

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
AUGUST 6, 2013**

**MEMBERS PRESENT**

Byron Alsup, Chairman  
Larry Baker  
Michael Pullen  
Larry Brown  
Joe Lamanna

**STAFF PRESENT**

Bill Giordano, Planning Director  
Donna Monroe, Planning Assistant

**MEMBERS ABSENT**

Mike Krauth, Secretary

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF MINUTES**

1. July 2, 2013 Planning Commission Meeting

**5. UNFINISHED BUSINESS**

NONE

**6. NEW BUSINESS**

**a. REQUEST: ZC 13-001 Mary's Rezone**

Request approval of a **Zone Change from the Agricultural Estates to Industrial Zone District, Department file #ZC 13-001 Mary's Zone Change**, by Derick Westback, for property owned by the estate of Donald E. Lockhart. The property is *located approximately 700 feet west of the intersection of High Street and Orchard Avenue, on the south side of High Street, in the North Cañon Area.* The proposal is to allow (**84** - 12ft. by 24ft and **12**- 16ft by 45ft spaces) for the storage of RV's and boats which is an accessory use to a mini-storage facility, which is the principle allowed use. The property presently is vacant. The property to be rezoned contains 2.0 acres.

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

**b. REQUEST: SRU 13-003 Arkansas Valley Ambulance Texas Creek Ambulance Station (Fire Station)**

Request approval of a **Special Review Use (SRU) Permit, Department file #SRU 13-003 Arkansas Valley Ambulance Texas Creek Ambulance Station (Fire Station)**, by Arkansas Valley Ambulance, for property owned by Douglas and Kathy Sarr, to allow an ambulance station for Arkansas Valley Ambulance, which will include housing of a full time staff (*there will be 2 staff personnel on site 24 hours a day, 365 day a year*), housing of ambulance(s) and similar vehicles, meeting/training room and living quarters for on duty personnel. The property is located *on the south side of U.S. Highway 50, 1.6 miles west of the intersection of U.S. Highway 50 and Colorado State Highway 69, across from*

*Shannon Road, in the Texas Creek Area.* The SRU permit property contains 2.59 acres and is zoned Agricultural Suburban.

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

**7. ADJOURNMENT**

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**1. CALL TO ORDER**

Chairman Byron Alsup called the meeting to order at 4:04 pm.

**2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

**3. APPROVAL OF AGENDA**

Chairman Alsup asked if there were any changes, additions or corrections to the August 6, 2013 Fremont County Planning Commission Meeting Agenda.

**MOTION**

Mr. Larry Brown moved to accept the August 6, 2013 Fremont County Planning Commission Meeting agenda as written.

**SECOND**

Mr. Joe Lamanna seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (5 of 5)

**4. APPROVAL OF THE JULY 2, 2013 PLANNING COMMISSION MEETING MINUTES**

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

**MOTION**

Mr. Lamanna moved to accept the July 2, 2013 Fremont County Planning Commission Meeting Minutes as written.

**SECOND**

Mr. Larry Baker seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (5 of 5)

**5. UNFINISHED BUSINESS**

The Planning Commission had no unfinished business.

**a. NEW BUSINESS**

**a. REQUEST: ZC 13-001 Mary's Rezone**

Mr. Matt Koch, Cornerstone Land Surveying, was present to request approval of a zone change from Agricultural Estates to the Industrial zone district for Derick Westback; the property is owned by the estate of Donald E. Lockhart. The property is located on High St., right across from Canon Concrete and cattycorner to Mary's Magazine Mini-Storage. The lot is 2 acres and is vacant right now. They are planning 96 spaces for RV and boat storage. The main office will be located at Mary's Magazine Mini-Storage. Customers will have ID cards to swipe for access into the RV/boat storage facility. Matt stated he had just received verbal approval

from the County Engineer, Don Moore, concerning the drainage. Basically the site will be graded to drain through the existing drainage swall that runs down the site and there will be a detention pond located in the back with a good outlet. Matt explained the waiver requests, specifically the landscaping. He stated that with being an Industrial area they don't feel that it is necessary as most of the adjacent properties are Industrial. In regard to the hard surfacing of the parking lot, they would like to be allowed to use a gravel surface, which is what all adjacent businesses use. There will be some off-site lighting and the two on-site lights that are shown on the drawing. They are trying to keep the light down so as to not draw people's attention during the night. They want to mainly have this as daytime use.

Mr. Bill Giordano, Planning Director, highlighted the eight contingency items. He also noted that the Department did receive a letter from the City of Canon City and there only comment was concerning a 6'x5' Box Culvert on High St. for the channel along the east side of this property.

Mr. Giordano stated that regarding the waivers for the buffering and landscaping requirements he would agree with Mr. Koch about the off street parking surfacing, lighting and landscaping. He does think that there should be consideration given to the buffering of the site because the property on the east, southeast, south and half of the west are zoned for residential use and there may need to be some type of screening.

Mr. Koch stated that to the east of the site is an unimproved drainage way that is a mess and they don't think it should require buffering. On the southwest end of the site there is a house way over on the other side of the property. There aren't any homes on the southern property but there is a small manufactured home park diagonally to the southeast. The lot on the east side of the drainage is a vacant lot.

Mr. Giordano reminded the Planning Commission members that because this is a zone change therefore they are required to provide a justification and any findings they feel are appropriate regarding this application.

Mr. Mike Pullen stated that the Fremont County Engineer made a comment with respect to access and having a queue area so that when someone's coming into the area, they are probably going to have a trailer and could be overhanging onto the roadway.

Mr. Koch stated that they actually moved the fence in so that they will have at least forty (40) feet from the edge of the asphalt to the electric gate.

Mr. Pullen asked if they plan to pave the entrance area.

Mr. Koch stated that they do not plan on it unless it is a requirement by the driveway access permit.

Chairman Alsup stated that at one point in the application it mentioned wanting to give RV owners and boat owners twenty-four (24) hour access but then in another place it talks about it only being operated during daylight hours.

Mr. Koch stated that it will be open twenty-four (24) hours a day. The owners don't want to keep anybody from accessing their RV or boat, if they want to leave early in the morning. But the intent is to keep it somewhat restricted. They don't want it to be where people are flowing in and out at all hours of the day and night.

Mr. Joe Lamanna inquired if the site is going to have a fence around the outside.

Mr. Koch stated that there will be a six (6) foot, chain link fence with barbed wire around the top. He also stated that there will be security cameras at the gate.

Mr. Pullen inquired if there is going to be a new meter for the power onto the property.

Mr. Koch stated that there used to be a little old house on the property that has been removed so a lot of the utilities and service lines are existing.

Chairman Alsup stated that the application says that this business will generate one (1) to two (2) full-time jobs. He has a hard time picturing that.

Mr. Koch stated that that is what the owner told him. There will be people who maintain the units, they watch over them, and they rent them out.

Mr. Lamanna inquired about where the site is in relation to the city boundary.

Chairman Alsup stated that when he went out there, he gauged it to be at least one half mile or more before you get to the city boundaries.

Mr. Larry Brown inquired about the waiver for any kind of lighting but yet the plan shows lighting.

Mr. Giordano stated that the lighting is for the parking area and there isn't a parking area.

Chairman Alsup inquired if the applicant had any comments on Mr. Giordano's suggestion about buffering.

Mr. Koch stated that they hadn't discussed it because he wasn't sure what, if anything was going to be required.

Chairman Alsup stated that there is a mobile home court within view of the site; it's across the field.

Mr. Lamanna stated that he agrees with the recommendation of buffering.

Mr. Lamanna stated that buffering may act as a protection by not allowing anyone to see what is stored behind the fencing.

Mr. Larry Brown agree that there should be some buffering and with what Mr. Lamanna just said about not being able to see in, that might be a deterrent.

Mr. Koch inquired if they are considering fencing instead of vegetation.

Mr. Giordano stated that the regulations would allow for vegetation or opaque fencing (chain link slats). He noted that it would only be required to the residential zone districts. There's no need to buffer the Industrial zoned portion and that portion facing the street.

## **MOTION**

Mr. Lamanna made a motion to approve ZC 13-001 Mary's Rezone, subject to the following:

Statement of justification:

- c. There has been a material change in the neighborhood which justifies the requested zone change.

Other criteria to be considered in review of the application for zone change:

- a. There is a public need and there will be a County or neighborhood benefit.
- b. The granting of the zone change will tend to preserve and promote property values in the neighborhood.

And in addition the following:

### **Recommended Contingencies:**

If approval of this application is considered by the Planning Commission, the Department would suggest that the approval recommendation be 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. A list of all service districts in which the property is located.
2. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator as to the requirement for an acceptable weed control plan, further the applicant shall implement and maintain the plan, if required.
3. Documentation from the City of Cañon City as to compliance with their Urban Growth policies, requirements, etc.
4. Documentation showing compliance with any requirements, as per the County Reviewing Engineer's review.
5. If drainage improvements are required then documentation from the design engineer to evidence that construction of the drainage facilities were completed and built to the specifications of the engineer's design shall be provided.
6. If drainage improvements are required then the property owner shall execute a Quit-Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, rights-of-way, related structures and/or facilities. Such deed shall be recorded at the time of recording of the zone change. Fremont County will not accept maintenance of these facilities.
7. Copy of a Fremont County Driveway Access permit issued by the Fremont County Department of Transportation.
8. Copy of detailed utility plan including approval signatures from all appropriate utility companies servicing the site.

**REQUIRED NOTIFICATIONS:** Notification as per regulation by certified mail, return receipt requested to all property owners within 500 feet of the property boundaries and to any severed mineral interest owners.

**ADDITIONAL NOTIFICATIONS**

1. Fremont County Sheriff's Office
2. Fremont County Department of Transportation
3. Colorado Parks and Wildlife
4. Fremont Historical Society
5. City of Cañon City

***The Planning Commission recommended opaque fencing along properties zoned AE to the west and MDR to the east and south.***

**WAIVER REQUESTS:**

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 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.

***The Applicant is requesting a waiver of the plan based on the justification that there are no adjacent uses that need to be screened.***

***Note: Consider requiring opaque screening along properties zoned AE to the west and MDR to the east and south.***

**The Planning Commission recommended the following waiver requests.**

2. **OFF STREET PARKING**

**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.

*The Applicant is requesting a waiver of the hard surfacing based on the justification that they wish to keep the natural appearance of the property.*

**5.1.3 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 be directed toward surrounding properties.

*The Applicant is requesting a waiver of the lighting plan based on the justification that the operation will only be day use, only during sunlight hours.*

**5.1.4 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 is requesting a waiver of this requirement based on the justification that the parking area will have no impact on adjacent uses and to keep the property natural looking.*

**SECOND**

Mr. Larry Baker seconded the motion.

Chairman Alsop called for a roll call vote, and the motion passed unanimously. (5 of 5)

**b. REQUEST: SRU 13-003 Arkansas Valley Ambulance Texas Creek Ambulance Station (Fire Station)**

Chairman Alsop stated that in the past he has had quite a few dealings with a number of people that are involved in Arkansas Valley Ambulance (AVA) and because of those dealings he feels that it is best for him to recuse himself from voting on this application. He will still participate in the conversation, but he will not vote on this item.

Mr. Matt Koch, Cornerstone Land Surveying, was present to request approval of a special revue use permit for Arkansas Valley Ambulance to have an ambulance station located in the Texas Creek area. It is an existing piece of property with an existing garage which has been modified by adding a small apartment inside of it. The original owners wanted to stay there so they modified it. The property is about two and a half (2½) acres with an existing shared access off to the northeast. He stated that they have heard back from Colorado Department of Transportation (CDOT) and they do not have an issue with the access. They are going to check it to make sure that there is a stop sign. There are some proposed additions to the building; a 1,200 sq. ft. garage area to store the ambulances in and a 400 sq. ft. meeting room that can be used for training and meetings. A lot of the additions have already begun without a permit. They knew that a permit was required but they went ahead with it knowing there was going to be a cost to doing so. They are also proposing one hard surfaced handicapped parking space right outside of the door; the rest of the parking area will be gravel. They have

received an approved drainage plan report with approval from the County Engineer, Don Moore. There will be a swell running down the front and dumping into the existing drainage.

Mr. Giordano stated that the recommended conditions are all standard conditions and highlighted the contingencies

Mr. Giordano stated that the Fremont County Environmental Health Officer has reviewed the permit and provided his statements regarding the septic, floor drains, and the private water system.

As for the building department, they commented that the garage is not adequate for staff to be living in. A building permit will have to be obtained and changes made to meet code.

The County Engineer commented that they need to obtain a CDOT permit, approval of the water supply, and an ISDS permit.

The applicant is requesting a waiver of the Buffering and Landscaping Requirements as the property is naturally buffered. They are requesting a waiver for the hard surfacing with the exception of the handicap parking spot. The remainder of the parking area is gravel with better drainage than hard surfacing. Lighting will be provided from the building.

Mr. Larry Brown inquired if it would be premature for the Commission to vote on this SRU without having that information.

Mr. Giordano stated that it would not, the State will return their comments and any requirements they institute, and the applicant would have to comply with them.

Mr. Larry Baker stated that the thing that concerns him is that with everything that hasn't been completed yet or that is up in the air, he doesn't know if the Commission should vote on it yet or if it should be tabled. He said they shouldn't even be using the property because the building was never built to the standards that accommodate living quarters.

Mr. Giordano stated that they will have to comply with the requirements which addresses this concern.

Mr. Baker stated that he understands it is a requirement but there are still a lot of unanswered questions.

Mr. Koch stated that a lot of this isn't going to happen until this gets approved and they purchase the property. They are not going to purchase the property without having approval of the SRU.

Mr. Lamanna inquired if there is a plan that shows what the building is going to look like when it's done.

Mr. Koch stated that it is going to be similar to the outbuilding that is there now.

Mr. Lamanna stated that right now they are using the building.

Mr. Giordano stated that they are in violation for using the building but they do have a complete application. This is consistent with what is done most of the time. If you are going to make them do these things before it is approved, it is going to be too expensive for them. They are attempting to get everything in line.

County Attorney, Brenda Jackson, stated that the SRU is part of the process to correct the violation. If the County doesn't grant the SRU then we are keeping them from correcting their violations. This is kind of a catch 22.

Mr. Baker stated that the sewage disposal approvals were all in 2005 but then the County Environmental Health Officer, Sid Darden, commented that the proposed project is not the same as having a domestic septic tank. Does that mean it is a different system?

Mr. Giordano stated that the key point regarding Mr. Darden's comment is that he is asking an engineer to certify it as to whether it will be adequate.

Mr. Lamanna stated that tabling an item isn't the same as denying it. It is just putting it off for a month.

Mr. Giordano stated that tabling would only delay them in coming into compliance.

Ms. Jackson agreed that these circumstances do not warrant tabling the item.

Mr. Alsup stated that what he thinks part of the sense of the Commission is that the applicants are using it illegally.

Mr. Pullen stated that he thinks that the fact that they, the applicants, are taking the action and steps necessary to come into compliance is a key element. He said that he thinks the point has been well made that what they are currently doing is illegal and that it needs to be corrected.

Mr. Lamanna stated that if a use has been established prior to the application that the application fee is too be doubled.

Mr. Giordano stated that when a violation is discovered we give the owner a chance to come into compliance by a certain deadline and if they comply we do not charge them a double fee.

Mr. Lamanna inquired about who makes that decision.

Mr. Giordano stated that he does and normally he will confer with the Board.

Mr. Lamanna stated that the double fee is part of the County's regulations.

Mr. Giordano stated that the policy has been, if we put the owner under formal violation then the double fee is levied.

Mr. Lamanna inquired as to where the applicant is right now.

Mr. Giordano stated that they are at the first stage. As soon as they were put on notice they hired Mr. Koch and they met the deadline for getting the application submitted.

Mr. Koch stated that the application fee is \$1,800.00

Mr. Pullen inquired if there is a review time for an SRU.

Mr. Giordano stated that they are reviewed annually as required by Condition B.

Mr. Lamanna inquired about the life of the use, which means permanent.

Mr. Giordano stated that if it is discovered that they are in violation of any kind, we don't wait a year to put them under violation. If we get a complaint and it is deemed a violation, we will handle it immediately. We will give them a reasonable amount of time to get in compliance, if they don't get in compliance then we take it in front of the Board of County Commissioners and they make the final decision to what action should be taken.

Chairman Alsup inquired about the issue of the drain that Mr. Darden mentioned. Is there an actual drain in the floor inside the garage?

Mr. Koch stated that he is not sure.

Mr. Lamanna inquired about where the staff is staying right now.

Mr. Koch stated that they are staying in a twenty (20) foot little apartment that has plumbing that is tied to the well and septic and is located in the garage building.

Mr. Lamanna inquired if the intent is to build a structure there that is suitable for two people.

Mr. Koch stated that the intent is to use the shell to put the bedrooms, bathroom, and kitchen or whatever they plan to do. Based on that we will have to make sure all of the requirements are met.

Mr. Baker inquired as to what time period are they given to actually accomplish everything.

Mr. Giordano stated that they will have six (6) months to comply with contingencies however they can file for an extension of an additional six (6) months.

Mr. Koch stated that the approval for the layout does not necessarily mean that they are going to start building the addition right away. When it is approved they will have some time because upfront they are going to have a lot of expenses for improving the building.

Mr. Koch stated that it is their intent to purchase the property once the SRU is approved.

Mr. Lamanna inquired if the fire district has been notified?

Chairman Alsup stated that they are not located in a fire district.

Mr. Lamanna inquired about the neighbors around the area.

Mr. Giordano stated that there are homes within the area and any property owners within the five hundred (500) feet will be notified and the property will also be posted.

### **MOTION**

Mr. Lamanna made a motion to approve SRU 13-004 Arkansas Valley Ambulance Texas Creek Ambulance Station (Fire Station), subject to the following:

#### **Recommended Conditions:**

- A. Special Review Use Permit shall be issued for life of the use.
- B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the

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

- C. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- D. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
- E. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- F. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department of Planning and Zoning prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.
- G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days and hours of operation shall not be limited.
- I. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, and further the applicant shall implement and maintain the plan, if 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 8.14 of the Fremont County Zoning Resolution (complete reapplication).

**Recommended Contingencies:**

If approval of this application is considered by the Planning Commission the Department would suggest that the approval recommendation be 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. A copy of a recorded deed from the current owner Douglas and Kathy Sarr to Arkansas Valley Ambulance or a lease or agreement between Arkansas Valley Ambulance and the Sarr's for use of the property.

**Note: If a lease is provided it will be a condition of the permit to provide a copy of the renewed lease at least 30 days prior to its expiration.**

- 2. Documentation as to compliance with the Fremont County Environmental Health Officer as per memo dated July 2, 2013.
- 3. Documentation as to compliance with the Fremont County Building Department's requirements as per memo dated July 1, 2013.
- 4. Documentation as to compliance with the requirements of the Fremont County Reviewing Engineer as per his letter dated July 3, 2013.
- 5. Documentation from the design engineer to evidence that construction of the drainage facilities were completed and built to the specifications of the engineer's design.
- 6. Property owner shall execute a Quit-Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, rights-of-way, related structures and/or facilities. Such deed shall be recorded at the time of recording of the use permit. Fremont County will not accept maintenance of these facilities.
- 7. Documentation as to compliance with any requirements from the Colorado Division of Water Resources.

8. A Colorado Department of Transportation Access permit is required for the specified use.

**Additional Notification Requirements:**

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

1. State Historic Preservation Office
2. Fremont County Sheriff's Office
3. Fremont Historical Society
4. Colorado Parks & Wildlife
5. Arkansas Headwaters Recreation Area
6. Colorado Department of Transportation

**The Planning Commission recommended granting the following waiver requests.**

**Waiver Requests:**

1. **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.

*The applicant is requesting a waiver of the buffering and landscaping with the following justification: The area is buffered to the south, east and north by a natural buffer.*

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 rural nature is best suited for gravel as drainage will be less of an impact.*

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: the area will be lit from the building.*

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 area is natural and will be less visible.*

## **SECOND**

Mr. Larry Baker seconded the motion.

Chairman Alsop called for a roll call vote, and the motion passed unanimously, with Chairman Alsop abstaining. (4 of 4)

## **7. ADJOURNMENT**

Chairman Alsop adjourned the meeting at 5:00 p.m.

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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

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DATE