

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
February 7, 2023, AT 3:00 P.M.**

**MEMBERS PRESENT**

Mark Masar (Chairman)  
Gardner Fey  
Rudl Mergelman  
Larry Brown  
Travis Payne  
Dale McCullough

**STAFF PRESENT**

Dan Victoria, Planning Director  
Joanne Kohl, Office Manager

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**

October 4th, 2022, Planning Commission Meeting

5. **UNFINISHED BUSINESS**
6. **NEW BUSINESS**

**A. Election of Chairman and Vice Chairman**

**B. ZC 22-001 Wood**

Requesting a Zone Change Classification #1 from Travel Trailor Park & Campground (Obsolete) to Agricultural Suburban for residential purposes.

**Location:**

25305 US Highway 50  
Cotopaxi, CO 81223

Representative: Applicant, Michelle Wood

**C. MS 22-004 Barnstormers Subdivision**

Requesting approval of a Minor Subdivision that will create 3 lots.

Lot 1: 11.82 Acres 514,689 sqft.

Lot 2: 6.79 Acres 295,656 sqft.

Lot 3: 6.88 Acres 299,831 sqft.

**Location:**

This subject property is located in the business Zone District, on County Road 3A, Canon City.

Representative: Matt Koch

**1. CALL TO ORDER**

Chairman Mark Masar called the meeting to order at 3:01 p.m.

**2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

A. Chairman Masar states that he would like to go out of order for a bit and welcome new member, Rudl Mergelman. States that he has come from the Florence area and thanks him for joining the board.

**3. APPROVAL OF AGENDA**

Chairman Masar asked if there were any changes, additions or corrections to the February 7, 2023, Fremont County Planning Commission Agenda.

Chairman Masar states that they will move the election of officers to New Business item C.

**MOTION**

Mr. Fey motioned to move election of officer's to New Business item C and motioned to accept the February 7, 2023, Fremont County Planning Commission Meeting agenda.

**SECOND**

Mr. Payne second the motion.

Chairman Masar called for a roll call vote, and the motion passed unanimously. (6 of 6)

**4. APPROVAL OF THE October 4, 2022, PLANNING COMMISSION MEETING MINUTES**

Chairman Masar asked if there were any changes, additions or corrections to the October 4, 2022, Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Brown motioned for approval of the October 4, 2022, minutes.

**SECOND**

Mr. Payne second the motion.

Chairman Masar called for a roll call vote and the motion passed unanimously. (6 of 6)

**5. UNFINISHED BUSINESS**

**6. NEW BUSINESS**

Chairman Masar states that they will start with New Business first item is zone change 22-001 Wood.

**A. ZC 22-001 Wood**

Requesting a Zone Change Classification #1 from Travel Trailor Park & Campground (Obsolete) to Agricultural Suburban for residential purposes.

Chairman Masar calls Michelle Wood to speak about the Zone Change.

Ms. Wood states that she purchased her property May of 2022, she went to file for a septic and was told her zoning was obsolete. She is here to do a zone change to build a residence on her property.

Chairman Masar asks Director Victoria for a staff report. He states that Michelle Wood has plans to build a residence, accessory dwelling unit and have two septic cleanups to accommodate RV's for family visits. This application here today is solely for a zone change with the consideration of a future residential home. Staff did not receive any community responses regarding this proposal when it was sent out. Building Department did note that the orientation of the dwelling, depending where she places it on the lot, could potentially require permitting through FEMA because it would be in the special flood hazard area. Staff found that it meets all regulatory requirements to go into the Agricultural Suburban Zone District. At this time Staff see's no reason why this Zone Change would not be in the benefit of the county and the property owner.

Chairman Masar asks if the Commissioner's have any questions for the applicant or Director Victoria concerning this Zone Change.

Mr. Fey asks if there is room on the lot to get the residential properties and septic above the flood zone. He states that doesn't pertain to this today.

(Ms. Wood replied from the back of the room without a microphone and her answer was not clear enough to be heard.)

Chairman Masar states this zone change seems pretty cut and dry to him and if there are no other questions, he would entertain a motion.

**MOTION**

Mr. Fey motions to approve ZC 22-001 Wood with no conditions.

**SECOND**

Mr. McCullough second the motion.

Chairman Masar called for a roll call vote and the motion to approve ZC 22-001 Wood passed unanimously (6 of 6)

**B. MS 22-004 Barnstormers Subdivision**

Requesting approval of a Minor Subdivision that will create 3 lots.

Chairman Masar starts by inviting Matt Koch to speak about his project.

Mr. Koch states they are requesting a 3 lot subdivision located on County Road 3A, that's the entrance to the Royal Gorge, just south of the existing campground that is just off the highway there on the corner. The site is already zoned Business, they are wanting the 3 lots there to make the lots smaller for smaller type businesses. The bigger lot will be 11.8 acres, the next 2 lots will be approximately 6.6 acres. There is nothing on the property except a well that will remain on lot 2. They have asked for a deferment or a waiver of the water and the sewer at this time. When someone comes in for a plan for these, they will have to go through a Commercial Development Plan through the County. At that time, they will need to address the septic and the water depending on their use. There will be a note on the plat stating that they have to go through that process to get the use of the land since it is zoned Business.

Chairman Masar asks Director Victoria for a staff report.

Director Victoria states that all the lots proposed meet the minimum requirements of that zone district. The applicant has requested a waiver for the drainage plan. The County Engineer has agreed that deferring the drainage plan until time of building would be an acceptable idea. As Matt Koch stated, the request for drainage plan and report, the departments recommendation is to have a note on the plat stating that at the time of development, a drainage plan and report would be required. That way Staff can make sure they are adequately addressing whatever the business is on that parcel. Department of Transportation stated that driveway access permits will be required for each lot. The Department of Water Resources, their stance is, with subdivisions you need to require a proof of water, but the county stance, as they have an email from County Attorney, Brenda Jackson, stated that securing water for a subdivision of business lots is not required. Department recommendations are as follows: Note on the plat for drainage report, address issuance application at time of development of each of these lots and driveway access applied for and approved at time of development of each lot. The application as presented meets all department minimum requirements.

Chairman Masar states to Director Victoria that the email from the County Attorney was not included in their packets.

Director Victoria states the email was dated 8-10-2021 between the former Coordinator Alicia Stone and Matt Koch that stated that securing water for a subdivision of business lots is not required. He apologizes that it did not make it into the packet.

Mr. Mergelman asks if one of the lots sold for business and they have to prove water and drainage, does it have to come back to Planning Commission Board to approve?

Director Victoria states that it would require a Commercial Development Plan since they are business lots, so yes it would come back in front of this Board for the development for each one of those 3 lots.

Mr. Fey asks Mr. Koch if there is one functioning well on this property?

Mr. Koch replies there is, it was permitted for commercial use.

Mr. Fey asks how many working wells are up there?

Mr. Koch replies, on the whole hill there, no he doesn't know. There is one or two over there by the Buckskin Joe's that actually work a little bit, but he thinks there's very few that work in that area.

Mr. Fey asks Mr. Koch if these could be sold as residential if somebody wanted to do that.

Mr. Koch replies that they would have to rezone and make sure it fits the rezone. He doesn't believe a residence is allowed unless it's a watchman's quarters.

Director Victoria states that in the Business zone district, the only way you could have a residential use would be for the Watchman's quarters, which again they would have to apply for.

Mr. Payne asks that on the first page of the checklist, do the properties involved have easements of record, that was checked no, are there easements to be vacated by this application was also checked no. On the application these questions were both checked yes, so he is wanting some clarification on those.

Mr. Koch states he believes it would have been pertaining to the regulatory regulations on the plat. This was originally plated as part of the Rudim Subdivision, and he believes there is an easement statement on that plat. He does not know what that easement statement was offhand.

Director Victoria states that normally there is an easement statement across the front and on the road frontage for utilities, but he would have to pull that and check.

Chairman Masar asks if there is a current plan for the commercial plan, will they maintain one of the lots or sell all three.

The applicants replied, no they are old and it was an investment, their 401K. (chuckles)

Chairman Masar asks if any commissioners have any other questions.

Chairman Masar opens the floor for a motion.

### **MOTION**

Mr. Fey motioned to approve **MS 22-004 Barnstormers Subdivision** with the following conditions:

- 1.Note on plat stating that at time of development, drainage plan and report is required.
- 2.Address issuance applied for at time of development on each lot.
- 3.Driveway access applied for at time of development.
- 4.Water and Sanitation

### **SECOND**

Mr. Payne second the motion.

Chairman Masar called for a roll call vote and the motion to approve **MS 22-004 Barnstormers Subdivision** passed unanimously (6 of 6)

**A. Election of Chairman, Vice-Chair and Secretary**

Mr. Brown states that he'd like to make a point first of all that selection of the Chairman, Vice Chairman and Secretary are due, all three. He states he'll just make this real simple as they have done in the past

**MOTION**

Mr. Brown motioned to retain officer's as they were.

Chairman: Mark Masar

Vice-Chairman: John Hamrick

Secretary: Larry Brown

**SECOND**

Mr. Fey second the motion.

Chairman Masar called for a roll call and the motion passed unanimously. (6 of 6)

**7. ADJOURNMENT**

Chairman Masar adjourned the meeting at 3:22 p.m.

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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

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DATE