

Town of Empire
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Empire Planning Commission September Regular Meeting Minutes
September 25, 2024 ~ 6:30 pm

1. Call to Order – Chairperson Kim Hubert called the meeting to order at 6:36 PM. The meeting was held in person and through Zoom.

2. Roll Call – The Empire Planning Commission requires a simple majority of three commission members present at the meeting for a quorum.

Present: Chairperson Kim Hubert, Wendy Koch, Randy Horning, Sally Rush and Eileen Wheelock. Also in attendance were Town Administrator Jeannette Piel, Deputy Town Clerk Lisa Kunze, and Zoning Officer Lon Fulton.

A quorum was present.

3. Approval of Agenda - September 25, 2024, Regular Meeting Agenda

RUSH MOTIONED TO APPROVE THE AGENDA FOR SEPTEMBER 25, 2024, KOCH SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Agenda was approved.

4. CONSENT AGENDA - Approval of the Minutes

- Minutes August 28, 2024, Regular Meeting
- Minutes September 18, 2024, Supplemental Meeting and Training

KOCH MOTIONED TO APPROVE THE CONSENT AGENDA, WHEELOCK SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Consent Agenda was approved.

5. Evaluate West Fork Village Subdivision Final Plat and Plan for Recommendation to the Board of Trustees

Town Administrator Piel explained that this is the third section of the subdivision process, and the final approval process for the infrastructure plans and agreements. The developers will still have a development permit process for the construction of the infrastructure with inspections, and a building permit process for each house on each individual property.

Chairperson Hubert read the following into the record: Planning Commission, we are voting on whether or not the West Fork Village Final Plat & Plan is in compliance with our Municipal Code and our Comprehensive Master Plan, and we will give our recommendation to the Board of Trustees. The Board of Trustees will have the final vote for the Final Plat and Plan at their Regular Meeting on Tuesday, October 15, 2024 at 6:30 pm.

The owners of the property have the “use by right” to subdivide property that is zoned residential into smaller residential lots as long as those lots and the proposed infrastructure to support those lots conforms with Town Municipal Code. The Planning Commissions job is to evaluate the plan against

our Municipal Code and our Comprehensive Master Plan. If everything is in compliance, we must approve the application, however, we can list any special conditions that have been discussed during the process that are not addressed in our Municipal Code or Comprehensive Master Plan. As before, a vote to approve means the applicant has met all required items and conditions. If you vote to deny approval you have to explain your reasoning why you would deny with facts supported by our Municipal Code and the Comprehensive Master Plan.

a. Finding of Fact for Final Plat and Plan

Town Administrator Piel led a discussion with the Planning Commission and Developers, using the updated worksheet the PC has been working with (see attachment). Town Administrator Piel then read list of legal documents that must be in place before final approval by the Board of Trustees:

Subdivision Improvement Agreement,
Bond, letter of credit, and
Owner Certificate for Dedications to Town
(or Warranty Deed for Dedications to Town)

b. Overview of Subdivision Improvement Agreement by Attorney Scarbeary

Town Attorney Scarbeary explained the agreement outlines improvements and how long it will take to complete the improvements. The agreement is between the Town and the Developers, and the attorneys have been discussing these items and negotiating the final agreement. It outlines the public improvements they'll have to build, including the 2 roads into the subdivision and all utilities. The Board of Trustees approves these agreements when completed.

c. Discussion by the Planning Commission

No further discussion.

d. Discussion by the Public

No public discussion.

KOCH MOTIONED TO RECESS UNTIL 8:05 PM, RUSH SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Planning Commission recessed and reconvened at 8:05 PM.

e. Planning Commission Discussion for Recommendation to the Board

In addition to previous conditions listed in the worksheet, also to be included as the last condition:

“We acknowledge that at every step the Developer and any subcontractors will be using best management practices.”

f. Vote on Recommendation

KOCH MOTIONED TO APPROVE, WITH PREVIOUSLY LISTED TEN CONDITIONS, THE FINAL PLAT AND PLAN FOR WEST FORK VILLAGE, WHELOCK SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Empire Planning Commission is recommending to the Empire Board of Trustees that they approve with conditions the West Fork Village Final Plat & Plan submission. We've identified the previously read conditions to include in the recommendation to approve.

6. Update on Harmony Domes

- Working on entryway permit with CDOT

The town met with Vas, the owner of Harmony Domes and his team, along with representatives from CDOT. We are now ready to submit a permit for the Town's entryway to the Welcome Park, which will also be the entryway for Harmony Domes. They are finalizing the submission for their Development Permit, so you will be seeing those plans and documents very soon to vote on approving the Development Permit.

PC Members requested to review any new plans and previous Development Permit steps due to the length of time that has passed since their last review.

7. Discussion on Joint Workshop for Tiny Homes, and other housing issues.

The Board of Trustees has also discussed these items and related code. We will begin looking at these items in more depth early in 2025, and will bring both bodies together for a discussion.

8. Public Comment: Public comment is limited to 3 minutes per person. The Planning Commission does not respond to questions during this time. For operational questions, please email the clerk.
No Public Comment.

9. Moment of Appreciation – At each of our Board and Planning Commission Regular Meetings, we want all of you to tell us what you appreciate about Empire. It can be anything. What's the first thing that comes to your mind, or what's the first thing you show people when they visit, or what do you miss the most when you are away. Short and sweet – please keep it positive!

- Two streams that run through town that we get to enjoy (and hear) every day!
- The elk are bugling!
- Patience of our town as it has been entirely torn up this summer.
- The gait of the coyotes where all 4 feet are off the ground!
- Watching the skill of the heavy equipment operators as they dig/move rocks.
- Appreciate everyone in this room, all my neighbors and the Board and Planning Commission who work hard and support each other.
- A week off to rest!

10. The Next Regular Meeting of the Empire Planning Commission is October 30, 2024, at 6:30 pm. In-person with remote access.

11. The Next Training Session of the Empire Planning Commission is November 13, 2024, at 6:30 pm. In-person with remote access.

12. An Open House for the Parks Master Plan is October 9, 2024, at 6:30 pm. In-person only, at Town Hall for Residents of the Empire Valley. (NOTE: THIS HAS BEEN POSTPONED.)

13. Adjourn Meeting

KOCH MOTIONED TO ADJOURN THE MEETING, RUSH SECONDED THE MOTION, CLERK KUNZE CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The meeting was adjourned at 8:47 PM.

(Planning Commission Chair Kim Hubert)

(Deputy Town Clerk Lisa Kunze)