

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
September 9, 2024, AT 3:00 P.M.**

MEMBERS PRESENT

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

STAFF PRESENT

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

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 September 9, 2024, PLANNING COMMISSION AGENDA

Chairman Hamrick asked if there were any changes, additions or corrections to the September 9, 2024, Fremont County Planning Commission Agenda.

MOTION

Mr. Fey motioned to accept the September 9, 2024, Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Brown second the motion.

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

4. APPROVAL OF THE August 6, 2024, PLANNING COMMISSION MEETING MINUTES

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

MOTION

Mr. Mergelman motioned for approval of the August 6, 2024, minutes.

SECOND

Mr. Payne second the motion.

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

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS:

Request: Final Draft of the Fremont County Zoning Resolution (FCZR) prior to Adoption

Director Victoria states that Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made changes to the FCZR since it's tentative adoption by this Commission to include formatting, revised language, new definitions and new uses as a use by right or special permitting. Additionally, staff has implemented changes based off of suggestions by Plan Tools as part of the Affordable Housing study made part by the DOLA grant received by the County.

Planning staff has worked closely with Plan Tools, County Attorney Bellas, County Attorney Jackson and County Commissioner Bell, Grantham and McFall.

Changes from tentative approval:

- 1.05.4 Agricultural Building- additional wording in definition.
- 1.05.29 Backyard Poultry & Fowl- new definition
- 1.05.70 Dry Cleaning Service- new definition.
- 1.05.71.g Farm & Ranch Hand Quarters- revised definition.
- 1.05.73 Emergency Services Station- change to non-gender specific profession.
- 1.05.104 Human Habitation- new definition.
- 1.05.165 Property Sales Office- new definition
- 1.05.182 Rodeo Grounds- revised definition
- 1.05.185 Seasonal Employee Housing- revised definition
- 1.05.207 Tiny Home- new definition
- 1.05.208 Tiny Home Community- new definition
- 2.02 (b)(b) Classification- same language, referenced differently
- 3.07 Trailer or Tent Camping- new language
- 3.12 (a) Backyard Poultry- new use
- 3.13(c) Exemption for Animal Units- new language/addition to regs
- 3.21 Home Burials
- 4.02(c) Residential Two/Special Review Uses/ Agricultural Sales- new use as result of combining districts
- 4.11 Airport- new language
- 4.16(c) Industrial/ Special Review Use/ Solar Fields- new use
- 5.01(vi) Tiny Home- new use
- 5.02.(a)(i) Accessory Dwelling Unit- addition of tiny home, new minimum development requirements, new access requirement
- 5.02(c)(iv) Home Occupation III- correction to language/ new uses/ lot size
- 5.06.(e) Restoration- new language
- 8.01 (h) Tiny Home Communities- new use
- 8.03.3 Commercial Development Plan- clarifying language and % of growth vs time
- 9. Zone Change- criteria explained

Note: Please note some items have been reworded, moved or deleted since the tentative approval based off of recommendations by Staff, County Attorney(s) or direction of the Board of County Commissioners. These items are not detailed within the document.

Proposed Timeline:

The proposed final draft if viewed as favorable by this Commission will be heard at a special public hearing on October 15th, 2024.

If any substantial changes are made to this draft, this document will be presented to this commission for further recommendations.

Director Victoria states he did receive feedback from Board Member, John Carper, and Mr. Carper stated he is good with the revised regulations as presented. Staff also received an email from Commissioner Hamrick, who has 8 suggestions, mostly wording and language suggestions.

Chairman Hamrick starts by stating one of the challenges when reviewing documents, especially when there can be multiple authors or multiple changes by multiple people is version control. If one member provides comments, all members should be able to see those comments as well. The important part of that is to see how the comments are resolved. You can see who made the change and what the resolution of the change is. Also, in this document. There are a lot of places where it says there is further discussion needed, Hamrick states he feels it is entirely appropriate to have that discussion with this Board.

Director Victoria states that a lot of the comments seen on the side bar were from the discussion, back and forth from the county attorneys, had access to it to get a direction on how they wanted it to go. Staff met with the Board of County Commissioners to get further direction on those items and that direction has been implemented into this document. Director Victoria apologized that staff did not clean up the side bar after review.

Chairman Hamrick asked the Board for any comments they have.

Mr. McCullough states that he has some comments and questions about certain things and what is going to be the unintended consequence of some of the actions and languages. He is cautioning the Board also and feels they need to be careful in how they want to steer this community.

Chairman Hamrick states that maybe they should have had a work session with the attorneys and went through the document essentially line by line.

Mr. McCullough comments to the County Attorney, that is it correct to understand that it is the Planning Commission responsibility by state law to provide this document to the BOCC.

Director Victoria states that it is this Board's responsibility to conduct the Master Plan Rewrite, not the zoning resolution.

Mr. McCullough states why aren't they rewriting that in addition to this then.

Director Victoria states that the amount of work involved with not only just trying to do a zoning resolution and then subdivision regulation then move on to the master plan. Staff are trying to stagger the documents that exist within their office.

Mr. McCullough states that there are a lot of redlines and strike throughs he is just seeing for the first time. He asks for the definition of Cabin. He sees the definition in a Campground or Trailer Park and the whole county is full of cabins up in the mountains and he doesn't see a definition for them anywhere and how is staff handling them.

Director Victoria states that it would count as a single-family dwelling and is listed as a type of dwelling.

Chairman Hamrick states a definition be added for different types of dwellings for the general public to understand.

Mr. McCullough also comments that page 25 regarding the distance parallel to the front lot line and lot setbacks, there are often pie shaped lots or the front lot line is a curve. States that the statement seems very vague and feels it is a potential stumbling block in future development

Chairman Hamrick notes that it is helpful to have figures and drawings to look at and understand. The above stated is only referencing a building setback line for building.

Director Victoria states that the next set of Regulations staff will be working on is the Subdivision Regulations. Those are the Regs that contain the appropriate language for building.

Mr. McCullough refers to page 38, opening a can of worms when this SMM definition. He was told by staff that this definition was provided by the State of Colorado. He has a problem with this and can read this in several different ways.

Director Victoria states that with SMM that is predominantly mines or actual business owners, that is not personal use equipment. Code Enforcement checks this when they go out to a site. When SMM is expired, DMV sends a list to Code Enforcement to try and reach out to them for any updated status. That definition has been in effect since the start of Code Enforcement and the Planning Department. If the Commission wants this removed, he can certainly present it to the County Commissioners, but it is something that his department has been tasked with based off working with the clerk's office and the DMV. If you use heavy equipment for your own farming or agricultural operations, not commercial, then it is not SMM.

Mr. Payne comments that it is only for Mining and Commercial.

Director Victoria states yes, that it is for business use or mining.

Mr. McCullough now comments on making website information more accessible, for example, camping on your own property, to see what is and is not allowed on your own property.

Director Victoria states that each zone district states its allowed uses within each designated zone district. There are also staff in the office 4 days a week to help people who have further questions.

Mr. Payne stated that he wanted to touch on a couple of the 2024 bills that passed in this last legislature and if they were considered while doing the zoning rewrite and make sure they are in compliance with 2024 bills. The HB24 1007 was the residential occupancy limits for family definition, it's not saying you can't limit the occupancy, it just has to be a proper definition. The other one is SP 24-005, landscaping barriers for non-functional turf areas, saying it prohibits local governments from allowing non-functional turf on commercial.

Director Victoria states that there have been no changes made to the landscaping. That is one of those things that when the applicant comes in, a discussion comes up as to if it is a requirement or a waiver request. Due to water usage, he generally leans towards waiver requests on landscaping because it's not a good use of water.

Mr. Payne states he agrees with that methodology and the bill prohibits them from allowing them if they want to.

Chairman Hamrick comments that there will be a Board of County Commissioners meeting, it is perfectly legitimate to come to that meeting and voice your concerns as a knowledgeable citizen.

Director Victoria also states that he would encourage any comments or feedback.

Mr. Payne states that, to be clear page 46, fencing, nothing in fencing applies to fences that do not obstruct vision.

Director Victoria states that is correct.

Mr. Payne comments on page 165, Commercial Development Plan Questionnaire, change of use, how are they defining substantial change of use, should it just be any change of use. Director Victoria responds that it allows staff to make that determination, so they don't have to do unnecessary permitting for folks. Mr. Payne also comments that in the physical expansion enlargement of their impervious area of existing use of 50% growth within 2 years, he is uncomfortable with that, it's saying that every 2 years they can grow 49% without ever having to do a Commercial Development Plan, that seems like a lot.

Director Victoria comments, that seems like a narrower amount with a longer window. The greater amount of growth with the shorter time frame was a recommendation. Mr. Payne states why have a time frame at all.

Mr. Payne comments, needing some clarification, on page 192, Drainage Plan Reports.

Director Victoria states that this is referring to the SRU, CUP and Commercial Development plans. He also states that in reference to Tiny Homes, it would have to retain one ownership, think of it like a mobile home park or travel trailer park and campground, roadways have to be the same, parking has to be accommodated. That is why a tiny community is currently allowed where a travel trailer park and campground is currently allowed. They also would allow a tiny home, if mounted correctly, to be used as an ADU.

Chairman Hamrick states that one of staff comments to the BOCC should be that if there are substantial changes made to this current draft of regulations, that they consider kicking it back to Planning Commission for further review.

Chairman Hamrick asks if there are any questions from the commissioners and if not, states he is open to a motion.

MOTION:

Chairman Hamrick motioned to forward the Final Draft of the Zoning Resolution Rewrites to the Board of County Commissioners for consideration with the noted concerns and discussion items.

SECOND:

Mr. Fey second the motion.

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

7. ADJOURNMENT

Chairman Hamrick adjourned the meeting at 4:37 p.m.



CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION



DATE