

FEBRUARY 9, 2010

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THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 9, 2010, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward H. Norden called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Larry Lasha	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Bill Giordano, Planning and Zoning Director; George Sugars, County Manager, and Tina Taylor, Deputy Clerk.

Ethan McClaugherty from the E Free Church gave the Morning Prayer.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Lasha moved to approve the Agenda. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden; aye. The motion carried.

CONSENT AGENDA

Commissioner Stiehl stated he wanted to remove the minutes of January 26th from the Consent Agenda. Commissioner Norden said the minutes will be moved to the February 23rd Consent Agenda.

Commissioner Stiehl stated with that change he moved approval of the Consent Agenda. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried

1. Approval of Minutes January 26, 2010 (Moved for approval to the February 23rd Consent Agenda)
2. Approval of Bills February 9, 2010
3. Resolution 08-2010 Determining that the Primary Election to be Held August 10, 2010 shall be a Mail Ballot Election and Instructing the Election Official for Fremont County to Conduct the Election by Mail Ballot.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Fremont County Clerk & Recorder submitted the Clerk's Report for the month of January and stated that the revenues earned in the Clerk's Office was \$325,424 and in 2009 it was \$325,578 which was only a difference in our favor of \$153.51. Total collected was \$716,111 which was \$170,787 more than last year but the difference between what the Clerk took in is what went out to different entities, state, cities and county. We collected in city sales tax \$47,402 in 2009, and this year \$52,621 which made a plus of \$5,218.

Commissioner Lasha moved to accept the Clerk's Report. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Lasha attended the Penrose Chamber Banquet and they recognized several people in the community for their volunteerism and their contribution to improving our local COMMUNITIES in Fremont County.

Commissioner Norden stated the businesses that they saluted included Kwik Stops and the Holcim Plant. The Penrose Chamber honored Clara Shipman as their citizen of the year.

Commissioner Norden said he sent out a news release today that there had been a resignation from the Fremont County Planning Commission. Keith McNew had served on the Planning Commission past five and one-half years. Keith typically represented the western Fremont County residents. The deadline for letters of interest is set for 4:00 P.M., Tuesday, March 2nd.

2. Citizens Not Scheduled – none

NEW BUSINESS

BRYCE NELSON – CIVIL AIR PATROL RECOGNITION OF 3 CADET PROMOTIONS

Squadron Commander Bryce Nelson gave an overview of the program for the Colorado Civil Air Patrol Cadet Program. Cadets Jack Nordell, Mike Enderele and Hudson Baker received certificates for commissions Cadet Second Lieutenants.

FREMONT COUNTY WEED ADVISORY BOARD – REAPPOINTMENT OF MEMBERS FRED SMITH, PHIL THOMAS, RALPH KUNSELMAN AND PAUL TELCK. APPOINTMENT OF NEW MEMBERS CURTIS SORENSON AND DOUGLAS BUFORD

Commissioner Norden stated the appointments are for two (2) year terms according to the by laws.

Commissioner Lasha moved to reappointment of Fred Smith, Phil Thomas, Ralph Kunselman and Paul Telck and new members Curtis Sorenson and Douglas Buford.

Commissioner Stiehl seconded the motion and stated that the program here has been the premier one in the state for several years. We contract out with other counties such as Pueblo, Custer, Chafee and Huerfano to eradicate weeds that would otherwise ruin range land and our landscape and the revenue that we receive from that pretty much pays for the program.

Commissioner Norden said at the Winter Conference of Colorado Counties Incorporated for the Mountain District meeting that he was amazed at the lack of knowledge by commissioners throughout the mountain district about noxious weed problems and the lack of attention to address noxious weeds.

Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

NOTICE OF BID AWARD – PATHFINDER PARK ARENA SEWER TO HEATH ANDREATA EXCAVATION LLC IN THE AMOUNT OF \$8,726.54

County Manager Sugars stated that we had five (5) bidders on the project. The low bid was Heath Andreatta Excavating LLC from Walsenburg, Co for \$8,726.54.

Commissioner Lasha moved to award the bid to Heath Andreatta Excavating LLC for the amount of \$8,726.54. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

NOTICE OF BID AWARD – PATHFINDER PARK BATHROOM BUILDING TO WATSON BUILDING COMPANY, LLC IN THE AMOUNT OF \$122,398.35

County Manager Sugars said there were eight (8) bidders on the projects. The low bid was \$122,398.35 from Watson Building Company here in Cañon City. Most of the money for the restrooms will be paid out of GOCO funds and a small amount out of the Conservation Trust Fund which is lottery money. Commissioner Norden stated that the restroom bid came in over budget. The budget was in the \$80,000.00 range and it was adjusted to \$100,000.00. There is money within both GOCO and Conservation Trust Fund for a \$128,000.00 bid.

Brock Green of the Pathfinder Park Steering Committee stated his major concerns were that the structure is located in a desolate area and dark, having a structure that would not be a huge maintenance concern to the committee or for county budget purposes down the road especially due to vandalism. Commissioner Lasha said as we come nearer to construction we will come to our satisfaction that we have addressed the issues. Commissioner Norden said addressed staff's recommendation for solar heating. We either

must have a year around restroom rather than running the risk of keeping it open twelve (12) months with a high utility cost or shutting down the restrooms in the winter months. County Engineer Don Moore said he disagreed with Mr. Green. This is going to be a sturdy structure. We are building a structure in a bog and we are trying to keep the weight down. What we have designed is a wood structure with 2 x 6 walls filled completely with closed cell insulation. It is located in a flood plain. Either block or wood structure can survive. The building built for parks and recreation is seasonal. It had a different set of standards to meet. Commissioner Lasha stated that the location has a potential for vandalism. They are concerned with the lighting and that the dark issues are going to be certainly looked at. He is a believer in cameras. Commissioner Lasha stated he thinks the facility is going to be a sustainable facility. We are looking at the energy issues.

Commissioner Lasha moved to award the bid of \$122,398.35 to Watson Building Company LLC. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

APPLICATION FOR A SPECIAL EVENTS PERMIT – CAÑON CITY RODEO ASSOCIATION, 1595 S. 9TH ST.

Deputy Clerk Taylor stated one event was the rodeo from April 29th through May 1st and the other is the Free Style Bike Event on June 26th. It is acceptable by the Colorado Liquor laws to have two events on one application.

Cañon Rodeo President Boyd Canterbury gave the events and the hours and dates that the rodeo and free style motor bike event will be running. They will be only serving beer. Commissioner Norden inquired who would be serving. Mr. Canterbury replied the Rodeo Association Volunteers who have had worked for him in the past and have gone to alcohol training school. We will also have wrist bands for those who can be served and a shuttle service for those who might need it. The Mountain Rangers will be watching the gate to make sure nobody takes beer to the parking lot.

Commissioner Stiehl moved to approve the application for Special Events Permits for the Cañon City Rodeo Association for April 29th, 30th and May 1st also June 26th. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden closed the regular session and opened the Public Hearing.

PUBLIC HEARING

REQUEST: SRU 09-005 ALLTEL CELL TOWER - DEER MOUNTAIN

Request approval of a **Special Review Use Permit, Department file #SRU 09-005 Alltel Cell Tower - Deer Mountain, by Alltel Communications, Inc, a Delaware limited liability company, to allow for the construction and operation of an unmanned telecommunications facility to include a forty-eight (48) foot high monopole tower (including an eight (8) foot lightning rod), a one-hundred and eighty-four (184) square foot equipment shelter, a meter rack with Telco Cabinet and a 10 foot long ice bridge, which will provide 3G communication service and high speed wireless internet.** Access to the property is located at 1974 Fremont County Road #27A (aka Copper Gulch Road) via a twenty (20) foot easement across property owned by Charles L. Whitfield, the subject property is generally located on the west side of 28th Trail, 330 feet south of H Path in the Deer Mountain Area. The tower and associated items will be located within a fifty (50) foot by fifty (50) foot two-thousand-five-hundred (2,500) square foot lease area inside a two and thirty-four-hundreds (2.34) acre parcel which is owned by Michelle R. Fisher & Christie L. Brooks. The property which will house the tower is currently vacant. The SRU property consists of a 2.34 acre parcel which is located in the Agricultural Estates Zone District.

REPRESENTATIVE: *Nicholas M. Constantine, E. I., Denver Office Manager, Tower Engineering Professionals, Inc.*

Nick Constantine, Tower Engineer Specialist representing Alltel stated they were proposing a forty foot (40) monopole across the street from Deer Mountain on H Path. The purpose will be to supply 3G coverage to the surrounding area.

Planning and Zoning Director Giordano stated the applicant has provided proof that they have notified all the property owners within five hundred (500) feet. They have posted the property and publication has been completed. On January 5th the Planning Commission did recommend approval. Conditions A through L are basically all standard conditions except that the term is for thirty (30) years in conjunction with the lease. We have received an e-mail from J. R. Phillips concerning a weed control plan. He has asked that it will be included in our approval process as Condition M. There is a list of seven (7) Recommended Contingencies. The Planning Commission did have an Additional Requirement for the applicant to provide five (5) various Photo Simulations of screening options for the Board's determination of which one you would like to have. They are in your packet. Additional Notification has been taken care of. The Planning Commission did waive the Buffering and Landscaping requirement around the tower and parking area. Payment has been made but not received by the Daily Record. They need to provide proof of payment for publication.

Commissioner Norden closed the Public Hearing and returned to regular session.

Commissioner Stiehl inquired about the options for the poles. His recommendation would be paint for screening.

Commissioner Stiehl asked what type of power supply is necessary. Alltel requires 200 amps service. Mr. Constantine said they have requested service from the power company for 600 amps for future co-locators.

Commissioner Stiehl moved to approve SRU 09-005 Alltel Cell Tower in Deer Mountain adding the Condition M regarding a weed plan and Condition N: the construction of the tower to be a monopole painted tan or brown to match the ground color and Contingency 11: proof of publication payment. Waiving the requirements of Surfacing, Lighting and Landscape Buffering and with the finding that all Criteria A-1 through A-7 for towers and antennas for SPU on our check list have been met. Commissioner Lasha seconded the motion. This would be **Resolution #14, 2010**. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

REQUIRED CONDITIONS:

- A. Special Review Use Permit shall be issued for 30 years (term of lease).
- B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and/or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.
- C. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- D. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
- E. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of

any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.

- F. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board.
- G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days and hours of operation shall not be limited.
- I. The applicant /owner of the tower shall allow the tower to be used for co-locating purposes, if appropriate. If antenna collocation is proposed appropriate process through the Department will be required.
- J. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- K. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
- L. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.2 of the Fremont County Zoning Resolution (complete reapplication).

ADDED

- M. Applicant shall provide documentation as to the development of acceptable noxious weed control plan, which shall be reviewed and updated annually by the Fremont County Weed Coordinator. The applicant shall comply with all requirements of the plan.
- N. The monopole structure shall be painted either tan or brown

REQUIRED CONTINGENCIES:

The approval is made contingent upon, at a minimum, the following items being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval of the application by the Board of County Commissioners:

1. Documentation from the County Engineer that the applicant has complied with the requirements of the County Engineer stated in his letters dated November 24 and December 22 of 2009:
2. The site plan drawing shall include the zoning for the adjacent properties to the northeast and southeast of the subject property.
3. The site plan drawing shall identify the filled circles shown along the easement in the legend.
4. The commas shall be removed from all of the aliquot descriptions used on the site plan drawing.
5. The schedule and parcel numbers shall be removed from the site plan drawing.

6. The bold boxes and their contents titled Driving Directions, 1-A Certification, Project Information, Contact Information and Code Compliance shall be removed from the site plan drawing.
7. The reference to Parent Property Line shall be replaced with SRU Boundary Line in the site plan drawing legend.

ADDED

8. The SRU boundary shall only contain the property which houses the tower. The Whitefield property shall not be included in the SRU boundary.
9. Proof of payment for publication in the Cañon City Daily Record.

WAIVED:

Buffering & Landscaping Requirements, Surfacing, Lighting and Landscaping.

PUBLIC HEARING

5. REQUEST: SRU 09-006 ALLTEL CELL TOWER - TEXAS CREEK

Mr. Nick Constantine, Denver Office Manager, for Tower Engineering Professionals, Inc. was present to represent a request for approval of a Special Review Use Permit, Department file #SRU 09-006 Alltel Cell Tower - Texas Creek, by Alltel Communications, Inc, a Delaware Limited Liability Company, to allow for the construction and operation of an unmanned telecommunication facility to include a forty-eight (48) foot monopole tower (*including lightning rod*), a one-hundred and eighty-four (184) square foot equipment shelter, a meter rack with Telco Cabinet and a 10 foot long ice bridge, which will provide 3G service and high speed wireless internet. Access to the site will be via an easement from U.S. Highway 50, the property is generally located on the southeasterly side of U.S. Highway 50 approximately two (2) miles west of Colorado State Highway 69 in the Texas Creek Area. The tower and associated items will be located within a fifty (50) foot by fifty (50) foot two-thousand-five-hundred (2,500) square foot lease area inside a thirty-two and fifty-seven-hundredths (32.57) acre parcel which is owned by Michael A. & Denise D. Tezak. The property which will house the tower is vacant. The SRU property consists of a thirty-two and fifty-seven-hundredths (32.57) acre parcel which is located in the Agricultural Forestry Zone District.

Mr. Constantine stated that they are proposing the same thing, a forty (40) foot monopole. Access road is off Highway 50 which we have a CDOT permit. The county received a letter from the State Park Department stating that they would like to see a monopine tower. Commissioner Norden stated they will note the receipt of the Colorado State Parks Arkansas Headwaters letter from Rob White for the purpose of the public hearing and noted that in the letter they expressed concerns that the tower would be a distraction from the scenic value of the area and requested that the FCC (Fremont County) require them to design the tower to look like a tree.

Planning and Zoning Director Giordano stated that the posting, notification and publication have been completed. We have the same issue with the publication also. The Conditions of the permit, A through L are standard. The term is for (30) years in conjunction with the lease. We did receive a letter from the Weed Board requesting that we add this as a condition and the same language will go in this one. There is a list of nine (9) Recommended Contingencies.

Commissioner Lasha moved to approve SRU 09-006 Alltel Cell Tower – Texas Creek with Conditions A through N, Recommended Contingencies 1 through 10, waiving Buffering, Surfacing, Lighting and Landscaping. **This will be Resolution #15, Series 2009.** Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commission Norden, aye. The motion carried.

REQUIRED CONDITIONS:

- A. Special Review Use Permit shall be issued for thirty (30) years.
- B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing

compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and / or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.

- C. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- D. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
- E. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- F. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department of Planning and Zoning prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.
- G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days and hours of operation shall not be limited.
- I. The applicant /owner of the tower shall allow the tower to be used for co-locating purposes, if appropriate. If antenna collocation is proposed appropriate process through the Department will be required.
- J. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- K. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
- L. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board

in accordance with Section 8.2 of the Fremont County Zoning Resolution (complete reapplication).

ADDED

- M. Applicant shall provide documentation as to the development of acceptable noxious weed control plan, which shall be reviewed and updated annually by the Fremont County Weed Coordinator. The applicant shall comply with all requirements of the plan.
- N. The monopole structure shall be painted either tan or brown

REQUIRED CONTINGENCIES:

The approval is made contingent upon, at a minimum, the following items being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval of the application by the Board of County Commissioners:

- 1. Documentation from the County Engineer that the applicant has complied with the requirements of the County Engineer stated in his letters dated November 24 and December 22 of 2009.
- 2. A Colorado Department of Transportation access permit issued for the proposed use.
- 3. The site plan drawing shall include the zoning for the adjacent properties to the east of the subject property.
- 4. The site plan drawing shall identify the filled circles shown along the easement in the legend.
- 5. The site plan drawing shall contain a north point for the total property portion of the drawing.
- 6. The bold boxes and their contents titled Driving Directions, 1-A Certification, Project Information, and Contact Information shall be removed from the site plan drawing.
- 7. The reference to Parent Property Line shall be replaced with SRU Boundary Line in the site plan drawing legend.
- 8. A complete legal description for the SRU Boundary shall be included on the site plan drawing.
- 9. The line running southwesterly from what appears to be the southwest corner of the SRU Boundary appears to be the same line symbol as the SRU Boundary line. This shall be clarified and corrected as necessary.

ADDED

- 10. Proof of payment for publication in the Cañon City Daily Record.

WAIVED:

Buffering & Landscaping Requirements, Surfacing, Lighting and Landscaping.

PROPOSED 1ST AMENDMENT TO THE FREMONT COUNTY ZONING RESOLUTION

- 1. Clarification as to the validity of information and supporting documents for all applications submitted in accordance with the ZR.
- 2. Declaration as to conformance to plans, drawings and commitments by signing the application. Declaration as to agreeing and completing any private or public improvements imposed as a contingency for approval of the application, by signing the application.
- 3. Imposing professional review fees on applicant for the purposes of covering actual costs and expenses of evaluating the application, including but not limited to retaining any necessary expert review or investigative assistance for any portion the application or its accompanying documents.

Planning and Zoning Director Giordano stated this was precipitated by an action we had that was brought before the board concerning an application. The public felt there was some inaccurate information that had been provided on an application. We had the city attorney represent the County and he recommended that not only did we have the language on the bottom on every one of our applications but it also should be included in

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the actual regulations itself. We are adding terminology to our regulations so we have further back up to the applications.

We also adopted language for a special review fee and this will allow the County Commissioners to request additional fees from the applicant to pay when a third party expertise needs to be called in to aid in evaluation.

Commissioner Norden closed the Public Hearing and returned to regular session.

Commissioner Lasha moved to approve the 1st Amendment to the Fremont Planning and Zoning Resolution in reference to fees and items No. 1, No. 2 and No. 3. Commissioner Norden added under General Regulations 3.23: adding at the end of the sentence; “by the Board or the Department may be subject to rescission (adding the words) “by the Board of County Commissioners.” Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden adjourned the meeting at 10:55 A.M.

Norma Hatfield