

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
APRIL 2, 2013**

MEMBERS PRESENT

Byron Alsup, Chairman
Daryl Robinson, Vice Chairman
Mike Krauth, Jr., Secretary
Larry Baker
Michael Pullen
Joe Lamanna
Larry Brown

STAFF PRESENT

Bill Giordano, Planning Director
Brenda Jackson, County Attorney
Vicki Alley, Planning Assistant

MEMBERS ABSENT

None

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

- a. February 5, 2013 Planning Commission Meeting

5. UNFINISHED BUSINESS

NONE

6. NEW BUSINESS

a. REQUEST: SRU 13-001 TALLAHASSEE VOLUNTEER FIRE PROTECTION - MAIN STATION (Fire Station)

Request approval of a **Special Review Use (SRU) Permit, Department file #SRU 13-001 TALLAHASSEE VOLUNTEER FIRE PROTECTION - MAIN STATION (Fire Station)**, by **Tallahassee Volunteer Fire Protection on property owned by Rideout Family LLLP**, to allow a fire station for the Tallahassee Volunteer Fire Protection, which will include housing of operations, and administration activities. The fire station will house a minimum of five fire apparatus and can be used as a command/disaster center. The property is located on the northeast side of Colorado State Highway 9, approximately 2.25 miles northwest of the intersection of US Highway 50 and Colorado State Highway 9. The SRU permit property contains 5.271 acres and is zoned Agricultural Forestry.

REPRESENTATIVE: *Gordon Grosslight, Tallahassee Volunteer Fire Protection*

b. REQUEST: AMENDMENT TO FREMONT COUNTY SUBDIVISION REGULATIONS

Request approval of a proposed **amendment to the Final Plat Section of the Fremont County Subdivision Regulations.**

REPRESENTATIVE: *Department of Planning & Zoning*

7. **ADJOURNMENT**

8. **MASTER PLAN WORKSHOP**

Continue with review of the Master Plan (*if time allows*)

1. **CALL TO ORDER**

Chairman Byron Alsup called the meeting to order at 4:00 pm.

2. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

Chairman Alsup introduced the newest member of the Planning Commission, Mr. Michael Pullen, from Cañon City.

Mr. Pullen commented that he appreciates the Board of Commissioners making this appointment. I have some experience in the public works sector as well as the private sector. I owned my own civil engineering firm in Las Vegas for twelve years. Before that I was the Deputy Director of Public Works for Clark County, Nevada. My wife is from this area, and I promised when I retired we would come back.

3. **APPROVAL OF AGENDA**

Chairman Alsup asked if there were any changes, additions or corrections to the April 2, 2013 Fremont County Planning Commission Meeting Agenda.

MOTION

Mr. Larry Baker moved to accept the April 2, 2013 Fremont County Planning Commission Meeting agenda as written.

SECOND

Mr. Larry Brown seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (7 of 7)

4. **APPROVAL OF THE FEBRUARY 5, 2013 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsup asked if there were any changes, additions or corrections to the February 5, 2013 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Baker moved to accept the February 5, 2013 Fremont County Planning Commission Meeting Minutes as written.

SECOND

Mr. Joe Lamanna seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (7 of 7)

5. **UNFINISHED BUSINESS**

The Planning Commission had no unfinished business.

6. **NEW BUSINESS**

a. **REQUEST: SRU 13-001 TALLAHASSEE VOLUNTEER FIRE PROTECTION - MAIN STATION (Fire Station)**

Mr. Gordon Grosslight, Tallahassee Volunteer Fire Protection, was present to request approval of a Special Review Use (SRU) Permit, Department file #SRU 13-001 Tallahassee Volunteer Fire Protection – Main Station (Fire Station), to allow a fire station for the Tallahassee Volunteer Fire Protection (TVFP), which will include housing of operations, and administration activities. The fire station will house a minimum of five fire apparatus and can be used as a command / disaster center. The property is located on the northeast side of Colorado State Highway 9, approximately 2.25 miles northwest of the intersection of US Highway 50 and Colorado State Highway 9. The SRU permit property contains 5.271 acres and is zoned Agricultural Forestry.

Mr. Grosslight stated that five acres of land on Highway 9 was donated to TVFP to put up a main station which will comply with all zoning criteria of the County. This allows us a base of operations to be more functional, efficient, and respond to all hazard incidents. Right now we are operating out of some pole barns and garages. The last couple of years we have upgraded our fleet, brought it into compliance with NWCG (*National Wildfire Coordinating Group*) requirements (national standards) and we have acquired some structural equipment. We received a few grants last year: \$14,000 from the Denver Foundation to upgrade our equipment. We participate in all the federal fires. Some of our staff has gone to Florida, all the way to Oregon, and everywhere in between last year. The money that we are going to use to build this project has been acquired strictly through that grant and some donations. In proving our capacity to respond to varied incidents, we have received equipment from other volunteer and paid departments to staff our folks with structure gear and extrication equipment, about \$100,000 worth of gear. We had to spend \$3,000 to get new helmets. We just received our approved application for access from the Colorado Department of Transportation (CDOT). They have also waived the fee. Every little bit helps. We have the funding in place to dry-in the facility, complete. We are going to have the concrete work done by a contractor, dirt work by a contractor, and a building erection specialist is going to put the building up for us, so it will occur quickly. We have a grant out right now and some other donations are coming in to complete the office build-out portion of the facility.

Mr. Bill Giordano, Fremont County Planning Director, showed a video of the area and summarized the Recommended Conditions, Contingencies, Waiver Requests, and Additional Notifications.

Mr. Grosslight noted that the Rideout Family LLLP, a Colorado Limited Liability Limited Partnership, was not in good standing with the Colorado Secretary of State's Office at the time of application, but that situation has now been corrected. Mr. Rideout took care of that the day he got the letter. Also, the proposal for a 2,000 gallon minimum, on-site dedicated fire water cistern has been changed to a 10,000 gallon cistern, which was donated.

Mr. Michael Pullen asked if CDOT had any major problems or issues with access.

Mr. Grosslight answered the only two conditions are: To put up a sign 500 feet south and north of the access, and a 24" culvert under the access.

Mr. Baker asked if CDOT required any flashing lights when vehicles would be exiting onto the highway.

Mr. Grosslight answered no.

Mr. Robinson asked if the facility will be manned during the day.

Mr. Grosslight answered this is a volunteer organization. Upon notification of an incident, people respond to the station, get the appropriate equipment, and then depart.

Mr. Robinson asked if the office is going to be used daily.

Mr. Grosslight answered no.

Mr. Robinson asked if the only time there would be parking is during response to an event, or a meeting or something of that sort.

Mr. Grosslight answered we have a monthly meeting which will probably become a bimonthly training meeting, usually in the evenings from 6:00 pm to 10:00 pm. Upon any kind of incident, there will be vehicles parked there, and we will do administrative activities there, so there will be one or two vehicles there randomly for the administrative component.

Mr. Brown noted that the information package said there will be five vehicles parked inside the building. Out of curiosity, what vehicles are we talking about?

Mr. Grosslight answered there will be a Class A Type 1 Structure Truck, an 1800 gallon tanker, and two Type 6 Brush Trucks, typically one ton cab and chassis. We are in the hunt right now for a 3,000 gallon tanker. Currently, our ISO (*Insurance Service Office*) rating is a ten, about as bad as you can get. I have been in touch with the ISO folks. They are changing the pump requirements on the ISO ratings from 150 gallons at 100 psi to 250 gallons at 150 psi, so one of our strategic objectives is also to improve the ISO rating in that area. So we will have a Class A truck here with enough water so probably everybody within five road miles of the station may see an improvement in their ISO rating, as soon as we can process that. We will have a Type 1 Structure Truck equipped with SCBA (*self-contained breathing apparatus*), auto-extrication gear and basic rescue equipment for the river-type event. One of the requirements is going to be that we have 4,000 gallons to an incident within five minutes of the first responding piece of equipment, to get to an 8B ISO rating. It will take us a while to get there, but it is a target. The 1800 gallon tanker is primarily a wildland support piece of equipment. Of the two Type 6s, one will always be at this location, the other will be a piece of equipment that we rotate in and out of our district for federal responses. That way we have a basic level of coverage in the area.

Mr. Baker stated that the paperwork notes a minimum of five pieces of equipment. Will you have space to put additional vehicles?

Mr. Grosslight responded there will be space for one additional vehicle, whatever that may be down the road, depending on what our service capabilities include. In the steel building, we are pre-framing out an additional door in the event that we do get that sixth vehicle. All we would have to do is cut out the metal and put in a door.

Chairman Alsop asked if Mr. Grosslight has any problem with the County Engineer's requirement for the rip-rap channel.

Mr. Grosslight answered absolutely not.

Chairman Alsop asked if there will be any problem increasing the radius for notifications to 1500 feet.

Mr. Grosslight answered no, we submitted addresses for quite a few more notifications.

Mr. Mike Krauth noted that in other applications in the past, the Department has recommended an expansion of the notifications, but we have been strict to the regulation, which is 500 feet. I understand the Department's concern, but I think we should give consideration to consistency. Should the regulation language be changed to 1500 rather than 500 feet?

Mr. Giordano responded the regulations include an option to expand the notification area. For the most part, we do stay with 500 feet. In unusual situations, especially with larger parcels, the distance could be expanded to 1500 feet.

Mr. Krauth commented that the applicant is not objecting to the expansion so it is not really an issue in this case.

Chairman Alsup asked how close this location is to the Cañon City Area Fire Protection District boundary.

Mr. Grosslight answered the boundary for Cañon City is on Highway 50, about a mile back this direction. I am in close contact with the Fire Chief and the Training Officer for Cañon City, and we do activities together.

Chairman Alsup asked how hard it will be to get the tender up Gribble Hill to the majority of the Tallahassee area.

Mr. Grosslight answered the Class A pulls it no problem. The 1800 gallon tanker pulls it at 50, loaded. We understand the need to have more than one tanker, so this is the start. Ideally (*in the future*) we will have a tanker up off of County Road 2, and one off of County Road 11 so that we can get something there within a reasonable amount of time.

Chairman Alsup asked about the Colorado Department of Wildlife review.

Mr. Giordano stated that it is difficult to get a letter from the Department of Wildlife, so we require a notification to them, hoping that if there is some critical issue they will send us comments, and usually they do.

MOTION

Mr. Baker made a motion to approve SRU 13-001 Tallahassee Volunteer Fire Protection – Main Station (Fire Station), subject to the following:

RECOMMENDED CONDITIONS:

- A. The Special Review Use Permit shall be issued for life of the use. ***The applicant's justification for life of the use is "There will always be a need for fire protection."***
- 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 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. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, further the applicant shall implement and maintain the plan, if required.
- J. Provide a copy of the following approved permits, licenses or the like, prior to operation. (*If not required provide documentation from the listed entity that the following is not required, prior to operation.*) The applicant shall provide copies of all permits, licenses or the like required from any entity for the operation of the proposed use whether contained in the following list or not.
 - 1. Fremont County Building Permit
 - 2. Fremont County Sewage Disposal Permit

3. A Colorado Department of Transportation Access permit is required for the specified use.
- K. 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.
- L. 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 Permit and shall be required to be named on this Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
- M. 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 8.14 of the Fremont County Zoning Resolution (*complete reapplication*).

The Planning Commission recommended the following:

RECOMMENDED CONTINGENCIES:

It is recommended that this item be referred to the Board of County Commissioners for scheduling of a public hearing provided the following contingencies are provided within six (6) months after final approval by the Board of County Commissioners:

1. A copy of a recorded deed from the current owner to the Tallahassee Volunteer Fire Protection, Inc. The legal description for the deed must correspond with the approved Boundary Line Adjustment. ***It should be noted that the Rideout Family LLLP, a Colorado Limited Liability Limited Partnership is not in good standing with the Colorado Secretary of State's Office at the time of application, therefore before transfer of any deeds the Partnership shall be brought into good standing.***
2. Documentation as to compliance with the Fremont County Environmental Health Officer as per his memo dated February 25, 2013, concerning the use of a cistern as the source of potable water.
3. Documentation as to compliance with the Fremont County Environmental Health Officer as per his memo dated February 25, 2013 as related to the requirement of a septic system permit being required.
4. Documentation as to compliance with the following requirements of the Fremont County Reviewing Engineer as per his letter dated March 12, 2013:
 - a. Rip-rap channel protection is needed at the detention pond discharge and spillway. (To be inspected and approved by the County Engineer).

The Planning Commission recommended the following:

ADDITIONAL NOTIFICATION REQUIREMENTS:

In addition to the required notifications, the following shall also be notified, by certified mail, return receipt requested, in accordance with regulations, at least fourteen (14) days prior to the public hearing by the Board of County Commissioners:

1. State Historic Preservation Office
2. Fremont County Sheriff's Office
3. Fremont Historical Society
4. Colorado Parks & Wildlife

The Planning Commission recommended waiving the following:

WAIVER REQUESTS:

1. **BUFFERING & LANDSCAPING REQUIREMENTS:** 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. 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.

The applicant is requesting a waiver of the buffering and landscaping with the following justification: The building is setback from the highway with minimal vehicle traffic and there are no residences near the proposed facility; therefore, buffering and landscaping will not serve its intended purpose and would be costly.

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.

The applicant is requesting a waiver of the hard surfacing of the off-street parking area with the following justification: The facility will not have continuous daily use of the parking facility. Gravel road base will be sufficient to provide a long term wearing surface.

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.

The applicant has requested a waiver of lighting with the following justification: An exterior light will be located on the southeast corner of the building to light the parking area but not impact highway traffic or nearest neighboring home owners.

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.

The applicant has requested a waiver of the landscaping of the parking area with the following justification: The facility design minimizes grade excavation from the natural contours. The balance of the parking areas is behind the proposed building.

The Planning Commission made the following additional recommendations:

ITEMS FOR CONSIDERATION:

1. Determine if on-site firefighting equipment and a 2,000 gallon (*changed to 10,000 gallon by applicant during the meeting*) minimum, on-site dedicated fire water cistern is acceptable for fire protection – *The Planning Commission determined that the 10,000 gallon cistern is acceptable for fire protection.*
2. Determine desired radius for notification of adjacent property owners – *The Planning Commission recommended a 1500 foot radius for notification of adjacent property owners.*

SECOND

Mr. Robinson seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (7 of 7)

b. REQUEST: AMENDMENT TO FREMONT COUNTY SUBDIVISION REGULATIONS

Mr. Giordano requested approval of a proposed amendment to the Final Plat Section of the Fremont County Subdivision Regulations.

Mr. Giordano summarized the proposed amendment and answered questions from the Planning Commission. This is the third amendment to the Subdivision Regulations. We

have done the Sketch Plan and the Preliminary Plan Sections, and this is the Final Plat Section. The amendment is primarily to make the language in the Subdivision Regulations more consistent with the Zoning Resolution which was amended last year. Also, many of the procedures that have been followed as a matter of policy are now written into the regulations. Mr. Giordano highlighted the significant additions and changes. The regulations now require a Final Plat to be submitted thirty (30) working days prior to the regularly scheduled Board meeting at which the application is to be considered. The proposed amendment changes this to twenty-four (24) working days. Also in this proposal, if a Final Plat application is denied, the applicant cannot resubmit for two years unless something significant changes. We increased the required initial copies of the submittal package from three to six. The reason for the additional copies is so the Department can send referrals to the cities, County Engineer, Department of Transportation, etc. In the case of a condominium plat, we have always required a copy of covenants, easements or restrictions and the function, ownership and maintenance of common open space. This requirement is being made part of the regulations instead of as a matter of policy. There has been a change in State Statutes regarding notification of mineral interest owners, so that has been included in this amendment. The language in the Correction Plat section has been changed to be consistent with statute.

Mr. Robinson asked if, per the previous discussion, notification boundaries should be addressed in this amendment.

Mr. Giordano stated that what we have now works. You have the option now to extend the notification boundary if necessary. We usually don't exceed the radius of 500 feet, but when only a few people will be notified, I address it in the Department Review for your consideration.

Mr. Krauth asked Ms. Jackson, Fremont County Attorney, her opinion on this issue. The concern is an applicant who, if we only notified at 500 feet there wouldn't be any problems for them, but if they are required to notify at 1500 feet or up to a half mile, are we not being inconsistent?

Ms. Jackson responded I don't think you can be consistent when it is site specific. Each application that comes before you is going to be unique because it is located in a unique situation. You need to retain the flexibility to provide as much notice as is reasonable. If you say it is always going to be 500 feet, sure enough, the next application you get you are going to want more notice, so I think it is important to keep that discretion in there. I don't think it will rise to the level of any kind of discriminatory treatment, just because some property needs more notification to reach the adjoining property owners.

Mr. Krauth stated that the basis should be notification of adjacent landowners rather than the distance. The most appropriate notification is to let the adjacent property owners (neighbors) know.

Mr. Giordano said as long as we have justification for increasing the radius, we have never had an applicant object.

Mr. Robinson asked if it would be reasonable to include wording that specifies "a minimum of 500 feet or to the adjacent property boundaries."

Mr. Giordano stated that he prefers the flexibility. There are some instances when we might need additional notification. There might be an impact that is not within the footages or the adjacent properties.

Chairman Alsup stated that he likes the flexibility. I don't think we have unduly burdened anyone with this flexibility.

Mr. Giordano and Ms. Jackson could not recall any applicant objecting to an increasing the notification radius.

Mr. Joe Lamanna asked which amendment this will be, the 6th or 7th.

Mr. Giordano answered that the number will not be assigned to the amendment until the Commissioners have approved it.

Commissioner Alsup stated that when he was taught map reading, he was taught Section, Range, Township. The County uses Section, Township, Range. Has there been a change in the order?

Mr. Giordano answered we have always used Section, Township, Range consistently. Our files are set up that way.

MOTION

Mr. Baker made a motion to approve the proposed amendment, dated March 12, 2013, to the Final Plat Section of the Fremont County Subdivision Regulations as presented.

SECOND

Mr. Krauth seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (7 of 7)

7. ADJOURNMENT

Chairman Alsup adjourned the meeting at 4:42 p.m.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE