



PLANNING COMMISSION MINUTES

May 25, 2023 at 1:30 PM

Commissioners Meeting Room - 401 Main Street, Suite 309, Walsenburg, CO 81089

Office: 719-738-3000 ex 200 | Fax: 719-738-3996

Join via Zoom: <https://us02web.zoom.us/j/82550511219> | Meeting ID: 825-5051-1219

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. READING OF MINUTES

Motion to approve minutes as presented.

Motion made by White, Seconded by Lyons.

Voting Yea: Lyons, Tessitor, Falk, White

- a. Minutes from 4-27

4. ACTION ITEMS

- a. 23-015 Wood Burial Bongiovanni

During presentation of the staff report, Tessitor asked whether this could impact the water table. Applicant responded that a nearby well is 400' deep. Testing was done on the site at a depth of 30' and water table was not reached. Falk asked about fire prevention and reducing fire risk. Applicant responded that water would be brought on site to put out fires, but that the nature of the project, burying wood, will reduce fire risk. Brown stated that he would like to see a report on water table depth and whether this project has the potential to impact the water table downstream.

When the staff report had been reviewed, the applicant came to the stand for questions.

White: Is the timber to be buried green wood?

Bongiovanni: The majority of it, yes. Cuttings from Forest Service activity and from private landowners will provide the source of much of the wood. Usable wood will be sold or collected by others, while piles of slash will be picked up and brought to the site. Dealing with slash produced by the Forest Service will help to reduce the amount of fuel in the forest.

White: What will be the dimensions of each pit?

Bongiovanni: The facility will be 17 acres, with two-acres at a time used to stack and stage until sufficient wood has been gathered. The site will then be excavated, the material buried, and then capped. Then collection of materials for the next phase will begin. The work will have a seasonal component, with much of it being done in the summer.

White: Are there contracts in place? Will you pay for the slash?

Bongiovanni: All of the above: in some cases wood is given. Plans are to also work with a public benefit corporation, Woodcap, to bring in expertise and contract work.

White: Are the two-acre plots going to be monumented or marked?

Bongiovanni: Plan is to leave signs about what is buried. Desire is not to fence the site, but to revegetate and return it to grazing land once burial is complete.

White: How will you compress slash?

Bongiovanni: The soil to be removed is sandy, and the sand will fill gaps. The material will be buried in layers, and each layer will be compressed with heavy equipment, which may include a vibrator.

White: What is your profit margin?

Bongiovanni: costs are not yet completely known. Carbon credits pay around \$80/ton.

Tessitor: Why wouldn't we get people to stop polluting rather than allowing carbon credits?

Tessitor: Impact on roads: How will you maintain roads? Are you willing to contribute to magnesium chloride treatments?

Bongiovanni: Have made contact with Road and Bridge to discuss impacts.

Lyons: How much water, if any, would be needed for fire suppression?

Bongiovanni: To be determined. An engineer is currently designing operations. State permitting office will determine an amount of water.

White: Do you have an estimate of likelihood or amount of subsidence?

Bongiovanni: Relying on engineer for cover design and to prevent subsidence from causing a problem.

White: How is a local government to deal with problems that may arise from subsidence?

Bongiovanni: In case subsidence causes problems, a trust will be set up for to pay for projects to correct problems.

White: Wouldn't a performance bond be preferable?

Bongiovanni: Currently looking into surety bonds. Costs are not yet calculated, but would be based on cost to excavate and remove and remediate. Engineering work will help with calculations.

White: Why did you start application with County and not with the State?

Bongiovanni: If there is local opposition or the Commission is not interested, it would be better to know first before pursuing the more onerous State permitting process.

White: Is your intent to keep the property and to use as a residence?

Bongiovanni: yes. There would be a covenant put in place to run with the land on the site, including an obligation to maintain.

Tessitor: What is done with extra dirt from the excavation?

Bongiovanni: It is used on-site. Some will be used to deal with natural depressions. Some used to divert water.

White: Before this is ready for a public hearing, some of these questions need answers.

Namely: Bonding, Monumenting, details on the covenant, a contingency for groundwater contamination, and more information about groundwater conditions and how this project may impact it.

Motion to table until June 8 meeting to get more information from applicant.

Motion made by White, Seconded by Tessitor.

Voting Yea: Lyons, Tessitor, Falk, White

5. LGD UPDATES

A recent hydrocarbon cloud released poses no danger to public health or environment.

The COGCC will be changing its name to the Energy and Carbon Management Commission (ECMC)

6. OLD BUSINESS

a. Roadway Design Guide - Section 19

The Roadway Design Guide has been formally adopted into the Land Use Code as Section 19.00

7. NEW BUSINESS

8. DISCUSSIONS

a. Land Use Code Update

The section in your packet differs significantly from what was proposed by the planning Commission.

Commission asked Tallman to get County Attorney's opinion on the question of whether we have the Planning Commission or BOCC hold public hearings, and whether for some cases we should have both bodies hold a public hearing. Rule 106 requires a decision to be based on evidence.

b. Marijuana Licensing

c. Update on 15-010 Walsenburg Cannabis

d. 22-54 New Plat Map and Update

On the question of what to do with the proposed change to the plat map submitted after the public hearing:

Tessitor: seems like a shortcut. It should go back to a public hearing.

White: 9-parcel map should be part of a new application.

Hotaling (Applicant): It is not intended to be an amendment, but in the spirit of what was proposed previously. The changes can also be done with the survey and title work. The reason for the nine-lot layout was to make deed restrictions granting public access in order to get property tax exemptions on land with public access.

Applicant stated he had a conversation with Galusha about quiet title process; Galusha said Quiet Title would suffice; it meets County's intent.

White: Suggested going through with the current process as presented in 22-54 and starting a new application for approval of 9-parcel layout.

Hotaling emphasized that this has been a long, expensive process, and added that the deed restrictions would be such that public access is granted so long as the County is pursuing lift-assisted skiing and as long as the County owns the park.

COOPERATIVE PLANNING PROJECTS UPDATE

White requested a meeting including Consultants, himself and Doug Brgoch to discuss water issues and how to include them in the comprehensive plan.

9. UPCOMING MEETINGS

10. ADJOURNMENT