition #29 above which requires the applicant to enter into a Reclamation Agreement. The bond amount would be based on cost estimates for the work to be performed. The regulations require the bond amount to be 150% of the cost to perform the work.

Several conditions have specific dates for when certain actions must be accomplished. These include obtaining Building and E-Health permits, installing stormwater controls, obtaining a Floodplain Development permit, and formulation and installation of visual impact mitigation measures. Conditions addressing this are numbers 21-24. Planning Commission's recommendation for these dates was October 31, 2022. Because of the extra time needed to research the bond requirement, October 31st does not provide the applicant with enough time to perform this work. These dates are suggested to be changed to provide the applicant with the time to accomplish these tasks. For the Building and E-Health permits, stormwater controls, and the visual mitigation plan, the dates is suggested to be August 1, 2023 and December 31, 2022 for the Floodplain Development Permit. Staff discussed dates with the applicant and agreed on revised dates which are included in the recommended motion above.

VI. LEGAL ISSUES:
N/A
VII. CONFLICTS OR ENVIRONMENTAL ISSUES:
N/A
VIII. SUMMARY AND OTHER OPTIONS:
<ol style="list-style-type: none">1. Table for additional information2. Deny
IX. LIST OF ATTACHMENTS:
<ol style="list-style-type: none">1. FINAL Planning Commission minutes from July 21, 20222. Planning Commission staff packet

- f. A current soils test showing that the soils are sufficiently stable to support development will be required before obtaining a building permit.
 - g. Revegetation of disturbed areas shall occur within one growing season with a seed mix that avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass mixes.
7. Applicant shall take the findings of the required traffic study into consideration when designing the access off of Brandon Circle with particular attention being focused on how to alleviate the traffic issues on Brandon Circle and US Highway 40 during pick up and drop off times at the school.
8. Covenants shall include:
- a. Requirement to control noxious weeds
 - b. Roads will be privately maintained
 - c. No on street parking
 - d. No short-term rentals

Commissioner Norris seconded the motion.

The motion carried 7 – 0, with the Chair voting yes.

ACTIVITY: PL20220003
PETITIONER: Duksa Family, LLC
PETITION: Special Use Permit for Recycling Station in the Industrial Zone District
LOCATION: Approximately 2.5 miles west of Steamboat Springs on the south side of US 40

Mr. Goldich reviewed the petition for a recycling transfer station. He reviewed the history of the site, which was rezoned from Agriculture/Forestry (A/F) to Industrial (I) in 1990. He said that a site plan review for an electrical contracting business had been approved in 1991, but was never acted upon. The recycling station has been operating on the site since 2006 without a permit. Mr. Goldich said that when staff became aware of the situation due to an inquiry from a prospective buyer, a notice of violation was issued. Mr. Goldich stated that no complaints regarding the operation at this location have ever been received and that staff recommends approving the petition with the suggested conditions of approval (COAs). Mr. Goldich presented an aerial photo of the site and presented a site plan. He indicated the access road that crosses the railroad tracks. The access off of US 40 is shared with the Steamboat II Metro District. Accel and decel lanes are in place on US 40 to serve this site as well as the adjacent gravel pit. Mr. Goldich reviewed the uses on the site and presented photos. He noted that the applicant intends to improve the drainage on the site and to install a retention pond. He stated that the Colorado Department of Transportation (CDOT) submitted a comment stating that the site does not have an access permit. The applicant will have to work with CDOT to obtain a permit, if that is deemed necessary. Mr. Goldich stated that all of the proposed uses are currently taking place. He said that the issues for discussion include whether

this use is appropriate for the site given its proximity to the Yampa River, whether run-off mitigation is needed and whether mitigation of the visual impact is needed.

In response to a question from Chairman Warnke, Mr. Joe Duksa confirmed that the oil collected is used on site for heating. Regarding the plans for the retention pond, Ms. Rebecca Lindeman, representing the applicant, stated that it had not been designed but that it would probably not be lined. Chairman Warnke expressed concern with potential exfiltration from the pond into the river. Ms. Lindeman stated that the applicant would not have a problem with conducting soils tests prior to designing the pond. Commissioner Martyn agreed that testing should be required, citing the possibility of run-off from the site that would carry petroleum products.

Commissioner DeFrancia stated that some assurance, perhaps in the form of a bond, should be required to ensure to that the site is cleaned up at the termination of the use. Mr. Goldich said that there would need to be some rational nexus between the bonding required and the actual cost of clean-up, which is unknown. Ms. Winser suggested that staff could do some research to estimate the cost of clean-up prior to the Board hearing.

In response to a question regarding mitigation of the visual impact, Commissioner Jaeger stated that screening has been required for other similar uses. Mr. Goldich said that staff could work with the petitioner to determine appropriate mitigation measures, in the form of screening and/or limiting the height of the stockpiles. Mr. Brent Starnes, and attorney representing the petitioner, stated that the applicant would agree to work with staff and suggested that effectively screening the site would not be difficult. Mr. Duksa reviewed how he stacks the material and stated that the piles are often 30 – 40 ft. high, but that he would be willing to limit the height. Commissioner Miller suggested that the view from the public access on the Hard Rock open space should also be screened.

Chairman Warnke asked about the requirements of the fire department. Mr. Starnes stated that the International Fire Code requires a specific separation between piles, but that this operation is so small that it does not meet the minimum baseline for the regulation to apply. He stated, however, that the applicant will comply with the fire department's request.

There was no public comment.

MOTION

Commissioner DeFrancia moved to recommend approval of the SUP for a Recycling Transfer Station, item PL20220003, with the finding 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, 6 and 8 of the Routt County Zoning Regulations.

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 - Other green processes
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27. The soil type shall be taken into consideration in the design of the retention pond to ensure that stormwater does not exfiltrate directly to the groundwater and river.
28. A soil test shall be conducted on the south end of the site to determine if there has been any hydro carbon contamination.
29. Bond condition – needs more research.

Commissioner Weese seconded the motion.

The motion carried 7 – 0, with the Chair voting yes.

ADMINISTRATOR'S REPORT

Ms. Winser stated that tomorrow was the last day for written public comments on the draft Master Plan update. A joint meeting of Planning Commission and the Board of County Commissioners and public hearing for comment on the draft Plan will be held on August 4th. The Master Plan will be the only agenda item for that meeting. The adoption hearing by Planning Commission is scheduled for August 18th, with the Board ratification hearing on August 30th.

Ms. Winser reviewed the upcoming agendas and provided an update on the Snow Country Nursery petition, which was tabled by the Board to allow the applicant to negotiate with the City.

The meeting was adjourned at 9:15 p.m.