

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
December 5, 2023, AT 3:00 P.M.**

**MEMBERS PRESENT**

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

**STAFF PRESENT**

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

**1. CALL TO ORDER**

Chairman Masar called the meeting to order at 3:00 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 December 5, 2023, Fremont County Planning Commission Agenda.

**MOTION**

Mr. Brown motioned to accept the December 5, 2023, Fremont County Planning Commission Meeting agenda.

**SECOND**

Mr. McCullough second the motion.

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

**4. APPROVAL OF THE October 3, 2023, PLANNING COMMISSION MEETING MINUTES**

Chairman Masar asked if there were any changes, additions or corrections to the October 3, 2023, Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Fey motioned for approval of the October 3, 2023, Planning Commission Meeting Minutes.

**SECOND**

Mr. Brown second the motion.

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

**5. APPROVAL OF THE November 8, 2023, PLANNING COMMISSION MEETING MINUTES**

Chairman Masar asked if there were any changes, additions or corrections to the November 8, 2023, Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Fey motioned to accept the November 8, 2023, Planning Commission Meeting Minutes.

**SECOND**

Mr. Payne second the motion.

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

Vice Chairman Hamrick has showed up at 3:04 pm for the meeting.

**6. UNFINISHED BUSINESS**

None

**7. NEW BUSINESS**

**A. MS 23-004 Yoder Subdivision**

Requesting approval for minor subdivision that will create a total of 2 lots. Lot 1: 0.47 Acres 20,264 sq. ft. and Lot 2: 0.47 Acres 20,336 sq. ft. The subject property is located in the Agricultural Suburban Zone District, on Colvin Street & York Ave. in Canon City.

Director Victoria states that the applicant has withdrawn their application for MS 23-004 Yoder Subdivision on December 5, 2023.

Vice Chairman Hamrick states that since they are cancelling the application, that means that if they want to continue or revive this, it is like a brand-new application.

Director Victoria states that is correct.

Chairman Masar calls for the next item on the agenda.

**B. Request: Rewrite Chapter 2**

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made no changes to the following chapter 2 besides a new format and referenced the new proposed chapter.

Chairman Masar asks Director Victoria for the Staff report.

Director Victoria states that Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made no changes to the following chapter 2 besides a new format, and referenced the new proposed chapter, this is noted and highlighted for your review.

**Proposed Timeline:**

Proposed rewrite if viewed as favorable will have an adoption date of April 2024. If any substantial changes are made to this draft, these sections will be presented to this commission for further recommendations.

Chairman Masar asks Director Victoria if he want's them to vote on these individually.

Director Victoria states that yes, it would be easier.

Chairman Masar asks if there are any questions for Director Victoria concerning the request rewrite of Chapter 2.

**MOTION**

Mr. Fey motioned to approve the rewrite of Chapter 2 Zoning regulations.

**SECOND**

Chairman Masar second the motion.

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

Chairman Masar moving into the rewrite of Chapter 5, General Requirements and asks Director Victoria for a staff report.

**C. Request: Rewrite Chapter 5 General Requirements**

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made a few changes, deletions, and additions to this chapter.

Director Victoria states that Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made a few changes, deletions, and additions to this chapter. All changes are highlighted and noted for your review.

*Highlights are what we are proposing to the new regulations.*

*Strikethroughs are what we are proposing to delete and/or move to another section of the regulations.*

Director Victoria states that if viewed favorably will have an adoption date of April 2024.

Director Victoria states that on 5.7 when it talks about Building Permits, staff consulted with the Building Department to get the correct language. Also 5.8, the drainage plan and report, rather than referring someone back to the subdivision regulations, staff feel it should have it's own spot in the Zoning Resolution. 5.8 is going to be a separate chapter that gets a stand-alone drainage plan requirement chapter.

**Proposed Timeline:**

Proposed rewrite if viewed as favorable will have an adoption date of April 2024. If any substantial changes are made to this draft, these sections will be presented to this commission for further recommendations.

Mr. McCullough asks if they are allowing heavy truck parking in a Contractor Yard.

Director Victoria states that with an SRU there would be a Roadway Impact Analysis and the types of vehicles have to be designated. Contractors Yard 1 does not allow larger vehicles. If more than 5, it bumps them into Contractors Yard 2. The applicant needs to submit all documents to make sure they are falling into the correct use.

Vice Chairman Hamrick asks is there a reason they are concerned about the number of vehicles.

Director Victoria states that the greater number of vehicles, the more intense the business is going to be. They are trying to safeguard the surrounding properties to make sure the use will be compatible. It only applies to vehicles associated with business, not private residential use vehicles.

Vice Chairman Hamrick states that it would be appropriate to say 5 business related vehicles.

Director Victoria states that they can easily add that in there.

Mr. George Hall asks if this is meaning road worthy vehicles or just vehicles in general. Something that is transported on a trailer to get someplace, is that going to be considered a vehicle, like a bulldozer.

Director Victoria states that that is SMM and would fall under machinery. Equipment is different than a vehicle.

Vice Chairman Hamrick asks about the building permits and what are the general requirements for the structures that are regulated by the building code and if you are altering, repair, or any alterations you would need a building permit inside your house. Would it be better just to let the customer know our requirements then refer them to the building depart for further permit assistance.

Director Victoria states that is a building department question. He does not know at what level a remodeling permit would kick in. Would put in there to refer to Building Department.

Vice Chairman Hamrick states that one of the things that is the Planning Commission is to make sure that they have clear understandable and achievable regulations.

Director Victoria states they will take out section 5.71 regarding requirements for a building permit.

Mr. McCullough states he is wondering how these regulations will fit in and work together with the affordable housing initiative they have been hearing about.

Director Victoria states that it is a struggle to be honest, the one way to make things affordable is to relax regulations as much as possible. The company doing the affordable housing audit have copies of our regulations and the current Fremont County Zoning Resolution and what changes staff is making. A lot of the changes the staff is making are what they are recommending. He states that the Planning Commission will be afforded a copy of the companies' recommendations before April 2024.

Mr. Payne states that on page 48 there was the resolution for the ADU's back in 2022 and one of the provisions was stating ADU a minimum of 250 sqft. And struck out maximum of 1000 sqft. And shall have a minimum gross floor area of 250.

Director Victoria states that the 1000 sqft. is one of the things staff is reviewing. They are noticing current difficulties with the 1000 sqft minimum. Trying to make it a little more user friendly for people.

Mr. Hall asks if for the ADU is that sqft for just the living space, he has seen places that they are building barns and putting an apartment in one end of it, does that sqft include the barn too or just the livable space.

Director Victoria states that it includes just the livable heated space.

Mr. Payne asks what differentiates the ranch hand versus just a stand-alone house. Why do they need a separate designation for a ranch hand.

Director Victoria states that the ranch hand quarters are something that has always been in the regulations, it's not meant for long term habitation. It gives the ability for people in the livestock industry to be able to house some other people but not necessarily meant to be a long-term dwelling unless they are a long-term ranch hand.

Chairman Masar asked if there are any questions from the board concerning the rewrite of Chapter 5, General Requirements. If not, he is open to a motion.

MOTION

Vice Chairman Hamrick motioned to approve the rewrite of Chapter 5 as amended.

SECOND

Mr. Fey second the motion.

Chairman Masar called for a roll call vote and passed unanimously. (7 of 7)

Chairman Masar moves on to the next topic. He asked Director Victoria to present the staff report.

**D. Request: Rewrite Chapter 7 - B.O.Z.A.**

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made no changes to the following chapter 7 besides a new format, and referenced the new Colorado Rev. Stat., Planning and Zoning has recognized the need for a review and update to the regulations. Staff has made no changes to the following chapter 7 besides a new format, and referenced the new Colorado Rev. Stat., this is noted and highlighted for your review.

**Colo. Rev. Stat. § 38-51-108**

Current through 2023 Legislative Session

Section 38-51-108 - Improvement location certificate(1) A professional land surveyor may prepare an improvement location certificate for the use of a specific client based upon the professional land surveyor's general knowledge of land boundaries and monuments in a given area whether or not the client is the owner or buyer; except that, if the client is not the owner or buyer, the professional land surveyor shall provide a copy of the certificate to the owner or buyer.(2)(a)(I) A certificate prepared pursuant to subsection (1) of this section shall not be designated as or construed as being a land survey plat or improvement survey plat.(II) Such certificate shall be prominently labeled "improvement location certificate" and contain a statement in the following form:

IMPROVEMENT LOCATION CERTIFICATEI hereby certify that this improvement location certificate was prepared for .... (individual or firm) ....., that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines. This certificate is valid only for use by .... (individual or firm) .... and describes the parcel's appearance on .... (date) ....

I further certify that the improvements on the above described parcel on this date, .... (insert date) ....., except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

Stamp By ..... (Signed) .....

or

Seal Date .....

(b) A professional land surveyor shall assume full liability for each improvement location certificate done by such professional land surveyor or under such professional land surveyor's responsible charge pursuant to paragraph (a) of this subsection (2).

C.R.S. § 38-51-108

Amended by 2013 Ch. 356, § 38, eff. 7/1/2013.L. 94: Entire article R&RE, p. 1521, § 47, effective July 1. L. 2013: (1) and (2)(a)(II) amended, (SB 13-161), ch. 356, p. 2094, § 38, effective July 1.

*This section is similar to former § 38-51-105, as it existed prior to 1994.*

**Proposed Timeline:**

Proposed rewrite if viewed as favorable will have an adoption date of April 2024. If any substantial changes are made to this draft, these sections will be presented to this commission for further recommendations.

Chairman Masar asks for any questions from the board concerning the rewrite of Chapter 7, BOZA. If not, he is open to a motion.

**MOTION**

Mr. Fey motioned to approve the rewrites for Chapter 7, BOZA as explained.

**SECOND**

Chairman Masar second the motion.

Chairman Masar asked if there is further discussion.

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

**8. ADJOURNMENT**

Chairman Masar adjourned the meeting at 4:01 p.m.

for John S Hamrick 1-2-2024  
CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION DATE