

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
October 7, 2025, AT 3:00 P.M.**

**MEMBERS PRESENT**

John Hamrick  
Dale McCullough  
Rudl Mergelman  
John Carper  
Travis Payne

**STAFF PRESENT**

Dan Victoria, Planning Director  
Joanne Kohl, Office Manager  
Danielle Adamic, Senior Planning Coordinator

**1. CALL TO ORDER**

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

Chairman Hamrick states that they did have one of their commissioners pass away and he asks for a moment of silence before they proceed further.

**2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

**3. APPROVAL OF THE OCTOBER 7, 2025, PLANNING COMMISSION AGENDA**

Chairman Hamrick asked if there were any changes, additions or corrections to the October 7, 2025, Fremont County Planning Commission Agenda.

**MOTION**

Mr. McCullough motioned to accept the October 7, 2025, Fremont County Planning Commission Meeting agenda.

**SECOND**

Mr. Carper second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (5 of 5)

**4. APPROVAL OF THE AUGUST 5, 2025, PLANNING COMMISSION MEETING MINUTES**

Chairman Hamrick asked if there were any changes, additions or corrections to the August 5, 2025, Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Mergelman motioned for approval of the August 5, 2025, minutes.

**SECOND**

Mr. Carper second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (5 of 5)

Chairman Hamrick asks staff to present the first item on the agenda.

## **5. NEW BUSINESS:**

### **(1.) MS 25-001 Sinclair Minor Subdivision**

Director Victoria presents staff report. He states that the Applicant is Janis Keeling, Personal Representative of the Estate of Edward Arthur Herber, Deceased. Consultant is Attorney Gwendolyn Allen.

Purpose is Requesting approval for a minor subdivision that will create a total of two (2) lots. Located at 350 Sangre De Cristo Drive in Coaldale.

### **WAIVERS that are requested:**

1. Fremont County Subdivision Regs. I.B.4 – Front on Public Street
2. Fremont County Subdivision Regs. I.B.8 – Access to a public dedicated street
3. Fremont County Subdivision Regs. I.B.9 – Side lines of lots “at right angles to the street”
4. Fremont County Subdivision Regs. I.C – Access Standards
5. Topographic & Soils Information
6. Drainage Plan & Report

### **COMMENTS RECEIVED to date are:**

#### **Fremont County Engineer:**

Stated the Deferment of drainage plan and report is acceptable due to no increase in impervious area.

#### **Fremont County Department of Transportation:**

Stated the applicant will be required to submit a driveway access permit if a new access point in the future is needed.

#### **Fremont County Building Dept.:**

Stated the Deferment of soil testing is acceptable.

#### **Western Fremont Fire Protection District:**

Recommends additional road base to cover the culvert located in easement.

- *Director Victoria stated the applicant has replaced the culvert and added road base.*

Director Victoria recommended Denial due to the following:

1. Fremont County Subdivision Regs. I.B.4 – Front on Public Street
2. Fremont County Subdivision Regs. I.B.8 – Access to a public dedicated street
3. Fremont County Subdivision Regs. I.B.9 – Side lines of lots “at right angles to the street”
4. Fremont County Subdivision Regs. I.C – Access Standards

Director Victoria stated if Planning Commission recommends Approval, the following contingencies, conditions, and waivers should be considered:

1. Contingencies:

- a. Division of Water Resource letter dated March 5, 2025.
  - Submit a written statement that the use of the well on lot 2 will comply with SB20-155
  - Clarify that the well will be re-permitted with a non-exempt permit and be covered by a Court approved augmentation plan; or Clarify that the well will be plugged and abandoned.
  - Provide a complete Water Supply Information Summary GWS-76 describing water use for both lots.

2. Conditions:

- a. Plat note that a Drainage plan and report will be required at the time of development of lot 1.
- b. Record a Declaration of Easement for a 60' accessway located on lot 2.
- c. A driveway access permit will be required at time of development.
- d. Topographic & Soils Information required at time of OWTS.

3. Waivers

- 1) Fremont County Subdivision Regs. I.B.4 – Front on Public Street
- 2) Fremont County Subdivision Regs. I.B.8 – Access to a public dedicated street
- 3) Fremont County Subdivision Regs. I.B.9 – Side lines of lots “at right angles to the street”
- 4) Fremont County Subdivision Regs. I.C – Access Standards

Chairman Hamrick asks Attorney Gwendolyn Allen to address the board about this application.

Attorney Allen states that the large square parcel has been served by a private road since the 1950's. The easement was reserved in 1954. The private road also serves properties to the south. They have requested 2 alternative approaches. 1. Acceptance of the private road under the access standards of appendix 1 C2 of the subdivision regulations, and 2, alternatively they included in their application, a request for a waiver of the public road requirements.

Chairman asks if there are any comments or questions from the commissioners.

Mr. Mergelman states that the only access is off that private road.

Attorney Allen states that is correct. Lot 2 has no intent to sell at this time. The road would run in an easement. There is a recorded easement in existence, but it is a platted easement, not an easement agreement.

Chairman Hamrick asks how many families or houses does the private road service right now.

Attorney Allen states there are five or six she believes.

Mr. Carper asks if staff is making any kind of recommendation regarding that being platted as an easement.

Director Victoria states that to their knowledge there is an easement, but it is not platted. The portion from the cul-de-sac to their property, they do not own. Staff does see that as a problem. It would be up to Planning Commission to make a recommendation and the Board of County Commissioners to either approve the waiver or declare it a public road.

Chairman Hamrick asks if they have any problems with the division of water resources letter and compliance with that.

Attorney Allen states, no problem and the party under contract to purchase the property is aware of that requirement.

Chairman Hamrick states he is open for a motion.

### **MOTION**

Mr. Payne Motioned to Approve MS 25-001 Sinclair Minor Subdivision with staff recommendations.

### **SECOND**

Mr. Carper second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (5 of 5)

### **(2). MS 25-004 6E Minor Subdivision**

Director Victoria States the applicant is Travis Jenkins and he is requesting approval for a minor subdivision that will create a total of two (2) lots. Located at 560 6<sup>th</sup> Street, in Penrose.

### **WAIVERS that are requested:**

1. Requesting a deferment of the Drainage Plan and Report till the time of development on lot one (1). (Exhibit 29.1)

- The applicant states that the drainage plan at this stage would be purely speculative on where the structures would be located, the size of the structures, and any alterations to the lot for driveways and such.

2. Requesting a variance of the Fremont County Subdivision Regulations for lot two (2) due to Appendix 1, Section B. #10. *Wherever possible, the depth of the lots should not be greater than twice its width.* (Exhibit 40.1)

- The applicant states this was done to optimize the size of the hayfield, while maintain the minimum lot requirement size of 4.5 acres on lot one (1).
- Lot two (2) exceeds by 58.97'.

### **COMMENTS RECEIVED to date are:**

#### **Beaver Park Water Inc. stated:**

There is an underground irrigation pipe on the north fence line of proposed lot two (2) that provides water to both proposed lot one (1) and lot two (2). That will remain the same as a water delivery to both lots. The underground pipe is the responsibility of the property owner. Beaver Park Water Inc. maintenance ends at the concrete box on 6<sup>th</sup> street.

#### **Fremont County Building Official/Environmental Health stated:**

A soil classification test report was submitted and it is the recommendation of this department to designate the N/W corner of this property for the installation of an OWTS.

**Fremont County Engineer:**

Stated the drainage plan and report Deferment until development is reasonable.

**Fremont County Department of Transportation stated:**

- The DOT requires applicant to obtain an access permit for all new access points.
- It will be the property owners' responsibility to maintain and mitigate water from leaving their property. Water will need to be kept off of the County r-o-w and contained within their property lines.
- It will be the property owners' responsibility to maintain vegetation within their property lines so as not to create site distance issues to the traveling public. Trees/vegetation must be trimmed away from the r-o-w at all times.

Director Victoria recommended APPROVAL with the following:

Approval of #1 & #2 Waiver Requests due to:

1. Waiver Request #1
  - The Registered Land Surveyor has added a note to the plat stating "DRAINAGE PLAN FOR LOT 1 WAS DEFERRED TO THE TIME OF DEVELOPMENT. THEREFOR PRIOR TO BUILDING, A SITE-SPECIFIC DRAINAGE PLAN WILL BE REQUIRED.
2. Waiver Request #2
  - In Fremont County Master Plan, Chapter 4, Category D. Agriculture our goal is to encourage farm and rural ranch land to remain in active and productive agricultural use.

**Conditions:**

1. Remove the note from the plat "ALONG WITH A SPECIFIC SEPTIC DESIGN AND ADDRESS".
2. Plat note that states the N/W corner of lot 1 be the primary OWTS location.

Chairman Hamrick asks the applicant to speak about this application.

Mr. Jenkins states that Director Victoria outlined everything well and looks pretty cut and dry.

Mr. Payne states that the engineer says something about having to mitigate the storm water runoff and keep it of the county right of way. Can that be a note when the storm water is deferred and when it actually happens.

Director Victoria replies, yes.

Chairman Hamrick asks if there are any questions or comments from the board.

Chairman Hamrick states he is open to a motion.

**MOTION**

Mr. Payne Motioned to Approve MS 25-004 6E with all the recommendations set forth by staff and the additional language for the drainage plan added to the plat, in the conditions.

**SECOND**

Mr. McCullough second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (5 of 5)

**6. ADJOURNMENT**

Chairman Hamrick adjourned the meeting at 3:43 p.m.



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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

12/2/25  
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DATE