

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
DECEMBER 2, 2014**

**MEMBERS PRESENT**

Byron Alsup, Chairman  
Larry Baker, Vice Chairman  
Larry Brown  
Michael Pullen  
Tina Heffner  
Gardner Fey  
Dennis Wied

**STAFF PRESENT**

Bill Giordano, Planning Director  
Donna Monroe, Planning Assistant

**MEMBERS ABSENT**

None

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF MINUTES**

- a. October 7, 2014 Planning Commission Meeting

**5. UNFINISHED BUSINESS**

NONE

**6. NEW BUSINESS**

**a. REQUEST: ZC 14-003 KERR - RITTER ZONE CHANGE**

Request approval of a **Zone Change (ZC #1 application as per the Fremont County Zoning Resolution) from the Agricultural Rural Zone District to the Agricultural Suburban Zone District, Department file #ZC 14-003 Kerr-Ritter Zone Change**, by William & Claire Kerr and Timothy & Margaret Ritter, for their property which is *located on the north side of Elm Avenue, 0.30 miles east of the intersection of Elm Avenue and Willow Street, in the eastern Lincoln Park Area (Lots 1 & 2, J & K Smith Subdivision)*. The property has bluff and bottom portions (upper & lower levels for each lot) and contains 9.03 acres. Lot 1 houses an oil well and accessory improvements on the bottom level with a separate bottom access, a barn, a shed and a horseshoe driveway on the upper level. Lot 2 contains two storage sheds. It should be noted that the Agricultural Suburban Zone District has an animal unit (FCZR 1.5.14) restriction, only one animal unit per 15,000 square feet can be housed on the property. (9.03 acres X 43,560 sq. ft. = 393,346.8 sq. t. ÷ 15,000 sq. ft. = 26.22 or 26 animal units for the total property, same restriction as AR)

***REPRESENTATIVE:*** Claire Kerr, owner

**b. REQUEST: SRU 14-003 ROYAL GORGE PAINTBALL (RECREATIONAL & OUTDOOR AMUSEMENTS OR AMUSEMENT FACILITY)**

Request approval of a **Special Review Use (SRU) Permit**, Department file #SRU 14-003 ROYAL GORGE PAINTBALL (RECREATIONAL & OUTDOOR AMUSEMENTS OR AMUSEMENT FACILITY), by Michael Pond, to allow a paintball course, which is an allowed use and an existing heli-port which is a non-conforming use. The reason for the requirement of SRU is to allow two primary uses on the property. The property is located *on the north side of U.S. Highway 50, 0.5 miles east of the intersection of U.S. Highway 50 and Fremont County Road 3 A, in the Royal Gorge Area*. The SRU permit property contains 2.16 acres and is zoned Business.

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

**7. ADJOURNMENT**

**8. MASTER PLAN WORKSHOP**

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

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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 December 2, 2014 Fremont County Planning Commission Meeting Agenda.

**MOTION**

Mr. Larry Baker moved to accept the December 2, 2014 Fremont County Planning Commission Meeting agenda as presented.

**SECOND**

Mr. Mike Pullen seconded the motion.

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

**4. APPROVAL OF THE OCTOBER 7, 2014 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsup asked if there were any changes, additions or corrections to the October 7, 2014 Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Baker moved to accept the October 7, 2014 Fremont County Planning Commission Meeting Minutes as presented.

**SECOND**

Mr. Larry Brown seconded the motion.

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

**5. UNFINISHED BUSINESS**

The Planning Commission had no unfinished business.

**6. NEW BUSINESS**

**a. REQUEST: ZC 14-003 KERR - RITTER ZONE CHANGE**

Mrs. Clair Kerr stated that the property is located on the north side of Elm Avenue, 0.30 miles east of the intersection of Elm Avenue and Willow Street, in the eastern Lincoln Park Area. The property has bluff and bottom portions (upper & lower levels for each lot) and contains 9.03 acres. Lot 1 houses an oil well and accessory improvements on the bottom level with a separate bottom access, a barn, a shed and a horseshoe driveway on the upper level. Lot 2 contains two storage sheds. She stated that the property was zoned improperly back when the county wide rezoning was done. With the current zoning, Agricultural Rural, the minimum lot width is three hundred (300) feet and the property as it is only has two hundred thirty-nine (239) feet. By rezoning to Agricultural Suburban they would only have to meet a one hundred (100) foot minimum lot width which would allow them to build on a more desirable portion of each lot and leave the agricultural production on the front parts of the lots.

Mr. Bill Giordano, Planning Director, noted the one (1) contingency item which is documentation from the Colorado Division of Water Resources (CDWR). He noted that the property is serviced by the City of Cañon City. Generally any responses we get from the CDWR is that proof of service is to be determined by the City. The Department has received a letter from the City of Cañon City stating if there any new lots created a new water contract will be required.

Mr. Giordano stated that in regard to the required notifications, the applicants did notify the mineral interest owners and they are in favor of the zone change. The list of additional notifications, seven (7) of them; that will take place at the time of the Public Hearing notices. The applicant will be required to notify all property owners within five hundred (500) feet of the boundaries of their property.

Mr. Dennis Wied stated that he noticed that there isn't a storm water drainage plan that will be required.

Mr. Giordano stated that there will not be a storm water drainage plan at this stage because the applicants aren't changing anything at this time. The County Engineer is deferring it until there is a subdivision and lots are created.

Mr. Pullen stated that there is an existing oil well on the property. He inquired if the proposed Agricultural Suburban zoning negates any Special Review Use permits that the oil well was put under.

Mr. Giordano stated that the change in zoning really doesn't affect the oil well.

Chairman Alsup inquired if the Roadway Impact Analysis was waived.

Mr. Giordano stated that it was waived because there is no change in impact, it's still the same number of lots.

Chairman Alsup called for a motion if there aren't any more comments or questions.

## **MOTION**

Mr. Wied moved to recommend approval of the zone change request ZC 14-003 Kerr – Ritter Zone Change, from Agricultural Rural to Agricultural Suburban with the following justifications for the zone change; Item A – the property was not properly zoned when existing zoning was imposed and Item D – the proposed zone change will be in conformance to the Comprehensive or Master Plan for the area, with no findings and with the one contingency item and required notifications, which are as follows.

## **RECOMMENDED CONTINGENCIES:**

The Planning Commission recommended approval of the request contingent upon, at a minimum, the following item being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval of the application by the Board of County Commissioners:

- a. Documentation as to compliance with any requirements of the Colorado Division of Water Resources.

## **Additional Notifications:**

1. Fremont County Sheriff's Office
2. Fremont County Department of Transportation
3. Fremont Historical Society
4. Arkansas Headwaters Recreation Area
5. The Town of Brookside
6. The Town of Williamsburg
7. The City of Cañon City

## **SECOND**

Mr. Gardner Fey seconded the motion.

Chairman Alsop called for any further discussion. With no further discussion, Chairman Alsop called for a roll call vote, and the motion passed unanimously. (7 of 7)

## **b. REQUEST: SRU 14-003 ROYAL GORGE PAINTBALL (RECREATIONAL & OUTDOOR AMUSEMENTS OR AMUSEMENT FACILITY)**

Mr. Matt Koch stated that the property is located on the north side of U.S. Highway 50, 0.5 miles east of the intersection of U.S. Highway 50 and Fremont County Road 3 A, in the Royal Gorge Area. The SRU permit property contains 2.16 acres and is zoned Business. The SRU is for a paintball course and the helipad. The reason for the SRU is that there would be two uses on the property. The paintball course will be north of the helipad and the parking for both uses is along the front portion of the property.

There will be safety netting along the westerly and southerly sides; which are the two sides that are developed. To the north and east is just vacant land. The paintballs are biodegradable with water soluble paint. When it rains they will disappear. In regards to the County Engineer's letter; the applicant will create a small pond on the south side next to the drainage. This will collect the stormwater runoff and will collect the paintballs that did not dissolve.

Mr. Giordano highlighted the conditions of the permit and the notifications and the waivers.

Mr. Wied stated that in the days of operation the end time is listed as August 31<sup>st</sup> which always comes before Labor Day weekend; one of the busiest weekends of the tourist season. Is the applicant okay with that or would it be better if it was September 7<sup>th</sup> which is always after Labor Day weekend. He stated that his recommendation would be to put September 7<sup>th</sup> in as the end of season date and then from September 8<sup>th</sup> through April 30<sup>th</sup> by appointment.

Mr. Koch stated that the applicant wants to use port-a-potties for sewage disposal. There isn't a well on site, however there is a sixteen hundred (1,600) gallon tank that can be used for water. There are no restroom facilities. Typically the customers participating in the paintball activities bring their "paintball clothes" with them, put them on over their regular clothing and then take them off when they are done. There is no need for clean-up or showering.

Mr. Brown inquired if there are portable toilets there now.

Mr. Koch stated that there is one, it is on the north side of the building and is maintained weekly.

Mr. Brown inquired if the applicant was going to be adding more of them.

Mr. Koch stated that for right now they are just going to be staying with the one and see how that works.

Mr. Giordano stated that the existing portable toilet needs to be approved by the Fremont County Board of Public Health.

Mr. Koch stated that the applicant is going through the Fremont County Board of Health for approval of the chemical toilet. The Environment Health Officer, Sid Darden, will let the applicant know if one is sufficient or not.

Mr. Giordano gave a brief history on the heliport. Originally the heliport was not an allowed use but it was considered a non-conforming use. This SRU process is basically bringing the heliport into conformance. Under our current regulations any business use must have proof of water and sewer. Since the applicant is adding a business use to the property, they are now subject to current regulations.

Mr. Koch stated that this is a seasonal tourist business. It's like the ziplines and rafting businesses, which use port-a-pots at their takeout's.

Mrs. Tina Heffner stated that this is a long-term Special Review Use and what if down the line the applicant decides to change or sell the property. Does that negate the water and sewer aspect of it or is that something that should be required now in anticipation of any future changes.

Mr. Giordano stated that the intent of the regulation is to require proof of water and sewage disposal. As to selling the property the SRU may be transferred as per one of the Conditions of the permit.

Mr. Koch stated that if the applicant or a new owner wanted to change the use to a full-service restaurant they would have to come back in with a new application for a major modification.

Mrs. Heffner inquired if the applicant offers any type of food or water at this point or have plans to do that.

Mr. Koch stated that at this point the applicant is just going to offer bottled water.

Mrs. Heffner inquired if it would be for purchase.

Mr. Koch confirmed that it would be for purchase.

Mr. Pullen inquired if there is a Federal Aviation Administration (FAA) navigation easement in place.

Mr. Michael Pond (applicant) stated that yes they do have an FAA navigation easement.

Mr. Pullen inquired if the paintball business will have any negative effect on that easement.

Mr. Pond responded that it would not. He also stated that regarding the water, they were not allowed to have a well on the property because the State requires thirty-five (35) acres or more to drill a well.

Mr. Koch stated that they do have a sixteen hundred (1,600) gallon water tank on the property.

Mr. Fey inquired if the water that is kept up there is for fire suppression.

Mr. Pond stated that if his tank of water would help in suppressing a fire, they are more than welcome to use it.

Chairman Alsup stated that the access easement goes across the neighbor's property. The County Engineer asked for that to be addressed.

Mr. Koch stated that it will be addressed but that there is an easement across that property. The document will be provided regarding that issue.

Chairman Alsup inquired of how far a paintball gun will shoot.

Mr. Pond stated that under normal conditions, they will shoot up to one hundred fifty (150) feet.

Chairman Alsup inquired if there is any chance of the paintballs reaching the highway and hitting a car.

Mr. Pond stated that there isn't and that there is a protective netting along the south side of the property so that won't happen.

Chairman Alsup inquired about where the safety nets will be located.

Mr. Koch pointed the locations out on the drawing and stated that it is along the west and south sides where there is development.

Mr. Brown inquired about how close the helicopter pad is in conjunction to where the paintball action is going to take place.

Mr. Koch stated that it is about one hundred fifty (150) feet or so.

Mr. Brown inquired about what happens when the helicopter takes off and there are people shooting paintballs all over the place. The helicopter creates quite a stir in the air.

Mr. Pond stated that the downdraft doesn't have any effect on the paintballing because of the distance.

Mr. Brown stated that he was thinking just in general; if there is anybody down there, just the dust that is being blown around.

Mr. Pond stated that the helicopter will depart directly either east or west of the property, not going over the paintball area. The turbulence from the helicopter doesn't cause any dirt problems. The helipad is elevated and covered with concrete. He stated that with the smaller helicopters like his, they will produce maybe thirty (30) or forty (40) mile an hour winds.

Mr. Wied stated that he was going to ask, for the record, if the applicant is happy with the Planning Commission's recommended conditions A through N and Contingencies 1 through 8.

Mr. Koch stated that they are, with the change of the September 7<sup>th</sup> date change.

Mrs. Heffner stated that there will only be up to ten (10) paintball customers at a time. She inquired if that is because of the geography and obstacles on the course. She inquired what if you have thirty (30) people show up. Can you accommodate them or are you intent on not allowing more than ten (10) customers.

Mr. Pond stated that ten (10) will be the maximum that will be on the course at any one time. We only have ten (10) guns and ten (10) helmets. He also stated that some individuals bring their own equipment but from a precautionary standpoint, they have to buy their paintballs and air from the business.

Mr. Brown stated that the applicant had said that the paintballs go one hundred (100) to one hundred fifty (150) feet. He inquired if there are high powered guns that shoot them farther than that.

Mr. Pond stated that is the range of any of the guns because they are regulated by air pressure and if you put more pressure in there you're going to destroy the gun.

Mr. Wied inquired about what Mr. Giordano's opinion is about the sanitation and water situation.

Mr. Giordano stated that his opinion is that the sanitation isn't as big of a problem as the water. We have been very consistent on requiring water for all applications. The dilemma is that there isn't a new building being constructed. If it was a new building water and sewer would be required within the building. There really aren't going to be any more people; if you can take ten (10) on a helicopter then you can have ten (10) playing paintball. Even in the situations of the ziplines; even though there may not be water facilities where the ziplines are, the customers come into the area where they get their tickets and all of the facilities are available. They also give drinking water on the site of where the ziplines are located. Mr. Giordano spoke to the Environmental Health Officer

and he is requesting some additional information (reference EHO letter dated 10/20/14).

Mr. Wied inquired if the water in the cistern is accessible, is there a pump.

Mr. Pond stated that yes, the water is accessible and there is a pump. We use it to water the plants that are around there. The water is hauled in.

Mr. Wied inquired if the water is tested; do they do quarterly water tests that are sent in.

Mr. Pond stated that the water is not tested. The water is delivered by Dan Ainsworth, Tallahassee Trucking, Inc.

Mr. Giordano inquired if there is a ticket office.

Mr. Koch stated that the little building is just a single room with a counter in it and that is where the bottled water will be for sale.

Mrs. Heffner stated that she is concerned because allowing this without water and sewer does cause concern as far as setting a precedent. If she were coming in and starting a business she would want to see that there has been consistency in regard to regulations, requirements, and enforcement. Mrs. Heffner stated that she doesn't want to cost the applicant any expense but she thinks that this is something that is going to be held to this standard for a long time.

Mr. Giordano stated that there still has to be some source of drinking water. Whether the Commission wants to require some sort of water facilities in the ticket office or wherever is the question.

Mrs. Heffner inquired if there are other businesses up in that area that only have port-a-potties.

Mr. Wied stated that he thinks the riding stable uses port-a-potties. He doesn't recall them having any restroom facilities.

Mr. Koch stated that the business at the other end of 8-Mile where the chainsaw carving business is, they don't have facilities for the public.

Mr. Giordano agreed that they don't.

Mr. Fey inquired if Mr. Pond has a tank, of what could be potable water, would that be adequate for the water requirement.

Mr. Giordano stated that it probably could be if that is what the Planning Commission required. He stated that it might be as simple as putting a hydrant in and hooking it up to the water tank.

Mr. Wied stated that the applicant confirmed that there is a pump and a hose. How difficult would it be to put in a spigot? Then there would be water available for hand washing or whatever. The applicant is planning on selling bottled water. If it becomes an issue of customers wanting to be able to clean up after paintballing, the applicant is going to fix the issue. That is going to be in the best interest of the business.

Mr. Koch stated that if the Planning Commission will state what the water's intended use

is for, then the applicant will come up with some concepts to deal with it. If the intent is to have washing facilities for customers to wash their hands then the applicant will come up with something to deal with that. If it's going to be potable water with a spigot so they can drink out of it then the applicant will have to change how they are going to go about that.

Mr. Wied stated that his recommendation would be a guarantee of bottled water for sale and a hand washing station.

Mr. Koch stated that there are portable hand washing facilities that can be provided by the companies who supply the port-a-potties. Would that serve the purpose?

Mr. Brown stated that the portable hand washing facility would take care of that purpose but what about the people who have paint on their faces.

Mr. Pond stated that the helmets that are worn while playing on the paintball course cover the face area so they shouldn't need to wash their faces. He also reiterated that they usually bring extra clothes to wear over the top of their street clothes so when they are done they take off the paint splatter clothes and put them in their vehicles and still have their clean street clothes on.

Chairman Alsup stated that one could argue the requirement for water on the premises is met by the cistern and the fact that they are going to be selling bottled water. He stated that he understands the point of precedent setting but this is a unique situation. Sometimes you have to look at things on a case by case basis.

Mr. Giordano stated that the contingency is pretty generic; documentation as to proof of water... if the Commission settles on the cistern and bottled water then that is what you are accepting.

Chairman Alsup called for a motion if there aren't any more comments or questions.

### **MOTION**

Mr. Wied moved to recommend approval of SRU 14-003 Royal Gorge Paintball subject to the following:

### **RECOMMENDED CONDITIONS:**

- A. Special Review Use Permit shall be issued for life of the use. (30 years estimated)
- 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 for both businesses shall be limited to Sunday through Saturday, sunrise to sunset, May 1<sup>st</sup> through August 31<sup>st</sup> and Sunday through Saturday, sunrise to sunset September 1<sup>st</sup> through April 30<sup>th</sup> by appointment only.

***The Planning Commission recommended that the days of operation be changed to May 1<sup>st</sup> through September 7<sup>th</sup>, and September 8<sup>th</sup> through April 30<sup>th</sup>.***

- I. The use will be limited to 3 employees, 6 heliport customers and 10 paintball customers at any one time, during conditioned hours of operation.

- J. The County shall retain the right to required buffering and landscaping for the properties to the north and east of the paintball property, if it remains zoned for residential purposes.
- K. The County will retain the right to require mitigation measures for noise, if in the future it becomes an issue.
- L. 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.
- M. 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.
- N. 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.
- O. 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:**

The Planning Commission recommended approval of the request contingent upon, at a minimum, the following items being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval of the application by the Board of County Commissioners:

- 1. Documentation from the Colorado Department of Transportation that the existing driveway access is adequate for both uses and/or provide an access permit for both uses.
- 2. Documentation as to proof of water that notes that the existing and proposed uses can be adequately serviced.

***The Planning Commission recommended that the wording of this condition be changed to: Specifically indicate there is a cistern on the property and that bottled water will be available.***

- 3. Documentation as to compliance with any requirements from the Colorado Division of Water Resources, if waiver of requirement for proof of water is not granted.

4. Documentation as to compliance with any requirements of the Fremont County Environmental Health Officer as per memo dated October 20, 2014.
  - a. A permit is required from the Fremont County Board of Health for the use of portable chemical toilets.
  - b. Provide information to the Fremont County Environmental Health Department as to whether or not Royal Gorge Paintball/Heliport will provide any type of food or beverages for customers. (answer may result in additional requirements from the Health Department)
5. Documentation as to compliance with any requirements of the Fremont County Reviewing Engineer.
6. Documentation from the design engineer to evidence that construction of the drainage facilities, if required were completed and built to the specifications of the engineer's design.
7. Property owner shall execute a Quit-Claim deed with a deed restriction addressing the maintenance of the 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.
8. As per ADA regulations the gravel walkway shall be hard surfaced.

**WAIVER REQUESTS:**

*The Planning Commission recommended APPROVAL of waivers of the following:*

**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 adjacent to the site is undeveloped.***

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 off-street parking is paved.*** Note: It is required that the parking space for individuals with disabilities be hard surfaced along with a pedestrian walkway from the space to the door entrance as per the International Building Code.

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 uses will only occur during daylight hours.***

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 proposed paved parking area is small and has natural vegetation surrounding it.***

***The Planning Commission recommended the following:***

**ADDITIONAL NOTIFICATIONS:**

In addition to the regulatory required notifications (*property owners within 500 feet of the CUP boundary*), the following shall also be notified, by certified mail, return receipt requested, in accordance with regulations, at least fourteen (14) days prior to the public hearing by the Board of County Commissioners:

1. Colorado Parks & Wildlife
2. Fremont County Historical Society
3. Fremont County Sheriff's Office
4. Colorado Department of Transportation

5. City of Cañon City Planning Department (3 mile radius)
6. City of Cañon City Water Department (water source protection)

**SECOND**

Mr. Pullen seconded the motion.

Chairman Alsup called for any further discussion. With no further discussion, Chairman Alsup called for a roll call vote, and the motion passed unanimously. (7 of 7)

**ADJOURNMENT**

Chairman Alsup adjourned the meeting at 5:06 p.m.

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CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

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DATE