

COMMUNITY & DEVELOPMENT SERVICES

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3185 FAX: 303-621-3165
cds@elbertcounty-co.gov



MEETING MINUTES
PLANNING COMMISSION

BOCC Public Hearing Room, 215 Comanche Street, Kiowa, CO 80117

DATE: January 7, 2025 TIME: 7:00 PM

1. **CALL TO ORDER:** 7:00 PM – Vice Chair Kirkwood
2. **PRAYER:** 7:00 PM – Vice Chair Kirkwood
3. **PLEDGE OF ALLEGIANCE:** 7:01 PM - Led by Vice Chair Kirkwood
4. **ROLL CALL:** 7:02 PM – Wendy Doyle
Commissioners Present: Vice Chair Kevin Kirkwood, Van Sands, Dede Schott-Grace, Robert Poletiek, and John Gresham.
Commissioner Absent: Chair Danny Willcox and Jon Waller.
Vacant Seats: Two.
Meeting Staff: Marc Dettenrieder, Director of Community and Economic Development; Danny Klibaner, Land Use Planner; and Wendy Doyle, PC Recording Secretary.
5. **REMINDER TO TURN OFF CELL PHONES:** 7:02 PM – Vice Chair Kirkwood
6. **STAFF REPORT:** 7:02 PM – Marc Dettenrieder reported recent actions and notices of the Board of County Commissioners (BOCC) including January 14th swearing in of incoming commissioners Mike Buck and Byron McDaniel, and January 22nd annual organizational meeting to include the reappointment of Planning Commissioners (Danny Willcox and Jon Waller – terms expiring) or appointment of two new Planning Commissioners. Planning Commission to hold election of officers on February 4th.
7. **CONSENT AGENDA ITEMS:** 7:05 PM None – Marc Dettenrieder.
8. **CITIZEN COMMENTS** - Unrelated to public hearings: 7:06 PM None – Vice Chair Kirkwood
9. **APPROVAL OF MEETING MINUTES:** 7:06 PM
Commissioner Sands moved to approve the December 3, 2024, Planning Commission meeting minutes as presented.
Commissioner Poletiek seconded the motion.
Motion Passed 5 – 0.
Commissioner Sands moved to approve the December 17, 2024, Planning Commission meeting minutes as presented.
Commissioner Poletiek seconded the motion.
Motion Passed 5 – 0.
10. **PUBLIC HEARING PROCESS:** 7:07 PM – Vice Chair Kirkwood
Appointed by the Board of County Commissioners (BOCC), the Planning Commission is a quasi-judicial volunteer board that essentially takes the application at hand, references the regulations and ordinances in place, and compares them with the application. Following the public hearing, the commission may vote one of three ways: 1. Vote to recommend approval; 2. Vote to recommend denial; 3. Recommend approval with conditions. The recommendation is forwarded to the BOCC holding

the authority to approve the application. All testimony must be competent, on topic and not repetitious. The Vice Chair's statement concluded with the order of business for public hearings.

PUBLIC HEARINGS:

1. Richer Lands Composting (SUR-2023-1558)
2. Hughes Landscaping (SUR-2024-4260)

PUBLIC HEARING #1, RICHER LANDS COMPOSTING (SUR-2023-1558) 7:08 PM

Staff Presentation: Danny Klibaner, Land Use Planner - presented the proposed application requesting a Special Use by Review (SUR) for a 39.25-acre property zoned Agriculture (A) to operate a Class II Composting Facility. Richer Lands Composting is a USDA registered composter and would be permitted to only receive agricultural waste for composting. The Colorado Department of Health defines agricultural waste as all discarded or residual plant materials or animal materials that directly result from the raising of crops or animals.

Application meets criteria set forth in the Elbert County Zoning Regulations; thus, it is the recommendation of the Planning Department that the Planning Commission *RECOMMEND APPROVAL to the Board of County Commissioners of Case SUR-2023-1558, subject to the five (5) Conditions of Approval presented in the staff presentation.*

Applicant Presentation: Jonathan Whetstine (Richer Lands, Compost, LLC) – stated the proposed facility will serve Elbert County and surrounding counties as a premier class 2 composter for organic waste and support the local equine community. Overviews including regulating authorities, processes, controls/safety, and machinery were presented.

Public Testimony Opened: Vice Chair Kirkwood

Testimony in opposition – Beverly Durant, 40968 Kiowa Bennett Road, Kiowa, CO 80117. Topics of concern included truck traffic, dumping, health related hazards. Additional comment – neighbor intending to attend public hearing unable to gain entry through the elevator access door of the Administrative Building; thus, individual was not in attendance.

Testimony in favor - None.

Public Testimony Closed: Vice Chair Kirkwood

Applicant Rebuttal: Jonathan Whetstine referenced company delivery procedures.

Board Discussion: Vice Chair Kirkwood

Brief discussions held between Planning Commissioners, Staff, and Applicant included employee responsibilities/training; composting processes/tests/monitoring; traffic; road safety; fencing; and environmental impacts and mediations – wildlife/weeds/odor/dust/fire.

Call for Motion: Vice Chair Kirkwood

Commissioner Poletiek moved the Planning Commission make a RECOMMENDATION OF APPROVAL to the Board of County Commissioners of Richer Lands Composting, Case SUR-2023-1558, subject to the five (5) Conditions of Approval presented in the staff presentation as well as the following two (2) additional Conditions of Approval:

- Provide dust control as necessary based upon the conditions present for the section of road that would be impacted by trucks delivering raw materials and distributing final product.
- Fencing as required by Elbert County and as necessary for security and any potential flying debris.

Commissioner Sands seconded the motion.

Roll Call Vote. **Motion Passed 5 – 0.**

PUBLIC HEARING #1, RICHER LANDS COMPOSTING (SUR-2023-1558) CLOSED 8:41 PM

PUBLIC HEARING #2, HUGHES LANDSCAPING (SUR-2024-4260) 8:41 PM

Staff Presentation: Danny Klibaner, Land Use Planner - presented the proposed application requesting a Special Use by Review (SUR) for a landscaping (Hughes Landscaping) and sod business (The Sod Guy) business to continue operation in an

Agriculture (A) zoned, 35-acre property, located at 42600 Summit View Ct., in Northwest Elbert County. This application is to bring the business which has been operating in some capacity for 30+ years into compliance with County standards.

Application meets criteria set forth in the Elbert County Zoning Regulations; thus, it is the recommendation of the Planning Department that the Planning Commission *RECOMMEND APPROVAL to the Board of County Commissioners of Case SUR-2024-4260, subject to the three (3) Conditions of Approval presented in the staff presentation.*

Applicant Presentation: Applicant Representatives Grace Erickson (Providence Consulting, LLC) and Andy Ausmus (Ausmus Law Firm, PC) present. On behalf of Property Owners Kurt and Angela Hughes, Ms. Erickson presented a brief history of the business, property location, and emphasized the purpose of the SUR application is to codify the existing use (without changes or improvements) through a formal SUR process.

Public Testimony: None - Vice Chair Kirkwood

Applicant Rebuttal: None – Vice Chair Kirkwood

Board Discussion: Vice Chair Kirkwood

Brief discussions held between Planning Commissioners, Staff, and Applicant Representative included property use, scopes of landscaping/sod businesses, Agriculture zoning, and compliance.

Call for Motion: Vice Chair Kirkwood

Commissioner Sands moved the Planning Commission make a RECOMMENDATION OF APPROVAL to the Board of County Commissioners of Hughes Landscaping, Case SUR-2024-4260, subject to the three (3) Conditions of Approval presented in the staff presentation.

Commissioner Poletiek seconded the motion.

Roll Call Vote. **Motion Passed 5 – 0.**

PUBLIC HEARING #2, HUGHES LANDSCAPING (SUR-2024-4260) CLOSED 8:59 PM

11. ADJOURNMENT: 9:00 PM

Commissioner Schott-Grace moved to adjourn the January 7, 2025 Planning Commission meeting.

Commissioner Poletiek seconded the motion.

Roll Call Vote. **Motion Passed 5 – 0.**