

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 6, 2016**

MEMBERS PRESENT

Byron Alsup (Chairman)
Michael Pullen
Larry Brown
Larry Baker
Dennis Wied
Mark Masar

STAFF PRESENT

Matt Koch, Planning Director
Donna Monroe, Planning Assistant

MEMBERS ABSENT

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1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

April 5, 2016 Planning Commission Meeting

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

REQUEST: MS 16-001 MOOSE POINT SUBDIVISION

Request approval of a **Minor Subdivision** for property that is located on the east side of Locust Street, 570 feet north of the intersection of Colorado State Highway 115 (Cedar Avenue) and Locust Street, in the Lincoln Park area. Lot 1 has an existing house and Lot 2 will be for a future house. The property is 2.96 acres.

***REPRESENTATIVE:** George Hall, Crown Point Land Service*

7. ADJOURNMENT

1. CALL TO ORDER

Chairman Byron Alsup called the meeting to order at 3:00 p.m.

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 September 6, 2016 Fremont County Planning Commission Meeting Agenda.

MOTION

Mr. Larry Brown moved to accept the September 6, 2016 Fremont County Planning Commission Meeting agenda as presented.

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 APRIL 5, 2016 PLANNING COMMISSION MEETING MINUTES

Chairman Alsup asked if there were any changes, additions or corrections to the April 5, 2016 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Michael Pullen moved to accept the April 5, 2016 Fremont County Planning Commission Meeting Minutes as presented.

SECOND

Mr. Larry Baker 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

REQUEST: MS 16-001 MOOSE POINT SUBDIVISION

Request approval of a **Minor Subdivision** for property that is located on the east side of Locust Street, 570 feet north of the intersection of Colorado State Highway 115 (Cedar Avenue) and Locust Street, in the Lincoln Park area. Lot 1 has an existing house and Lot 2 will be for a future house. The property is 2.96 acres.

REPRESENTATIVE: *George Hall, Crown Point Land Service*

Mr. George Hall stated that this project is a minor subdivision on Locust Avenue in the Lincoln Park area. There are a couple of things regarding the Contingencies numbers 5 through 7 which deal with the drainage facility. In his opinion it would be a shame to tear the ground up until the point in time when a house will be getting built on it. He would like to get the drainage facility with a note on the plat stating that the drainage facilities would need to be installed at the time of the building permit. Other than Mr. Hall doesn't have anything else to add.

Mr. Pullen inquired if that would be prior to the building permit or just that this is an issue.

Mr. Hall stated that it would be during the time that the building is being constructed. Maybe prior to the Certificate of Occupancy.

Mr. Pullen stated that that would make sense.

Chairman Alsup asked if there were any more questions for the applicant.

Mr. Mark Masar stated that he doesn't see a utility easement besides the powerline easement.

Mr. Hall stated that he's not sure it's on the drawing but that there is an Easement Statement that lists all of the utility easements for the property.

Chairman Alsup stated that he thinks one of the questions is if that statement extends into the second parcel.

Mr. Hall stated that the easement goes all the way around the exterior boundary of the subdivision. Then on the line dividing Lot 1 and Lot 2 would have a ten (10) foot utility easement; five (5) foot on either side of the line.

Mr. Masar inquired if there were any changes to the water service. Are there two (2) taps currently?

Mr. Hall stated that there are currently two (2) taps there. Per the agreement that was dealt with through the City of Cañon City, there would have to be some improvements to the second tap before the building is actually constructed. Mr. Hall stated that there had been a water break right past the meter so there will have to be some modernization done to it. He stated that the tap is probably thirty (30) to forty (40) years old.

Mr. Masar inquired if the tap was ever used.

Mr. Hall stated that it was used but he doesn't know when it was abandoned and stopped being used.

Chairman Alsup inquired if there is a well besides the existing tap.

Mr. Hall stated that he never found any information or evidence of a well. If there was a well it may have been capped off. There is a cement pad that is located on Lot 1 that may be where an old well was capped off.

Chairman Alsup stated that the well issue was in a comment from the City of Cañon City.

Mr. Hall stated that he looked up information trying to find a well permit but found nothing registered with the Colorado Division of Water Resources.

Mr. Pullen inquired if Mr. Hall is the property owner.

Mr. Hall replied that he is not.

Mr. Pullen inquired as to why the owner isn't at the meeting.

Mr. Hall stated that he is representing the owner through his company, Crown Point Land Services. The client is busy and unable to attend the meeting.

Mr. Wied stated that in reference to a request of a waiver or deferral to the recommendations. He inquired if there are immediate plans to start construction on the second home.

Mr. Hall stated that his understanding is that the plans would be drawn up and construction would begin in the spring and hopefully finished before winter of 2017.

Chairman Alsup stated that there was also a note in the packet regarding non-conformance of the lot width for the existing house.

Mr. Koch stated that it has already been taken care of. He also stated that all of the application items have been taken care of unless they are shown as contingency items. Contingency item #5 is regarding the required improvements, drainage facilities, and the applicant has requested that it be deferred to the time of construction on Lot 2. In the past we have been told by the County Engineer and the Building Department that in many cases they are harder to execute at a later date and to enforce. Mr. Koch doesn't see why we couldn't approach them and ask if we could do it on this one and put a note on the plat that at the time of construction the drainage facilities are put in place. Working in other jurisdiction, as he has in the past, many times it is put at the time of pushout when they already have an excavator on site. If the County Engineer and/or the Building Department do not approve the deferral, the drainage facility will still be a requirement for the recording of the plat.

Mr. Koch stated that contingency #6 refers back to #5 (drainage facility); a cost estimate for the proposed improvements. The purpose of that is for the escrow and improvement agreement, if they are not going to actually physically build the facilities now, the owners can put the money up in a letter of credit or an escrow account to cover the cost at a later date.

Mr. Wied inquired if the adjoining properties have the same ten (10) foot additional easements.

Mr. Koch stated that only if they have been platted. Typically if they are still metes and bounds they may not have easements. He thinks that two (2) of the properties to the north have been platted so they may have the easements as part of the platting process.

Mr. Masar stated that there is an old foundation on the south side of the property. He inquired if it is in the easement.

Mr. Hall stated that where the old foundation is will become a shared driveway easement.

Mr. Masar inquired if this should be a contingency item.

Mr. Koch stated that he thinks it will take care of itself through the process. If they are platting an easement through that area and the foundation is in their way, the owner has a right to remove it.

Mr. Brown inquire if the foundation is on that lot and not encroaching on the other lot.

Mr. Hall stated that the foundation is not encroaching on the other lot.

MOTION

Mr. Wied moved to recommend approval of MS 16-001 Moose Point Subdivision subject to the recommended contingency items with the exception of deferring item #5, the required drainage improvements until construction has begun on the property.

SECOND

Mr. Baker seconded the motion.

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

Chairman Alsup inquired if on something as minor as this request of a minor subdivision are we forcing folks to go through a lot of hoops unnecessarily? He knows that some of it is necessary but when he reads an application like this one and how minor what we are doing in this case is, are we forcing the public to do more than may be necessary. He doesn't know what the applicant's expense is at this point.

Mr. Koch stated that maybe in the applicant's position it's a lot of hoops to jump through but the State requires us to do things a certain way and there are a lot of regulations to it. Because of the way the County is set up the Commissioners have not designated an Administrative process whereas with the City, you can go through an Administrative process and get an approval without going through meetings. So really, what we have is what we have. Mr. Koch stated that one thing he can do through the Planning & Zoning Department is try to make the application easier. There is a lot of redundancy in the application, a lot of paperwork, and he thinks the Department can lessen that. Mr. Koch is working on trying to make the applications a little bit easier.

Chairman Alsup stated that he doesn't want to throw a monkey wrench in but when he goes through the application compared to some others, it's pretty lengthy for what is happening here.

Mr. Wied stated that he's glad that Chairman Alsup brought this up and there may be different requirements but are two (2) lots the minimum for a minor subdivision?

Mr. Koch stated that three (3) lots is the maximum for a minor subdivision.

Mr. Wied stated that he knows the City of Cañon City, relatively recently, introduced an administrative subdivision waiver and the Council would have never seen this application.

Mr. Koch stated that if this was part of a platted lot previously and this was Lot 1 or Lot 2 of another subdivision then this would have been a major subdivision by our regulations because it would kick it up to that fourth (4th) lot of the parent lot. There are times when you may still see this which would be really odd because with a major subdivision just because of the nature and the sequence of how things come about.

Chairman Alsup stated that he wanted to discuss the meeting calendar for next year regarding the Monday holiday issue. He stated that both Mr. Baker (on Florence City Council) and Mr. Wied (on Cañon City City Council) are saying that moving the meetings to Wednesday following a Monday holiday would probably be worse than leaving them on Tuesday. So looking at the calendar for next year, we might want to consider staying with the Tuesdays and not change it after the Monday holiday.

ADJOURNMENT

Chairman Alsup adjourned the meeting at 3:30 p.m.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE