

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
April 4, 2023 AT 3:00 P.M.**

**MEMBERS PRESENT**

Mark Masar (Chair)  
John Hamrick (Vice Chair)  
Larry Brown  
Travis Payne  
Gardner Fey  
Dale McCullough  
Rudl Mergelman

**STAFF PRESENT**

Dan Victoria, Director  
Joanne Kohl, Office Manager

**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.

**3. APPROVAL OF AGENDA**

Chairman Masar asked if there were any changes, additions or corrections to the April 4, 2023 Fremont County Planning Commission Agenda.

**MOTION**

Mr. Fey motioned to approve the April 4, 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 February 7, 2023, PLANNING COMMISSION MEETING MINUTES**

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

**MOTION**

Mr. Payne motioned for approval of the February 7, 2023, minutes.

**SECOND**

Mr. McCullough second the motion.

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

5. **UNFINISHED BUSINESS**

None

(Note: Mr. Hamrick is now present @ 3:04 pm)

6. **NEW BUSINESS**

A. **MS 22-002 BISON RIDGE MINOR SUBDIVISION**

Request: Requesting approval for minor subdivision that will create a total of 2 lots.

Lot 1: 5.04 acres 219,542.4 square feet

Lot 2: 4.5 acres 196,020 square feet

The subject property is located in the Agricultural Rural Zone District, on 6<sup>th</sup> Street and G Street, in Penrose.

Chairman Masar calls representative: Renee Still Day

Ms. Still Day starts by saying She will make it real simple by stating in two months she will be 78 years old and she wants to divide and sell her property so she can stay on her land and die in her house.

Chairman Masar asks Director Victoria for the staff report.

Director Victoria states that Ms. Still Day is requesting approval for minor subdivision that will create a total of 2 lots. Lot 1: 5.04 acres 219,542.4 square feet, Lot 2: 4.5 acres 196,020 square feet. The subject property is located in the Agricultural Rural Zone District, on 6<sup>th</sup> Street and G Street, in Penrose. The proposed acreage of the lots will meet the minimum requirements of that zone district. Lot 2 has a dwelling and outbuildings on it already, that is Ms. Still Day's current residence. The applicant had made some waiver requests, the topographic and soil information request waiver, a drainage plan map and report waiver request, individual wastewater treatment system report waiver request and a detailed utility plan waiver request. Staff received some feedback from Icon Engineering stating it was their understanding the subject property is for a minor subdivision. Without any physical improvements to the property, their review of the submitted materials revealed a minor concern regarding the project. Icon recommended the exemption approach should be confirmed by the county Planning and Zoning, the lack of a topographical information makes Icon unable to access the need for drainage ways. They recommend that the presence or lack of any drainage way be confirmed prior to moving forward. FCDOT requested that driveway access permits be required for each lot. Penrose Water District, lot 1 has approved water contract and lot 2 already has service. It is this department's recommendation that the applicant submit a drainage plan. Staff does not recommend the waiver of this request on residential properties. With the topographic waiver request as well. If this Board chooses, you can make the drainage plan a contingency of the approval prior to it being recorded. Also address issuance applied for at the time of development for lot 1 and driveway access applied for and approved at the time of development of lot 1. Staff would recommend approval providing a drainage plan is done, address issuance application applied for and driveway access applied for on lot 1.

Chairman Masar asks if any Commissioners have any questions for the applicant or Director Victoria.

Mr. Brown asks Director Victoria, out of curiosity, does the drainage plan and topographical soil report have to happen prior to approving the actual lot, can that be a contingency upon.

Director Victoria replies that it can be a contingency upon development. The problem he has with that is it would be the new home builder, who bought this new lot, and now have to foot the bill for a new drainage study on top of their building permits, on top of building their home and everything else. He generally likes to see the applicant cover the associated costs with their development so they don't pass that cost down to the next consumer. Generally, on a residential property, he does not support drainage waivers.

Mr. Fey asks could the drainage plan be affected by the location and elevation of the new house being built there.

Director Victoria replies yes, with the square footage of the roof lines or potential outbuildings, all of that can impact a drainage report.

Mr. Hamrick asks if they know if either of these lots are in a flood plain.

Director Victoria replies, not to his knowledge. Land Used Technician Ernie Martinez does not have it marked that those 2 lots lie within the FEMA flood plain zone.

Mr. Payne asks staff if they had a TOPO study, would that give them an educated guess. If he knows if there is a large cost difference between the TOPO study and the Drainage plan.

Mr. Matt Koch approaches the Board and states that an engineered study for TOPO and Drainage, he was actually just getting quotes today, and they were in excess of five to six thousand dollars. He says he knows the push is to try to get that done ahead of time and not put the money back on whoever buys it, but if you do the study when you're actually building, you know where you're building, you know the impacts. It's a lot cheaper than studying everything. There is a major difference between requiring it at the time of development and at the time of building. In the past several years, they have deferred until building permit. Putting a note on the plat stating that an engineered study is required at the time of building permit.

Mr. Payne states it's just kind of tough because he feels if the Board continues doing this then it's not really going with the requirements. If there is something that should be done, then they need to be changing the rules instead of doing a variance every single time.

Chairman Masar states that he hates to go against the department, but this is the way they have been doing this for 3 years and it has not seemed to cause a problem. For 3 years they have been deferring them. He is okay with deferring them until time of building.

Mr. Hamrick states the County is revisiting all of the Planning and Zoning regulations. He asks if Director Victoria would carry the comment forward during that process that they should make sure when a drainage plan is required as opposed to constant waivers would seem appropriate.

Director Victoria says yes this is something he can try to address.

Chairman Masar asks if the Board has any other questions.

Mr. Hamrick makes a motion to approve MS 22-002 Bison Ridge Minor Subdivision with the following approved waivers:

Drainage plan report due at time of development stated on plat, Issuance of address at time of development for lot 1, Driveway access permit at time of development for lot 1 and Individual Wastewater Treatment System Report and detailed Utility Plan.

Mr. Fey second the motion.

Chairman Masar calls for roll call vote and motion is passed unanimously (7of 7).

#### **A. MS 23-001 CANON FARMS MINOR SUBDIVISION**

Request: Requesting approval for minor subdivision that will create a total of 2 lots.

Lot 1: 0.74 acres 32,234.4 square feet

Lot 2: 13.87 acres 604,177.2 square feet

The subject property is located in the Agricultural Suburban Zone District, on Adams Avenue, in Canon City.

Representative: Matt Koch

Chairman Masar Ask Matt Koch to speak about this Minor Subdivision.

Mr. Koch states that they are requesting a 2 lot subdivision located out on Adams, off of Mackenzie. There are existing utilities, city water, public sewer that actually cuts through the property and they were allowed to tie into that for their service. The easement is for the service line for the property. There is an existing house and garage that will remain on the three-quarter acre lot, the 13 acres is open field. Whatever they don't use for their house will remain as a hay field and its flood irrigated. They are also asking for the deferment of the drainage report.

Chairman Masar asks Director Victoria for the staff report.

Director Victoria states applicants are Robert Wright and Julie Wright and consultant Matt Koch. This is a 2 lot subdivision, lot 1 is .74 acres and lot 2 will be 13.87 acres, located in the Agricultural Suburban Zone District on Adams Ave. in Canon City. Staff says the proposed lots meet the minimum lot requirements. Applicant is requesting a waiver of the drainage plan. County Engineer's original comments state that the applicant is requesting deferment of the drainage plan until the subsequent development of each lot. Deferment was not recommended. FCDOT states driveway access permits will be required for each lot. Staff recommends having a note on the plat stating that at time of development, the drainage plan would have to be addressed, Issuance of address applied for at time of development and a driveway access applied for at time of development. That would be for the 13-acre lot.

Chairman Masar asks the Commissioners if they have any questions.

Mr. Fey makes a motion to approve MS 23-001 Canon Farms Minor Subdivision with the following approved waivers:

Drainage plan report due at time of development stated on plat, issuance of address at time of development and driveway access permit at time of development for the 13 acre lot.

Mr. McCullough second the motion.

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

7. **ADJOURNMENT**

*For* Chairman Masar adjourned the meeting at 3:40 p.m.

  
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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

*5-2-2023*  
\_\_\_\_\_  
DATE