

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
January 2, 2024, AT 3:00 P.M.**

MEMBERS PRESENT

John Hamrick
Gardner Fey
Rudl Mergelman
Larry Brown
Travis Payne
Dale McCullough
John Carper

STAFF PRESENT

Danielle Adamic, Planning Coordinator
Joanne Kohl, Office Manager

1. CALL TO ORDER

Vice Chairman Hamrick Called the meeting to order at 3:00 pm.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF THE January 2, 2024, PLANNING COMMISSION AGENDA

Vice Chairman Hamrick asked if there were any changes, additions or corrections to the January 2, 2024, Fremont County Planning Commission Agenda.

MOTION

Mr. Brown motioned to accept the January 2, 2024, Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Fey second the motion.

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

4. APPROVAL OF THE December 5, 2023, PLANNING COMMISSION MEETING MINUTES

Vice Chairman Hamrick asked if there were any changes, additions or corrections to the December 5, 2023, Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. McCullough motioned for approval of the December 5, 2023, minutes.

SECOND

Mr. Fey second the motion.

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

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. Election of Chairman

MOTION

Mr. Brown makes a motion to nominate John Hamrick for the position of Chairman of the Planning Commission for the year 2024.

SECOND

Mr. Payne second the motion.

Chairman Hamrick thanks the board for the nomination and called for a roll call vote, and the motion passed unanimously. (7 of 7)

Chairman Hamrick calls Mr. George Hall to present the next item on the agenda.

B. MS 23-005 T&L Minor Subdivision

Mr. Hall states that he also has the client there, Mr. Travis Jenkins. He states that he will have a discussion about roadway but first states that the Fremont County Building Department has some concerns, that this project is not at the Building Department level at this point in time, they are still in the subdivision part of it and they fully understand that there are going to have to be perk tests for a specific type of house that might be going on each lot. They have completed a perk test on one of the lots and states that they have complied with the regulations. They have waived the drainage plan to the time of building permit, they have no problem putting notes on the plat as requested. The big thing they want to discuss is the road process. Suggested they hear from staff and then they can discuss the road.

Chairman Hamrick asks Coordinator Adamic for the staff report.

Coordinator Adamic states that the applicant is requesting approval for minor subdivision that will create a total of 2 lots. The subject property is located in the Agricultural Rural Zone District, at the intersection of P Street and 11th Street in Penrose. Lot 1: 4.68 acres 203,860.8 square feet. Lot 2: 4.68 acres 203,860.8 square feet.

Utility Companies that will service this minor subdivision:

Black Hills Energy
Century Link Telephone
Spectrum Cable Television
Florence Fire District
Atmos Energy Corporation
Beaver Park Water INC
Penrose Water District

Zoning District Development Requirements:

4.7.5 DEVELOPMENT REQUIREMENTS:

4.7.5.1 Minimum lot area:

4 ½ Acres – Individual well and individual sewage disposal system.

*Meets requirements

Improvements:

P Street will be brought to County Road standards along the property frontage. The applicant is bidding the cost of upgrades and waiting for a sample improvement agreement to be provided by the County.

Applicants Deferment Request:

Drainage Plan & Report

Comments Received:

Fremont County Building Department: Please see attached letter from the Building Department. The Consultant was made aware of these concerns but felt he had complied with regulations.

Fremont County Department of Transportation: Application indicates applicant will be submitting drainage and utility plans before building, we will need a copy of those plans when available.

Applicant contingency Requests:

- 1) Upgrading P Street along the entire portion of the property to County Road standards.
- 2) Applying for access permits for each lot.
- 3) Properly executed ratification, consent and release forms if a mortgage is required due to the improvement agreement.

Planning & Zoning Department Recommendations:

The Planning and Zoning Department recommends approval with the following **contingency**:

- P street be upgraded to Rural Local Street standards along the frontage of the proposed lots.

The Planning and Zoning Department recommends approval with the following **conditions**:

Per Subdivision Regulations of Fremont County, Colorado Section XIII D General Information #8.

- DRAINAGE PLAN AND REPORT. Department recommends that a note be on the plat stating “at time of development, drainage plan and report is required.”

Per FCDOT letter:

- Drainage and utility plans be submitted to FCDOT prior to building.

Per Subdivision Regulations of Fremont County, Colorado Section XIII E ADDITIONAL REQUIREMENTS #1.

- Address Issuance application applied for at time of development on each lot.

Per Subdivision Regulations of Fremont County, Colorado Section XIII E ADDITIONAL REQUIREMENTS #3.

- Driveway access applied for and approved at time of development of each lot.

Per Subdivision Regulations of Fremont County, Colorado Appendix 1, #3 Street Improvements, B.

- Plat note indicating lot #2 shall take access from P Street.

Chairman Hamrick asks the Board if they have any questions at this time.

Mr. McCullough states he has a question regarding the perk test, one was done for the 10-acre parcel, will that be in a location that if you don't split the lots, it would be a viable location in the vicinity of the leach field.

Mr. Hall replies yes and that complies with the current county regulations.

Coordinator Adamic states that the Building Department was concerned with the shale in the area and if they would have to do a raised septic system and would cost quite a bit of money. Following regulations, it would have to be done at time of development.

Chairman Hamrick states that they do have 5 conditions proposed for this application and asks Mr. Hall if any of these conditions are a problem.

Mr. Jenkins, the applicant, states that his concern with the road is he's been getting bids from local contractors, and they are coming in about 50,000 to upgrade 660 feet of road in the middle of an unmaintained section. He states that if he was dividing more lots, he could divide that cost amongst those. But for 2 lots in Penrose, that's 25,000 per lot, on a lot that's worth only 80-85,000 dollars. He states that his goal is to make 2 lots and put 2 manufactured homes for affordable housing. He states in his opinion it is an undue financial burden to make this road and nobody benefits from it. The roads in front of the property are 24,25,26 ft. roadways that are flat and level. Fire and emergency vehicles, utility vehicles, garbage trucks can go up and down them. He states that, how can he be guaranteed if he spends 50,000 for a road, when the county road, just up the street, the county isn't even maintaining the roads they have anyway. Another concern he has that was brought up to him from Bart Adams from Beaver Park, who is a Beaver Park Board member and soil conservation, the drainage from 9th Street down for the irrigation and the rain runs down P Street and it makes a rut and the water runs right into this road. So, they have all this drainage from up above that he feels he is not responsible to fix, and when it washes out this new road, who is going to come out and fix it. He states that according to the regulations, the county would be responsible. He has not talked to FCDOT regarding this issue. He states that there is really no benefit to anybody to put this road in.

Chairman Hamrick asks the board if they have any questions.

Mr. McCullough states that if he was buying a 300,00-400,000 house he would like to have that road maintained.

Mr. Jenkins states that, yes, but it will only be that 660-foot piece of the road that would be the only part that's maintained. Everything above that and beside it is not maintained. He states that the ultimate solution would be for Fremont County to chip in and upgrade their portion of the road.

Chairman Hamrick asks, when it rains now, what happens to that section of P Street.

Mr. Jenkins states that it washes ruts and stuff down and potholes.

Chairman Hamrick states that they did review a different subdivision with similar issues with the roads, and they recommended approval but then was overruled and denied by the Board of County Commissioner's. One of the issues was the lack of improvement of a street that would be serving the

subdivision. His understanding is that the county regulations' intent is for the developer to pay the cost of improvements.

Mr. Hall states that in the improvement agreement would there be a possibility to put in there a time period, for example... 18 months, that the rest of the road getting to that would need to be improved before the road actually got improved, and that way it would eliminate the potential of being run off and washing out.

Mr. Payne states that they do not have the ability to force the department of transportation on that issue.

Chairman Hamrick states that what Mr. Hall is suggesting is that the Board approve this Minor Subdivision without the road improvement, except that the road improvement would happen once P street was improved to county standards to wherever it is not being maintained at this point.

Mr. Payne states that he noticed on the public utility notifications, he had a question about the availability of water, are there 2 taps.

Mr. Jenkins states that, yes, he has already spent the money on the second tap.

Mr. Payne states to be clear that the county just requires that a water district to just say that they will serve, they don't need proof of a tap. Penrose won't just give an availability of water without you buying one.

Mr. Jenkins states that they will not give you a letter, you have to purchase a tap commitment that's non-refundable.

Mr. Brown states that in the board's situation under planning and zoning, yes, they can approve this as it is written but also as far as the contingencies are concerned, he thinks it's up to the county commissioners to decide.

Chairman Hamrick states that, yes, they need to work closely with planning and development director in regard to these new regulations that they are working on to make sure that in situations like this, is to be better defined.

Chairman Hamrick is open to a motion.

MOTION

Mr. Brown motioned to approve MS 23-005 T&L Minor Subdivision with the following Contingencies, Waivers and Conditions:

Conditions:

- 1.DRAINAGE PLAN AND REPORT. Department recommends that a note be on the plat stating, "at time of development, drainage plan and report is required."
2. Drainage and utility plans be submitted to FCDOT prior to building.
- 3.Address Issuance application applied for at time of development on each lot.

4. Driveway access applied for and approved at time of development of each lot.
5. Plat note indicating lot #2 shall take access from P Street.

Contingencies:

1. P street be upgraded to Rural Local Street standards along the frontage of the proposed lots.

SECOND

Mr. McCullough second the motion.

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

7. ADJOURNMENT

Chairman Hamrick adjourned the meeting at 3:51 p.m.



CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

2-6-24
DATE