

**PARK COUNTY  
PLANNING COMMISSION  
MEETING MINUTES  
Park County Offices in Fairplay and virtually on ZOOM  
January 26, 2022**

Members Present: Charlie Schultz, Jim Sapp, Jed Caswall, Mallory Schupp, and Suzy Jones (alternate).  
Park County Staff Present: John Deagan, Senior Planner; Jennie Gannon, Planner; Emily Naes for County Attorney (on Zoom).

Chairman Charlie Schultz called the meeting to order at 9:05 A.M.

**ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2022:**

Jim Sapp nominated Charles Schultz for Chair and Jed Caswall seconded. Charles Schultz is Chairperson of the Park County Planning Commission by acclamation.

Jed Caswall nominated Jim Sapp for Vice-Chair and Mallory Schupp seconded. Jim Sapp is Vice-Chairperson of the Park County Planning Commission by acclamation.

**APPROVAL OF AGENDA:** Jed suggested changing the wording of the final item of the agenda from “SIGNING” to “ADOPTION” of Resolution regarding attendance of Planning Commission meetings by members and applicants. Jim agreed and agenda was approved with this change.

**APPROVAL OF MINUTES** from December 15, 2021: Jed motioned to approve the minutes as presented, Jim seconded and motion passed unanimously.

Charlie described the Planning Commission hearing process.

**LAND USE PUBLIC HEARINGS:**

**RIGHT-OF-WAY VACATION CASE #21VAC-03 – continued from December 15, 2021**

Property is the Seventh Street right-of-way between Pine and Spruce Streets, Como, containing 0.35 acres. The applicant is requesting to vacate the right-of-way and combine it with the lots to the north and south.

**APPLICANT:** Andrew Zimmerman

- Because this case was continued from the December hearing, Charlie called up Mr. Alison, the owner of the property using the existing driveway through the south side of the Zimmerman property, who had been speaking when the hearing was continued. He summarized what he had said before and stated his concerns to be:
  1. This road vacation would interrupt the longest public right-of-way, 7<sup>th</sup> Street, in Como. He thinks the Seventh Street right-of-way should be relocated to the south where the proposed easement is
  2. He believes that a private easement could cause issues in the future for him and/or anyone else who may build along Spruce Street.
- George Sole, a renter in Como, came forward to speak against the application.
- Ron Barnes, resident of Como since 1969, came forward and spoke against the application.
- The applicant then came forward for his closing statement. He showed historical pictures of Como to show that this part of Seventh Street has never been developed. In answer to questions from Jed he said that he would not oppose moving the public right-of-way to the south, that he has never seen anyone drive through on the right-of-way; that his family has parked cars on the undeveloped street for years, and even planted a tree in the middle of it; that he will make the proposed easement available to everyone who wants to use it; that the easement will run from Pine St. to Spruce St. exclusively on his property; and that if there are existing utilities running down the existing access it is OK with him.

- There was discussion about old right-of-way vacations, general access in Como, and who maintains the existing roads currently.
- Charlie called for deliberation by the board. The board gave their opinions about this request and the proposed easement and went through the Standards of Approval.
- Jed made the motion to recommend denial to the BOCC on the grounds that this request is contrary to public interest and causes adverse impact to other properties. Jim seconded.
- Vote was taken and motion to deny passed unanimously (4-0). (Suzy did not vote because she was not present at the hearing in December).

### **RIGHT-OF-WAY VACATION AND CONSOLIDATION CASE #21VAC-01**

Property is the Town of Jefferson on the northwest side of Highway 285. Applicant is requesting the vacation of unbuilt and unused public rights-of-way within the town, and consolidation of all lots and vacated rights-of-way into parcels determined by current ownership.

**APPLICANT:** Park County Planning and Zoning Department

- Jennie gave the PowerPoint presentation.
- Jed asked if utility easements were being established with this plat. Jack Kirby, the surveyor for this project, came forward and said that he had added utility easements to this plat where there are existing poles and lines. He said that perimeter easements were not necessary.
- Charlie called for Public Comment.
- Andrew Zimmerman came forward and said he hoped that this case would be considered by the same standards that the Commission had used with Case #21VAC-03.
- Louise Derengowski, owner of one of the lots effected by this plat, on Zoom, said that this replat would be a benefit to the town. She also asked about what looks like a mapping or surveying error on one of the maps included in the application. Jack Kirby said that it was a GIS mapping error and that it would be corrected based upon the survey plat.
- Charlie called for deliberation.
- Jim made the motion to recommend approval of this case to the BOCC as presented. Suzy seconded. Vote was taken and the motion passed unanimously (5-0).

### **CONDITIONAL USE PERMIT CASE #21CUP-06**

Property is Lot 16 Deer Creek Valley Ranchos Unit 3, addressed as 1659 Vigilante Avenue, Bailey. Applicant is requesting a Conditional Use Permit for a Duplex.

**APPLICANT:** Christopher Travis for Caleb and Andrea Vannice

- Jennie made the PowerPoint presentation and explained why this request is for a “duplex” rather than a “guest house”.
- There were board questions clarifying the request. Jed said that this definition of “duplex” differed from any he had used in the past and that the covenants for this subdivision did not explicitly allow duplexes.
- Chris Travis, the applicant and builder for the duplex, came forward and spoke about the request and their plans.
- Caleb Vannice, the owner of the property, came forward and explained why they were asking to build a second dwelling unit on the property for his parents. He said had was “categorically not” going to ever rent this new unit out.
- Charlie called for public comment.
- Joe Debs, adjacent neighbor to the east, came forward and expressed concerns about the definition of “duplex”, number of accessory structures that would be allowed on the property, and about permanent occupancy of the new structure.
- Betty Debs came forward and expressed concerns about road maintenance as the structure is being built, and had several questions about the proposed project. A list of these questions has been made a part of the record.

- Sharlene Rubenstein came forward and said that she was trying to reactivate the HOA for DCVR. She was concerned about road maintenance, traffic, and was afraid that giving the lot a second address would then make it subdividable.
- Matthew Wright came forward and spoke in favor of the application saying that the lot would still be occupied by one family and that the covenants would protect against the impacts that were concerning the neighbors.
- Leslie Platt was on Zoom and voiced the same concerns as the others, as well as concerns about the water supply.
- Chris Travis came back up and addressed some of the concerns brought up about the actual building process. He said he, as the contractor, would take care of the road maintenance during building.
- Caleb Vannice stated that he does have the HASP water augmentation plan approved and that he would remove accessory structures if necessary.
- Jennie read answered the Debs' questions from the list handed in previously.
- Charlie called for deliberation.
- Jed wondered if the duplex could be condominium-ized and John answered that it could not be done without County review.
- The standards of approval were reviewed.
- Jed made the motion to recommend approval of the application, as presented, to the BOCC. Suzy seconded. Vote was taken and the motion was approved unanimously (5-0).

Mallory said that she would need to leave before the last case was over.

Charlie called for a ten-minute break.

Meeting was reconvened at 1:05 p.m. and the public hearing was opened.

#### **REZONING CASE #21ZON-06**

Property is High Chaparral Ranch, Chase Gulch Addition, Lot 19, containing 38.57 acres and addressed as 628 Chase Gulch Road, Lake George. The applicant is requesting to rezone the land from Agricultural to Recreational Vehicle Park and Campground.

**APPLICANT:** Anna Doro-on

- John came forward and told the Planning Commission that the applicant had asked for a continuance to the next hearing.
- Jed made the motion to continue this case to the February 9, 2022 Planning Commission hearing and Jim seconded. Motion passed unanimously.

**ADOPTION OF RESOLUTION REGARDING ATTENDANCE OF PLANNING COMMISSION MEETINGS BY MEMBERS AND APPLICANTS:** Jim moved to adopt the Resolution #01-22-04, to be effective as of February 1, 2022. Suzy seconded and motion passed unanimously.

**PUBLIC COMMENT:** none.

Meeting was adjourned at 1:12 p.m.