

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
JANUARY 5, 2010**

REVISED FEBRUARY 8, 2010

VICE-CHAIRMAN DEAN SANDOVAL BROUGHT THE JANUARY 5, 2010 MEETING OF
THE PLANNING COMMISSION TO ORDER AT 7:00 P.M.

MEMBERS PRESENT

Dean Sandoval, Vice-Chairman
Bill Jackson
Mike Schnobrich
Keith McNew
Tom Doxey
Herm Lateer

STAFF PRESENT

Bill Giordano, Planning Director
Don Moore, Fremont County Engineer
Donna Monroe, Planning Assistant

MEMBERS ABSENT

Joe Caruso

1. APPROVAL OF THE OCTOBER 6, 2009 PLANNING COMMISSION MEETING MINUTES

2. APPROVAL OF THE NOVEMBER 4, 2009 PLANNING COMMISSION MEETING MINUTES

3. REQUEST: SDP 09-002 ALL ABOUT STORAGE SITE DEVELOPMENT PLAN

Request approval of a **Site Development Plan, Department file #SDP 09-002 All About Storage Site Development Plan, to allow a one-hundred and thirty (130) unit mini storage facility**, by Eagle Peaks Investments LLC, for their property which is *located on the west side of Werner Road, south of 7th Street, on the west side of Colorado State Highway 115, in the Penrose Area.* The property contains two framed garages which will be removed when the 5th phase is developed. The property is zoned Business and contains 1.94 acres. (A Site Development Plan application is required due to the fact that the property is undeveloped and is zoned Business, which is one of the criteria that requires the approval of a site development plan.)

REPRESENTATIVE: *Cornerstone Land Surveying, Matt Koch.*

4. 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 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-hundredths (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.*

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

Request 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.

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

6. OTHER ITEMS FOR DISCUSSION

Discuss any items or concerns of the Planning Commission members.

7. APPROVAL OF PLANNING COMMISSION CALENDAR

8. ELECTION OF FREMONT COUNTY PLANNING COMMISSION OFFICERS

9. 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 Zoning Resolution.
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.

10. ADJOURNMENT

Vice-Chairman Dean Sandoval called the meeting to order at 7:00 pm and the Pledge of Allegiance was recited.

1. **APPROVAL OF THE OCTOBER 6, 2009 PLANNING COMMISSION MEETING MINUTES**

Vice-Chairman Sandoval asked if there were any changes, additions or corrections to the October 6, 2009 Fremont County Planning Commission Meeting Minutes. Hearing none he said the minutes stand approved as written.

2. **APPROVAL OF THE NOVEMBER 4, 2009 PLANNING COMMISSION MEETING MINUTES**

Vice-Chairman Sandoval asked if there were any changes, additions or corrections to the November 4, 2009 Fremont County Planning Commission Meeting Minutes. Hearing none he said the minutes stand approved as written.

3. **REQUEST: SDP 09-002 ALL ABOUT STORAGE SITE DEVELOPMENT PLAN**

Mr. Matt Koch of Cornerstone Land Surveying was present to represent a request for approval of a Site Development Plan, Department file #SDP 09-002 All About Storage Site Development Plan, to allow a one-hundred and thirty (130) unit mini storage facility, by Eagle Peaks Investments LLC, Mr. Michael Schuster (owner), for his property which is located on the west side of Werner Road, south of 7th Street, on the west side of Colorado State Highway 115, in the Penrose Area. There will be a watchman's quarters incorporated on the front portion of the property which will also be used as an office for the business. The property contains two framed garages which will be removed in the 5th phase is developed. The property is zoned Business and contains 1.94 acres.

Mr. Koch stated that there will be approximately one hundred and thirty (130) storage units varying in size from 12' x 15' to 10' x 20' with a watchman's quarters to be located on the front portion of the property.

Mr. Koch also stated that they are requesting to be allowed to use either compacted gravel or cinders within the property for the roadways and parking areas. This will help with the drainage and stormwater control. Also, the applicant is requesting to leave the turnaround that is in the south-east corner of the property. At this time there is an access onto Highway 115 but it is not a legal access. Regarding that contingency we are waiting on a note from the Colorado Department of Transportation (CDOT) either granting permission to keep and use that access or to close it. Our intention is not to use that access but its there and people do use it. Our main entrance will be located on the north side of the property and we have an auxiliary entrance on the south end that will only be used for maintenance and will be closed most of the time to public use. In the middle of the lot right now there are two (2) existing buildings, garages, that are in decent shape and we want to keep those for construction purposes, storing materials. When we get to phase five the garages will be removed. Also, until we build phase five (5) and six (6) we will use those areas for boat storage and RV storage. Once phases five (5) and six (6) are created then the boat and RV storage will go away.

Mr. Bill Giordano showed a video of the area. He stated that there are twenty-five (25) contingencies but most of them pertain to the plat.

Mr. Giordano stated that he did want to comment on a couple of the contingencies, the first one being #1; Documentation from the County Engineer, that the applicant has complied with the requirements of the County Engineer as stated in his letters dated November 24, December 8, and December 22 all of 2009. The reason this is being brought up is because there have been three (3) reviews done on it and in the last review Mr. Moore states:

Report does not refer to any drawing or plan sheet.

Pond drains are oversized, and will allow discharges greater than the allowed historic flow rate.

Pond Volume shown on the first application package sheet is less than the size required.

Details of pond construction and rip-rap are needed.

Off-site flow from the west is not adequately addressed.

The reason it is being brought up is that in the past the Planning Commission has requested that the Department not place these items on the agenda until they have a complete drainage plan. In the past few months some of the drainage plans submitted were incomplete and the Planning Commission approved them. Mr. Giordano brought this to light so he can determine if the Planning Commission thinks that the drainage plans are critical in the approval of the application and what they would like to see as a minimum as related to drainage plans. He noted that the Drainage Plan is a requirement and at a minimum we need the flows above historic levels and at least a general concept of how the drainage will be handled. In this application a very limited drainage plan was submitted and it is obvious that a detailed drainage plan was needed due to the high lot coverage which will result in a substantial amount of stormwater above historic levels. It should be further noted that there have been three (3) reviews, by our Engineer. How do you want us to handle these in the future? Mr. Giordano noted that the regulations allowed for abbreviated drainage reports in cases of very minimal runoff and it seems that this is being misused as this application will create substantial stormwater runoff. It appears that by requesting an abbreviated drainage plan it was used to only meet the minimum requirement for initial submittal to the Department. Once accepted by the Department it allows the engineer additional time to design the drainage plan which should have been submitted with the application as it was obvious that a full drainage plan was needed. Mr. Moore has the responsibility of the review and as to adequacy of the drainage plan and Mr. Giordano is not sure that he knows whether the Planning Commission will accept it or not if it is not adequate.

The second contingency is #2; A Colorado Department of Transportation (CDOT) access permit for the south Werner Road Access or documentation that existing access is adequate. We want to make sure that CDOT will continue to allow it to be used.

Regarding Contingency #6; Documentation from the Colorado Registered Engineer who designed the drainage improvements that the required improvements were constructed to the approved design standards. Contingencies #7, #8, and #9 are all dealing with the maintenance related to the drainage facilities.

Mr. Giordano stated that there are additional notifications and the waiver requests.

Regarding the waiver requests; the applicant is asking that the hard surfacing be waived and is proposing a six (6) inch gravel base. As to the lighting and landscaping; he thinks that there is going to be some sort of security lighting.

Mr. Koch stated that regarding the landscaping, they are planning on landscaping the front of the office/watchman's quarters building so it will look nicer from the highway. There will be a sign, "All About Storage", on the front of the building.

Vice-Chairman Sandoval asked if there were any questions for the Department or the Applicant.

Mr. Tom Doxey inquired of Mr. Koch if he had done a feasibility study as to mini-storages?

Mr. Koch introduced the applicant/owner, Mr. Mike Schuster.

Mr. Schuster stated that he had done a little bit of study on the ones in the area.

Mr. Doxey stated that there are a lot of mini-storages in the Penrose area and one of them has twenty (20) units that are vacant.

Mr. Schuster stated that he had done some checking in the area. His idea is a step above from the others with the watchman's quarters and a nice office. He thought that the area could use one that's nicer than what is already there. That's why they want to develop it in phases so that as they get units filled they can move on to the next phase.

Mr. Doxey asked Mr. Schuster how long he thinks it will take to get to the fifth (5th) phase and when will they remove the two (2) garages if they started tomorrow.

Mr. Schuster stated that it could be one (1) year or two (2) years.

Mr. Doxey asked Mr. Schuster if he could just go ahead and take the buildings down and use the mini-storage to store his equipment and materials.

Mr. Schuster stated that they need the mini-storage units to make the income. He explained the plan for each of the phases using the Site Plan map.

Mr. Doxey asked him if what he was saying was that he might be working on this project for four (4) years.

Mr. Schuster stated it is a possibility.

Mr. Doxey asked who decided on the materials for the base for the driveway and parking areas.

Mr. Schuster stated that he has an outdoor storage in Pueblo and what he uses there is slag from CF&I.

Mr. Doxey stated that the slag is worthless.

Mr. Schuster stated that it is very good surface when compacted and it keeps the weeds down. He stated that he might use gravel from the local area.

Mr. Doxey stated that from some of the product (slag) that has been put down in Pueblo, there have been some lawsuits over it, because it wasn't the right material. Substantially it wouldn't hold up four (4) or five (5) inches of asphalt.

Mr. Schuster stated that he's not saying that the two (2) he mentioned are comparable to asphalt.

Mr. Doxey stated that he's just asking who designed or suggested it because if you're going to put something in, you might as well use the right material.

Mr. Schuster stated that he just mentioned a couple of their options.

Mr. Doxey stated that his neighbor on the west has asphalt; ACP and then there's one next to him that has asphalt all the way around it.

Mr. Schuster stated that there is a business just east of his that has gravel around theirs.

Mr. Doxey stated that with his experience, a personal friend of his went bankrupt because he used slag in the city of Pueblo and the City sued him.

Mr. Schuster stated that he used three (3) million pounds of it on his two (2) acres down in Pueblo and has never had a problem.

Mr. Doxey asked if he paved over it.

Mr. Schuster stated that no, he hasn't paved over it and he wouldn't pave over it at this project. That's why he's requesting the waiver for paving.

Mr. Doxey stated that in the future if someone wanted to come in and pave that area with hot mix, they shouldn't be paving over that slag. He just wanted to share that information.

Mr. Doxey asked Mr. Schuster if he wanted to wave the screening on the south next to Bonnie's Wrecking Yard and what about lighting.

Mr. Schuster stated that there is already a fence on the south side. As to the lighting what he wants to do on the front is have lighting shining at the buildings and in the isle ways. He talked to CDOT and they don't have any problems with any of the lighting as long as it doesn't shine on the highway. CDOT was fine with all of it.

Mr. Doxey stated that on Highway 115, somewhere in the CDOT specifications, they don't like to have an ingress/egress any closer than a mile between each entrance so this property couldn't do that.

Mr. Giordano stated that is one of the contingencies. The applicant requested a waiver of this contingency but the Department decided that it shouldn't be waived because it's being used and it's not legal. There is going to be more use and he wants the State to be aware of it and of this application.

Mr. Doxey inquired of Mr. Schuster what he is going to do about the drainage. How is it going to work out so that the Commission has some information to go by?

Mr. Schuster stated that his engineer is working with the County Engineer on the drainage part. Basically it is divided up here (pointing to area on the map) so the drainage comes around to this pond (again pointing at the map) which will be done in the latter phase. In the earlier phase, the drainage would come over to the pond on that side (again pointing at the map).

Mr. Doxey inquired if the pond is just a depression which will just dry up or will it hold water.

Mr. Schuster stated that the ponds will hold water and release it.

Mr. Koch stated that the ponds will release the water; they are not retention ponds. That is one of Mr. Moore's notes is that the release side is too big and needs to be narrowed down so it won't release the water as fast or above historic discharge rates. Our Engineer is working on putting that size in to the plan now.

Mr. Herm Lateer stated that he has some doubts or concerns about moving forward without seeing a more adequate drainage plan. We've all seen deluges around here and he would also like to see something from CDOT on what needs to be done with the illegal access.

Mr. Koch stated that the CDOT access actually comes off of the County Road. The County would have to apply for any access; it would have to be a mutual thing and on behalf of that the County may have to help with at least the application.

Mr. Giordano stated that if CDOT is going to issue an access permit to the County as the owners of the property they would at least sign the application. Normally the applicant prepares the paperwork, the Department sends it to the County Engineer for review and then it goes forward to the State. He then stated that Mr. Moore knows more about it, but that the way he understands it, when the State comes back with the approval it will go back to the property owner. Mr. Koch is correct in that it could become an issue. The problem of it is that the road was put in the Post Office was put in, for some reason a drive ended up on the back end of the property. Mr. Giordano doesn't know if it happened with the Post Office but it's been there for quite a while and nobody's addressed it. He decided that somebody's going to use it so the issue needs to be addressed, the State needs to make a decision one way or the other.

Mr. Koch stated that they had talked to CDOT and they stated that they didn't have a problem with it at all.

Mr. Schuster stated that CDOT said they were going to come up and look at the access and that is the last we've heard. All CDOT seemed to really want was the application fee of one hundred (100) dollars.

Mr. Giordano stated that the Department isn't asking if CDOT does or doesn't want a driveway access; if they say it's adequate the way it is the Department just needs a letter or e-mail from CDOT stating that information. He just wants to make sure that the State isn't going to be surprised the development is going in there and have them state that they want to close that access. That's not necessarily a real problem anyway because there is still access to a County Road. It is a standard procedure to notify the State Highway Department when the property abuts it or provides access to the property.

Mr. Schuster inquired if the Department still wanted him to contact CDOT.

Mr. Giordano stated that yes, he wants CDOT contacted and to get a letter or some form of documentation to the use of the access.

Mr. Koch stated that it is a well done access except that it's not paved. It probably wouldn't take much to excavate it and make it a good access for CDOT.

Mr. Moore stated that he doesn't agree because it is a three (3) lot subdivision that was done in advance; it's a dead end road with a cul-de-sac at the end of it. The first application we saw showed the cul-de-sac being taken away and we responded "no, the County needs it to turn the snowplow around". There's got to be some consideration of the County using that access

toward the highway and main road. If you were asking him to sign off on the access or if you give it to the County Commissioners to sign the access, he wouldn't give the access permit to the applicant and he wouldn't give the application to the County Commissioners to sign. It's not a needed access so let CDOT fence it off if that's what CDOT wants to do, it doesn't affect the County in any way. This project doesn't rely on that access for anything. People go into a mini-storage, they go out of a mini-storage; the access is off of Warner Road and Stub Street that goes onto State Highway 115. The access shouldn't have been put into place to begin with, it's too close to the highway but now it's there. Mr. Moore agrees that a letter from CDOT will solve the problem. If you are asking him to deal with the illegal access then he agrees that there needs to be a letter from CDOT; if they will write it then so be it. It's not part of the project.

Mr. Giordano stated that based on what Mr. Moore stated, the Planning Commission may not want to give CDOT the option to comment; we may just say we don't want the applicant to use it.

Mr. Moore stated that this project doesn't have anything to do with the illegal access. He stated that the access they are discussing isn't part of the cul-de-sac. The cul-de-sac turns to the west, the revised Site Plan shows that the cul-de-sac stays.

Mr. Keith McNew stated that he had a story to tell about the cul-de-sac. Back when there was a brand new County Commissioner who elected it and inherited Werner Road, he remembers several trips out there trying to get loose ends tied together. One of them was the access which is too close to State Highway 115 and it was worked through. This Werner Road and that project had been approved just before Mr. McNew took office and there was a lot of dangling ends on that which made a hardship for the County and Mr. Werner. Mr. McNew would prefer to have the dangling ends taken care of before this item is sent on to the County Commissioners. The dangling ends that he is talking about are the drainage and the access to State Highway 115. He would like to see a resolution one way or another. He asked Mr. Giordano if he remembers the project he's talking about.

Mr. Giordano stated that he doesn't remember the project specifically but obviously with the cul-de-sac and the illegal access there are some loose ends and that's what the Department is trying to get resolved with the contingencies.

Mr. McNew stated the County Commissioners at that time made several trips out there and he'd rather see things taken care of before the Planning Commission sends this on to the County Commissioners.

MOTION

Mr. McNew moved to **table** SDP 09-002 All About Storage until the February 2, 2010 Planning Commission meeting allowing the applicant time to submit the completed Drainage Plan and written documentation from CDOT regarding the illegal access within a time frame to be determined by the Department allowing enough time for reviews of submitted items.

SECOND

Mr. Doxey seconded the motion.

Vice-Chairman Sandoval stated that he had not called for a motion, however since a motion was made and seconded he would call for discussion on the motion.

Mr. Giordano stated that the item had not been opened to the public for comment and that he believes that the public input should have been received prior to any motion, however if any input received changes the motion, then the first motion could be rescinded and a new one could be made.

Vice-Chairman Sandoval requested public input.

Mr. Schuster inquired as to why his project is being “held hostage” over the illegal access when he doesn’t even care if it is there or not. If the Commission wants him to pursue going to CDOT again and trying to find out what they want done on the access he doesn’t mind doing that, but his project shouldn’t be held hostage for that access. It’s been there for years; somebody put it in. If the Commission wants it closed, tell CDOT to close it, he doesn’t care. As far as the drainage goes, they can get that in right away.

Mr. Mike Schnobrich inquired about the watchman’s house; exactly how big is it going to be and how many people do you plan to live there. Is it going to become a residence for somebody or is it basically going to be a watchman’s house?

Mr. Schuster explained that when you have a watchman’s house it is a residence; it will be six hundred (600) square feet; the total size of the office and the watchman’s quarters is thirty by thirty (30 x 30). The office portion will be ten by thirty (10 x 30) out in the front and the back part, twenty by thirty (20 x 30) will be a one (1) bedroom apartment with a bathroom and a kitchen and living room which is the average size for a one (1) bedroom apartment.

Mr. Schnobrich inquired of the applicant if there has been a traffic study done on the item.

Mr. Schuster stated that there had been a traffic study done and that the findings were less than fifteen (15) cars per day.

Mr. Schnobrich inquired if the vehicles would mostly be pickup trucks; he’s concerned about the road base and the request for a waiver on the paving issue.

Mr. Schuster stated that the average daily traffic was very low because the average person doesn’t go to their mini-storage very often, maybe once a month.

Mr. Schnobrich inquired if the applicant was planning to do any other businesses on the property.

Mr. Schuster stated no there wouldn’t be any other businesses.

Mr. Schnobrich stated that with putting in a watchman’s quarters and doing the work in phases when will they actually start having customers.

Mr. Schuster stated that as soon as phase one is complete we will be open for business.

Mr. Schnobrich inquired about the phase process, if the applicant is required to have all of the buffering and landscaping in place before they start on Phase 2. If they are going to be putting things into phases that’s fine but there are certain things that need to be done up front as part of the initial project which would be the buffering, landscaping and he presumes the Drainage Plan.

Mr. Schuster stated that they want to set the tone for the whole project; doing the front first, the drainage, and anything else that is needed.

Mr. Schnobrich inquired about the sides and the back of the property.

Mr. Schuster described the progression of the different phases referring to the map.

Mr. Schnobrich stated that his major concern about phase projects is that sometimes they have a way of not getting completed. They start with a particular project and then two (2) years from now certain things aren't done. The Drainage Plan isn't done or certain types of traffic requirements aren't done. Is that going to be a particular problem that we are dealing with?

Mr. Giordano stated that there shouldn't be any problems because the applicant won't be able to get building permits until all the contingencies are completed, otherwise he will be placed under violation.

Mr. Schnobrich stated that those are the requirements to get started, not to see this whole project through if we gave him five (5) years to complete this project.

Mr. Giordano stated that the Drainage Plan will have to initially be in constructed.

Mr. Schuster stated that they will have the Drainage Plan in place and then set their elevations and continue on from there. We can't put any mini-storage units up until we know the correct elevations.

Mr. Schnobrich inquired of the applicant why the paving along and in between the buildings should be waived. Most mini-storages are completely paved.

Mr. Schuster stated that because of the amount of roofs, he needs gravel so the stormwater can be absorbed into the ground. Otherwise the detention ponds are going to be so massive that there won't be enough room for all of the storage units.

Mr. Schnobrich inquired if that is the reason they want the waiver on the paving.

Mr. Schuster stated that the front area will be a driveway and parking and it will probably be concrete.

Mr. Doxey stated that by not paving the whole area it is understood that they are going to have better absorption but when you do get what you want, where is all that water going to go that is in the ponds. Is it going to go towards State Highway 115?

Mr. Koch stated that everything is directed toward Werner Road and there are culverts going under Werner Road and then under State Highway 115.

Mr. Doxey stated that once it goes under the highway it goes to his property and it floods him.

Mr. Koch stated that is the reason for the detention ponds, to regulate the rate at which the water is released so Mr. Doxey shouldn't get any additional water from this project than he has been getting, in fact it could be less.

Mr. Doxey stated that his property gets water from the County Road and State Highway 115 as it slopes to the west and all the water goes towards the project site, in the ditch and then into the culvert and then comes onto his property.

Mr. Koch stated that the project should actually help him because it will be detaining the water.

Mr. Doxey stated that would be a miracle.

Vice-Chairman Sandoval asked if there was any public comment.

Ms. Elsie Collins (316 W 5th St. Florence, CO 81226) owner of mini-storage in Penrose and Ms. Mary McBroom (1068 Rockafellow Court Cañon City, CO 81212) owner of mini-storage in Cañon City both voiced their concerns about another mini-storage opening in the area. They each stated that there are numerous vacant units at many of the various mini-storages within the County.

Mr. Koch noted that the property is part of the Lone Cedar Subdivision and on the plat it states that if Werner Road is ever extended the cul-de-sac can be removed.

Mr. Schnobrich stated that it should be left up to the County Engineer to work on. What he understands is that Mr. McNew is wanting confirmation from CDOT as to what they want done with that access.

Mr. Koch stated that they want to be clear if they can utilize that property because if they have to incorporate that access into their development then do they get use of the turn around?

With no other comments Vice-Chairman Sandoval called for a roll call vote which was unanimous.

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

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 09-005 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 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.

Mr. Constantine stated that they are hoping to increase cellular phone service in the area that doesn't have any existing towers at this time. We are requesting a waiver of the landscaping and a waiver for paving of the access drive and parking space because after the construction it will be one vehicle maybe every three (3) months which will be an Alltel Site Technician.

Mr. Giordano showed the video of the area where the tower will be located.

Mr. Giordano stated that the conditions listed are all standard language other than the term of the permit is for a thirty (30) years (not life of the use) which is in conjunction with the thirty (30) year term lease. As far as the recommended contingencies, the applicant is requesting a waiver of the drainage requirements. In most cases that is pretty normal with towers because of the small structure that is involved. The site itself isn't requiring any kind of possible drainage but in the County Engineer's letter, December 22, 2009, he is requesting reconstruction of the entrance driveway which is needed for enhanced safety, drainage control, and to ensure that mud is not tracked onto the asphalt roadway. He also states that a drainage impact letter is needed for this site. Mr. Giordano stated that the rest of the contingencies are all standard. One of the issues is that the application is not clear as to what is the SRU boundary. The application shows two (2) properties, one being the access across a separate parcel which is access to the site and the site itself. Since there is an access easement deed across the property the only parcel that should be included is the property that will house the tower therefore contingency item #9 should read that the SRU boundary should only include the parcel that houses the tower. The other thing regarding the easement is that the application described the easement over the top of county right-of-ways and the Department had concerns that they didn't have a right to include it in the easement. It was later determined after discussion with the County Attorney that it would be acceptable as described in the easement deed, therefore contingency item #10 can be eliminated.

Mr. Constantine asked with the change to contingency #9, will we still be required to comply with Mr. Moore's requirements?

Mr. Giordano confirmed that, yes Mr. Moore's requirements still have to be met as the access will still be from the County Road even if the access parcel is removed from the SRU boundary.

Mr. Doxey asked Mr. Constantine how they pick the sites. Do you use a satellite or something to tell you where to build the tower? Do the lightning rods attract the lightning, or are you saying that it's a guarantee that if lightning strikes it's not going to damage the tower.

Mr. Constantine stated that regarding the first question; that Alltel, Verizon or whomever, all have system performance people who have antennas in their cars and carry cell phones and repeatedly make calls from various sites. They drive up and down areas that don't already have service and create a priority list. Every year they'll send out the next top five (5) or top ten (10) sites that they would like to see get built. It's all based on the residential areas and touristy areas.

As far as the lightning rod goes, we actually have one (1) forty (40) foot steel pole with an eight (8) foot lightning rod on top. Yes, it is the goal of the lightning rod to attract the lightning so it doesn't get as far as the antennas. Once it goes down the lightning rod then it follows the steel pole down to the ground.

Mr. Doxey inquired that if they keep it clear outside the fences, will the lightning heat up the fence, the building, and all the mechanical stuff and start a forest fire.

Mr. Constantine stated that no, it won't start a forest fire. We use all the modern methods to dissipate all the energy into the ground.

Mr. Schnobrich inquired if he understood correctly that you can't see the tower from any of the roads.

Mr. Giordano stated that it can be seen from various areas but not directly below the site from the County Road.

Mr. Schnobrich stated that we are getting into some pretty scenic places with these towers. Do we have anything in place that requires them to do any kind of camouflaging of these towers instead of just having a big, old, ugly cell phone tower? There are probably a lot of people who don't think it is an enhancement to the community. He asked Mr. Constantine what they plan to do to mitigate the looks of the cell phone tower in an area like that because it's a beautiful area out there.

Mr. Constantine stated that what is optimal for Alltel's information as far as future collocutor's is to install the monopole. There are also slim poles that we would install the antennas inside the pole and they are all set inside of a kind of fiberglass pole.

Mr. Schnobrich inquired as to what Alltel intended to do.

Mr. Constantine stated that it is Alltel's preference to just paint the tower, green or brown, whatever the Commission's preference.

Mr. Giordano stated that there are regulations that give us the authority to request screening of the tower. There is a whole section in the regulations for specifically addressing towers. Alltel did address these issues in their application.

Vice-Chairman Sandoval stated that if we did find a need to address a tower in a certain location we could call upon the regulations to set the parameters.

Mr. Schnobrich inquired as to how the Commission is supposed to do that? Are we supposed to make a resolution of what we want to see?

Mr. Giordano stated that the Commission has to get specific as to what they want. The Commission can ask for options or suggestions so they can decide which one would be best for this site. If you're not being specific then you're leaving it up to the applicant's discretion. The Commission has to tell them what they want.

Mr. Constantine stated that there are pros and cons to each one. With the slim pole, if the County ever wanted to install some antennas for the fire department, sheriff's department or whatever on the pole it would be almost impossible to do that because they are normally Omni antennas and those can't be installed on slim poles. You can work more with a monopole and paint it green but you're going to have "green trees" twelve (12) months a year which may stick out more than the gray colored tower.

Mr. Giordano stated that the regulations are geared toward collocation so the Commission probably doesn't want something that will not allow it. If there are other cell phone companies that want to come into that area the Department would recommend that they collocate.

Mr. Schnobrich stated that what he is getting at is he doesn't know if the Planning Commission can make the decision as to if the applicant should have a monopole or whatever. Those are very technical questions with a lot of pros and cons but at the same time maybe we should be looking at mitigating some of the impact that we are starting to see. It's getting to be almost every Planning Commission meeting we are looking at new cell phone towers. We really

should come up with some kind of direction to stamp them when they do show up before us; at least the issues have been addressed to everybody's satisfaction.

Mr. McNew stated that he doesn't think we can do that on this particular item until we address something in the regulations. We've approved a lot of them without specifying so we can hardly stick it on one at this late date. Out there in that particular area, he doesn't think it's going to make that much difference anyway. He knows the area pretty well.

Mr. Giordano stated that the authority is there but the Planning Commission and the County Commissioners usually approve them as submitted with basically no screening or camouflaging. The Department has not requested any screening or camouflaging since it has not been requested in the past even though we have the authority. If this is what the Planning Commission wishes, the Department will ask for this in all future applications. In some past applications the applicants have provided a depiction and photo simulation of the tower imposed in the site. It does give you a good idea of what it will look like.

Mr. Schnobrich stated that the reason he's concerned about it is because we are starting to get a lot of these towers coming in, five (5) or ten (10) years ago we were not getting a lot of them.

Mr. Giordano stated that the problem he has is he sees the towers up on Monument Hill and they look worse than if they were just painted and weren't made to look like trees, they're brown and they stick out like a dead tree.

Mr. Schnobrich asked if this issue could be put on some kind of a schedule to be addressed as some sort of review of the regulation. We do have to address it but we can't force it on anybody right now.

Mr. McNew stated that this application was made under the assumption that the rules were the way the Commission has been approving them. We can't put anything on this one. But we are working on the Master Plan so maybe that's someplace to address it.

Mr. Giordano stated that they can put the guidelines on this application because Mr. Constantine stated that they will provide it. Maybe it can be requested that they provide it prior to the Board meeting so it does not hold up the application.

Vice-Chairman Sandoval inquired if Alltel is open to collocation on their towers?

Mr. Constantine stated that yes, Alltel is open to collocation and that's why they propose the type of pole that most easily allows collocation.

Mr. Giordano stated that it is actually a condition of the permit.

Vice-Chairman Sandoval inquired as to what type of process is to be followed if a collocation is requested.

Mr. Giordano stated that it is a simple, in-house application that the Department approves. The Department does have a Collocation Application process.

Vice-Chairman Sandoval inquired if Alltel would provide some photo simulations for the County Commissioners by request of the Planning Commission.

Mr. Constantine stated that yes they would.

Vice-Chairman Sandoval inquired that if we make that part of the motion; say the five (5) best aesthetically presented towers, then the Commissioners would get them. Maybe as a group or if someone wants to take it on and we have a little task force to look into the issue then the Commission can build on guidelines from this point on. It looks like towers are here to stay for a while. We'll probably be seeing a number of applications over the years.

Mr. Jackson stated that he is still concerned about not having a Drainage Plan and the County Engineer keeps asking for this. Mr. Moore doesn't know when work is done on the egress side of it. We don't have any plan on how that is going to affect the main highway.

Mr. Giordano stated that in this particular instance, it sounds like it is just a very simple process. The last item, All About Storage, obviously needed to have a complete Drainage Plan, but this particular application is different as it will have minimal runoff as there is minimal coverage by buildings. There is no reason to believe that there will be that much runoff with just a tower. The only issue is runoff from the access road onto the County Road which can be easily handled by a culvert and a ditch or ditches where it enters the County Road.

Mr. Jackson stated that what the County Engineer reported in regard to the egress, if that has changed, then he thinks that there should be some form of recognition of that.

Mr. Giordano stated that it is up to the Commission but he's not real sure it's as critical of an issue compared to the last one.

Mr. Constantine stated that since we are redoing the road per Mr. Moore's request, certainly we ought to be able to do our review and calculations, go in there and correct the size on the culvert as needed and provide the quit claim deed stating the County won't be liable for maintaining that road.

Mr. Jackson stated that he's sure there's not going to be any significant change to the runoff with regard to the tower location, but he does think there is a need to be concerned about the egress side where it connects to Copper Gulch Road.

Vice-Chairman Sandoval inquired about the process of the quit claim deed.

Mr. Constantine stated that yes, the quit claim deed is all written up it's just a matter of getting the signatures of the higher ups.

Mr. Giordano stated that will be required to get a driveway access, so if the Commission wants to make that part of the record they can. The driveway access can require a drainage plan if needed.

Mr. Moore stated that Alltel needs to improve the driveway, it's a private driveway and it needs to be done. He doesn't think it should hold up the tower.

Vice-Chairman Sandoval called for a motion.

MOTION

Mr. McNew moved to **approve** the request SRU 09-005 Alltel Cell Tower – Deer Mountain with the following:

RECOMMENDED 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).

RECOMMENDED CONTINGENCIES:

The approval recommendation 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.

The Planning Commission recommended that Contingency #8 be changed to read as follows and deleting #9 because of the changes to #8.

8. The SRU boundary shall only contain the property which houses the tower. (The Whitfield property shall not be included with the SRU boundary).

8. If all of the properties involved are to be included in the SRU Boundary then all properties shall be described in the SRU PROPERTY DESCRIPTION.

9. The SRU boundary shall only contain the property which houses the tower. (The Whitfield property shall not be included within the SRU boundary).

The Planning Commission recommended that Contingency #10 be deleted based on advice of the County Attorney.

10. An easement cannot be granted by a property owner over land that is reserved for public use as use of those properties are under the jurisdiction of the County for determination of use. Therefore the easement as shown must be re-described and re-drawn on the site plan drawing so as not to include any portion of properties reserved by the Map of Magnuson Properties Colorado Acres (Reception #344677) for public use. Further the label-notes on the site plan drawing that reference revision of the access easement shall be removed from the site plan drawing.

ADDITIONAL REQUIREMENT:

1. The applicant will provide five (5) various Photo Simulations of screening options (i.e.: color, mono pole, slim pole) to the Department on or before January 21, 2010.

ADDITIONAL NOTIFICATION REQUIREMENTS:

In addition to the required notifications the following shall also be notified in accordance with regulations:

1. The Federal Communication Commission
2. Fremont County Weed Control Officer
3. State Historic Preservation Office
4. The Fremont County District 3, Road Foreman
5. Fremont County Sheriffs Office
6. Fremont/Custer Historical Society

The Planning Commission recommended waiving the following:

WAIVER REQUESTS:

1. 5.2.6 Buffering & Landscaping Requirements:

In conjunction with the issuance of a building permit or approval of a zone change to a Manufactured Home Park, Travel Trailer Park & Campground, Neighborhood Business, Rural Highway Business, Business, Industrial Park, Airport Industrial Park, or Industrial Zone Districts, and if the property is adjacent to any Agricultural Estates, Agricultural

Suburban, Low Density Residence, Medium Density Residence or High Density Residence Zone District, the applicant shall be required to provide screening or a buffering strip, which will act as an opaque visual barrier, **unless waived by the Board** (*of County Commissioners*). Where in these regulations, any such screening or buffering strip is required to be provided and maintained, such buffering strip shall consist of a row of trees or continuous un-pierced hedge row of evergreens or shrubs of such species as will produce within three (3) years a screen height of at least six (6) feet and shall be of the following minimum sizes at time of installation:

| | |
|--------------------------------------|------------------|
| Deciduous shrubs | 4' height |
| Spreading evergreens | 30" spread |
| Tall evergreens | 3' height |
| Screen planting (<i>evergreen</i>) | 4' height |
| Trees | 2 and ½" caliper |
| Ground cover | 2 and ½" pot |

The entire buffer strip shall be immediately adjacent to the lot line or portion thereof, with consideration given to utility or drainage easements. The remainder of the strip shall be used for no other purpose than the planting of shrubs, flower beds, grass, or a combination thereof. The buffer strip shall be at least eight (8) feet in width and shall be graded and planted with grass seed or sod and such other shrubbery or trees. The entire area shall be attractively maintained and kept clean of all debris and rubbish.

In required buffer strips where a natural buffer strip is considered to be impractical or inappropriate, an opaque fence may be substituted in whole or in part for a natural buffer provided its specifications are approved by the Board.

2. **Surfacing:** Surfacing for all business, commercial or industrial off-street parking areas shall be graded and surfaced to control dust and provide proper drainage. Spaces shall be asphalt or concrete surface **unless waived by the Board**. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed to prevent parking vehicles from extending over any lot lines.
3. **Lighting:** All off-street business, commercial or industrial parking spaces may be required to be adequately lighted to protect the safety of the individual using the area. Said lighting shall not cast any glare on the surrounding properties.
4. **Landscaping:** All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

SECOND

Mr. Jackson seconded the motion.

Vice-Chairman Sandoval called for a roll call vote, and the vote was unanimous.

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 just like the previous tower, we are hoping to increase cellular phone service to an area that doesn't have any existing towers at this time.

Mr. Giordano showed a video of the area where the tower will be located. He stated that again, they are asking for a thirty (30) year permit. The conditions and contingencies are pretty much the same. On this item the Department is asking for a CDOT access permit. The waiver requests and additional notifications are basically the same.

Vice-Chairman Sandoval stated to Mr. Moore that the drainage concerns about the access onto the highway need to be addressed.

Mr. Moore stated that the access is from US Highway 50 therefore CDOT will have authority over the drainage.

Vice-Chairman Sandoval asked if there was any public comment.

Mr. McNew inquired of Mr. Mike Tezak (person in the audience) if this tower is going to be in sight of his house.

Mr. Mike Tezak (6200 County Road 037, Texas Creek, CO 81223) stated that they need cellular phone service in that area. It will serve Golden Acres, the State Highway 50 corridor, maybe even Cotopaxi. They would like to have cell service in the area.

Mr. Constantine stated that Cotopaxi is actually on next year's list.

Mr. Schnobrich inquired if the same photo simulations would be available for this application?

Mr. Constantine stated yes.

MOTION

Mr. McNew moved to **approve** the request SRU 09-005 Alltel Cell Tower – Deer Mountain with the following:

RECOMMENDED 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

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).

RECOMMENDED CONTINGENCIES:

The approval recommendation 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.

ADDITIONAL REQUIREMENTS:

1. The applicant will provide five (5) various Photo Simulations of screening options (i.e.: color, mono pole, slim pole) to the Department on or before January 21, 2010.

ADDITIONAL NOTIFICATION REQUIREMENTS:

In addition to the required notifications the following shall also be notified in accordance with regulations:

1. The Federal Communication Commission
2. Fremont County Weed Control Officer
3. State Historic Preservation Office
4. The Fremont County District 3, Road Foreman (Paul Garrett)
5. Fremont County Sheriffs Office
6. Fremont / Custer Historical Society
7. Arkansas Headwaters Recreation Area
8. Colorado Division of Wildlife

The Planning Commission recommended waiving the following:

WAIVER REQUESTS:

1. 5.2.6 Buffering & Landscaping Requirements:

In conjunction with the issuance of a building permit or approval of a zone change to a Manufactured Home Park, Travel Trailer Park & Campground, Neighborhood Business, Rural Highway Business, Business, Industrial Park, Airport, or Industrial Zone Districts, and if the property is adjacent to any Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence or High Density Residence Zone District, the applicant shall be required to provide screening or a buffering strip, which will act as an opaque visual barrier, **unless waived by the Board** (*of County Commissioners*). Where in these regulations, any such screening or buffering strip is required to be provided and maintained, such buffering strip shall consist of a row of trees or continuous un-pierced hedge row of evergreens or shrubs of such species as will produce within three (3) years a screen height of at least six (6) feet and shall be of the following minimum sizes at time of installation:

| | |
|--------------------------------------|------------------|
| Deciduous shrubs | 4' height |
| Spreading evergreens | 30" spread |
| Tall evergreens | 3' height |
| Screen planting (<i>evergreen</i>) | 4' height |
| Trees | 2 and ½" caliper |
| Ground cover | 2 and ½" pot |

The entire buffer strip shall be immediately adjacent to the lot line or portion thereof, with consideration given to utility or drainage easements. The remainder of the strip shall be used for no other purpose than the planting of shrubs, flower beds, grass, or a combination thereof. The buffer strip shall be at least eight (8) feet in width and shall be graded and planted with grass seed or sod and such other shrubbery or trees. The entire area shall be attractively maintained and kept clean of all debris and rubbish.

In required buffer strips where a natural buffer strip is considered to be impractical or inappropriate, an opaque fence may be substituted in whole or in part for a natural buffer provided its specifications are approved by the Board.

5. **Surfacing:** Surfacing for all business, commercial or industrial off-street parking areas shall be graded and surfaced to control dust and provide proper drainage. Spaces shall be asphalt or concrete surface **unless waived by the Board**. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed to prevent parking vehicles from extending over any lot lines.
6. **Lighting:** All off-street business, commercial or industrial parking spaces may be required to be adequately lighted to protect the safety of the individual using the area. Said lighting shall not cast any glare on the surrounding properties.
7. **Landscaping:** All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

SECOND

Mr. Jackson seconded the motion.

Vice-Chairman Sandoval called for a roll call vote, and the vote was unanimous.

6. OTHER ITEMS FOR DISCUSSION

Vice-Chairman Sandoval stated that he thinks that the Planning Commission needs to look at the cell tower issue. Possibly it should be done through the review of the Master Plan but he's not sure that the Commission can do that because the things that need to be looked at for the towers are more regulatory.

Mr. Giordano stated that we have the regulations in place; it's just a matter of what we want to see and what we expect the applicant to provide to us.

Mr. McNew stated that there are some places where people would really want these towers obscured but there are other places where it wouldn't make that much difference. We may be able to address it in the Master Plan.

Mr. Giordano stated that when the Planning Commission gets into the scenic corridors they can talk about the tower issues. In general he thinks the Department is okay with the current regulations.

Mr. Schnobrich stated that at the beginning of the meeting something was mentioned about some guidance from the Planning Commission about how complete the applications are that come in front of us. He thinks that it is getting to be a little bit of a concern; at least it is for him. He thinks that one of the things, at least as far as the Planning Commission is supposed to

do, is to filter the information rather than just putting it off. He is getting a bit concerned that the Commission isn't seeing as complete of applications as they should be seeing. The question that the Commission is probably going to need to address is what types of things we should just pass off to the County Commissioners. What things are a line in the sand kind of thing, like Fire Plans or Drainage Plans, he would tend to like to see those completed by the time they get to the Planning Commission rather than just passing them on to the Commissioners without the plan. Those are very important issues. We have to address these issues or ten (10) years from now we're going to be looking at some serious problems, its incumbent on the Commission to address those issues so the County Commissioners don't have to do our work for us. Mr. Schnobrich thinks that the Commissioners want the Planning Commission to solve the issues before they get to them.

Mr. Giordano stated that he did not agree with Mr. Schnobrich in that the Commission is getting incomplete applications. The Department points out the issues that may not be perfect, however if the Planning Commission approves it as submitted and ignores the comments in the review by the Department then the Department interprets that to mean that the application was acceptable as submitted. He went on to note that many of the recent drainage plans have not been complete however the Planning Commission did not address the deficiencies and in fact deferred the drainage plan to the building permit stage. In the past the Planning Commission requested that the Department not even place the item on the agenda if it did not have a complete drainage plan. Since the Commission is not consistent in what they require it makes it difficult to determine what should be required for approval of the application. The Department follows the lead of Mr. Moore, as to whether the drainage plan is acceptable or not. We do not feel comfortable keeping an item off the agenda because some of the plans that the Department felt were incomplete were approved by the Planning Commission. The other thing that you're talking about is that there are certain issues that can be very costly to the applicant and the Department doesn't want to be the one to make a decision that they have to provide it and will keep it off the agenda, when the applicant disagrees and wants to discuss it with the Planning Commission as to why it needs to be provided. In some cases items the Department felt were necessary were not required by the Planning Commission or the Board. The Department feels that the applicant has the right to be heard if he disagrees that he has to provide information that is not a minimum requirement. If it is a minimum requirement, then the Department has no problem keeping it off the agenda; however if it is additional information and the applicant feels that it is not needed then the Department does not feel we have a right to keep it off the agenda.

Mr. Jackson stated that he agrees with Mr. Giordano. It shouldn't come before the Commission until the minimum application requirements are complete, otherwise the Commission is just throwing it up for grabs and he doesn't go for that.

Mr. Giordano stated that what he will do is when the Department has these items he will consult with Mr. Moore to get his assessment as to how critical he thinks it is and then go from there bringing it to the Planning Commission. We will start being a little tougher on the submittals. From our standpoint, consistency is real important especially when the Department forces stuff on people and says "... you need this, the Planning Commission is going to require it" then come time for the Planning Commission meeting and have you guys say " Oh, we didn't need that."

Mr. Jackson stated that the Department and Planning Commission and the County could all get in trouble if we aren't consistent.

Mr. Schnobrich stated that there are other things besides just the Drainage Plan. For instance that illegal access on State Highway 115, it probably should have been worked out before it got to the Planning Commission as well. It's kind of hard for us. He stated that he's not an expert on these things. He stated that Mr. Doxey was talking about some sort of legal requirement by the State about having to have access for every so many hundred feet so now we have a cul-de-sacs sitting there with illegal access. What are we, as the Planning Commission, supposed to do about that?

Mr. Giordano stated that concerning the illegal access, it's really not a big issue other than just having the State address it. Its not like the applicant doesn't have an access, they do have an access from a County Road. It will just be a matter of whether the access in question is going to be closed or not and notifying the State.

Mr. Schnobrich stated that it should have been resolved before it came to the Planning Commission, not at the Planning Commission meeting. We don't have any resources to make a decision on that.

Mr. Giordano stated that the Commission doesn't have any say in it anyway as it is a State Highway and we have no authority.

Mr. Schnobrich stated that's what he's saying; we're sitting here arguing about if the applicant should have an access or not. He's the one who thinks that the Commission is singling him out, we probably created more problems tonight than we solved by bringing it up at this point.

Mr. Giordano stated that he doesn't have a problem singling the applicant out. This is a rare situation. There didn't need to be all the discussion; it's a simple answer. Have the State tell us what they want to do with it. Once they tell us, we react to it just like Mr. Moore said after he made the comment that he wouldn't sign an application for us holding it because it isn't practical. That takes care of the problem; it makes the issue go away. Mr. Giordano's not sure that the whole illegal access problem was real critical in the application; whether the applicant had access or not. The access is there, people are going to use it and if it's illegal and hazardous CDOT may close it somewhere down the line. It's more of a cooperation thing. So while we're waiting, lets get the answer now while the application is in front of us. The State's going to have to make that decision; all we're doing is forcing them to make the decision at this time.

Mr. Moore stated that this is a philosophical question. What's the Planning Commission's process here? If everything is perfect would you use a rubber stamp approval? Or, it can be a part of the discussion between the Commission and the applicant. There's a requirement for certain issues, the applicant provides paperwork and maybe it's not perfect, maybe himself or someone else has to agree with it but it's still part of the application. Do you not want to see it until everybody who has to agree with it has done so first? He thinks this is what Mr. Schnobrich just said. Do you want everything perfect when it shows up on your desk or do you want to have some discussion with the applicant?

Mr. Schnobrich stated that he doesn't think that is the right question to be asking. What the Commission is asking for is that the staff make sure that they have their opinions done

correctly and then if we have a discussion with the applicant it's between our professional advice, because he himself is not an engineer and doesn't know what's going on, he needs to have good information to review and then if the Commission has issues that need to be worked on with the applicant then they can work that out. The Commission's not even getting that yet, we're not even getting the staff opinion on what we need to have happen. For instance, the illegal access; that should have already been worked out by the staff and then if the Commission had an issue with the applicant we could have discussed it at that point. No, he doesn't think the Commission needs to have a perfect application, he doesn't care if a contingency is waived if the applicant has to get a north line on his plat and things like that, those aren't real serious issues but Drainage Plans, Fire Plans, transportation issues, those things should be pretty well settled by the time they get here, at least from the staff's point of view. We shouldn't be trying to decide at the Planning Commission meeting what the staff's professional view is on something.

Mr. Giordano stated that is what the Department does and has been doing. Tonight is a good example. We have specifically noted the problem with the drainage and he thinks that the Planning Commission did the right thing in tabling the item because they do not have an adequate drainage plan. Both the Department and the reviewing Engineer have noted it in the review and it was discussed in the meeting. Even with the towers, the Commission had concerns with it but they aren't as critical as the concerns of the storage application. Again, it was noted in the review and in the discussion in the meeting. We are singling out the major issues and the minor issues. It is addressed in the reviews. Maybe more attention needs to be paid to the reviews, etc. If what Mr. Moore is saying, we will give you the information but that doesn't mean that it's cast in stone just because we (staff) said it. The Planning Commission might disagree with it; or they might say "well I don't agree with either one of you guys." Also, what if the applicant disagrees with staff in what we are requiring. Say he doesn't provide it and the Department doesn't put it on the agenda. What happens when the applicant does provide it and Planning Commission doesn't agree it was needed. Who is responsible for costs of information that wasn't needed? Some of the items are not minimum submittal requirements, which is different than additional information and the Department doesn't feel they should provided it just because staff said it.

Mr. Jackson stated that if it's a requirement then it's a requirement.

Mr. Giordano stated that an application still has to meet the intent of everything; it doesn't have to be perfect, it doesn't have to have everything solved at this stage but may need to be prior to operation. Sometimes there is debatable stuff that the applicant doesn't want to provide until they need to because they think the staff is wrong in requiring it. The seriousness of this is that they bring it to us to do a review, we make a recommendation, and you're another recommending body. There are seven (7) more people; Mr. Giordano's opinion isn't the only one or the correct one. If he himself says this is the way it's going to be, it has to be; then the Commission disagree with the staff, why did the applicant have to do it?

Mr. Jackson said that the Planning Commission shouldn't disagree with Mr. Giordano.

Mr. Schnobrich stated that he thinks that is the biggest question; what is the purpose of the Planning Commission. The way he looks at the Planning Commission's role is that basically they are the final filter before it goes in front of the County Commissioners. In other words the Planning Commission is the one that is supposed to make sure that the staff did their review

that with the application they can work out whatever details are necessary so that when it goes in front of the County Commissioners everything is a known quantity. Mr. Schnobrich thinks what is happening is that the Commission is pushing a lot of stuff through to the County Commissioners that hasn't been completed yet. Like the Oklahoma camp, he wasn't real happy with that one. There were a lot of issues in there that eventually got worked out but that isn't the role, to pass things on that need worked on somewhere else.

Mr. Giordano stated that he doesn't agree with that. The Commissioners are not having any problems with the Commission's recommendations. They think you guys are doing a good job. You are kind of a filter; your a filter, we're a filter, their a filter, and the public's a filter. That's why you don't have the Public Hearing here but you take public input, they are all filters to keep adding to the different layers of a project. He thinks that maybe Mr. Moore is saying the same thing; if you have everything decided at the staff level then why do we come to the Planning Commission. We don't have any thing to debate. It's another opinion, seven (7) more opinions and then three (3) more final opinions.

Mr. Moore stated that what he's hearing is that the Planning Commission is trying to avoid tabling items and to him tabling is giving the applicant (2) or three (3) tries, but at least the applicant is able to stand here and tell the Commission about his project whereas if the Department doesn't place it on the agenda the applicant has no say.

Mr. Giordano stated that if Planning Commission did table items more often they would see the applications being done more thoroughly, especially with the storage application. They just didn't provide the minimum requirement for drainage. Mr. Moore shouldn't be receiving it a day or two (2) before the meeting, reviewing it, and getting it to the Commission. He talked to Mr. Moore about it today and neither one of them has a problem with tabling items, they believe in it, just not all of them. Mr. Giordano is kind of leaning the other way on the towers. They didn't have a full Drainage Plan but that one isn't as critical as the one for the mini-storage, so we are giving our recommendation that it was not a problem. He inquired if the Planning Commission wants him to actually recommend tabling of the item or does the Commission want him to just point out what he thinks is deficient in the submittal, keeping in mind that all applications have to submit at least the minimum requirements. Normally, if there is something that is missing it can be handled by a contingency. If not then it is the Commission's option to table the item, if the information lacking is critical to your recommendation.

Mr. Doxey inquired if the applicant gets a book or manual when they apply, a list and some direction of what the Department expects him to do?

Mr. Giordano stated that all requirements are explained in the application and/or the regulations.

Mr. Doxey stated that when they go out and look at these projects a lot of times they are really difficult to find, the towers are very difficult to find. He was wondering if it would be a hardship for the first one who sees the location to tie two (2) pieces of surveyor tape on it. Especially some of the stuff on Highway 50; when you're trying to find it, you have an eighteen wheeler behind you and some hotrod trying to pass you, before you know it you've already gone past what you're trying to find. He's done that about three (3) times and you're asking yourself "what am I doing here?"

Mr. Giordano stated that some of the sites are very difficult to find. The last tower that was just reviewed was on the application and he had a hard time finding it himself.

Mr. Doxey stated that it's happened before, it's not the simple ones; it's the towers and the site that's three (3) miles off the road.

Mr. Moore stated that the Land Use Technician, Mr. Ernie Martinez, has the capability of printing off an aerial photo with a little circle on it and it makes it real easy to find the locations.

Mr. Giordano stated that the Department does give each of the members an aerial photo and a hand drawn lot description for each of the projects in their packets. If any Commission members have any questions all they have to do is call the Department.

Vice-Chairman Sandoval stated that if the Planning Commission didn't have any other questions, they would move on in the agenda.

7. APPROVAL OF PLANNING COMMISSION CALENDAR

Vice-Chairman Sandoval stated that it looks like a repeat of what has been done in the past.

Mr. Giordano stated that when Mr. Jackson was on the Cañon City City Council and Mr. Piltingsrud was on the Florence City Council and holidays were on Mondays then their meetings were held on Tuesday; the same day as the Planning Commission meeting. We used to move the Planning Commission meetings to Wednesday but because that doesn't apply anymore all Planning Commission meetings will be on the first (1st) Tuesday of every month with the exception of November. The November meeting will be on the first (1st) Wednesday because of elections.

Vice-Chairman Sandoval called for a motion.

MOTION

Mr. Schnobrich moved to adopt the Planning Commission 2010 schedule as presented.

SECOND

Mr. Jackson seconded the motion.

Vice-Chairman Sandoval called for a roll call vote, and the vote was unanimous.

8. ELECTION OF FREMONT COUNTY PLANNING COMMISSION OFFICERS

Vice-Chairman Sandoval stated that the elected positions are for a one (1) year term. He then opened the floor for nominations starting with Chairman.

Chairman

Mr. McNew made a motion to elect Mr. Sandoval as Chairman.

Mr. Doxey seconded the motion.

Vice-Chairman Sandoval asked for other nominations.

Mr. McNew made a motion that nominations cease.

Mr. Doxey seconded the motion.

The vote was unanimous to elect Mr. Sandoval as Chairman.

Vice-Chairman

Mr. Doxey made a motion to elect Mr. Schnobrich as Vice-Chairman.

Vice-Chairman Sandoval called for a second and it was stated that you don't need a second.

Vice-Chairman Sandoval asked for other nominations.

Mr. McNew made a motion that nominations cease.

The vote was unanimous to elect Mr. Schnobrich as Vice-Chairman.

Secretary

Mr. Lateer made a motion to elect Mr. McNew as Secretary.

Vice-Chairman Sandoval made a motion that nominations cease.

The vote was unanimous to elect Mr. McNew as Secretary.

Vice-Chairman Sandoval moved on to the next item on the agenda.

9. 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.

Mr. Giordano stated that the wording is mostly legal verbiage that the County Attorney, Ms. Brenda Jackson, developed. You may recall the Walker rezoning incident with the falsified information that was supposedly provided to the Planning Commission and then to the Commissioners in that application. The Department had hired the attorney from the City of Cañon City who made recommendations to the County that the Department should probably change the acknowledgements that we have at the bottom of every one of our applications. He felt that we needed to change them and that we needed to make them regulatory. So 3.23 Validity of Applications and 3.24 Conformance to Plans is strictly created so the County has better authority in case they ever have to go to court with another issue. Regarding 3.25 Professional Review Fees is a request by the Board of County Commissioners. In the regulations, in certain parts, the County Commissioners can require additional fees for professional reviews and charge it to the applicants but it was only in the Zoning Regulations addressing hazardous materials. This will defer the cost to the applicant for any reviews that the County feels are needed because staff may not be qualified to review them. The Southern Colorado Delivery System (SDS) is a good example – obviously the Department was not able to review some of the technical aspects of this application and it got really costly for us (the

County) to have to pay for such reviews. What is being requested is a recommendation for approval of the amendments so it can be moved forward to the County Commissioners for scheduling of a public hearing.

Mr. Schnobrich inquired as to how 3.25 Professional Review Fees is going to affect the small guy, as far as protecting them from outrageously high professional fees. Is it based on the staff saying “we don’t really need to go outside to a professional or other engineer?”

Mr. Giordano stated that the County actually has one coming up that the Department will probably need some assistance with and it is the hydro plant that they are talking about putting in at Brush Hollow Reservoir. It will be water, air, solar, the whole bit. The Commissioners are concerned that the Commission will need some outside professional help. Obviously, when you read 3.25 it’s the discretion of the Board as to who their going to charge and how much their going to charge, if it is necessary for outside review.

Mr. Schnobrich inquired if with this regulation if the Planning Commission will be able to request onsite professional staff too if they choose to have it? Say something comes up in front of us and it’s something that we decide that nobody on the Commission knows what’s going on, can the Commission table it and request a professional review.

Mr. Giordano stated that he’s not sure about that, he can’t answer that question. He would think that the Planning Commission would have the right to recommend a professional review to the Commissioners. Because of the issue of making the applicant spend more money because staff tells them to or the Commission tells them to, that’s a big cost. Is that the appropriate time or do we let the Commissioners handle it?

Mr. Schnobrich stated the only concern he has is that how will it be applied fairly across the board? With major corporations the Commission may need outside help but when we start looking at smaller applications, where do you start drawing the line. That’s where we are always going to be running into a problem.

Mr. Giordano stated that the impact is the same whether it’s small or big in some cases. You’re trying to make sure the application is right for the community.

Mr. Schnobrich inquired if the Planning Commission will have a right to say “no, we don’t want to hire an outside professional”?

Mr. Giordano stated that the Planning Commission will be able to make a recommendation. He doesn’t recall the Planning Commission ever having the authority or wanting the authority to request or require a profession review service. He doesn’t know why the Commission would even ask for it. He thinks that they would want to refer it on to the Commissioners; that it’s above and beyond staff and the Planning Commission.

Mr. McNew stated that a recommendation can be included in our comments to the Commissioners when we pass a project on to them. But there is one thing in the wording of 3.25; “assess additional fees in amounts deemed appropriate by the Board” what if the applicant doesn’t think the amount is appropriate. Does he have any other avenue to go to?

Mr. Giordano stated that he could discuss it with the Board. It could become a legal issue at that point. Your concern will be noted in the minutes.

Mr. McNew stated that the only reason he's really concerned is just like the Special Mobile Equipment (SME) fees that they didn't have a place to review it and they couldn't collect it until the Board made another resolution that there was a place to go on it. If that's a fee implied by the Commissioners and if there isn't a place that somebody could go to challenge it, it might not get by if they get a sharp lawyer.

Mr. Giordano stated that the Planning Commission might want to make that as a concern to the Board. It's not like our application fees in that they can be set; this will be by cost incurred. So if we are hiring a professional service then we would stick with that price. What they did with Taylor Ranch is they capped it; they will do studies up to a certain amount and that cuts if off. That just became an agreement between the two parties. Discretion is the key word.

Mr. McNew stated that he knows as a past Commissioner that you need to take care of those things sooner than later.

Vice-Chairman Sandoval called for a motion.

MOTION

Mr. Schnobrich moved to **recommend approval** of the Proposed 1st Amendment to the Fremont County Zoning Resolution onto the Fremont County Commissioners.

SECOND

Mr. Doxey seconded the motion.

Vice-Chairman Sandoval called for a roll call vote, and the vote was unanimous.

8. ADJOURNMENT

With no other items for discussion, Vice-Chairman Sandoval adjourned the meeting at 9:00 p.m.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE