

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
AUGUST 4, 2009**

CHAIRMAN TOM PILTINGSRUD BROUGHT THE AUGUST 4, 2009 MEETING OF THE PLANNING COMMISSION TO ORDER AT 7:00 P.M.

MEMBERS PRESENT

Tom Piltingsrud, Chairman
Bill Jackson
Herm Lateer
Mike Schnobrich
Tom Doxey

STAFF PRESENT

Bill Giordano, Planning Director
Marshall Butler, Planning Coordinator
Don Moore, Fremont County Engineer

MEMBERS ABSENT

Dean Sandoval (*provided notice*)
Keith McNew (*provided notice*)

1. APPROVAL OF THE JUNE 2, 2009 AND JULY 7, 2009 PLANNING COMMISSION MEETING MINUTES

2. CAÑON CITY URBAN GROWTH BOUNDARY AREA (UGBA)

Schedule a Public Hearing and identify matters of concern to be discussed in the Public Hearing regarding the Cañon City Urban Growth Boundary Area map and the enforcement of the Cañon City Subdivision and Development Regulations, effective March 1, 2007 as amended, for all subdivision applications within the proposed annexation areas as shown on the Cañon City Urban Growth Boundary Area map. **This item was tabled from the July 7, 2009 meeting.**

REPRESENTATIVE: Fremont County Department of Planning and Zoning

3. PLANNING COMMISSION MEETING TIME

Discuss scheduling the Planning Commission meetings during daytime business hours.

4. WORKSHOP - 2nd AMENDMENT TO THE FREMONT COUNTY MASTER PLAN

Workshop for Fremont County Master Plan re-write.

5. OTHER ITEMS FOR DISCUSSION

Discuss any items or concerns of the Planning Commission members.

6. ADJOURNMENT

Chairman Tom Piltingsrud called the meeting to order at 7:00 pm and the Pledge of Allegiance was recited.

1. APPROVAL OF THE JUNE 2, 2009 AND JULY 7, 2009 PLANNING COMMISSION MEETING MINUTES

Chairman Piltingsrud asked if there were any changes, additions or corrections to the June 2, 2009 or July 7, 2009 Fremont County Planning Commission Meeting Minutes. Hearing none he said the minutes stand approved as written.

2. CAÑON CITY URBAN GROWTH BOUNDARY AREA (UGBA)

Mr. Bruce Redus, City of Cañon City Community Development Director, addressed the Planning Commission as the representative for this item. In the 2000 update to the Comprehensive Plan for the City, there was an exhibit regarding the UGBA. At the time, the area went east, generally all the way out to Highway 67. In the time from 2002 to the present, there was some discussion about developing an industrial or business park area out at Highway 67 and Highway 50. Because of infrastructure and budget, that project didn't go forward. There has also been some activity in the Royal Gorge Ranch Area, out west at Eight Mile, although that idea has cooled with the economy. The City felt that it would be prudent to move the boundary to the Four Mile Ranch Area. There is low density in that area. Taking a look at the Highway 50 corridor out to Eight Mile, there are other development opportunities, including the Royal Gorge Ranch, should it come to pass. The City felt it was prudent to expand the UGBA (*west*) into that area, taking a look at what services would be provided within a twenty-year time frame. The Royal Gorge Bridge and Park were not included in the UGBA because there really wouldn't be any changes or expansions directly involving the Royal Gorge Bridge. The services that currently exist will be the only services that will be provided in the future.

Mr. Redus added that the same diagram and map contains areas that have been adjusted for any annexation. The map from several years ago contained two colors to indicate annexation priorities one and two, or primary and secondary. Two of those areas have been annexed into the City of Canon City: One area with the potential for creek-side development in the area off Grand, and the second a quarter section on the highway going out towards Dawson Ranch. Those two areas have been annexed and are no longer shown on the updated map. Based on suggestions from County staff, the UGBA was cleaned up by utilizing section lines as boundary lines and in some areas geophysical boundaries, mostly to the north. Secondly, one minor adjustment was made in the annexation boundary going north to Washington. So some boundaries have been squared off. To summarize, there is a change in the UGBA, and also some minor adjustments in what area the City would consider for annexation and more control of those areas for development. This evening it is important to get Planning Commission approval of the UGBA and approval of the annexation areas. If there are changes that need to be made in the Inter-Governmental Agreement (IGA) hopefully they can be done at a later date by the attorneys from the City and the County.

Chairman Piltingsrud called for questions.

Mr. Schnobrich asked what the Planning Commission members are supposed to be thinking about as far as urban growth boundaries. In the past the IGA has mostly been a discussion between attorneys and contractual arrangements between the City and the County.

Mr. Giordano answered that you need to approve or accept the boundary that the City is proposing as the urban growth and influence area. Within this area the County will notify the City of any subdivision and zoning application and they will have the opportunity to make

any comments or recommendations. The second thing they are requesting is that the County enforce the City subdivision and development requirements in the annexation priority areas.

Mr. Schnobrich asked if these overlays would supersede County regulations and the County would be adopting the City's regulations.

Mr. Giordano said that the City is requesting that we enforce their regulations in the annexation areas. He stated that he assumed the process would continue to happen like it has been happening all along, which is when the City gets a referral from the County, the City writes a letter with their recommendations, and the County acknowledges or doesn't acknowledge their recommendations.

Mr. Schnobrich said that technically we are looking at those areas we want to identify as a high annexation probability.

Mr. Giordano noted that if a property is adjacent to the City's boundaries, it makes sense it gets annexed and we would not have to worry about enforcement of their regulations.

Mr. Giordano clarified that the agenda item states that a public hearing was to be scheduled tonight due to the fact that the Department thought initially that the existing Canon City Urban Growth Area Map was part of the master plan, which if that was true then an amendment to the Master Plan would require a public hearing. After further review of the master plan it was determined that the Canon City Urban Growth Area Map was created by the IGA and was not part of the Master Plan. It has nothing to do with the Master Plan, other than the Master Plan contains statements that we develop IGAs with the City. Therefore, the Planning Commission make take formal action on adopting this map and decide if the County should enforce the City subdivision and development regulations within the priority annexation areas. Again since it is not part of the master plan the request will be sent on to the Commissioners because it has to do with the IGA and the Commissioners actually signed the IGA. Mr. Redus already discussed squaring up the boundaries of the UGBA to make it easier for us to know when we have to notify the City. These were the considerations that the Department had requested initially and they were addressed.

Mr. Doxey asked how much total land area we are asking to annex.

Mr. Giordano answered that we are not necessarily annexing, only identifying high priority annexation areas and enforcing the City subdivision and development regulations within these areas.

Mr. Redus responded that the boundaries for the annexation area followed suit with the IGA. There is actually less acreage presently than there was back in 2000 because of the two areas that have already been annexed into the City, at Grand and the section near Dawson Ranch. So the annexation area contains less acreage now than it did when the IGA was written.

Chairman Piltingsrud called for a motion.

MOTION

Chairman Piltingsrud moved to approve the Cañon City UGBA as presented tonight.

SECOND

Mr. Schnobrich seconded the motion.

Chairman Piltingsrud called for discussion on the motion.

Mr. Giordano noted that the City is also asking in their letter that the County enforce City regulations within the proposed annexation area.

Mr. Schnobrich said he understood that is going to be a separate negotiation between the County Commissioners and the City.

Mr. Giordano said he thinks the County Commissioners would like a recommendation from the Planning Commission, even though they will have the final say in the IGA. If the Planning Commission decides not to follow City regulations, the BOCC can still write it into the IGA that we will. On the other hand, if the Planning Commission recommends that the County enforce the City regulations in the proposed annexation area, the BOCC can decide not to.

Mr. Schnobrich suggested that the County follow City regulations as much as possible or as much as practical. Without knowing any specific details, how are we going to say yes or no to a specific agreement?

Mr. Jackson said he thinks it will make it much cleaner if this is agreed to beforehand, because when applicants come to the City for water service, they are going to have to live up to the City's regulations anyway. If that requirement is already there, it will make it much easier and better all the way around.

Mr. Giordano said that in talking to Mr. Steve Rabe, Cañon City Administrator, what he would like to see is for the County to enforce City regulations, because right now the City has to enforce the regulations through the water contracts and they don't want to do that any longer.

Mr. Schnobrich asked what the cost would be to the County to enforce those regulations. Does the City help with any enforcement process?

Mr. Giordano replied that he didn't think there would be any cost to the County because the cost of the improvements is passed on to the subdivider.

Chairman Piltingsrud asked if we are talking about drainage. What about a Stormwater Management Plan? It is required within the City, but not necessarily in the County. What would enforcement of their regulations mean concerning stormwater management?

Mr. Redus said he thinks that could be placed into the IGA. If we could get Planning Commission support or the recommendation for approval of the UGBA and the annexation areas going forward, then the balance could be handled through the IGA.

Mr. Jackson noted that the annexation area that we are talking about would be by necessity contiguous to the City already, unless it is a progression of annexations. It would make sense that new development within the annexation area would tie into the drainage system that the City has in existence. Otherwise, I think it would create considerable problems.

Mr. Giordano asked for property actually contiguous to the City boundaries, why should the County be enforcing the regulations? The City should annex the property. If the property isn't contiguous to that area, that is a different story. I am hoping that there will be some language in

the IGA that if the property is contiguous, the City should just annex it. Why should we handle it if it should be annexed in the first place.

Mr. Jackson said you are going to find contiguity a necessity for annexation. It has to be one-sixth contiguous at least.

Mr. Giordano said he realizes that, but his recommendation would be if the City can annex, then they should.

Mr. Schnobrich asked if the City has some kind of trigger as to when it actually will do the annexation. The annexation area is property that the City would eventually like to annex, and they want to see development go in a direction that makes annexation easier. When does it actually get annexed? Is there some kind of criteria the City uses?

Mr. Redus answered that it ties back to water. The City would be supplying the water, so if the property is contiguous, it makes sense that in most cases the developer would want to annex into the City to tie into services.

Mr. Giordano said that is the other option. The person can ask for annexation, in which case I believe the one-sixth contiguity can be waived.

Chairman Piltingsrud asked if we said we were going to recommend consideration of enforcement of the City regulations, is the County then going to be doing water line extension sizing?

Mr. Jackson answered no.

Chairman Piltingsrud said the County would rely on the City to make recommendations, just like they currently do.

Mr. Giordano said we would have to do some investigation into the City regulations to see what is required. I envision this happening the way it is happening now. They make the recommendations and if it is practical, the Commissioners require them. If you say we will enforce the City regulations unconditionally, then Ms. Jackson may jump on it and say no way. Maybe as Mr. Schnobrich stated, if it makes sense and is practical. I don't know what the Commissioners are going to commit to, but I doubt that they will commit to enforce the City regulations unconditionally.

Chairman Piltingsrud said we have a motion on the floor and a second, but we don't have any qualifying language.

Mr. Giordano said I am not telling you to put that language in. It will be obvious if you don't make that recommendation, and if you feel the Commissioners need to make that decision as part of the IGA. I just wanted to mention that is the request that is in the application. If the motion stands as it is, then you need to at least address the reason why you took action or didn't take action on that part of the request. I know that is what the Commissioners would request. They send these issues to you because they really like to have your recommendation, even when you don't feel it is in your purview.

Chairman Piltingsrud said he raised one issue that he is uncomfortable with and that is stormwater management. I don't have a clue of how to answer that. Maybe I will withdraw my motion and reword it more along Mr. Schnobrich's lines.

MOTION

Chairman Piltingsrud moved to recommend approval of the Cañon City UGBA, and the recognition of the Cañon City Subdivision and Development Regulations, as far as reasonably possible, for the Annexation Priority Areas.

SECOND

Mr. Schnobrich seconded the motion.

Chairman Piltingsrud called for discussion on the motion. Hearing no more discussion, he called for a roll call vote, and the motion passed unanimously.

Mr. Redus thanked the Planning Commission for consideration of this issue, and he thanked Mr. Giordano for taking time on a couple of things that he was not clear on, to walk us through to this point.

3. PLANNING COMMISSION MEETING TIME

Mr. Giordano said that the BOCC asked the Planning Commission to submit comments on changing the meeting time of the Planning Commission meetings, so the Department sent out a questionnaire. The County Commissioners would like to save some money. As you know, the County's financial situation isn't good and they feel there could be some savings by meeting during the day. The following comments were received:

- Mr. Sandoval commented that "Attending a Planning Commission meeting during the proposed times would require me to shut down my business for half of a business day. Ideally, an 'after-business-hours' Planning Commission schedule is best for me as a business owner. I don't know if I am able to make the financial commitment (i.e. loss of business revenue) to the Planning Commission to attend afternoon meetings. I feel it would be for a good cause, but I have to evaluate if I can actually afford closure since overhead does not take a hiatus when I'm gone." Mr. Giordano said he also got to speak to Mr. Sandoval personally after the last meeting and he said that in order to keep the meetings at night, he was going to ask the Planning Commission members if they would be willing to offer their \$50 (*expense reimbursement*) which would save \$350 to pay for security. Apparently he feels strongly about evening meetings. He also said he felt it would be inconvenient for the public to attend daytime meetings. I don't know if that is true or not. We talked about the fact that the BOCC meetings are during the day and it doesn't seem to deter anyone from not being present at the meetings. He did not actually mark a preferred meeting time. We put a choice of 1:00 pm, 1:30 pm, and 2:00 pm on the questionnaire. We felt that 2:00 pm would be the latest possible starting time because we would like to be out by 5:00 pm. Three hour meetings are not unusual (like the last two).
- Mr. McNew checked that he could attend meetings during business hours, and he checked preferably 1:30 pm.
- Mr. Doxey checked yes, and 1:00 pm or 1:30 pm, and he stated "Daytime hours might impose hardship on public trying to get to our meetings."

- Mr. Schnobrich checked yes, and 1:30 pm or 2:00 pm.
- Mr. Lateer checked yes, and checked all three start times.
- Chairman Piltingsrud said “Tuesday’s still preferable”. He checked yes and checked all three start times.
- Mr. Jackson checked yes, and said “1:30 would be my preference but I can meet anytime.”

Mr. Giordano went on to say it looks like the preferred time, for those who chose a time, is 1:30 pm. I thought these questionnaires would be the final answer, but the County Commissioners said they wanted a recommendation from the Planning Commission. They realized that we did not get a chance to discuss it at the last meeting and they wanted to give you that opportunity and they want a formal motion.

Chairman Piltingsrud called for discussion.

Mr. Lateer said he is retired, so he is pretty flexible. The \$50 doesn’t really compensate anyone for the gas to go to the sites, so if it takes giving that up it’s not a problem.

Mr. Schnobrich said I think that meeting during the daytime will not put stress on the people who want to bring issues in front of the Planning Commission, because most of the time we are dealing with professional staff, such as surveyors, etc. If someone has a big project they are working on, they are willing to take one day off to do it. I think that the problem we are looking at, as Mr. Sandoval brought up, is that the only people who can participate on the Planning Commission are retired people or shift workers like me. I work midnight to 8:00 am anyway. So we would not necessarily limit public attendance, but we would limit the people who would be willing to serve on the Planning Commission. Over the years that could start to show in terms of where we would be able to draw from the community. I would go along with Mr. Sandoval’s plan to give up the \$50 to hold the meetings in the evening, if that is what it would take. I’m not on the Planning Commission to get rich. I think it would be well worth the \$50 to have people like Mr. Sandoval participate, but if we have to go to days, I’ll go to days, it is not a problem for me.

Mr. Jackson said he has no problem with afternoon meetings. We would have to start in time that we were out by 5:00 pm. If that is what the Commissioners desire then we should attempt to meet that.

Mr. Giordano said we would have to wrap up the meetings by about 4:30 pm (*to allow time to clear the building of participants before 5:00 pm*).

Mr. Doxey said he questions the money savings. That is all we read about in the paper, national, international, local. It would be nice if they would say we are going to save \$1,760 or something like that. The Commissioners got a good raise. They’ll tell you the state made them take it. We hired a new County Manager. Those are things that run through my mind. I will go with the majority.

Chairman Piltingsrud said he would go either way.

Ms. Cathy Cutrell, a Black Range representative in the audience, said when the company planned to have a community meeting, people wanting to attend were pretty vehement that it would be quite a hardship to come during the day. I was really struck at the last Planning Commission meeting by the fact that it is hard to get people to come anyway. (*There was discussion at the July 7, 2009 Planning Commission meeting that the meetings held during the previous Master Plan update were very sparsely attended.*) How do you get people to participate because they are really passionate about what you are doing in the County? When you only get three or ten, like tonight, but changing the meeting times to afternoons could hamper if you wanted to get to the point where people are more involved month by month. I understand the burden for all of you who are involved when you always have night meetings. That is difficult too, but I know it would be hard for a lot of people to come.

Mr. Giordano listed the items that have come up in discussion with the County Manager:

- Utilities
- Security in general, as there are more people in the building
- Overtime for the person who takes minutes
- Availability of our attorney, if legal issues come up. This would be helpful as it is difficult to anticipate when we will need her assistance.

Mr. Giordano said this list was given to him by the County Manager and was given to the County Commissioners as justification for moving the meeting times to the afternoon.

Mr. Moore asked how many processes are there that come before the Planning Commission that require a Public Hearing?

Mr. Schnobrich answered one; proposed amendments to the Master Plan. Most of the public that we deal with are professional staff representing their clients. If you hold the meetings during the day, you might have a different set of people who would attend, because it is during the day. For those who don't want to be out at 8:00 at night, maybe they wouldn't mind coming at 1:00 in the afternoon. We can speculate about who would attend from the public. I think the fact that we have more access to the staff during the daytime as Mr. Giordano mentioned is more important.

Mr. Giordano added that IT (*Information Technology*) personnel would also be available if someone wanted to use the equipment. From the Department's standpoint, it would be better because we are here during the day and other staff are available if needed. Also, I feel there would be better security during the day as there are more people in the building.

Chairman Piltingsrud asked if the County Administrator could work up an estimate of cost savings. If you figure a three hour meeting every month,(worst case), you know the cost of the sheriff's deputy overtime and staff time etc. I think we should ask for an estimate of the costs before we make the decision. We have always had the meetings at night. I think there is some truth to the idea that it is easier for people who work to come here at night.

Chairman Piltingsrud called for a motion.

Mr. Schnobrich said he thinks they should ask the Commissioners for a cost estimate before they vote on anything. Do we need a motion?

Chairman Piltingsrud decided to table this item, ask the Commissioners for a cost estimate, and discuss it at the next meeting.

4. OTHER ITEMS FOR DISCUSSION

Chairman Piltingsrud called for any other items for discussion. No other items were raised.

5. ADJOURNMENT

With no other items for discussion, Chairman Piltingsrud adjourned the meeting at 7:38 p.m.

6. WORKSHOP – 2nd AMENDMENT TO THE FREMONT COUNTY MASTER PLAN

The Planning Commission members continued with the Workshop regarding the second amendment to the Fremont County Master Plan.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE