

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
February 6, 2024, AT 3:00 P.M.**

MEMBERS PRESENT

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

STAFF PRESENT

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF THE February 6, 2024, PLANNING COMMISSION AGENDA

Chairman Hamrick asked if there were any changes, additions or corrections to the February 6, 2024, Fremont County Planning Commission Agenda.

MOTION

Mr. Carper motioned to accept the February 6, 2024, Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Payne second the motion.

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

4. APPROVAL OF THE January 2, 2024, PLANNING COMMISSION MEETING MINUTES

Chairman Hamrick asked if there were any changes, additions or corrections to the February 6, 2024, Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Carper motioned for approval of the January 6, 2024, minutes.

SECOND

Mr. Fey second the motion.

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 VICE CHAIRMAN

Chairman Hamrick states they need to elect a Vice Chairman of the Planning Commission for 2024. Mr. Brown nominates Mr. Travis Payne for the position of Vice Chairman.

MOTION:

Mr. Brown motioned for approval of Mr. Travis Payne for Vice Chairman.

SECOND:

Mr. Fey second the motion.

Chairman Hamrick calls for a roll call and the motion is passed unanimously. (7 of 7)

B. LLA 23-009 CANON FARMS

Requesting a variance from the Fremont County Subdivision Regulations Appendix 1 Section B, 10. Lot Standards: Where possible, the depth of lots should not be greater than twice its width.

Coordinator Adamic gives the staff report stating the reason this is here at the Planning Commission then the Board, instead of BOZA is because any variance from the subdivision goes to the Planning Commission and to the Board. The applicant is requesting a variance from the Fremont County Subdivision Regulations Appendix 1 Section B, 10. Lot Standards: Where possible, the depth of lots should not be greater than twice its width, the water service for Lot 2 would cross over the southeast corner of Lot 1. The future purchaser of Lot 1 would like to keep the service line on the property it serves. Lot 1: 3.0 Acres, 130,746 sq. ft. Lot 2: 11.60 Acres 505,468 sq. ft. The subject property is located in the Agricultural Suburban Zone District, 3369 Adams Ave. in Canon City. Lots comprising an area of fifteen-thousand (15,000) square feet or more but less than one (1) acre shall be serviced by public water and public sewer systems. Lots comprising an area of one (1) acre or more but less than four and one half (4 ½) acres shall be serviced by a public domestic water system but may be serviced by an individual sewage disposal system. Lots comprising four and one half (4 ½) acres may be serviced by an individual well and individual sewage disposal system. The Planning and Zoning Department recommends denial due to the following reasons:

Lot Standards- Per Fremont County Subdivision Regs. Appendix 1 Section B,
10. Wherever possible, the depth of lots should not be greater than twice its width.

Remedy:

1. Reconfigure the proposed lot and add an easement for the water line.

Representative: Cornerstone Land Surveying – Matt Koch

Mr. Matt Koch states that this is located out on Adams at the very dead end of Adams. They are building a house on the big lot, their existing house will be on the smaller lot. The purchaser wanted 3 acres for

agriculture. There are 2 utilities that would actually end up on the lot that's not theirs, that would service their house. He states that this property is under contract with this configuration.

Mr. Carper states that he doesn't think they have been given a good enough reason for denying the lot other than the concern about the irregularity on the back side of it.

Director Victoria states that the subdivision regulations are going to be next for planning and zoning to rewrite so that will be looked at moving forward in the future.

Mr. Koch states the width of the lot is 191.76.

Coordinator Adamic states the minimum lot width for this zone district is 100ft.

Chairman Hamrick states that if they are absent some other reason than just a rule against width vs. length, this sounds like something that could achieve their approval.

MOTION:

Vice Chair Payne motioned to approve **LLA 23-009 Canon Farms.**

SECOND:

Mr. Carper second the motion.

Chairman Hamrick calls for a roll call and motion is passed unanimously. (7 of 7)

C. Proposed Reg Rewrites:

Representative: Dan Victoria

Director Victoria states the first chapter they will be working on is the rewrite of Chapter 3 regulations.

Request: Rewrite Chapter 3 Regulations

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has removed General from the title, added new regulations and revised existing regulations of chapter 3. We have also changed the format to match the format of the new Fremont County Zoning Resolution.

Proposed rewrite if viewed as favorable will have an adoption date of April 2024. If any substantial changes are made to this draft; these sections will be presented to this commission for further recommendations.

Director Victoria states one thing they have added is fencing regulations. Contacting the Building Department for requirements for fencing that is 7ft. or greater in height and 50% solid or more, setback shall not apply to fencing, all corner lots adjacent to roadways shall follow these regulations. Any verification needed for compliance in fencing, please contact the Planning and Zoning department. This won't affect anything to do with agriculture. They are also proposing to remove the ability to have a manufactured home storage permit. If you want to bring a manufactured home to your property, have a building permit so you can set it. Trailer and tent camping was put into the new zone districts, and they clarified that the time limits are per year. Clarified the Human Habitation requirements, clarified the permitted dwelling units and same thing with the yard and garage sales.

Vice Chair Payne asks that on trailer or tent camping, does that apply for short term rentals. Like the Hip Camping websites.

Director Victoria states that right now we do not allow Air B&B of tent sites and they haven't fit Hip Camps into the regulations yet. The time limit is for personal use on the site. He also states that they have been taking notes and suggestions on everything approved and will bring back the entire zoning resolution compiled together with the recommended fixes and present to the Planning Commission one last time before April 2024. Then it will go to the Commissioner's, then it will be the new regulations.

MOTION:

Mr. Brown motioned to approve Rewrite Chapter 3 Regulations.

SECOND:

Mr. Fey second the motion.

Chairman Hamrick calls for a roll call and motion is passed unanimously. (7 of 7)

Chairman Hamrick called for the next item.

Request: Rewrite Chapter 1-Provisions, Definitions & Violations

Director Victoria states that Planning and Zoning has recognized the need for a review and update to the regulations. Staff has removed General from the title, added new definitions, and revised existing definitions of chapter 1. We have also changed the format to match the format of the new Fremont County Zoning Resolution. They started by looking through the regulations and seeing all the things they reference that they actually didn't define. Definitions such as Adult Uses and spelling errors and was a touch outdated, Bottling Plant, Brewery, Crematory, Dry Cleaning, Accessory Dwelling Unit, Temporary Building, Car Rental and Storage, Christmas tree cutting and sales, Commercial Development Plan, Construction office, Emergency Service Station, Exercise Facility, Forestry sales, Heavy Equipment and Commercial Truck Repair, Ground Transportation, Heliport, Home Occupation, Motel, Machine Shop, Medical Clinic, Meat Locker, Memorial Park, Post Office, Rafting, Schools, Special Mobile Machinery, Solar Panel Field, Small Engine Repair Shop, Farm Ranch Supplies and Sales, Temporary Use, Train Terminal, Tower Co-locate, Travel Trailer Park, Upholstery, Utility Distribution Elements, tried to clean up definition of a vehicle, Wholesale Sales and Storage and Winery. Made a revision to Agricultural buildings, Agricultural sales, popped in Agritainment, which is a new use, definition for Air Bed & Breakfast. They took the original Animal Unit table and did a bit of readjusting; it now will reference the different types of animals by category. Different animals count as a different animal unit. The smaller they are the more you can have to count as one animal unit. One of the issues they had was that an animal wasn't considered a unit until it was a year of age, now, offspring for category 1 and the like will not count against the number of permitted animal units for a period of time not to exceed 1 year, all other categories not to exceed 6 months. Most of these that are defined are uses that they had in the regulations with no definition. One of the things they did was, they had a moratorium on single wides and the more they looked at it, felt there was no reason to regulate single wides different than a dwelling. They now define a single wide as a dwelling providing it meets the requirements.

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

Mr. McCullough asks on the Agricultural Building, staff describes agricultural implements, farm products, livestock, poultry and shall not contain mixed uses. What is a mixed use he asks and states that is somewhat vague.

Director Victoria states that they tried to go off the Building Department which one would apply for a Building Permit, state what the building will be used for to make sure it is eligible for agricultural. If it meets their criteria to be eligible as an agricultural building, they do a review process on it with no permit, then you are allowed to build the structure. It is what is going to go inside of the structure and that is why it references mixed use. As long as the agricultural building is used for the same agricultural purposes, that would be the same use.

Mr. McCullough states that in the standards that he reads, it doesn't say there is a difference, and it specifies that you could have a barn with a shop in the corner of it for repairing equipment.

Coordinator Adamic states that when they talk about mixed uses, they are talking about a dwelling, an office, a shop. They are different classifications. Staff will clarify that more so it will be easier to understand.

Mr. McCullough asks if someone comes in and wants to do a barn dominium.

Director Victoria states that is a home and they would have to pay for a dwelling permit.

Mr. McCullough states that there may be a real problem with the SMM, Special Mobile Machinery. He states that he does not know how staff would define that type of equipment. Is every piece of equipment on a farm or construction yard going to have an SMM tag on it.

Director Victoria states that if it is for agricultural use (tractor, backhoe, machinery used for agricultural purposes) it is exempt from SMM.

Mr. McCullough states that the definition for SMM is very vague and all inclusive to just about anything including a shovel in the back of a pickup truck.

Director Victoria states that staff's definition is strait out of State Statue.

Vice Chair Payne asks about the Temporary Building, what would that be, a building that a single person can move, like a tent, he is wondering what falls underneath that definition.

Director Victoria states that a lot of people reference that the structure they have is temporary.

Vice Chair Payne states that if they are defining something as temporary that really doesn't exist, why have it.

Director Victoria states they can remove it.

Vice Chair Payne also suggests the car rental and storage definition should be separated out. Also, should construction office be a temporary structure since it wont stay on the site.

Director Victoria states they can clean that one up.

Chairman Hamrick states that one of the issues that has come before the Board is solar battery storage and intermodal shipping containers that contain large batteries designed to store solar energy during the day and then discharge at night. The issue is that the batteries themselves when they are no longer useful, are a hazardous waste under the Resource Conservation Recovery Act. This is a developing area of regulation, the issue is at the end of their useful life, if there is not some type of financial instrument that has been provided for in the regulations to cover the cost of disposal, they could just end up being abandoned. He suggests that staff look into getting some regulations in place to cover people who propose solar battery storage.

Director Victoria states that the one safeguard they have is Solar Fields and Solar Battery Storage are subject to a Special Review Use process.

Chairman Hamrick is open to a motion if no further comments or questions.

MOTION:

Vice Chair Payne motioned to approve the Rewrite Chapter 1 Provisions, Definitions and Violations with suggested revisions of Car Rental and Storage to be separated.

SECOND:

Mr. Fey second the motion

Chairman Hamrick calls for a roll call and the motion is passed unanimously. (7 of 7) Now moving onto the next item.

Request: Delete the Neighborhood Business Zone district and rezone two properties.

Planning and Zoning has recognized the need for a review and update to the regulations. Staff is proposing deletion of Fremont County Zoning Regulations, section 4.12 NB – Neighborhood Business Zone District. The County has two properties in this zone district. There are only 2 lots that fall under the RHB Zoning. They will be changed to the Residential 1 zone District so it would match the surrounding lots. The property meets all of the development requirements of that zone district. The 2nd property is also located in Canon City, this property holds an SRU for a convenience store, the adjacent properties are zoned industrial, and the property south is zoned Agricultural Suburban. P&Z are planning to rezone the property to the Business zone district where a convenience store is an allowed use and resend the current SRU. This property is located .04 of a mile south of the Business zone district and will meet all the criteria of the Business zone district. Staff has reached out to the 2 property owners and had had no response.

MOTION:

Mr. Carper motioned to approve the Deletion of Neighborhood Business Zone District and rezone two properties.

SECOND:

Mr. McCullough second the motion

Chairman Hamrick calls for a roll call and the motion is passed unanimously. (7 of 7)

Request: Rewrite of Section XXIII General Requirements

Planning and Zoning has recognized the need for a review and update to the regulations. This addition is to reference the required drainage plan and report.

The proposal in front of you is a rewrite of the Subdivision Regulations section XXIII, the Drainage Plan and Report. The Fremont County Engineer reviewed these regulations and made additional requirements, deletions, and recommendations.

Director Victoria states that they had the FC Engineer review and make some additions and clarifications and update the Drainage Regulations. This would be for immediate adoption into the Subdivision Regulations that way both regulations will match completely.

FC Engineer J Bunderson states that he did a lot of the rewrites with some other engineers and looking at the previous regulations and suggestions from Pueblo County, Weld County, Chaffy County and says it is best to keep it simple too. One of the things he was bothered by was deferment and waiver. He understood and the intent in this was a waiver and would have no need for a drainage plan. The deferment is still there for commercial until the full development of the property. Another thing as far as cost, he feels it will actually lower the cost because the Engineers won't have to create as many drainage plans where it's not necessary for larger lots with small, proposed increases in imperviousness or any residential lot that has no increase in imperviousness, the peak flow off of that site will not increase.

MOTION:

Mr. Fey motioned to approve the rewrite of Section XXIII General Requirements

SECOND:

Vice Chair Payne second the motion

Chairman Hamrick calls for a roll call and the motion is passed unanimously. (7 of 7)

Request: Chapter 10: Drainage Plan & Report Adding a new chapter to the zoning regulations in reference to the drainage plan & report.

Planning and Zoning has recognized the need for a review and update to the regulations. This addition is to reference the required drainage plan and report.

The proposal in front of you is a rewrite of the Subdivision Regulations section XXIII. The Fremont County Engineer reviewed these regulations and made additional requirements, deletions, and recommendations. Will have an adoption date of April 2024.

MOTION:

Vice Chair Payne motioned to approve Chapter 10 Drainage Plan and Report for the Zoning Resolution adding a new chapter to the zoning regulations in reference to the drainage plan and report.

SECOND:

Mr. Carper second the motion.

Chairman Hamrick calls for a roll call and the motion is passed unanimously. (7 of 7)

Request: Rewrite Chapter 9 Zone Changes

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has removed some regulations to the Zone Change 1, to make the application process more efficient and effective by simplifying the application process. Staff has removed the Final Development Plan for Zone Change 2, added new regulations that require a land use permit approval, to efficiently be able to continue the yearly inspections on these permits. We have also changed the format to match the format of the new Fremont County Zoning Resolution. Staff has changed the application process to match the actual process.

Vice Chair Payne states that he would still like to see proof of water and sewer, that there is an ability to serve those lots if they are going to become residential.

MOTION:

Mr. Carper motioned to approve Rewrite Chapter 9 Zone Changes with suggested edits.

SECOND:

Mr. Fey second the motion.

Chairman Hamrick calls for a roll call and the motion is passed unanimously. (7 of 7)

Request: Rewrite Chapter 6 – Review Procedures

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has taken the review procedures from various chapters of the Fremont County Zoning Resolution and compiled the procedures all in one location. Staff has added charts, application flow diagrams, new regulations, revised existing regulations and removed some regulations. We have also changed the format to match the format of the new Fremont County Zoning Resolution. Staff took what was in the current regulations and changed the format, flowsheets and charts and removed and added a couple items.

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

Vice Chair Payne asks do administrative approvals still have to go out to agency referral.

Director Victoria states yes.

MOTION:

Mr. Fey motioned to approve the Rewrite Chapter 6 Review Procedures.

SECOND:

Mr. Mergelman second the motion

Chairman Hamrick calls for a roll call and the motion is passed unanimously. (7 of 7)

Request: Rewrite Chapter 8 – Land Use Permits

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has taken the Land Use Permits SRU's, CUP's, CDP's, & TUP's and reserved a chapter for them all from the Fremont County Zoning Resolution. Staff has rewrote Chapter 6, Sections 5.6, 5.7.15, 8.7, 8.10, 8.11, 8.14, 8.15, 8.16. We have also changed the format to match the format of the new Fremont County

Zoning Resolution. Staff has revised the Commercial Development Plan requirements in regards to the moratorium. If this is deemed favorable, it will have an adoption date of April 2024.

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

Chairman Hamrick states that he does have one comment about application requirements for CUP, SRU and CDP, the requirements concerning the mining permits, requests a copy of the mining permit that they shall submit a copy of the mining reclamation plan, he would recommend adding in there, the last 2 inspections conducted by the Department of Reclamation Mining and Safety.

Director Victoria states that they can add that.

Vice Chair Payne asks that for the contractor's yard #2, will that be for new applications or will current contractors' yard have to adhere.

Director Victoria states that would be for new applications.

Vice Chair Payne suggests in reference to the moratorium, 25% seems a bit high from a utility standpoint, a 25% or even a 10% expansion is something that they would want to see a Commercial Development Plan. He suggests lowering that number to 10%. They at least want to see it.

MOTION:

Chairman Hamrick motioned to approve Rewrite Chapter 8 Land Use Permits with the addition of requesting a copy of the last 2 inspections from DRMS from any facilities or undertakings permitted by them.

SECOND:

Vice Chair Payne second the motion.

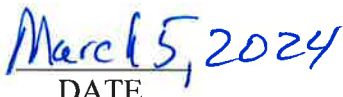
Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (7 of 7)

7. ADJOURNMENT

Chairman Hamrick adjourned the meeting at 5:49 p.m.



CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION



DATE