

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
January 4, 2022 AT 3:00 P.M.**

MEMBERS PRESENT

John Hamrick
Mark Masar (Vice Chair)
Larry Brown
Larry Baker
Gardner Fey

STAFF PRESENT

Mica Simpleman, Director
Joanne Kohl, Office Manager

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**

December 7, 2021 Planning Commission Meeting

5. **UNFINISHED BUSINESS**
6. **NEW BUSINESS**

A. **Election of Officers**

B. **MS 21-008 DJW Subdivision:** Requesting approval for minor subdivision that will create a total of 2 lots. The subject property is located in the Agricultural Rural Zone District, on R Street. Sch# 67000680.

Representative: Matt Koch

7. **ADJOURNMENT**
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1. **CALL TO ORDER**
Vice Chair Mark Masar called the meeting to order at 3:01 p.m.
2. **PLEDGE OF ALLEGIANCE**
Pledge of Allegiance was recited.
3. **APPROVAL OF AGENDA**

Vice Chair Masar asked if there were any changes, additions or corrections to the January 4, 2022 Fremont County Planning Commission Agenda.

MOTION

Mr. Larry Brown motioned to accept the January 4, 2022 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Hamrick second the motion.

Vice Chair Masar called for a roll call vote, and the motion passed unanimously. (5 of 5)

4. APPROVAL OF THE December 7, 2021 PLANNING COMMISSION MEETING MINUTES

Vice Chair Masar asked if there were any changes, additions or corrections to the December 7, 2021 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Brown motioned for approval of the December 7, 2021 minutes. Staff to move the word Manager over to the correct spot following the word Office and change the spelling of Vice Chair Mark Masar's name from Maser to Masar.

SECOND

Mr. Fey second the motion.

Vice Chair Masar called for a roll call vote and the motion passed unanimously. (5 of 5)

5. UNFINISHED BUSINESS

6. NEW BUSINESS

Election of Officers

Vice Chair, Mr. Mark Masar starts off the meeting with the Election of Officers. Nominations for the Office of Chairman.

Mr. Fey nominates Mr. Mark Masar for Chairman

Mr. Masar calls for roll call vote and the Motion passed unanimously for new Chairman Mr. Mark Masar (5 of 5)

Chairman Masar now asks for nominations for Vice Chairman

Mr. Fey nominates Mr. John Hamrick for Vice Chairman

Mr. Brown second it. New Vice Chairman Mr. John Hamrick

Chairman Masar calls for roll call vote and motion is passed unanimously (5 of 5) New Vice Chairman Mr. John Hamrick

Chairman Masar asks for nominations or Secretary

Mr. Fey re-nominates Mr. Larry Brown

Chairman Masar second that nomination

Chairman Masar calls for roll call and motion is passed unanimously (5 of 5) Still remaining Secretary Mr. Larry Brown

New Business

MS 21-008 DJW Subdivision

Chairman Masar calls representative Matt Koch

Mr. Koch starts by saying they are requesting a minor subdivision that is located on R street in Penrose. It's 2 lots. Lot 1 will be 4.8 acres and Lot 2 will be 4 ½ acres. There is a Building Permit to build a house on Lot 1. All utilities are adjacent. They did request a waiver of the drainage, the county engineer reviewed that and said okay but still need some sort of a drainage when they build. Was originally called Wolfe Subdivision, renamed it to DJW Subdivision because there was already a Wolfe.

Chairman Masar asks Director Simpleman for the staff report

Director Simpleman states that the Project Engineer did state that he does recommend a motion for a drainage waiver and if they do decide to develop on the site they will need to do the report. The other is from Fremont Department of Transportation stating that Lot 2 will need an access permit, Lot 1 does have an access permit. From the Department of Public Health and Environment, since there are no commercial applications there are no requirements from them. As for Planning and Zoning Department, they do approve this.

Mr. Brown asks Mr. Koch if it has to be permitted prior to the structure or does it have to be when the building permit is issued?

Mr. Koch responds that normally it's when they go in for the building permit. Typically, it's not a requirement for a subdivision.

Mr. Brown suggests to Director Simpleman taking the access permit off as a contingency item.

Director Simpleman states that it's for whenever they do build on it, they will need to know where the driveway goes.

Chairman Masar asks Mr. Koch if a drainage report was required for the building of the house on Lot 1.

Mr. Koch replies he is not sure what they required on that building report, he was not a part of that.

Chairman Masar states that this drainage report concerns just the current subdivision.

Mr. Fey makes a motion to approve MS 21-008 DJW Subdivision minus the contingency of the access permit.

Mr. Baker second the motion.

Mr. Brown also states with the name change from MS 21-008 Wolfe Subdivision to MS 21-008 DJW Subdivision.

Chairman Masar has a motion and a second to approve MS 21-008 DJW Subdivision.

Mr. Hamrick states that they also need to include in the motion that a drainage plan will be submitted at the appropriate time or prior to construction.

Mr. Koch states that normally they will put a note on the plat that when starting building it will be required at that time.

Mr. Fey amends the motion to include a contingency for a drainage report at time of building permit issuance.

Mr. Baker second the motion

Chairman Masar calls for roll call vote and motion is passed unanimously (5 of 5).

Mr. Adam Freeman address the Planning Commission to talk about the proposed 115kv high voltage transmission line by Black Hills Energy slated to be erected close to his house. He passes out an information packet to the Planning Commission regarding a Black Hills Transmission Line.

He states they were not informed by any Black Hills Corp. representatives that this was proposed and they were unaware of it until the property next to theirs had been sold. He also states that they have already begun construction on this line and it is pretty concerning because they have, on at least one occasion, used explosives that he and his wife happened to be home and it was incredibly loud. He states the urgency of him contacting the Planning Commission is because, discovering that one of the proposed pole locations appears to be less than 250 feet from their house, 90 feet from their property line. He states that this is of utmost concern to them because their backyard is also between this proposed location and their house, where their nearly 2-year-old son often plays, and where he will still be able to play safely as he grows.

Mr. Freeman states that they are not opposed to the transmission line, just opposed to it being right outside their backyard. He also states that hopefully the Planning Commission will empathize with their situation and please look into this construction. Distancing the proposed construction from things that already exist and how Black Hills hasn't solicited input from surrounding property owners.

Mr. Freeman addressing images on a map showing how uncomfortably close to their house this is.

Chairman Masar states he sympathizes with Mr. Freeman and will certainly look at this. Stating that this did not come up to the Planning Commission, while the substation did and that was approved last year, the placement of the high voltage lines is not in the purview of the Planning Commission.

Director Simpleman states that Planning and Zoning recently received the application for Black Hills Desert Cove and it is literally in the beginning stages of reviewing the application. If it goes through, that's when notifications will be going out.

Mr. Brown asks Director Simpleman that this application he just received, what is it for?

Director Simpleman states that it is an SRU for the lines and it's going to go from North Penrose transfer station all the way down to the Pueblo County line where they will then pick it up and go into Pueblo with it.

Mr. Brown asks Director Simpleman if Mr. Freeman's concerns would be directed or addressed at that particular point once it goes to the Planning Commission. Is that correct?

Director Simpleman answers Yes

Mr. Fey asks if they have to procure an easement to do this.

Director Simpleman responds Yes

Chairman Masar thanks Mr. Freeman for bringing this to the Boards attention and at some point, this will come to the Commission and to please come back and voice his opinion and they can actually vote on it.

7. **ADJOURNMENT**

Chairman Masar adjourned the meeting at 3:34 p.m.



CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

2-1-22
DATE