

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
NOVEMBER 4, 2009**

VICE CHAIRMAN DEAN SANDOVAL BROUGHT THE NOVEMBER 4, 2009 MEETING OF THE PLANNING COMMISSION TO ORDER AT 7:02 P.M.

MEMBERS PRESENT

Dean Sandoval, Vice Chairman
Bill Jackson
Mike Schnobrich
Keith McNew

STAFF PRESENT

Bill Giordano, Planning Director
Don Moore, Fremont County Engineer
Vicki Alley, Planning Assistant

MEMBERS ABSENT

Tom Piltingsrud
Tom Doxey
Herm Lateer

1. REQUEST: SRU 09-002 AT & T WIRELESS FACILITY

Request approval of a **Special Review Use Permit, Department file #SRU 09-002 AT & T Wireless Facility, by AT & T Mobility, to allow for the construction and operation of a one-hundred (100) foot monopole tower, which will house six (6) dual broadband antennas, six (6) tower-mounted amplifiers, an equipment shelter, a utility meter, and ice bridge, GPS antenna located on the equipment shelter, an eighteen (18) inch base station antenna**, within a forty (40) foot by forty (40) foot lease area within a four and six tenths (4.6) acre property which is owned by Eicher, Inc. The property currently houses multiple businesses (*Innovative Structures, Inc, & Classic Garage Doors, Inc.*) and also contains a mobile office building, a workshop, three (3) model carports, a model garage (*display items for sale which are constructed inside workshop or on-site*). The property is located at the northwest corner of the intersection of U. S. Highway 50 and N Street in the Beaver Park Area. The SRU property consists of a 4.6 acre parcel which is located in the Business Zone District.

REPRESENTATIVE: *Liz Walker, Project Manager, Technology Associates International Corporation*

2. REQUEST: SRU 09-003 UNIVERSITY OF OKLAHOMA GEOLOGY CAMP (RECREATIONAL FACILITY, RURAL - EDUCATIONAL CAMP)

Request approval of a **Special Review Use Permit, Department file #SRU 09-003 University of Oklahoma Geology Camp (Recreational Facility, Rural - Educational Camp), by The Oklahoma University School of Geology and Geophysics, to allow for the construction of a geology camp which will include a dining hall, an office, a garage, a kitchen, two (2) unisex bath houses, six (6) student cabins, two (2) student cabin with a future bathroom, three (3) visitor/faculty cabins with future bathroom and two (2) ADA cabins within the encampment and a five-hundred and seventy-six (576) square foot “pavilion” and a two-thousand (2,000) square foot residence on the property southerly from the encampment. The camp will primarily be used between May and September. The property is presently owned by Ronald & Janice Conner and is located approximately 2¾ miles south of Elm Avenue, on the southwest side of County Road #143, aka Oak Creek**

Grade Road, south of Cañon City. The SRU property consists of an 86.55 acre parcel, which is located in the Agricultural Forestry Zone District.

REPRESENTATIVE: Matt Koch, Cornerstone Land Surveying, L.L.C.

3. OTHER ITEMS FOR DISCUSSION

Discuss any items or concerns of the Planning Commission members.

4. ADJOURNMENT

5. WORKSHOP - 2nd AMENDMENT TO THE FREMONT COUNTY MASTER PLAN

Workshop for Fremont County Master Plan re-write. (Open to the public).

Vice Chairman Dean Sandoval called the meeting to order at 7:02 pm and the Pledge of Allegiance was recited.

Vice Chairman Sandoval noted the fact that the Planning Commission members had not received the October 6, 2009 minutes for review, so they will not be approved at this meeting. Those minutes will be addressed at a future Planning Commission meeting.

Vice Chairman Sandoval continued with a discussion regarding the scheduled Workshop on the second amendment to the Fremont County Master Plan. A number of members of the public are present tonight for that workshop. As you can see, there are only four of Planning Commission members here tonight. We have had the recent resignation of our Chairperson (*Mr. Tom Piltingsrud*), and there are two other members absent. The members who are present feel short-handed and unprepared for the chain of events. There has been some talk about tabling the Workshop for tonight. We appreciate everyone being here.

MOTION

Mr. McNew said that because of the unexpected resignation of Chairman Piltingsrud, and since there are only four members present, there has been some informal discussion about rearranging the format of the workshops for the Master Plan. In view of the fact that there will be some new members coming on board, he made the motion to table, for at least thirty days to the next meeting, the Workshop on the Master Plan.

SECOND

Mr. Jackson seconded the motion.

Vice Chairman Sandoval called for a roll call vote and the motion passed unanimously.

Vice Chairman Sandoval mentioned that he has had discussions with a number of people who have requested some information prior to the workshops about having an agenda, because not all things are going to interest members of the public. We want to provide people with ample time to come up with public comment constructive to our Planning Commission workshops regarding the Master Plan. The County Engineer, Mr. Don Moore, has been given the responsibility to author what the Planning Commission presents to him. Eventually this will go to the public for approval. The proposed format would be a workshop where Mr. Moore would present to us his rewrite or modification of certain sections of the Master Plan. Then we would have a discussion with the Planning and Zoning personnel (Planning Commission, Planning and Zoning Department Head, and the County Engineer). Then we would take structured public

input from those who are interested in that particular agenda. Then we would go back to the Planning and Zoning personnel to discuss these items and present them to Mr. Moore. Then at the next workshop, Mr. Moore would present us with his rewrite or modification, based on the previous meeting. This isn't much different from what we have been doing, although this is probably the most formalized presentation of this format that has occurred. Between now and the time when we have our next workshop, I would urge anyone of you to contact anyone of us here to give us your opinion of this proposed format. We want to make sure that everyone has an opportunity to speak about what interests them in regards to the Master Plan.

1. REQUEST: SRU 09-002 AT & T WIRELESS FACILITY

Ms. Liz Walker, Project Manager, Technology Associates International Corporation was present to represent AT&T to request approval of a Special Review Use (SRU) Permit, Department file #SRU 09-002 AT & T Wireless Facility, by AT & T Mobility, to allow for the construction and operation of a one-hundred (100) foot monopole tower, which will house six (6) dual broadband antennas, six (6) tower-mounted amplifiers, an equipment shelter, a utility meter, and ice bridge, GPS antenna located on the equipment shelter, an eighteen (18) inch base station antenna, within a forty (40) foot by forty (40) foot lease area within a four and six tenths (4.6) acre property which is owned by Eicher, Inc. The property currently houses multiple businesses (Innovative Structures, Inc, & Classic Garage Doors, Inc.) and also contains a mobile office building, a workshop, three (3) model carports, a model garage (display items for sale which are constructed inside workshop or on-site). The property is located at the northwest corner of the intersection of U. S. Highway 50 and N Street in the Beaver Park Area. The SRU property consists of a 4.6 acre parcel which is located in the Business Zone District.

Ms. Walker said this application is for a wireless facility and the property is zoned Agricultural Rural. The use is provided by the Fremont County Resolution in Section 4.4.4.22. Towers and antennas used for commercial purposes are permitted in this zone district pursuant to the Special Review process. (*Note – the property is zoned Business, and the use is provided by Section 4.14.4.18 of the Fremont County Zoning Resolution pursuant to the Special Review process.*) Ms. Walker stated that she has been a site acquisition and land use consultant for about ten years, working on siting for wireless facilities in many Counties in Colorado. Ms. Walker distributed copies of two maps. The maps are color-coded, with the purple representing lighter AT&T coverage, the orange and green representing heavier coverage. The first map shows coverage around Penrose provided by the current on-air sites for AT&T in the vicinity. What AT&T is trying to do with this (*proposed*) site is to fill in the area along Highway 50 so there is coverage in that area, for people to communicate with others and to contact emergency services. AT&T doesn't want to have any dropped calls experienced in that area. The second map shows the same area with the proposed site on-air, showing how the proposed site will fill in the coverage hole along Highway 50. The maps were provided to show the need for the site and our objective with the site and why we are asking that it be allowed at this location.

Ms. Walker added that the wireless facility would benefit the community, it allows people to stay in touch, it gives consumers more options and a choice with regard to wireless phone services, and the rigorous cell phone coverage benefits the community by increasing access to emergency services. The FCC reports that now over 50% of 911 calls are made from wireless phones. People expect to be able to use their phone for business and personal uses, but also when they need to call 911 in an emergency or to report a crime. I have submitted an application with the County which I understand to be complete for a 100 foot facility (*tower*) on

the property at 1380 East Highway 50. We are asking for recommendation of approval by the Planning Commission. I will answer any questions you might have.

Mr. Giordano showed a video of the property. He noted that both of the properties across the street from the proposed site are in the Business Zone District. The location of the tower is not visible from the intersection of Highway 50 and N Street because of the trees.

Mr. Giordano referred to the Department Review of the application. Recommended Conditions A through L are all standard conditions, with Condition I "The applicant / owner of the tower shall allow the tower to be used for co-location purposes" being specific to towers. The applicant has stated in the application that they would be willing to allow that to happen. Regarding the recommended Contingencies, the requirement from the County Engineer that "the street address of this site should be clarified" has been resolved. The Department has issued an address. The second requirement from the County Engineer stated that "no graded or graveled access road is authorized, since those activities will adversely alter the site drainage."

Mr. Moore stated that the site plan revision showed a gravel road but it was not a raised gravel road. The only concern would be if they do something that creates a dam or they would have to have a culvert to get water underneath the gravel road that would be a point discharge onto the highway.

Mr. Giordano continued with the second recommended contingency, the requirement for a (*separate*) SRU for the light industrial use (on-site manufacture of structures) housed on the property. Buildings such as sheds and garages are manufactured on the property. This is an illegal use, and one of the requirements of the regulations is that if an application is submitted on a piece of property, it has to be brought into compliance. Compliance in this case would be either they complete the SRU process to allow that use, or they cease that use. Mr. Giordano said he spoke to the owner of the property and he stated that he does intend to submit a SRU application. The owner really doesn't want his application to hold up this application for the wireless facility. If there will be a delay, the owner said he will cease the illegal operation until he can get the SRU permit.

The next recommended contingency is a Certificate of Occupancy from the Building Department for the structure which is encroaching on another lot. The final recommended contingency is the relocation of that same structure, or a Lot Line Adjustment to bring it into compliance with the setbacks. The Department believes that this building was constructed without a building permit, and it is built over the property line. That violation of regulations needs to be cleaned up prior to the recording of this SRU.

Concerning the waiver requests, Mr. Giordano said the applicant has asked for a waiver of the buffering and landscaping requirements. In light of a 100 foot tower, it is going to be pretty hard to landscape or hide it. Their statement of justification is "there is natural growth evergreen landscaping at the site along the perimeter of the property. A portion of the property to the north is used for grazing. The site is sufficiently landscaped and buffered by the existing natural features." This is probably not an accurate statement, because with a 100 foot tower, ten-foot trees will not buffer it. This is a monopole tower. The applicant will do all the coloring they can to try to make it blend in as much as possible. There are some pictures included in the application package that give an idea what the tower will look like. There is also a request for a waiver of the Surfacing, Lighting and Landscaping requirements for the parking area. There

will be one parking space, with maintenance once a month, so the parking area requirements may not be warranted at all.

Mr. Giordano then summarized the recommended additional notifications. He noted that the County does not usually require notification of the Bureau of Indian Affairs or the U.S. Fish and Wildlife Office, but they were included in the department review because the applicant stated in the application that they are required to notify those agencies. Mr. Giordano stated that notification of the listed agencies would be in addition to the notification of adjacent property owners within 500 feet of the SRU permit boundary.

Vice Chairman Sandoval called for discussion.

As far as lighting is concerned, Mr. Schnobrich asked if the applicant is planning to have a small security light at the base of the facility, in case there is an emergency in the future, so the Sheriff's Department will have some light there.

Ms. Walker answered that a light is not currently proposed, because the equipment is inside, but we are happy to accommodate that.

Mr. Schnobrich asked why we are notifying the Bureau of Indian Affairs.

Mr. Giordano answered that it was included in the application, so we followed up.

Ms. Walker explained that there is a process, called Tower Construction Notification Service (TCNS) with the FCC. These notifications are part of the regulatory process. For instance, the State Historic Preservation Office (SHPO) has already been notified and responded. They can be notified again as part of this process if desired. There is a series of regulatory notifications that go out that have to do with wildlife, historic properties, and Native American tribes. The FCC requires clearance or no response from all of those agencies. That process has already been done and there have not been any adverse affects reported.

Mr. Schnobrich asked what kind of security is being set up around the base, in terms of kids getting in there and climbing on the tower. That is a fairly well-developed area.

Ms. Walker answered that the area will be fenced and locked.

Mr. Schnobrich asked if there would be barbed wire across the top.

Ms. Walker answered yes.

Vice Chairman Sandoval referred to the Black & Veatch Corporation letter dated October 12, 2009, at application exhibit 45.1, which states "the specific fall radius for the tower proposed here will be 50 feet." Vice Chairman Sandoval asked how there could be a 50 foot fall radius for a 100 foot monopole.

Ms. Walker answered that it is designed as a break-away pole. It is built to withstand all of the elements and to comply with all federal and state structural requirements, so a failure event is very unlikely, but it is designed as a break-away pole so that it would not fall over in one piece.

Vice Chairman Sandoval asked Mr. Giordano to go back to the video of the site to show where the tower might be relative to the trees.

Ms. Walker said the tower is proposed to be north of Highway 50 and just east of the trees. I didn't mean to suggest in the narrative that the trees are going to hide the structure, but they will provide some camouflage to the equipment.

Vice Chairman Sandoval said that as it is planned, the base of the structure is not going to be able to take advantage of the majority of the trees there on Highway 50 as a visual barrier.

Ms. Walker responded that the approach from each side would be buffered, but if you were stopped on Highway 50 right in front of the tower, there are no trees there.

Vice Chairman Sandoval suggested that they reconsider a visual barrier in that area, because junipers grow rather easily, and they grow heartily with little water supply. I don't know what kind of water supply you are going to have there. That would be one thing to consider since it is Highway 50.

Ms. Walker said she understands, but as it stands right now, the proposal is not to tie in with water since it is an unmanned facility. I understand your recommendation and I will take it back.

Vice Chairman Sandoval said he would like it as part of the record that the County Commissioners consider this. With no more discussion, he called for a motion.

MOTION

Mr. McNew made a motion to approve SRU 09-002 AT&T Wireless Facility with the following:

RECOMMENDED CONDITIONS:

- A. Special Review Use Permit shall be issued for life of 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. The applicant /owner of the tower shall allow the tower to be used for co-locating purposes, if appropriate. If antenna collocation is proposed appropriate process through the Department will be required.
- J. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- K. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
- L. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in

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

RECOMMENDED CONTINGENCIES:

It is recommended that this item be referred to the Board of County Commissioners (Board) for scheduling of a public hearing provided the following contingencies are provided within six (6) months (no extensions) after final approval by the Board:

1. Documentation as to compliance with the following comments by the County Reviewing Engineer in a letter dated September 27, 2009:
 - a. The street address of this site should be clarified. (*The Department has issued an address*).
 - b. No graded or graveled access road is authorized, since those activities will adversely alter the site drainage. (*"If the access road across the established crop land is graded, raised, or gravel surfaced, the no impact statement [in the drainage discussion letter provided by Black & Veatch] is likely incorrect."*)

The Planning Commission recommended deleting this contingency since the requirements have been met.

2. A Special Review Use Permit shall be applied for with regard to the light industrial use (onsite manufacture of structures) housed on the property as per Section 4.14.4.12 of the Fremont County Zoning Resolution. If said use permit is denied, the light industrial use shall be ceased.
3. A copy of a Certificate of Occupancy issued by the Fremont County Building Department for the structure labeled as A (*1,740 square foot permanent material storage building*) on the drawing shall be provided.
4. Relocation of the structure labeled as A on the drawing to be in compliance with the Business Zone District development requirements, removal of the structure from the property or approval of an application for a lot line adjustment that would locate the property lines so as to allow the structure to meet the current development requirements.
5. **The Planning Commission recommended installation of a small security light at the tower site.**

ADDITIONAL NOTIFICATION REQUIREMENTS:

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

- a. The Federal Communication Commission
- b. Fremont County Weed Control Officer
- c. State Historic Preservation Office
- d. Bureau of Indian Affairs
- e. U.S. Fish & Wildlife Office

- f. The Fremont County District 2, Road Forman
- g. Fremont County Sheriff's Office
- h. Fremont County Airport
- i. Fremont / Custer Historical Society

The Planning Commission recommended waiving the following:

WAIVER REQUESTS:

1. 5.2.6 Buffering & Landscaping Requirements:

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

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

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

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

- 2. **Surfacing:** Surfacing for all business, commercial or industrial off-street parking areas shall be graded and surfaced to control dust and provide proper drainage. Spaces shall be asphalt or concrete surface **unless waived by the Board**. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed to prevent parking vehicles from extending over any lot lines.

3. **Lighting:** All off-street business, commercial or industrial parking spaces may be required to be adequately lighted to protect the safety of the individual using the area. Said lighting shall not cast any glare on the surrounding properties.
4. **Landscaping:** All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

APPROVAL CRITERIA:

Mr. McNew noted the following approval criteria:

1. The procedural requirements of this section have been met.
2. The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
3. Conformity to plans and drawings submitted with the application – everything is in order.

SECOND

Mr. Jackson seconded the motion.

Vice Chairman Sandoval called for discussion on the motion.

Mr. Schnobrich asked how the motion will tie in if the non-conforming land doesn't come into conformance. Should there be something in the motion that says they have to make some kind of progress?

Mr. Giordano answered that it is taken care of in the Recommended Contingencies.

With no more discussion, Vice Chairman Sandoval called for a roll call vote, and the motion passed unanimously.

2. REQUEST: SRU 09-003 UNIVERSITY OF OKLAHOMA GEOLOGY CAMP (RECREATIONAL FACILITY, RURAL - EDUCATIONAL CAMP)

Mr. Matt Koch, Cornerstone Land Surveying, LLC was present to request approval of a Special Review Use Permit, Department file #SRU 09-003 University of Oklahoma Geology Camp (Recreational Facility, Rural - Educational Camp), by The Oklahoma University School of Geology and Geophysics, to allow for the construction of a geology camp which will include a dining hall, an office, a garage, a kitchen, two (2) unisex bath houses, six (6) student cabins, two (2) student cabin with a future bathroom, three (3) visitor/faculty cabins with future bathroom and two (2) ADA cabins within the encampment and a five-hundred and seventy-six (576) square foot "pavilion" and a two-thousand (2,000) square foot residence on the property southerly from the encampment. The camp will primarily be used between May and September. The property is presently owned by Ronald & Janice Conner and is located approximately 2¾ miles south of Elm Avenue, on the southwest side of County Road #143, aka Oak Creek Grade Road, south of Cañon City. The SRU property consists of an 86.55 acre parcel, which is located in the Agricultural Forestry Zone District.

Mr. Koch said that the approximately 86 acres is located south of Cañon about three miles, just off of Oak Creek Grade in the High Saddle Subdivision. Oklahoma University plans to build a geology camp there. It will contain approximately 13 cabins for the students and staff, two bath

houses, a dining hall with a kitchen with an attached office and a study hall. As of now, the utilities are all in. The electric and telephone are located on the site. There is an existing garage that will be renovated into the kitchen area, and the dining hall will be attached to that. The camp will be run basically five to six months of the year, between May and September. The camp won't be used every week. The use will be sporadic, two to three weeks here and there. The students will come from Oklahoma and around the area and drive to the site. They may be brought in by bus or van. A parking area is proposed down below the camp site, which is shown on the plan, to house all the cars that park there. Once the students are on site, they will be bussed and taken to the areas. I'm sure everyone has seen them around climbing all over the rocks along the highways.

Mr. Koch continued that the camp that is located in Beaver Creek is actually Oklahoma State University (OSU). I believe they did discuss trying to combine camps, and there wasn't enough room or enough time. That is why the University of Oklahoma chose a new site. They are also proposing to construct a house in the future. We included it in this project to make sure it got approved through the SRU so we didn't have to come back. That house will be used for alumni and donors to come out and visit the site, to have a nice place to stay while they are visiting. There is no timeframe on when they are going to build the house. They are going to wait for the money to come in from the donors and alumni. As far as the contingencies on the project, we have no problem with those. Many of them refer to permitting, and we are working through those permits, and so far have not hit any hurdles. Things are going really smoothly, so we feel confident about that. As far as the fire protection, this is a wooded area, lots of pinions and pines. We are going to have a well on site and a ten thousand gallon cistern that can be used for the fire protection. A lot of the vegetation will be cleared around the structures to keep the forest fires from getting too close. The structures will be wood, kind of a log style to fit with the atmosphere of the area. We are requesting a waiver for the hard surfacing, lighting and landscaping, due to the nature of the area, trying to keep the area as natural as possible.

Mr. Giordano showed a video of the site, which is heavily wooded. Mr. Giordano briefly mentioned the recommended conditions which are the standard conditions for a SRU. The permit would be issued for the life of the use.

Mr. Giordano discussed the recommended contingencies in more detail, because they are more critical. We are requiring the recording of a subdivision plat for the SRU property and all remaining tracts that are affected by the creation of the SRU property. Basically they are taking this site out of the middle of four or five tracts, so we are requiring that the subdivision be recreated. All remaining tracts have to be 35 acres or more, or they would have to go through a subdivision process. I would assume they will make sure that they don't have to go through that process. The Oklahoma University School of Geology and Geophysics is going to purchase this property, so we are requiring a copy of the deed prior to recording of the SRU. We are requiring documentation from the Colorado Division of Water Resources as to an adequate water supply for the camp. We are requiring documentation as to approval by the Fremont County Environmental Office and/or the Colorado Department of Public Health & Environment for the sewage disposal system. I recommend that in the motion you add to this contingency a requirement for a copy of a Retail Food Establishment License for the operation of the kitchen facility in the Dining Hall. The fifth contingency is a detailed utility plan signed and approved by the utility companies. The sixth contingency has to do with a Fire Protection Plan. As I mentioned earlier, this is a heavily wooded area. We did talk to the Cañon City Fire Authority, Mr. Dan Brixey, about annexing this property into the Fire Protection

District, but he said the district accept it into the district. He said they definitely need fire protection, so that is where this requirement came from. As to adequacy, I would say that any kind of tank with a pump facility will obviously help. Without having a formal recommendation from a fire protection district review, it is up to the Planning Commission. One question is whether a ten thousand gallon tank is going to be adequate or not. Obviously the Planning Commission is a recommending body. The County Commissioners may elect to ask for a professional opinion. I think this is an important issue because of the area and the possibility of fire. I think it is actually to the benefit of the applicant to make sure that they have a fire suppressant method and means. They probably ought to develop the Fire Protection Plan with the aid of a professional, and that may be the answer – to require them to provide us with a detailed plan. The final recommended contingency is compliance with the County Engineer’s comments regarding revised stormwater drainage and erosion control plan, a copy of a valid wastewater discharge permit from the Colorado Department of Public Health & Environment, and a copy of a public water supply ID review and approval.

Mr. Giordano did not go into detail on the waivers. Mr. Koch discussed what the applicant is requesting and the reasoning why. In a rural area, it is understandable why you wouldn’t want hard surfacing and too much lighting. The Department really doesn’t have any real concerns on either matter therefore it is up to the Planning Commission. Finally, the list of additional notifications is fairly standard.

Vice Chairman Sandoval called for questions or discussion.

Mr. Schnobrich asked how many people would be at that location at one particular time. What is the maximum capacity?

Mr. Koch answered that the maximum capacity is sixty total. On average they figure on about forty per camp. Some weeks it will only be twenty. It varies, but the maximum will be sixty.

Mr. Schnobrich raised the question that with sixty people out there, talking about fire suppression, what about the local road network? Is that going to be able to handle busses that these geology students are going to be using? I would imagine that every day they will be going somewhere.

Mr. Koch answered that they mainly plan to use vans. They don’t use busses. They disperse in different directions. From what I understand, they will take a group of ten to fifteen to one location, and ten to fifteen to another location. They use those carrier vans which are easy to maneuver. High Saddle Ranch is a fairly recent 35 acre subdivision, so the roadways are fairly decent and accessible. One of the plans for the drainage is to clean up the driveway up to the site, which they will have to do when they start construction anyway.

Mr. Schnobrich asked if we require a traffic study for this.

Mr. Koch answered that it is all private roads.

Mr. Schnobrich asked about the traffic that goes out onto the public roads.

Mr. Giordano said that has been addressed. (*A completed Roadway Impact Analysis Form was included with the application.*)

Mr. Koch said they had a Traffic Engineer review the impacts and fill out a Roadway Impact Analysis Form.

Mr. Giordano pointed out that Mr. Moore also reviewed the form and found it adequate. (*Fremont County Engineer letter dated October 27, 2009 – “No further action or information is needed concerning traffic.”*)

Mr. Koch noted that the Traffic Engineer provided a summary in his attachment.

Mr. Schnobrich asked why the Cañon City Fire District did not want to annex this property.

Mr. Koch said that Mr. Brixey didn't give him an explanation.

Mr. Giordano said that Mr. Brixey didn't really explain it to him either, but the reason is probably the high fire risk.

Mr. Koch said the area is rugged, so they might not have the equipment to maneuver in there.

Mr. Giordano added that they are all private roads, without standardization, so they probably cannot get their equipment in there. That is probably why they didn't want to service it. The average width of the roads is 20 to 24 feet, maybe even narrower, and there are some pretty steep grades.

Mr. Jackson said they would be able to get a brush truck up there, and that's about it. I don't think they could get the big equipment up there.

Mr. Schnobrich asked why we are allowing them to build a facility that could hold sixty people and not require them to have a road network on the property that would allow for safety and fire suppression. That seems kind of odd. Obviously it is a private road, but that doesn't mean there shouldn't be any standards applied. They should have to meet all fire requirements. That is a high fire area. You can almost bet that sooner or later we are going to have a fire up in that area.

Mr. Koch said they will be cleaning the trees out around the buildings like they are supposed to through the vegetation removal program. Right now there is no fire protection that will go out there, so whatever will be done will be done by the people on site. We are providing fire suppression facilities through the cistern and the well and the pumps that will be on the site to take care of that.

Mr. Schnobrich said that at this point in time we have no professional fire plan put together, so one thousand gallons, what is that? Five minutes worth?

Mr. Koch stated it is a ten thousand gallon tank.

Mr. Schnobrich said we really don't have a good understanding as to how the fire suppression is going to happen - not just the fire suppression from the water, but also the roads on the property so fire equipment can get out there. If the fire trucks can't get to the site, will an ambulance be able to get there? If we are going to bring in sixty students from around the country, they are going to be doing things that college students do. That sounds like a risky proposition, not to have a very well-designed facility in place - not only a couple of buildings here and there, but also the infrastructure for the roads. I don't know if it has been adequately addressed, at least that I am comfortable with.

Mr. Koch said one of the contingencies is to do that. *(The contingency requires a fire protection plan to address on site fire suppression items such as storage of fire suppression water, maintaining fire defensible areas, use of fire resistant construction materials.)*

Mr. Giordano said that is the requirement, but the question becomes if it is actually an acceptable plan. The department does not have the expertise to determine if it will provide adequate fire protection. Normally what happens is we have a fire department to review the plan or they submit requirements. The question becomes what can we require that is going to be adequate. We brought the issue up in our review. Maybe we do need to ask that there be a professional plan put together for fire protection. Maybe there should be some review done by the County which we pay for or have the applicant pay for.

Mr. Koch said the school may be willing to go that step just to protect them from all the liability. That would be acceptable to have a professional design it and lay it out.

Mr. McNew asked what fire district the property is in. Is it in the County under the Sheriff?

Mr. Giordano answered that it is under the Sheriff. It actually borders the Cañon City Fire Protection District on the north side. We were going to make a recommendation to annex it, but Mr. Brixey said they will not annex it. He recommended that we don't make that recommendation because it is not going to happen.

Mr. McNew said then it would be up to the County and the Sheriff's Department, with their fire personnel, to approve it.

Mr. Koch suggested that Mr. Brixey or the Fire Department review it, if they will.

Mr. Giordano said we are asking that the applicant notify the Sheriff, but I am not sure the Sheriff will take the fire protection into consideration. Maybe the notice to the Sheriff should contain emphasis on the fact that there is a geology camp with no fire protection in a heavily wooded area.

Mr. McNew pointed out that another thing to be thinking about, other than the safety of the sixty people there, would be that any fire fighting done would be paid for by the County and the Sheriff's Department. If they were in a fire district, they would pay a mil levy to the district. In this case, the expense of fighting the fire would be directly on the County, so I think that there should be a requirement that the Fire Department part of the Sheriff's Department would approve a Fire Protection Plan.

Mr. Giordano clarified; so you want a Fire Protection Plan developed by a professional, reviewed by the Fire Department if possible, with specific notification to the Sheriff's Department of the topography and the potential for fires. That way they also get a shot and just don't look at it like any normal application.

Mr. McNew asked if there is any public land, BLM land, in the area close to the proposed location.

Mr. Koch answered that there is beyond the subdivision. There are a couple more lots, and then it turns into BLM land. Tanner Stultz Trail is just another quarter mile off the road at Oak Creek Grade, so it is relatively close.

Mr. McNew said you could have the Sheriff's Department get in touch with BLM and the Forestry Department to review the plan, because if the fire left the subject property it could go on to BLM land.

Mr. Giordano suggested that the motion state something to the effect that they develop a Fire Protection Plan to be reviewed by one of those agencies – BLM, Forest District, or Fire Department or Sheriff's Department. Hopefully, somebody will comment. I really don't know if Mr. Brixey will review the plan because of the liability issues.

Mr. McNew said Mr. Brixey probably wouldn't review the plan because the property is not in the district. On the other hand, with the Sheriff's Department shorthanded, having worked with the BLM and the Forestry Department before, I think it is entirely possible that the Sheriff's Department could have them review a plan.

Mr. Schnobrich asked if the County has adequate resources to be able to take care of this. You can put plans together, but you have to have the equipment for the plan to work.

Mr. McNew said again it is back to the budget. Having gone through the Deer Mountain fire, it goes from the local, to the County, to the State, to the Feds, and then it reverses when they close the fire out. The County could have been on the hook for about \$500,000 for that fire, but we worked through it where the State Forestry and the Feds paid that off.

Mr. Giordano answered Mr. Schnobrich's question by saying we are trying to take fire protection out of the hands of the Sheriff because we know he can't provide it, so we are asking the applicant to develop a plan and have the Sheriff review the plan to determine if it is adequate.

Mr. Schnobrich said we would probably need to have some kind of regulation in place that it has to be regularly inspected to make sure they stay in compliance, if we are going to put the fire suppression on the geology camp. I can see this thing going in all kinds of directions.

Mr. Giordano said it would be no different from any other application. We make it a condition that they have to keep it in compliance with regulations. That is already covered on every application that we have.

Mr. Schnobrich said here is where my biggest concern comes up. This is a very extreme fire area and we are talking about bringing people in from all over the United States who may not be aware of the danger. A local rancher who lives here understands that kind of thing, but you bring a college kid up who has no clue, out smoking somewhere, it is a very risky proposition without a good fire plan in place.

Mr. Giordano noted that most of the time the department recommendation doesn't include a fire protection plan, but we have included it this time because we thought it was a problem and the property is not within a fire district.

Mr. Koch said no one is going to argue about the life safety issue. We are going to follow through with it to get that plan and put it in place, developed properly and reviewed by whoever we need to.

Vice Chairman Sandoval said I would assume that if we come up with the wording to alert the County Commissioners, they are going to be advised by the County Attorney anyway to make sure that the County isn't liable should a worst case scenario happen out there.

Mr. Giordano said in order to have some kind of prior review, especially by the Sheriff, you might want to elaborate on the notice to the Sheriff's Department and elaborate on the Fire Protection Plan. We want the Fire Protection Plan reviewed and approved by BLM, Forest Service, or whoever we can get. I think we also want the notification to go to the Sheriff specifically noting that this is a high fire danger area. We can't tell them what to do, but they probably would want to contact BLM and work with BLM closely. They are probably going to need the assistance just like we do. I'm not sure they will know the size of the tanks required, etc. The department has never had the Sheriff's Department do this for us. Every Fire Protection Plan that we have ever required and implemented has been reviewed by a Fire District. They are the professionals. We don't have that luxury in this case, so it is really falling strictly on the Sheriff or the BLM or Forestry Service.

Vice Chairman Sandoval returned to the issue of the roads there because that is really part of the equation when it comes to fire protection. When I was up there, I saw that the road was washboardy, it needs a lot of work, it is steep, and it is all private property. Is there a Home Owners' Association (HOA) or something along that line that actually maintains the road? If it is not County maintained, who maintains the roads? If there is a washout due to a storm or natural occurrence, how are those roads maintained to provide services for sixty people?

Mr. Koch answered that he believes a HOA takes care of road maintenance through yearly dues. Right now there is only one house up there, built on one of the lots, which belongs to the owner of the subdivision and he has been maintaining the road. He has the equipment.

Vice Chairman Sandoval said it is potentially such a large facility that there should be some language that addresses maintenance of roads for access of any type of vehicle that needs to get into that area.

Mr. Giordano said if there is a HOA, then the HOA needs to be put on notice of this application, If they are going to be using the road and the traffic is going to have an impact, and the HOA is paying for the maintenance, they may have some concerns. The HOA may be within the 500 feet if he is the only owner right now, so he is the authority. There is not much we can do, but there needs to be a notification, so we don't get hit later if the HOA comes to us and says this was intended for single family uses, they are putting in a business, we weren't put on notice, and it is a violation of the HOA. If you do not think the roads are adequate to handle the traffic, then it needs to be addressed.

Mr. McNew said there is another aspect, along with fire-fighting, which is emergency access. I have spent a lot of years with emergency applications in the west end of the County, getting into some of these places. If someone is going to be responsible for sixty people and one of them has a medical emergency, they are going to call search and rescue or an ambulance, and they need to be able to get in there. The roads are important.

Mr. Koch said the roads will be maintained. You can put that as a requirement of the SRU that they maintain them annually or on a storm by storm basis. There is going to be plenty of area to park around the buildings to get that equipment in there. We have provided parking areas by the dining hall and an access road to the back side that leads up into the cabin areas. We have tried

to design that access in there. I don't think there would be a problem with a requirement to maintain those roads, whether it is through the Oklahoma University or the HOA.

Mr. McNew suggested there could be some language included regarding adequate access for emergency purposes to the main facilities.

Mr. Giordano said the Planning Commission could recommend requiring documentation from Emergency Services that the roads are appropriate for adequate access. This could be a Condition or a Contingency.

Mr. Koch asked if they would have to get somebody to approve the access.

Mr. Jackson said you would probably want 911 to be notified of this. They update periodically, but something like this might take place and they might not be aware of the development.

Mr. McNew stated that in the County it would be the Emergency Management Office or the Sheriff's Department.

Mr. Koch suggested he could meet the Sheriff at the site one day and go through everything and walk through it.

Mr. Giordano said that may be best, have him include that in the Sheriff's review.

Vice Chairman Sandoval asked about the language for the Fire Protection Plan. Should that go into Recommended Condition number 6?

Mr. Giordano said to add a requirement for approval or acceptance of the plan by one of the agencies we talked about – BLM, Forest Service, or Sheriff.

Mr. McNew suggested they put the Sheriff's Department, and if the Sheriff doesn't want to do it, he is the one who is responsible for fires in the County.

Mr. Giordano said you would think that he would contact one of the agencies to help. I think we should give the options. In that same sentence (*Recommended Contingency 6*) you probably want to add Fire Protection Plan and Emergency Services. Emergency Services is specific to the Sheriff's Department, not necessarily Forest Service. Or it could be made another condition, however you want to do it, it just needs to be included.

Vice Chairman Sandoval called for further discussion or public comment. There was none.

MOTION

Mr. McNew moved to **approve** the request SRU 09-003 University of Oklahoma Geology Camp with the following:

RECOMMENDED CONDITIONS:

- A. Special Review Use Permit shall be issued for life of 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. 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.

- J. 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.
- K. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.2 of the Fremont County Zoning Resolution (complete reapplication).

RECOMMENDED CONTINGENCIES:

It is recommended that this item be referred to the Board of County Commissioners (Board) for scheduling of a public hearing provided the following contingencies are provided within six (6) months (no extensions) after final approval by the Board:

- 1. Recording of a subdivision plat for the SRU property and all remaining tracts that are affected by the creation of the SRU property. All remaining tracts shall be 35 acres or greater.
- 2. A copy of a current deed of record in the name of the Oklahoma University School of Geology and Geophysics or the permit holder.
- 3. Documentation from the Colorado Division of Water resources as to an adequate water supply specific for a Geology Camp or a commercial permit that can also be used for fire suppression.
- 4. Documentation as to approval by the Fremont County Environmental Office and/or the Colorado Department of Public Health & Environment for the sewage disposal system.
 - a. **The Planning Commission added a contingency requiring a Retail Food Establishment License for the operation of the kitchen facility in the Dining Hall.**
- 5. The detailed utility plan shall be signed and approved by the utility companies.
- 6. A fire protection plan to address on-site fire suppression items such as storage of fire suppression water, maintaining fire defensible areas, use of fire resistant construction materials.
 - a. **The Planning Commission added a contingency requiring that the Fire Protection Plan be approved by the Fremont County Sheriff's Office.**
 - b. **The Planning Commission added a contingency requiring that the Emergency Access also be approved by the Fremont County Sheriff's Office.**
- 7. Documentation as to compliance with the following comments by the County Reviewing Engineer in a letter dated September 29, 2009:
 - a. A revised stormwater drainage and erosion control plan.

- b. A copy of a valid wastewater discharge permit from Colorado Department of Public Health & Environment, if required. If not required provide documentation noting such.
- c. A copy of a public water supply ID review and approval.

ADDITIONAL NOTIFICATION REQUIREMENTS:

Due to the size of properties in the area, notification of all property owners within 1,500 feet of the proposed Special Review Use Permit boundary is recommended, rather than the regulatory minimum of 500 feet. The following entities shall also be notified in accordance with regulations:

- a. City of Cañon City, Planning Department
- b. Town of Williamsburg
- c. Fremont County Weed Control Officer
- d. Colorado Division of Wildlife
- e. State Historic Preservation Office
- f. The Fremont County District 1, Road Foreman
- g. Fremont County Sheriffs Office. **The Planning Commission noted that in addition to the standard notice, the Fire Protection Plan and Emergency Access should be emphasized.**
- h. Fremont / Custer Counties Historical Society.
- i. **The Planning Commission added notification to the Home Owners Association of the subdivision (if there is one) emphasizing the Fire Protection Plan and maintenance of the Emergency Access Roads.**

The Planning Commission recommended waiving the following:

WAIVER REQUESTS:

1. 5.2.6 Buffering & Landscaping Requirements:

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

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

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

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

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

APPROVAL CRITERIA:

Mr. McNew noted the following approval criteria:

1. The procedural requirements of this section have been met.
2. The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
3. The site is sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.

Regarding the notification to the Sheriff's Department, Mr. Giordano said to Mr. Koch that he could use the same format letter with an extra note about the fire protection plan and emergency access. If you are going to meet with them, then you might be able to get a letter from them.

Mr. Koch said he would probably do the notifications separately, to get an okay on the fire protection plan and emergency access.

Mr. Giordano said as long as we know that there is specific notification to the Sheriff's Department. With the Planning Commission's permission, the Department will take the liberty to put the final wording into the motion.

SECOND

Mr. Jackson seconded the motion.

Vice Chairman Sandoval called for a roll call vote and the vote was as follows:

Vice Chairman Sandoval	Nay	<input type="checkbox"/> Aye
Mr. Jackson	Nay	<input type="checkbox"/> Aye
Mr. McNew	Nay	<input type="checkbox"/> Aye
Mr. Schnobrich	<input type="checkbox"/> Nay	<input type="checkbox"/> Aye

The motion passed with a vote of 3 to 1.

Mr. Schnobrich added into the record why he voted no on this motion. There are several major red flags that pop up into my mind on this. I am not sure this plan is ready to really be reviewed by the Planning Commission at this point. When you have Fire Districts that don't want to touch it, we don't know if there are adequate resources within the County to deal with it, questions about how the roads fit into the picture. I just don't feel comfortable pushing forward to the County Commissioners a plan that we really haven't had a very good review of. I think that eventually it will get done well, but at this point in time I just don't think that we are in a position to approve with any real knowledge of what is going on.

3. OTHER ITEMS FOR DISCUSSION

Mr. McNew said we are going to need Election of Officers, but that comes up in January anyway.

Mr. Giordano said that Election of Officers is the Planning Commission members' choice at this point in time. Our Chairman is gone. You know there is going to be a replacement. It is strictly up to the Planning Commission, if you feel comfortable with Mr. Sandoval continuing to act as Chairman until you have a full board. Personally, I think it would be better, when you are voting for officers, to have a full board.

Mr. McNew said he thinks they should keep on the way they are going with Mr. Sandoval as acting Chair and wait until our regular election time in January when we have the other appointments.

Mr. Giordano said for the record Mr. Jackson and Mr. Doxey are up for reappointment right now as well. Also, we would like to know your desire for the next meeting since there are no formal application items scheduled. We will have application items for the January meeting. Do you want to take up the Master Plan again? Other than Mr. Piltingsrud, I am assuming that the other members will be able to attend.. There were unusual circumstances this month. I don't know what the Commissioners are going to do on the reappointment of Mr. Jackson and Mr. Doxey. A public notice was published and we only got one new letter of interest back. The last time the advertisement ran, we got some letters of interest, but those people didn't reapply this time. I don't know if the Commissioners will take into consideration previous applications and want to interview those people. I assume they will do interviews again and make their appointments based on the interviews. Mr. Piltingsrud was nominated as the representative for

Florence, so I know the Commissioners are waiting, to see who will get elected and who Florence will say they want to serve on this board. It is the same with the City of Cañon in Mr. Jackson's case. It will be up to the City if they appoint him again.

Mr. Jackson stated we have tabled the workshop on the Master Plan until the next meeting.

Vice Chairman Sandoval said I have talked to a number of people about the Master Plan amendment to make sure we come up with a format that is acceptable to most of us. I haven't had a chance to talk to Mr. Schnobrich. Mr. Doxey and I talked about this a few weeks ago so I kind of know how he feels. It seems like it would be nice to go back to a round table type of discussion rather than a formalized workshop that is tagged on to the tail end of a regular Planning Commission meeting. In the instance of no agenda, we could still keep that day open for a workshop, but it doesn't necessarily have to be in this type of format.

Mr. Giordano said the December meeting is not a formal Planning Commission meeting. It would be a workshop.

Vice Chairman Sandoval said also, if we had a very short agenda, say one item, then we could adjourn and start the workshop and continue in the same room, but take ourselves off of this platform.

Mr. Giordano said depending on how many people come in, we could move to a table upstairs and work around the table. However, if we have to do minutes, we will be stuck in here (LL3).

Vice Chairman Sandoval asked if any of the conference rooms have recorders.

Mr. Giordano answered no. We would have to set something up in here if we wanted to do a round table. It would be a problem, because the mikes are on the dais.

Vice Chairman Sandoval said, as far as public input, I laid out a four or five step process. Looking at minutes that I received on line from Ms. Monroe for the workshop last month, what I suggested did not differ at all from what Chairman Piltingsrud did. It seems reasonable to have a presentation by Mr. Moore, a workshop session by Planning and Zoning people, then some public input, and back to Planning and Zoning people to digest that, and then adjourn so Mr. Moore can provide something for us for the next month.

Mr. Giordano stressed that if we take public input, then we do have to take minutes.

Vice Chairman Sandoval said that does seem to be an issue. There are some people who want to give public input. We want to make sure that everyone feels like they are being heard.

Mr. Giordano said when we did the Master Plan previously; it was a little bit different. The Planning Commission had workshops and the public was able to attend, but instead of having public comment, they received input in writing. When the draft was put together by the Planning Commission, then it was taken out into the community for community meetings to take input again. At that point we hoped that we had already received a lot of the input to save time. Written comments gave us time to digest the information that was being supplied. On the other hand, it was an effort by the public because they had to put their comments in writing instead of speaking. I don't know how to balance it – you have to be here or you have to put it in writing. I think that is the Planning Commission's choice. The Master Plan is your plan. However, what Ms. Jackson said was the Planning Commission doesn't have to take input on

the workshops if they don't wish to, but the Planning Commission does have to take public input at a public hearing before you finalize any amendments to the Master Plan.

Vice Chairman Sandoval asked for comments.

Mr. Schnobrich asked if the members had thought about using any other kinds of technologies. Why don't we put a website together on this thing and come up with a published schedule that we are going to try to stick to, as well as being able to say this week we are working on this section.

Mr. Giordano said that is what Vice Chairman Sandoval proposed earlier tonight, that you want an agenda. It could be on our website, because we already publish the agenda on the website every month. If Mr. Moore provides us with what is coming next, we will put it on the workshop agenda, specific to what is planned. The workshop is being included in the agenda now, except we haven't known exactly what the workshop was going to address.

Mr. Schnobrich suggested instead of an announcement section on the County's website, why don't we put together an accurate, working website where we can store the documents that we are working on, so they become available to people to take a look at, and actually use it as a tool for going through this process, rather than saying this week we are announcing that we are doing this or that.

Mr. Jackson said that would require personnel.

Mr. Giordano asked who would maintain such a site for us.

Vice Chairman Sandoval asked who the County's webmaster is. Who keeps the monthly up to date? If we did put it on an agenda so that we could find an avenue to inform people of what we are hopefully going to be discussing at the next workshop, what is the best way to get this information to them?

Mr. Giordano answered right now the draft amendment has been available mainly by hard copy. We will email it if people request it on email, if Mr. Moore provides it to us. Right now people come in and get a hard copy.

Mr. Schnobrich said that there are free things available. You can set them up in hierarchies, and give people access to certain parts. There are a lot of ways that we could coordinate this to make it a little less burden on staff and make it easier for people to participate.

Mr. Giordano said when you mention those things; you are asking either Mr. Moore or our department to do it.

Mr. Schnobrich said yes, someone is going to have to do it. I could probably do it, it is not that hard to do. This is the first time this Master Plan has been looked at with the types of social networking technologies that are available. They weren't the last time we did it, at least that were easy to do. I think if we are able to bring in public participation in different ways, we will get a lot of satisfaction from the community as well. Some people just want to know what is going on. They don't necessarily want to have to make a comment, if things are going in the direction that they want to.

Mr. Giordano said if the Commissioners tell us that is our job, then we will try to do it. It is a matter of staffing. You are putting more of a burden on us, and we have a hard enough time trying to keep up. Maybe it will make it easier, I'm not sure.

Mr. Schnobrich said we have to do the documents now anyway. We are talking about saving them in a different folder on a computer. I don't know how much more work that would be. There are different things that we can do. Everybody is thinking of a massive website with webmasters. I don't think that would be in our long-term interest.

Mr. Giordano said if you want to recommend it to the Board, I can pass it on to them and see if that is what they want to do.

Ms. Alley said I can see posting information that the public can read. I can't see opening up a website where the public can post things. I don't think the County would want the public to be able to post things on any site that the County has. It is not what they might post; it is opening up something in the County's domain to the public. We are very careful that we don't get any spam, viruses, etc. The public isn't allowed to post anything on our system. If there was a public site somewhere that we could post on and the public could post on, but I don't know who would run it. It wouldn't be someone in the County.

Mr. Moore said we are at the stage now where we have essentially Chapters 1 through 6. The demographics part hasn't been reworked, but everything else has been reworked. It hasn't been agreed to by everybody, but at least we have it in draft form. That can be put together in one document prior to your next meeting. That could be posted as a document on the County's website. People could at least read it. If they choose to respond, the public can find a way to respond. All these ideas are great, but the problem is it takes people to do. The Commissioners have told us already this is a zero dollar project. Nobody has any money in this. Nobody is being paid to do anything. Everybody is a volunteer. There is nobody to maintain this site you are talking about at this stage, unless Mr. Giordano convinces the Commissioners to pony up funds.

Vice Chairman Sandoval said if we come up with a format, talking to people over the next few days, similar to what Mr. Moore is suggesting, because it seems like the most immediate thing that we can do, how soon can we get this posted on an agenda link?

Ms. Alley said when we post the minutes to our website, we send them to our Information Technology (IT) person and she usually gets them posted within a few days, depending on her workload.

Vice Chairman Sandoval said from today, if we come up with a consensus on how to do this within a week, it could be two weeks before something is posted, which would give the public time to prepare for our next workshop.

Mr. Giordano said it wouldn't be anything interactive like Mr. Schnobrich was talking about, but it would be informational, it would be there for review, they could probably print a copy. Main thing is that the public would have it and could comment on it. If you want any more than that, I can't commit to it as it would be up to the County Commissioners as there would be costs to the County.

Vice Chairman Sandoval said to Mr. Schnobrich, maybe you can look into it and present something to us and we could see if it is applicable.

Mr. Schnobrich said I could do that. I think we really should be looking at ways to involve the community and to also involve better concepts to do this comprehensive plan review. I think we should at least give it a good try. I realize this is a zero funding item, but zero funding is not zero. \$15 is not going to break the County.

Mr. McNew said when BLM starts a travel plan, for example North of Texas Creek Travel Plan, they will come up with a skeleton plan and publish it, and give a certain amount of time for written public comment. Then they bring all of the public comment in and the advisory council goes over it, makes recommendations or changes to their basic plan, and then they will make a more detailed plan. They will hold a series of public meetings. The board would split up into different areas, for instance one would take Scenic Route, another would take a different area, and the public would circulate around and they could take notes on it. They would take it back and then they would come up with another plan from the comments that come in, if they want to change certain items in there from the public comment. As they work through this process, the skeleton plan becomes the document. Then they have a public hearing on the document and adopt it.

Mr. Jackson said that is practically the way we did the Master Plan the first time it went out.

Vice Chairman Sandoval said we are always subject to change, according to the conditions. Maybe for the next couple of months we ought to try Mr. Moore's approach. We can look at other things independently if we so wish, and just take written comments. Have an agenda on the website so people know what we are going to be going over in the immediate future, and eventually have the public hearing.

Mr. Schnobrich said maybe the next workshop should be about how we are going to organize the workshops.

Mr. McNew said the next workshop should be a plan. If we don't have a plan, we are not going to get there. So far, we have started out pretty simple. We need to be simple because the public has already told us that we need to do that. When they don't give any money to operate with, they don't want big government. If we don't have money to operate with, we are going to have to keep it simple. So we start out with it simple, and have a time limit on comments for this area. The agenda will be we are going to talk about a, b, c, and d. We will take written comments for two weeks, thirty days, whatever. If they don't want to write them down and sign their name to them, we don't want to hear them anyway. Then when we get through the written comments, let Mr. Moore go on to the next section. It's going to take another six months anyway, to get this all done.

Vice Chairman Sandoval asked if he thinks it will go that quickly.

Mr. Schnobrich said we need to develop a plan regarding the Master Plan update so we can say specifically what items will be discussed.

Mr. McNew asked if the next meeting will be December 1st.

Mr. Giordano answered yes.

Mr. McNew said I don't think we need to talk about anything regarding the Master Plan itself, we need to get the plan.

Vice Chairman Sandoval said each of us needs to come prepared to discuss how to proceed, then we can sort it out and we will have a plan.

Mr. Schnobrich said then we work the plan.

4. **ADJOURNMENT**

With no other items for discussion, Vice Chairman Sandoval adjourned the meeting at 8:26 p.m.

5. **WORKSHOP - 2nd AMENDMENT TO THE FREMONT COUNTY MASTER PLAN**

Workshop for Fremont County Master Plan re-write. (Open to the public).

This item was tabled at the beginning of this meeting so that members of the public could leave if desired.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE