

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
JULY 7, 2010**

CHAIRMAN DEAN SANDOVAL BROUGHT THE JULY 7, 2010 MEETING OF THE PLANNING COMMISSION TO ORDER AT 4:00 P.M.

MEMBERS PRESENT

Dean Sandoval, Chairman
Tom Doxey
Mike Schnobrich
Byron Alsup
Joe Caruso
Herm Lateer

STAFF PRESENT

Bill Giordano, Planning Director
Brenda Jackson, County Attorney
Donna Monroe, Planning Assistant

MEMBERS ABSENT

Daryl Robinson

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF THE JUNE 1, 2010 PLANNING COMMISSION MEETING MINUTES

5. REQUEST: SDP 10-001 ROYAL GORGE RAFTING PARKDALE TAKE OUT SITE DEVELOPMENT PLAN

Request approval of a **Site Development Plan, Department file #SDP 10-001 Royal Gorge Rafting Parkdale Take Out Site Development Plan, to allow a commercial rafting take-out, put-in and lunch site**, by Royal Gorge Rafting, Inc., for property which is *located on the south side of US Highway 50, west of the Arkansas River, in the Parkdale Area.* The property contains a spring fed pond, graveled parking area, port-a-toilet, a shed and a gazebo. The property is zoned Rural Highway Business and contains 0.96 acres. (A Site Development Plan application is required as the property is zoned Rural Highway Business and was not previously developed or used.)

REPRESENTATIVE: *Matt Koch, Cornerstone Land Surveying, LLC.*

6. REQUEST: CUP 10-002 J & J STONE PIT #1 SANDSTONE REMOVAL

Request approval of a Conditional Use Permit, Department file #**CUP 10-002 J & J Stone Pit #1 for removal of sandstone**, by KrauthCo Inc., for property which is presently owned by Joseph & Janice Stock. The property is located *approximately 0.7 miles east of Red Canyon Road/Garden Park Road, one (1) mile north of the intersection of Fields Avenue and Red Canyon Road, in the North Cañon Area.* The property is to be purchased by KrauthCo Inc. as per purchase agreement. The property is vacant; however there is a 0.55 acre, more or less, area which has previously been disturbed under CUP 98-7 Double "S" Enterprises J & J Stone Pit #1. The permit was revoked in good standing (7/13/07) and released upon reclamation approval

in 2006. The property contains 35.005 acres, of which only fifteen (15) acres will be disturbed. The property is located in the Agricultural Forestry Zone District.

REPRESENTATIVE: Angela Bellantoni, Energy Alternatives, LLC.

7. DISCUSSION ITEMS

Discussion of any items or concerns of the Planning Commission members.

8. ADJOURNMENT

1. CALL TO ORDER

Chairman Sandoval called the meeting to order at 4:02 pm.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA MOTION

Mr. Caruso made a motion to accept the July 7, 2010 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Schnobrich seconded the motion.

Chairman Sandoval called for a roll call vote, and the motion passed unanimously. (6 members)

4. APPROVAL OF THE JUNE 1, 2010 PLANNING COMMISSION MEETING MINUTES

Chairman Sandoval asked if there were any changes, additions or corrections to the June 1, 2010 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Caruso made a motion to accept the June 1, 2010 Fremont County Planning Commission Meeting Minutes as written.

SECOND

Mr. Alsup seconded the motion.

Chairman Sandoval called for a roll call vote, and the motion passed unanimously. (6 of 6)

5. REQUEST: SDP 10-001 ROYAL GORGE RAFTING PARKDALE TAKE OUT SITE DEVELOPMENT PLAN

Mr. Matt Koch of Cornerstone Land Surveying was present to represent Royal Gorge Rafting to request approval of a Site Development Plan, Department file #SDP 10-001 Royal Gorge Rafting Parkdale Take Out Site Development Plan, to allow a commercial rafting take-out, put-in, for property which is located on the south side of US Highway 50, west of the Arkansas River, in the Parkdale Area.

Mr. Koch stated that because the entrance to the property is not a public access, the Colorado Department of Transportation (CDOT) has approved the entrance from State Highway 50 with some minor alterations.

Mr. Koch requested that the Planning Commission remove Contingency item number five (5) because there will not be any permanent structures so there is no need for a well permit. He also requested that Contingency item number ten (10) be removed, again because there will not be any permanent structures and all of the removable structures will be on one lot and none will cross over any of the existing lot lines.

Because the shed and gazebo are temporary structures, Mr. Koch is requesting that Contingency item numbers eleven (11) and twelve (12) also be removed. There isn't any other location that either structure could be placed without causing safety hazards for the company vans or customers.

Mr. Bill Giordano showed a video of the proposed site giving a general idea of the site location and neighboring areas. He summarized the recommendations, and stated that he doesn't have a problem with eliminating Contingency item numbers five (5), six (6), ten (10) eleven (11), or twelve (12). He also made note of the additional notifications and explained that the applicant requested waivers for the Buffering and Landscaping, Surfacing, Lighting, and Landscaping. Mr. Giordano explained that the applicant has noted that this is a rural area with no residences or businesses close by and that the applicant wishes to keep the site as close to natural as possible. In addition the operation being a daytime operation and not having any permanent structures, there isn't any need for lighting.

Mr. Byron Alsup asked if the company planned to provide a handicapped parking area.

Mr. James Whiteside, representing Royal Gorge Rafting, stated that they don't have handicapped customers because all of the customers have to be able to get on and off of buses and the vans; they just don't get that type of clientele.

Mr. Tom Doxey asked if they have the driveway designed to where they aren't going to be backing up traffic out on the highway.

Mr. Whiteside stated that they will not be causing any bottlenecks on State Highway 50 because there is a large turn around area on the property where the vans stop and load or unload the customers. The customers assist with either bringing the rafts up out of the river or taking them down to the river. It is all part of the rafting package.

Mr. Mike Schnobrick asked if they didn't merge all three of the lots and later on the applicant decided to do something more permanent on the property if that wouldn't cause problems.

Mr. Giordano stated that if they made any changes the applicant would have to file for either a Minor or Major Modification to this Site Development Plan.

Mr. Joe Caruso asked if the property is properly zoned.

Mr. Giordano stated that it is zoned Rural Highway Business which allows rafting.

Chairman Dean Sandoval stated that he had noticed in the County Engineer's letters that the erosion control plan isn't sufficient.

Mr. Giordano stated that we had just received a letter from Mr. Kock's Drainage Engineer right before the meeting and that the County Engineer verbally acknowledged receipt of the letter. Chairman Sandoval asked if they needed to remove that Contingency also.

Mr. Giordano recommended leaving it in for now.

Chairman Sandoval asked about the 2009 letter from CDOT regarding the highway access. Mr. Giordano stated that the applicant will have to make some improvements to the driveway access.

Mr. Whiteside stated that they are going to use concrete, which is an option, instead of asphalt.

Chairman Sandoval asked if the public access issue is a concern for the county.

Ms. Jackson stated that it is a CDOT issue, not a county issue.

Mr. Doxey stated that he is concerned about the thickness of the asphalt base that the state is requiring; he feels that it is overkill. He was wondering if as a county we could get the state to reduce their standards on that.

Mr. Giordano stated that he can make a recommendation but that he doesn't feel that there is anything the county can do about it.

Mr. Whiteside again stated that they are going to use concrete because it is cheaper and it is an acceptable alternative to asphalt. He also stated that CDOT had initially constructed the turn off and through a miscommunication, removed it and then reconstructed it again.

Mr. Schnobrick asked about the email from Mr. Dennis Wied.

Mr. Giordano explained that the concerns and issues stated in the email are altogether different things from this item. He explained that Mr. Wied had bought a piece of property that is in the Business zone district which does not allow rafting. Mr. Wied has filed a complaint about two other rafting business on 8 mile hill that house rafting businesses in the Business District and he feels he should also be allowed to open a rafting business on his business property. He assured the Commission that the Department would look at each of the two businesses that are noted in his complaint and it would be determined if they are non-conforming or illegal.

Mr. Alsup stated that Mr. Wied should have checked out the regulations better before purchasing the property.

Chairman Sandoval asked if there was anymore discussion; hearing none he called for a motion.

MOTION

Mr. Alsup made a motion to approve SDP 10-001 Royal Gorge Rafting Parkdale Takeout Site Development Plan with the following:

RECOMMENDED CONTINGENCIES:

The Planning Commission approval recommendation is contingent upon the following item 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 County Reviewing Engineer as to compliance with the requirements outlined in letters dated: April 30, 2010 and June 15, 2010
2. Documentation from the Colorado Registered Engineer who designed the drainage improvements that the required improvements were constructed to the approved design standards.
3. An executed quitclaim deed with a deed restriction addressing the maintenance of any drainage facilities, drainage easements, rights-of-way, etc.
4. An approved copy of a Colorado Department of Transportation access permit for the intended use with vehicle types and counts as stated in this application.

The Planning Commission recommended deleting Contingency #5 and #6 since there are no permanent structures and no need for public water.

- ~~5. Copy of a well permit from the Colorado Division of Water Resources.~~
- ~~6. An approved copy of a Colorado Department of Public Health and Environment, Water Quality Control Division, Stormwater Management Plan or documentation that such a plan is not required.~~
7. Documentation from the Fremont County Weed Manager noting any requirements concerning noxious weed control measures.
8. A copy of an issued Fremont County Flood Damage Prevention Permit or documentation from an appropriate authority that such permit is not needed.
9. Department research has revealed that the subject property would appear to be platted as Lots 0 through 3 of the Gorgemore Addition, filed under Reception #179246 of the land records of Fremont County. At a minimum an "also known as" should be added to the legal description on the drawing if indeed the metes and bounds description provided describes the same land or documentation shall be provided to indicate that the aforementioned plat has been vacated.

The Planning Commission recommended deleting Contingency #10 #11 and #12 since there won't be any permanent structures.

- ~~10. Since the proposed use is a single use the interior lot lines for Lots 0 through 3 of the Gorgemore Addition should be vacated.~~
- ~~11. Removal or appropriate relocation of the "8'X6' Temp Shed" as it does not meet the minimum forty (40) foot front yard setback as required in the Rural Highway Business Zone District.~~

12. ~~Removal or appropriate relocation of the “15’X15’ Temp Gazebo” as it does not meet the minimum thirty (30) foot rear yard setback as required in the Rural Highway Business Zone District.~~
13. If public access via private vehicle is allowed then at a minimum at least one (1) van accessible parking space for individuals with disabilities must be provided (*Waiver of hard surfacing for this space may not be allowed by the Building Code of Fremont County.*). If public access via private vehicle is not allowed then the drawing shall contain a note specific to that.

ADDITIONAL NOTIFICATIONS:

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

1. Fremont County Sheriffs Department
2. Fremont County Department of Transportation
3. Arkansas Headwaters Recreation Area
4. Fremont - Custer Historical Society
5. The Colorado Historical Society, Office of Archaeology & Historic Preservation
6. United States Army Corps of Engineers

The Planning Commission recommended waiving the following:

WAIVER REQUESTS:

Applicant is requesting a waiver of the following:

1. **5.2.6 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.

2. 5.3.2 **Surfacing:** Surfacing for all business, commercial, or industrial off-street parking areas shall be graded and surfaced so as to control dust and provide proper drainage. The driveway and parking 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 so as to prevent parking vehicles from extending over any lot lines.
3. 5.3.3 **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. 5.3.4 **Landscaping:** All parking areas used for business, commercial or industrial parking spaces may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

SECOND

Mr. Schnobrich seconded the motion.

Chairman Sandoval called for discussion on the motion. Hearing no more discussion, Chairman Sandoval called for a roll call vote, and the motion passed unanimously. (6 members)

6. REQUEST: CUP 10-002 J & J STONE PIT #1 SANDSTONE REMOVAL

Ms. Angela Bellantoni along with Mr. Mike Krauth were present to request approval of a Conditional Use Permit, Department file #CUP 10-002 J & J Stone Pit #1 for removal of sandstone, for property which is presently owned by Joseph & Janice Stock. The property is located approximately 0.7 miles east of Red Canyon Road/Garden Park Road, one (1) mile north of the intersection of Fields Avenue and Red Canyon Road, in the North Cañon Area. The property is to be purchased by KrauthCo Inc. as per purchase agreement.

Ms Bellantoni did a power point presentation describing the request which included pictures of the site, the access road to the site and the entrance of the access road from Red Canyon Road. She noted that this is a low impact operation and that only 5 ton trucks will be used to haul the sandstone off the property. She also showed the type of tractors that will be used in removing the sandstone once they remove all the surface rock etc.

Mr. Giordano did not show the video of the property due to the fact that the pictures of the site provided by Ms. Bellantoni were more than adequate. Mr. Giordano briefly highlighted some of the conditions of the permit that are not the general conditions of all conditional use permits.

Mr. Doxey noted that when he came here tonight he was prepared to vote against this item but now that he has seen the presentation by Ms. Bellantoni he will vote for it.

Mr. Caruso commented that he thought that the mining area was situated where it wouldn't create any problems for anyone.

Mr. Herm Lateer agreed with Mr. Caruso.

Mr. Doxey state that he had worked for thirty (30) years of his life in this county and that he won't vote on this item because of his conflict with what has happened regarding the letters received from the Commissioners.

Mr. Alsup asked if there will be any danger of flash flooding from this mining.

Ms. Bellantoni stated that where they take out the sandstone the water will go into the ravine and not cause flash flooding.

Chairman Sandoval asked about the adequacy of the bridge that the trucks will be crossing.

Ms. Jackson stated that the bridge is on private property and is not a concern of the county.

Ms. Bellantoni stated that the bridge is in compliance and that Mr. Stock had used it for twenty-five (25) years with twenty-five (25) ton trucks whereas Mr. Krauth's trucks are only five (5) ton trucks.

Chairman Sandoval asked about what would happen if the bridge gave out and fell into 4-Mile Creek.

Ms. Jackson stated that it is the liability of KrauthCo, Inc.

Chairman Sandoval stated that he has a concern about the mine being for the life of the mine. He suggested that maybe they should go with ten (10) years which would allow the Department and Planning Commission with the option to do a review in a shorter time frame. He stated that none of them know what will be happening in thirty (30) years.

Mr. Giordano stated that the applicant can request life of the mine so they don't have to do successive renewals. The regulations protect the applicant. He noted that maybe we could add conditions that hopefully would address future concerns, such as dust control, buffering, and landscaping.

Chairman Sandoval stated that as the years pass the surrounding areas of the mine are going to become more residential and sound really carries. He lives about three miles from the proposed mining area. Right now he can hear sound from the lumber mill. What is going to happen in ten (10) years if Mr. Krauth wants to start excavating? What avenues does the county have to control this?

Mr. Giordano stated that if there are any violations, the county has the option to stop the operation until the violations are resolved.

Ms. Jackson stated that Condition R covers all of those concerns.

There was some discussion among the members about life of the mine. They felt that based on the type of conditions that are proposed it really limits the impacts therefore they felt that the thirty (30) year expected term wouldn't be so bad , it's a small site and the applicant wouldn't be operating all year long.

Mr. Schnobrich stated that there have been some accusations made directed toward him and Mr. Doxey regarding mining so he will recues himself from voting on this item. He went on to note that he did not feel that he could be impartial on any application item represented by Ms. Bellantoni.

Mr. Sandoval asked Mr. Doxey if he was also going to recues himself.

Mr. Doxey stated that he could be impartial and would vote on the item.

MOTION

Mr. Caruso made a motion to approve CUP 10-002 J & J Stone Pit #1 Sandstone Removal with the following:

RECOMMENDED CONDITIONS:

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

- F. If a Conditional 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 special review 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 Conditional Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. All loads of material transported from the site shall comply with applicable Colorado Revised Statutes.

The Planning Commission recommends the following change.

- I. Days of operation will be limited to Monday through Friday from ~~7 am to 5 pm~~ **sunrise to sunset**.

The Planning Commission recommends the following change.

- J. The number of haul truck trips shall not exceed ~~thirty-two (32)~~ **sixteen (16)** per day. **(A trip is considered as a single or one direction vehicle movement with either the origin or the destination (exiting or entering) inside the subject property.)**
- K. Prior to operation the 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.
- L. Provide a copy of the following permits licenses or the like, prior to mining: *(If not required provide documentation from the listed entity that the following is not required, prior to mining.)*
 - 1. Approved copy of the Colorado Department of Natural Resources, Division of Reclamation, Mining & Safety, Reclamation Permit.
 - 2. Approved copy of the Colorado Department of Public Health and Environment, Air Quality Control Division, Fugitive Dust Permit and Plan and APEN permit(s).
 - 3. United States Department of Labor, Mine Safety and Health Administration MSHA number.
 - 4. Approved copy of the Colorado Department of Public Health and Environment, Water Quality Control Division, Storm Water Management Plan and Discharge Permit.
- M. Dust suppressant may be required, by Fremont County, on any portion of the operation in the future if determined to be needed.

- N. Buffering and landscaping of the mining site property may be required, by Fremont County, in the future if determined to be needed.
- O. Documentation as to compliance with the requirements of the Fremont County Reviewing Engineer, as per letter dated, May 18, 2010, prior to operation.
- P. If any structures are erected now or in the future, the Cañon City Fire Protection District will need to address water supply and roadway.
- Q. Documentation from the Fremont County Environmental Health Department, as to approval of an acceptable sewage disposal source for employees prior to operation.
- R. 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.
- S. Only the named party on the permit shall be allowed to operate this Conditional 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 Conditional 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 Conditional Review Use Permit.
- T. A Conditional 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 Planning Commission approval recommendation is contingent upon the following item 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. A copy of a recorded deed transferring the property from Joseph E. and Janice C. Stock to KrauthCo Inc.
- 2. A copy of a recorded access easement deed from the owner of the property from Garden Park Road to the site.

ADDITIONAL NOTIFICATION CONSIDERATIONS

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. Fremont County Department of Transportation
- 2. Fremont County Sheriff Office

3. Fremont – Custer Historical Society
4. The Colorado Historical Society, Colorado Office of Archaeology & Historic Preservation
5. City of Cañon City, Planning Department
6. Colorado Division of Wildlife

The Planning Commission recommended waiving the following:

WAIVER REQUESTS: The applicant is requesting a waiver of the following:

1. **5.2.6 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.

2. **5.3.2 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. **5.3.3 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. **5.3.4 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. Alsup seconded the motion.

Chairman Sandoval called for discussion on the motion. Hearing no more discussion, Chairman Sandoval called for a roll call vote. The vote was as follows:

Mr. Caruso	Nay	<u>Aye</u>	Abstain
Mr. Lateer	Nay	<u>Aye</u>	Abstain
Mr. Schnobrich	Nay	Aye	<u>Abstain</u>
Chairman Sandoval	Nay	<u>Aye</u>	Abstain
Mr. Alsup	Nay	<u>Aye</u>	Abstain
Mr. Doxey	<u>Nay</u>	Aye	Abstain

6. OTHER ITEMS FOR DISCUSSION

Chairman Sandoval called for any other items for discussion.

Mr. Paul Maye representing the Eastern Fremont Alliance (EFA) asked if he could make a brief statement.

Chairman Sandoval stated that he could but asked him to keep it brief.

Mr. Maye stated that he was here to address concerns about Mr. Doxey and Mr. Schnobrich regarding their attendance at a Penrose Community meeting sponsored by the Eastern Fremont Alliance. He noted that he was here to make a positive statement and to thank both of them for their representing the EFA as related to the revision of the Master Plan. He stated that they interfaced with us, they listened to us and they never, ever indicated any proclivity against mining. They cautioned us against bias and were unbiased.

Chairman Sandoval called for any other discussion.

Mr. Marshall Butler told the Planning Commission members that the Board of County Commissioner has requested that the Department of Planning and Zoning apply for grant monies for the updating or revision of the Master Plan. In doing so, the grant will need to be submitted to the Department of Local Affairs (DOLA) by no later than August 1, 2010. In order to get the grant money the Department will submit a letter along with the approved scope of work that was provided to the Commission, to two (2) or three (3) different consultants so as to determine an estimated dollar amount for the grant application. In addition we will contact the consultants so as to discuss the process etc.

Mr. Butler asked the Commission if they had any additions, changes, or comments regarding the scope of work that was presented to them. He noted that before the scope of services is sent to the consultants the Department is requesting approval of it by the Commission with any changes. He went on to note that if we are awarded the grant we will then have to prepare a more detailed scope of services for the formal requests for proposal.

Chairman Sandoval asked if the Planning Commission would still have some input regarding the Master Plan.

Mr. Butler stated that there will probably be public meetings held in different parts of the county, a survey of some type, and input from the Planning Commission. He also stated that he will be working closely with the County Manager, Mr. George Sugars, and the County Finance Director, Mr. Dana Angel, in the grant application process.

Chairman Sandoval asked if the county would have to do “matching funds”.

Mr. Butler stated that it somewhat depends on what the grant requires; we may be able to do matching with “in kind service”.

MOTION

Mr. Schnobrich made motion for the Department of Planning and Zoning to apply for a grant from DOLA to pay for a consultant to work on the Master Plan revision.

SECOND

Mr. Doxey seconded the motion.

Chairman Sandoval called for a roll call vote, and upon voting the motion passed unanimously. (6 members)

MOTION

Chairman Sandoval moved to adjourn the meeting.

SECOND

Mr. Schnobrich seconded the motion.

7. **ADJOURNMENT**

With no other items for discussion, Chairman Sandoval adjourned the meeting at 6:07 p.m.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE