

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
JULY 2, 2013**

**MEMBERS PRESENT**

Byron Alsup, Chairman  
Mike Krauth, Jr., Secretary  
Larry Baker  
Michael Pullen  
Larry Brown  
Joe Lamanna

**STAFF PRESENT**

Bill Giordano, Planning Director  
Vicki Alley, Planning Assistant

**MEMBERS ABSENT**

None

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF MINUTES**

1. June 4, 2013 Planning Commission Meeting

**5. UNFINISHED BUSINESS**

NONE

**6. NEW BUSINESS**

**a. REQUEST: MS 13-001 NW SUBDIVISION**

Request approval of a **three (3) lot minor subdivision, Department file #MS 13-001 NW Subdivision**, by Nancie Wright, for her property *which is located on the northwest corner of 3<sup>rd</sup> Street and N Street, in the eastern portion of the Beaver Park Area*. Proposed lot 1, which is vacant will consist of 4.5 acres. Proposed lot 2 will consist of 30.078 acres, contains a single-family dwelling, three (3) barns, two (2) sheds, three (3) stalls and a mobile home which was previously used as an office and is proposed to be used as a watchman's quarters. Proposed lot 3 will consist of 4.506 acres and it is vacant. All three (3) properties will be accessed from 3<sup>rd</sup> Street. An additional five (5) foot right-of-way will be dedicated to the County along 3<sup>rd</sup> Street in order to comply with the requirement of a sixty (60) foot right-of-way for a Collector Street. The property is zoned Agricultural Rural and contains a total of 39.08 acres. The property is currently being used for residential and agricultural purposes.

***REPRESENTATIVE: Matt Koch, Cornerstone Surveying***

**7. ADJOURNMENT**

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**1. CALL TO ORDER**

Chairman Byron Alsup called the meeting to order at 4:02 pm.

**2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

**3. APPROVAL OF AGENDA**

Chairman Alsup asked if there were any changes, additions or corrections to the July 2, 2013 Fremont County Planning Commission Meeting Agenda.

**MOTION**

Mr. Larry Brown moved to accept the July 2, 2013 Fremont County Planning Commission Meeting agenda as written.

**SECOND**

Mr. Larry Baker seconded the motion.

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

**4. APPROVAL OF THE JUNE 4, 2013 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsup asked if there were any changes, additions or corrections to the June 4, 2013 Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Baker moved to accept the June 4, 2013 Fremont County Planning Commission Meeting Minutes as written.

**SECOND**

Mr. Brown seconded the motion.

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

**5. UNFINISHED BUSINESS**

The Planning Commission had no unfinished business.

**6. NEW BUSINESS**

**a. REQUEST: MS 13-001 NW SUBDIVISION**

Mr. Matt Koch, Cornerstone Land Surveying, was present to request approval of a three (3) lot minor subdivision, Department file #MS 13-001 NW Subdivision, by Nancie Wright, for her property which is located on the northwest corner of 3<sup>rd</sup> Street and N Street, in the eastern portion of the Beaver Park Area. Proposed Lot 1, which is vacant will consist of 4.5 acres. Proposed Lot 2 will consist of 30.078 acres, contains a single-family dwelling, three (3) barns, two (2) sheds, three (3) stalls and a mobile home which was previously used as an office. Proposed Lot 3 will consist of 4.506 acres and is vacant. All three (3) properties will be accessed from 3<sup>rd</sup> Street. An additional five (5) foot right-of-way will be dedicated to the County along 3<sup>rd</sup> Street in order to comply with the requirement of a sixty (60) foot right-of-way for a Collector Street. The property is zoned Agricultural Suburban and contains a total of 39.08 acres. The property is currently being used for residential and agricultural purposes.

Mr. Koch stated that Lot 2, which will be the bigger lot, contains a house, stables, corrals, agricultural uses, as well as an old manufactured home that is being used as an office. We originally requested that it be a watchman's quarters as well, but that request has been removed,

and it will continue to be used as an office, so no change there. We are dedicating 30 feet for 3<sup>rd</sup> Street, to be in conformance with regulations for the County. Originally, the request was made to provide right-of-way for N Street which would be on the east side of the property. There is a cliff which is the reason that it was not practical to build N Street. We have requested that right-of-way for N Street not be a requirement. In our original submittal, we included an abbreviated drainage report. Mr. Don Moore, the County Engineer, reviewed the submittal and made comments. We have since hired an engineer, who has developed a drainage report. We will be doing some detaining on the property per Mr. Moore's requirements. He is reviewing the engineer's report now and we are waiting on his response. We will incorporate his response into the development. The drainage report was very minor, including some concrete headwalls with openings to slow down the water impacting the neighbors to the south across the street. Mr. Moore was concerned about any flows going over 3<sup>rd</sup> Street and impacting the neighbors. We will show the easements on the plat, once we have his approval.

Mr. Bill Giordano, Fremont County Planning Director, showed a video of the area and summarized the Recommended Contingencies. He noted that he got a conformation from the Fremont County Department of Transportation Director that the County would not require additional dedication of right-of-way. At the time of the Department review, we had a letter from Mr. Moore stating that the abbreviated drainage plan would not be adequate. Because the drainage plan is a minimum requirement of the application, the Planning Commission has the authority to table this application until the drainage plan has been submitted, if you feel it is an integral part of the submittal and you need it for your review.

Chairman Alsup stated that he thinks the recommended contingency is adequate (*documentation as to compliance with the requirements as recommended by the County Reviewing Engineer*).

Mr. Mike Krauth commented that if Mr. Moore is requiring the applicant to get a state certified engineer, which will result in an engineered plan, then as long as they comply with the plan, there is no need for us to delay the process.

Mr. Brown asked if the drainage requirements will show on the plat.

Mr. Giordano answered that if there are any drainage facilities or drainage easements, the applicant has to provide a Quit Claim Deed accepting responsibility for maintenance. Then if they dismantle the drainage facilities, we can go back and enforce the requirement again.

Mr. Krauth noted that the County Engineer's letter (*dated May 29, 2013*), page 2, paragraphs A through D is his recommendation of what he wants to see built into the pond, so that will be expanded upon by a private engineer, and paragraph E states that the final pond locations should be shown on the plat.

Chairman Alsup asked if any of the Planning Commission members had any objection to proceeding with the review of this application (*without an adequate drainage plan*). No one expressed any objections.

Mr. Giordano continued to summarize the Recommended Contingencies. He added further explanation for the following contingencies:

- Compliance with any requirements from the Colorado Division of Water Resources (DWR) – The DWR now requires the County to forward all applications for approval of water requirements. Since this property is located in a water district, I don't anticipate any

problem. DWR has in the past challenged the water districts to prove that they have adequate water.

- Documentation as to compliance with the requirements as recommended by the County Reviewing Engineer in a letter dated May 29, 2013 – There will probably be follow-up letter(s) and approval from the Engineer.
- Owner shall provide an address which shall be posted at the street for Lot 2 prior to recording of the final plat, as required by the Florence Fire Protection District (FFPD) – FFPD asks that the addresses be posted at the street, especially when the houses are so far back, for emergency response purposes. For Lots 1 and 3 (*currently vacant*) the Building Code requires a posted address when the Certificate of Occupancy is issued. The house already exists on Lot 2, and the address should be posted at the street as soon as possible.

Mr. Krauth asked about the cost estimate for improvements and the escrow agreement.

Chairman Alsup noted that all the contingencies have to be completed and the Minor Subdivision recorded before they can apply for a building permit.

Mr. Giordano explained that the applicant has the choice to complete the improvements or put the money in an escrow account or in a letter of credit. This allows the Minor Subdivision to be recorded before the improvements are done. That way the applicant doesn't have to request an extension when the initial six months has passed. Once the plat is recorded, a building permit can be issued.

Mr. Brown asked about a statement in Mr. Moore's letter which reads "Waiver of paving for driveways, location of existing easements and existing driveways, and the need for a second street access to Lot 2 should be discussed."

Mr. Giordano answered that paving is a requirement that comes up in zoning applications and does not apply in this case. The "second street access to Lot 2" refers to the fact that the original application showed a stem next to N Street. This would have required the applicant to build N Street. The current plat shows access to Lot 2 from 3<sup>rd</sup> Street.

Chairman Alsup commented that the application says the property is zoned Agricultural Suburban and the Department Review says Agricultural Rural. Which is correct?

Mr. Giordano answered that Agricultural Suburban is the correct zoning. There is an error in the Department Review.

Mr. Giordano noted that the original request included making the existing office a watchman's quarters, as stated in the Department Review. That request has since been withdrawn. The building can continue to be used as an office.

Chairman Alsup asked if there is a problem with having two uses on the property – the home and the office in separate buildings.

Mr. Giordano answered there would be a problem except that the owner applied for an office a long time ago and it was approved.

Chairman Alsup asked Mr. Koch the purpose of the subdivision.

Mr. Koch answered to create a total of three lots so the parents of the applicant can live on one of the lots.

### **MOTION**

Mr. Baker made a motion to approve MS 13-001 NW Subdivision, subject to the following:

### **RECOMMENDED CONTINGENCIES:**

It is recommended that approval be made contingent upon, at a minimum, the following items being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval of the application by the Board of County Commissioners:

1. Final plat and copies (*copies to be provided after recordation of the plat*) as required by the Fremont County Subdivision Regulations (FCSR).
2. An updated title insurance commitment or policy shall be required prior to the recording of the subdivision plat, if said recording date is more than sixty (60) days from the effective date of the title insurance commitment or policy. An updated title commitment may result in additional requirements of the applicant.
3. A copy of a recorded Release of Deed of Trust or an executed Ratification, Consent and Release form for document found at Reception Number 867282 of the Fremont County Clerk and Recorder's records.
4. Compliance with any requirements from the Colorado Division of Water Resources.
5. Documentation as to compliance with the requirements as recommended by the County Reviewing Engineer in a letter dated May 29, 2012. **The Planning Commission recommended adding the phrase "and any subsequent letters."**
6. Information to enable Department to compute addresses.
7. The N Street right-of-way shall be shown along the property line. *Additional right-of-way is required as per regulation, along N Street, including the development or construction of the right-of-way. Due to the fact that there is a cliff along this street right-of-way, dedication and construction of the right-of-way is not practical or feasible, therefore not required.*
8. A quit-claim deed to the County for a thirty (30) foot right-of-way from the centerline of 3<sup>rd</sup> Street, along the entire property frontage. *The Fremont County Master Plan, Transportation Plan designates 3<sup>rd</sup> Street as a Collector Street, which requires a sixty (60) foot right-of-way. The dedication will result in the owner providing an additional five (5) foot of property for future development of the right-of-way.*
9. All required improvements (*drainage facilities*) shall be constructed and approved prior to the recording of the final plat or an executed improvement and escrow agreement shall be provided.
10. A cost estimate for the proposed improvements shall be provided and shall be approved by the County Reviewing Engineer.
11. A letter from a Colorado Professional Engineer, who designed the improvements, stating the specified improvements were constructed to the Engineer's design, prior to recording

of the plat and/or release of escrow funds from an improvement and escrow agreement.

12. An executed quit-claim deed with deed restriction addressing the maintenance of any drainage facilities, drainage easements, rights-of-way, etc., if required.
13. Documentation as to proof of a water tap for each lot from the Penrose Water District.
14. Owner shall provide an address which shall be posted at the street for Lot 2 prior to recording of the final plat, as required by the Florence Fire Protection District.

**SECOND**

Mr. Michael Pullen seconded the motion.

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

**7. ADJOURNMENT**

Chairman Alsup adjourned the meeting at 4:32 p.m.

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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

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DATE