

**PROPOSED AMENDMENT TO ZONING RESOLUTION
AUGUST 1, 2011**

1 GENERAL PROVISIONS:

1.5 DEFINITIONS:

The numbering of this section will change due to additional definitions being added.

1.5.17 APPLICANT: The applicant is the person, persons or entity who is responsible for organization and submittal of an application. The applicant may be the owner of property of which the application consists or a documented representative of the owner authorized to speak and make commitment for the owner with regard to all aspects of the application process.

1.5.64 FAMILY:

1.5.64.1 Two or more persons related by birth, marriage, or adoption;

1.5.64.2 ~~An individual or~~ group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including fraternity, sorority, club, **dormitory, emergency shelter,** ~~or other group of persons occupying a~~ or **customers of hotel, motel, bed and breakfast, boarding and rooming house,** lodging house, or institution of any kind.

1.5.69 FENCE: A structure or barrier intended to prevent escape or intrusion or to mark a boundary, or to provide a visual barrier, usually constructed of posts and wire, chain link, wood, concrete block or similar materials. **Fences constructed using scrap materials, tires, pallets or materials not listed above or any other material deemed unacceptable shall not be allowed unless approved by formal action of the Board.**

1.5.115 **MINERAL:** An inanimate constituent of the earth in a solid, liquid, or gaseous state that, when extracted from the earth, is usable in its natural form or capable of conversion into a usable form as a metal, a metallic compound, a chemical, an energy source, or a material for manufacturing or construction material. **For the purposes of this resolution, this definition does not include surface or subsurface water, geothermal resources, or natural oil and gas together with other chemicals recovered therewith, but does include oil shale.**

1.5.122 NATURAL FEATURES: A physical feature of the land or located on the land that is not man-made including but not limited to bluffs, cliffs, ravines, debris fans, springs, creeks, streams, rivers, dry gulches, drainageways, lakes etcetera.

1.5.145 RECREATIONAL FACILITY, RURAL: Includes recreation camps, guest ranches, resorts, ski areas, **race tracks, zip lines**, swimming pools, tennis courts, amphitheaters, shooting facilities, country clubs, summer camps, hunting and fishing clubs, historic/scenic railroads and associated facilities, and the like, operated ~~on a commercial basis~~ for use by the public. This term shall not be interpreted to include travel trailer parks, **and / or campgrounds and any use for residents of the property and their family members on properties consisting of a minimum thirty-five (35) acres.**

1.5.146 RECREATIONAL FACILITY, URBAN: Includes swimming pools, tennis and basketball courts, athletic fields, gyms, and exercise facilities, country clubs, operated ~~on a commercial basis~~ for use by the public. **This term shall not be interpreted to include any use for residents of the property and their family members.**

1.5.147 RECREATIONAL & OUTDOOR AMUSEMENT OR AMUSEMENT PARK: A ~~commercial~~-recreational establishment where permanent buildings or structures have been erected for the purposes of providing amusement rides, **zip lines**, games, arcades and machines, refreshments, or other similar uses or forms of entertainment.

8. PROCEDURES FOR AMENDMENTS, SUPPLEMENTS, CHANGES, OR REPEALS: ~~No zone change, conditional use permit, or special review use permit application that has been denied by the County within the past three (3) years shall be resubmitted unless there is valid new evidence or a substantial change in conditions of the original application.~~

8.1 No zone change, conditional use permit, special review use permit or commercial development plan application that has been denied by formal action of the Board can be resubmitted within three (3) years of the date of the denial unless there is valid new evidence, a substantial change in circumstances of the original application or a substantial change of area conditions as determined by a formal action of the Board.

8.2 INITIATION: Amendments, supplements, changes, or repeal of this Resolution or any section thereof, or to the official zoning maps or applications for conditional use permits, ~~or~~ special review use permits, or commercial development plans may be initiated by **if appropriate:**

8.2.1 Any citizen or group of citizens, firm, or organization residing, owning or leasing property in the County.

8.2.2 The Commission.

8.2.3 The Board.

8.3 APPLICATION MEETINGS

8.3.1 The Department will hold a pre-submittal meeting if requested by the applicant. The applicant will be required to provide some information (*ie... zoning verification, current and proposed use, proposed water and sanitation source, proof of access, etc...*) prior to the meeting in order for the Department to prepare for the meeting and determine what staff members should attend the meeting. The applicant will be provided with handouts and information pertinent to the application.

8.3.1.1 If the water source for the use is proposed to be from a municipal or independent water district then the applicant shall provide evidence that said district has been contacted and that water services can be provided for the use(s) proposed along with the district's conditions for service.

8.3.1.2 If the sanitation source for the use is proposed to be from a municipal or independent sanitation district then the applicant shall provide evidence that said district has been contacted and that water services can be provided for the use(s) proposed along with the district's conditions for service.

8.3.1.3 If access to the subject property is proposed to be directly to a roadway controlled by or through an intersection within the jurisdiction of the Colorado Department of Transportation (CDOT) the applicant shall provide evidence

that CDOT has been contacted and that access can be provided for the use(s) proposed along with the CDOT conditions of approval.

- 8.3.1.4** As per 7.3.8 and 7.5 of this Resolution the applicant shall have the right to appeal the decision of any administrative officer based upon or made in the course of the administration of the provisions of this Resolution to the B.O.Z.A.
- 8.3.2** The Department will hold a meeting after the applicant has received the Department's Submittal Deficiency and Comment letter for the application if requested by the applicant. The applicant will be required to provide a brief list of questions regarding the application to enable the Department to determine what staff members should attend the meeting.
- 8.3.3** The Department will hold a meeting with the applicant after the Department has provided the applicant with the Department review, if requested by the applicant. The applicant will be required to provide a brief list of questions regarding the application to enable the Department to determine what staff members should attend the meeting.
- 8.3.4** The Department will hold a meeting after the Planning Commission meeting to discuss recommendations of the Commission if requested by the applicant. The applicant will be required to provide a brief list of questions to enable the Department to determine what staff members should attend the meeting.
- 8.3.5** The Department will hold a meeting after the Board of County Commissioners meeting and or hearing to discuss requirements of the Board if requested by the applicant. The applicant will be required to provide a brief list of questions to enable the Department to determine what staff members should attend the meeting.

Sections 8.1.4 through Section 8.16, (Procedures For Amendments, Supplements, Changes or Repeals), Sections 8.2.5 through 8.2.5.7 (Conditional Use Permits and Special Review Use Permits) and Sections 8.3.5 through 8.3.8 (Site Development Plan) of the existing resolution, will be replaced with this section. Most changes are editorial in nature or are processes that are currently in place but not included in the existing zoning resolution.

8.4 APPLICATION SUBMISSIONS FOR ZONE CHANGE, CONDITIONAL USE PERMIT, SPECIAL REVIEW USE PERMIT AND COMMERCIAL DEVELOPMENT PLAN:

8.4.1 The applicant shall submit the application and required accompanying material, including an application fee, to the Department.

8.4.1.1 The applicant shall submit the application using the appropriate form obtained from the Department.

8.4.1.2 The application shall be made directly to a Department representative.

8.4.1.2.1 The Department representative will accept the application submittal only if all minimum submittal requirements have been presented at the time of submission.

8.4.2 The initial application submittal shall be made to the Department a minimum of thirty (30) working days prior to the regularly scheduled Commission meeting at which it is to be considered.

8.4.3 The initial application shall consist of one (1) original and two (2) copies of the appropriate application form and all required accompanying materials for the type of application being made. *(Three (3) complete packets)*

8.5 APPLICATION REVIEW:

8.5.1 The Department will conduct a preliminary review of the application to determine the adequacy of the application for Commission review.

8.5.1.1 The applicant will be put on notice of the results of the Department review via a Department Deficiency and Comment Letter.

8.5.1.1.1 If there are deficiencies in the application that would make the application unacceptable for review by the Commission, the Department will provide the applicant with a time frame in which to address the deficiencies in order for the Department to place the application on the desired agenda of the Commission.

8.5.1.1.2 The applicant will be put on notice of how many revised copies of the application and accompanying materials shall be provided to the

Department for distribution in the deficiency and comment letter.

8.5.1.2 If there are no deficiencies or deficiencies are addressed within the time frame, the Department will provide the applicant and Commission with a review of the application taking into consideration regulatory requirements and place the application on the desired agenda of the Commission.

8.5.1.3 If the deficiencies are not addressed or acceptable reasoning provided as to why the application should be placed on the Commission agenda without addressing the deficiencies within the established time frame the Department will not place the application on the Commission agenda for review.

8.5.1.3.1 As per Board Resolution No. 68, Series of 2006: A full application fee will be charged to the applicant, if all deficiencies as per the initial application review letter are not adequately addressed.

8.5.1.3.1.1 Each subsequent deficiency review letter will result in another full application fee.

8.5.1.3.1.2 All such fees shall be paid along with the deficiency submittal, prior to any further review of the application

8.5.2 The Commission shall consider the application at a public meeting at which time the applicant may offer comments, evidence and testimony concerning the application. The Commission may hear comments and receive evidence or testimony from interested persons, but shall not be required to do so.

8.5.2.1 The applicant shall attend the Commission meeting at which the application is scheduled to be reviewed.

8.5.2.1.1 Failure of the applicant to attend the meeting will result in tabling of the application review by the Commission.

8.5.2.1.2 Failure of the applicant to attend the meeting to which review of the application was tabled will be considered a withdrawal of the application by the applicant. Fees will not be refunded.

8.5.2.2 The Commission may recommend approval, approval with contingencies or denial of the application to the Board. The Commission may include comments and or suggestions with its recommendation.

8.5.2.2.1 The Commission may require the applicant to provide additional notifications of the Board's public hearing date and time for review of the application, if the Commission deems it appropriate for adequate public and agency input on the application based on its potential impacts.

8.5.2.3 The Commission may continue or table review of the application to the next regular meeting of the Commission to receive more comments, enable further study of information and input received at the meeting or to request that the applicant provide additional information regarding the application. No such continuance or tabling shall exceed forty (40) days.

8.5.2.3.1 The applicant, prior to a motion by the Commission, may request an extended time before continued review by the Commission, if the applicant wants to provide additional information in support of the application. Such continuance request shall not exceed ninety (90) days and must coincide with a regular Commission meeting date.

8.5.2.4 If the applicant presents a significantly different proposal at the Commission meeting than was submitted in the application to the Department, the Commission shall continue the application to the next regular meeting of the Commission and request a Department review of the proposal.

8.5.2.4.1 The Department may require an additional review fee if deemed appropriate.

8.5.2.5 The Department shall mail to the applicant, the Commission's recommendations, comments and suggestions within five (5) working days after the meeting at which the Commission's review of the application was finalized.

8.5.3 Following the review and recommendation of the Commission, the Department shall place the application on the agenda of the next regular meeting of the Board for the purpose of scheduling a public hearing date and time for review of the application by the Board.

8.5.3.1 The applicant may ask for additional time before the hearing by the Board, if such time is needed to accommodate the recommendations, comments or suggestions of the Commission.

8.5.3.1.1 A request for additional time shall be made, in writing, to the Department which is authorized to grant the request on behalf of the Board.

8.5.3.1.2 No such request shall exceed ninety (90) days from the date of the Commission meeting at which the Commission's review was completed.

8.5.3.1.3 The extension of time for Board review must coincide with a regular Board meeting date.

8.5.3.1.4 The applicant shall provide to the Department copies of information and or documentation to be submitted for Board review to accommodate the recommendations, comments or suggestions regarding the application by the

Commission a minimum of ten (10) working days prior to the scheduled Board public hearing at which the application is to be reviewed.

8.5.3.1.5 In such circumstances the Board, at its discretion, may require further review of the application by the Commission.

8.5.3.1.6 No significant changes in an application shall be proposed after review by the Commission unless such changes are made to accommodate recommendations, comments or suggestions of the Commission.

8.5.3.1.6.1 If significant changes are needed due to change of area conditions or circumstances beyond control of the applicant, then further review by the Commission shall be required prior to review of the application by the Board.

8.5.4 A notice of the public hearing shall be published once by the Department, at the expense of the applicant, at least fourteen (14) days prior to the hearing date in a newspaper of general circulation in Fremont County.

8.5.4.1 Such notice shall indicate the time, date, and place of the hearing and give a brief summary or explanation of the application and its location.

8.5.5 Upon scheduling of the public hearing by the Board the Department shall notify the applicant of the date and time of the public hearing and the applicant shall be responsible for completion of the following:

8.5.5.1 Mailing by United States Postal Service (USPS) certified mail, return receipt (*labeled to identify the application*) requested to the Department, at least fourteen (14) days prior to the date of the scheduled hearing to all property owners within five-hundred (500) feet of the boundaries of the subject property and any additional notifications required by the Commission.

8.5.5.1.1 The applicant shall provide the Department with USPS mailing receipts evidencing the date the notice packets were mailed.

8.5.5.1.2 The mailing shall include the following:

8.5.5.1.2.1 A notice form with information relevant to the public hearing completed by the Department and mailing information to be completed by the applicant.

8.5.5.1.2.1.1 The notice form contains the name of the applicant, summary of the proposed use, legal description of the subject property, general location of subject property, date, time and location of the hearing along with contact information for the Department.

8.5.5.1.2.2 A drawing that illustrates how the proposed use and improvements will be housed on the subject property.

8.5.5.1.2.3 A vicinity map locating the subject property in relation to the surrounding area, streets, major natural features etcetera;

8.5.5.2 Posting of a notice sign, at least three feet by four feet (3'X4') in size with each letter at least two (2) inches in height, containing the specific matter of the hearing including identification of the use, the date, time, location of the hearing and contact information for the Department where additional information may be obtained.

8.5.5.2.1 The sign shall be posted continuously on the subject property for at least fourteen (14) days prior to the hearing of the application.

8.5.5.2.1.1 The applicant shall be responsible for maintenance of the sign to insure its continuous display.

8.5.5.2.2 The sign shall be placed no further than fifteen (15) feet from the public right-of way providing access to the property.

8.5.5.2.3 Where more than one (1) property is involved and / or more than one (1) public right-of-way provides access to the site, all properties fronting on a public right-of-way shall be posted with a sign.

8.5.5.2.4 All posting shall be placed upon the property or at a public off-site location as determined by the Department to provide for clear and unobstructed viewing from the nearest public right-of-way.

8.5.6 The Board shall take into consideration the application, Commission recommendations, comments, and suggestions, minutes from the Commission meeting and Department review at the scheduled Board public hearing.

8.5.6.1 The applicant shall attend the Board public hearing at which the application is scheduled to be reviewed.

8.5.6.1.1 Failure of the applicant to attend the public hearing will result in tabling of the application review.

8.5.6.1.2 Failure of the applicant to attend the meeting to which review of the application was tabled will result in a withdrawal of the application. Fees will not be refunded.

8.5.6.2 The applicant may offer comments, evidence and testimony concerning the application.

8.5.6.3 The Board may hear comments and receive evidence or testimony from interested persons.

8.5.6.4 The public hearing may be continued to a later date by the Board, but no such continuance shall exceed thirty (30) days.

8.5.6.5 The Board shall approve, deny, or approve the application with contingencies within forty-five (45) days after the conclusion of the public hearing or the date to which it was continued.

8.5.6.5.1 All improvements required by the Board as a contingency of approval shall be completed by the applicant and approved by an appropriate County Representative prior to recordation of documents authorizing the approval of the application in the land records of Fremont County.

8.5.6.5.2 Following approval by the Board the applicant shall submit all contingencies required as part of the approval of the application within six (6) months of the date of approval.

8.5.6.5.2.1 If the contingency items are not submitted by the deadline, the application approval shall be deemed expired. Application fees will not be refunded.

8.5.6.5.2.2 If the application is deemed expired a complete re-submittal of the application, including fees, will be required and the review process will begin again.

8.5.6.6 The Department shall mail to the applicant the Board's decision within five (5) working days after the meeting at which the Board's review of the application was finalized.

8.6 EXTENSIONS: The Board may extend the time period for submittal of contingency items of application approval upon documented showing of good cause.

8.6.1 No extensions may be granted unless a written request, detailing the reasons and justification for extension, and required fee is submitted to the Department a minimum of ten (10) working days prior to the expiration of the initial six (6) month period or previous extension granted.

8.6.2 The Department shall schedule the request for extension for the next regular Board meeting at which time the Board will consider the request.

8.6.3 Without explicit justification warranting a longer time frame, extensions shall not be granted for more than six (6) months from the date of the original deadline

date or previous extension.

8.6.4 In circumstances where extensions have been granted that exceed an eighteen (18) month time period from the original Board date of approval of the application, the Board may require further review by the Commission.

8.7 AMENDMENT TO CONTINGENCIES OR CONDITIONS OF APPROVAL: The Board may hear requests for changes to contingencies or conditions of application approval upon documented showing of good cause.

8.7.1 No changes to contingencies or conditions of approval may be granted unless a written request, detailing the reasons and justification for change, and required fee is submitted to the Department.

8.7.2 The Department shall schedule the request for change for the next possible regular Board meeting at which time the Board will consider the request.

8.7.3 The Board may, at its discretion, require the request to be reviewed by the Commission at its next regularly scheduled meeting.

8.7.4 The Board may, at its discretion, require a public hearing, with notice requirements, at the applicant's expense, to review the request for change.

8.8 CERTIFICATION OF AMENDMENT: If the application is for an amendment and it receives a majority vote for adoption by the Board and all contingencies have been completed, a certified copy of the amendment shall be filed with the County Clerk and Recorder, which the Clerk shall index, file and make available to the public.

8.9 EFFECTS OF APPROVAL: If the application for zone change, conditional use permit, special review use permit or commercial development plan receives a majority vote for approval by the Board and all contingencies have been completed, appropriate documents indicating the approval shall be filed with the County Clerk and Recorder in the land records of Fremont County.

8.10 MODIFICATION OF AN APPROVED PLAN: A recorded zone change, conditional use permit, special review use permit or commercial development plan shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications (*complete reapplication*) by the Board in accordance with Section 8 of this Resolution.

8.10.1 A letter (*with supporting documentation, if applicable*) detailing the change(s) that would constitute the modification(s) shall be submitted to the Department along with a review fee for the same. The Department will review the letter and will either administratively approve the change(s) as a Minor Modification (*Changes that would not result in an increased impact to the neighborhood nor require a change to the recorded drawing*) or will confirm that the proposed

change(s) would be considered a Major Modification (*Changes that would result in an increased impact to the neighborhood and or require a change to the recorded drawing*).

8.10.1.1 A review of the letter submitted shall be conducted by the Department within thirty (30) working days of the date the letter was submitted to the Department.

8.10.1.1.1 If the Department review results in the determination that the proposed change(s) is a Major Modification (complete reapplication) to the application as approved then submittal by the applicant shall be in accordance with application submittal deadlines and fees.

8.10.1.1.2 The Department, Commission and or Board may require additional information of the applicant in order to perform an adequate review of the letter or application.

8.10.2 Modification items that have the potential to impact the neighborhood in any way or affect the general health and welfare of the citizens of Fremont County shall be considered in the review of any proposed permit modifications. Items that will be considered in the review of proposed modifications include, but are not limited to: use of the property; building or structure size, location, height, increase in the numbers, sizes of the buildings or structures; type of vehicles, increase in vehicle trips on or off the property, traffic flows and circulation of traffic; off street parking and loading area requirements, buffering and landscaping of the property; open space, lighting and signage; sewage disposal, water availability; utility service requirements to the property and the neighborhood; fire protection and stormwater drainage.

8.11 FEES: A nonrefundable application fee and other required fees shall be established from time to time by resolution of the Board.

8.11.1 In the circumstance of a group application for zone change or amendment, if it appears that the proposed change or amendment is one that is applicable to and for the benefit of the County at large, or most of the persons effected in one area or in one district or class of district, then the Board may direct that the application fee be waived.

~~8 PROCEDURES FOR AMENDMENTS, SUPPLEMENTS, CHANGES, OR REPEALS: No zone change, conditional use permit, or special review use permit application that has been denied by the County within the past three (3) years shall be resubmitted unless there is valid new evidence or a substantial change in conditions of the original application.~~

~~8.1 ZONE CHANGES~~

~~8.12 ZONE CHANGE REQUIREMENTS FOR CLASSIFICATION #1: For zone change applications that change property to Agricultural and or Single-family Residential zone districts. (AF – Agricultural Forestry, AF & R – Agricultural Farming & Ranching, AL – Agricultural Living, AR - Agricultural Rural, AE – Agricultural Estates, AS – Agricultural Suburban and LDR – Low Density Residence) The application packets shall contain the following:~~

~~8.1.1 INITIATION: Amendments, supplements, changes, or repeal of this Resolution or any section thereof, or to the official zoning maps or applications for conditional use permits or special review use permits, may be initiated by:~~

~~8.1.1.1 Any citizen or group of citizens, firm, or organization residing, owning or leasing property in the County.~~

~~8.1.1.2 The Commission.~~

~~8.1.1.3 The Board.~~

~~8.1.2 PROCEDURES: At least three (3) copies (one (1) original and two (2) copies) of the application (on an application form provided by the Department) and all other documents for a Zone Change application shall be submitted to the Department as part of the initial application submittal at least thirty (30) working days prior to a regularly scheduled Commission meeting. The applicant will be notified as to how many revised copies will be required within the Department comment and submittal deficiency letter. The application shall include the following:~~

~~8.1.2.1 8.12.1 Three (3) copies of a site plan drawing, prepared drawn toto professional standards, minimum size of 18"X24" 11" X 17", maximum size of 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application; and three (3) reduced (to 8 1/2" x 11" or 11" x 17") copies, all of which shall include the following: (Note 1: At least one (1) copy shall be of adequate size to use for display at public meetings; Note 2: More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification.)~~

~~8.1.2.1.1 8.12.1.1 Site Plan The drawing shall contain a title, (Name) Zone Change Request from _____ Zone District (existing) to _____ Zone District (proposed);~~

~~8.1.2.1.2~~ **8.12.1.2** Boundary ~~description~~ **drawing of the property with bearings** and dimensions of ~~the area~~ which illustrates the legal description of the subject property.

~~8.1.2.1.3~~ **8.12.1.3** Legal description of the subject property;

8.12.1.4 **The total amount of square footage and acreage contained in the subject property.**

~~8.1.2.1.12~~ **8.12.1.5** Zoning classification for all adjoining lots, parcels or tracts;

~~8.1.2.1.4~~ **8.12.1.6** Written and graphic scale;

~~8.1.2.1.5~~ **8.12.1.7** North arrow;

~~8.1.2.1.6~~ **8.12.1.8** Vicinity map locating the ~~development~~ **property** in relation to the surrounding area, streets, **major natural features** etcetera;

~~8.1.2.1.7~~ **8.12.1.9** **The drawing shall illustrate the size, shape and location of all existing buildings, structures and improvements that** ~~Identify by label or note all existing buildings and/or structures which~~ will remain on the subject property after development including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

8.12.1.9.1 **Each such building, structure and or improvement shall have a label and or note that identifies it and states its existing and or proposed use.**

~~8.1.2.1.7.1~~ **8.12.1.9.2** **Location** dimensions from at least two (2) property lines for each **such** building, structure **or improvement**.

~~8.1.2.1.7.2~~ **8.12.1.9.3** Square footage and dimensions of all **such** buildings and structures. ~~to verify square footage of each.~~

~~8.1.2.1.7.3~~ ~~Proposed use of all the existing buildings and/or structures to remain on the subject property after development.~~

~~8.1.2.1.8~~ **8.12.1.10** **The drawing shall contain tables or notes that will provide the following:** ~~Identify by label or note all proposed buildings and/or structures which will be located on the subject property including:~~

~~8.1.2.1.8.1~~ **8.12.1.10.1** **The maximum number of lots that could be created from the subject property taking into consideration the minimum lot size allowed in the proposed zone district and the available potable water and sewage disposal source for the property, with a comparison to the amount allowed in the current zone district.** ~~Dimensions from at least two~~

property lines for each proposed building and/or structure.

~~8.1.2.1.8.2~~ **8.12.1.10.2** The potential maximum amount of the land, in square feet and acres that would be allowed to be covered on the subject property in the proposed zone district, with a comparison to the amount allowed in the current zone district. ~~Square footage and dimensions of all buildings and structures to verify square footage of each.~~

~~8.1.2.1.8.3~~ ~~Proposed use of each of the proposed buildings and/or structures to be located on the subject property.~~

~~8.1.2.1.9~~ ~~Identify, locate and dimension all parking areas, including adjacent parking areas and spaces and loading areas, identify type of surface and provide a table based on Section 5.3 specifying the required number of off-street parking spaces and loading areas;~~

~~8.1.2.1.10~~ **8.12.1.11** Location and dimension(s) of all access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.

~~8.1.2.1.11~~ **8.12.1.12** **Identify and** locate all drainageways including FEMA flood areas, by dimensions from property lines. ~~or other natural features having an effect on or which would be affected by the proposed use.~~

8.12.1.13 **Identify and locate, by dimensions, significant natural features of the subject property.**

~~8.1.2.1.13~~ **8.12.1.14** Identify by label or note all existing ~~or proposed~~ easements located on the subject property ~~after development~~ including:

~~8.1.2.1.13.1~~ **8.12.1.14.1** Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.

~~8.1.2.1.13.2~~ **8.12.1.14.2** Width at the beginning and the end of the easement and at any points along the easement where the width changes.

~~8.1.2.1.13.3~~ **8.12.1.14.3** **If existing easements are to be vacated or relocated appropriate information shall be provided by note or label**

8.12.1.15 **Identify by label or note all proposed easements to be located on the subject property after the zone change including:**

8.12.1.15.1 **Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.**

8.12.1.15.2 Width at the beginning and the end of the easement and at any points along the easement where the width changes.

8.12.1.16 If the drawing requires the use of symbols or lines that cannot or should not be identified by label, then the drawing shall include a legend in which to identify them.

8.12.1.17 If the drawing requires notes in order to understand different aspects of the property and or proposal, then the drawing shall contain a note section in which each note is identified by a numerical or alpha designation.

~~8.1.2.1.14~~ **8.12.1.18** Such other additional information on the **drawing** required by the Department, Commission, or the Board.

8.12.2 OTHER APPLICATION REQUIREMENTS: (Most items will be addressed in the appropriate application form)

~~8.1.2.2~~ **8.12.2.1** A statement of justification for the rezoning, including at least one (1) of the following conditions: *(Please explain answer)*.

~~8.1.2.1.1~~ **8.12.2.1.1** Evidence that the property was not properly zoned when existing zoning was imposed.

~~8.1.2.2.2~~ **8.12.2.1.2** Evidence that additional land is need in the proposed zone district.

~~8.1.2.2.3~~ **8.12.2.1.3** Evidence that there has been a material change in the neighborhood that justifies the requested zone change.

~~8.1.2.2.4~~ **8.12.2.1.4** Evidence that the proposed zone change will be in conformance to the **current Fremont County Master Plan in relation to** ~~for~~ the area.

~~8.1.2.3~~ **8.12.2.2** Written description of **the types of buildings and** or uses proposed if rezoning is granted. ~~along with~~

~~8.1.2.3~~ **8.12.2.3** A **written** description of land and building uses within five-hundred (500) feet of the boundary of the proposed area of change in all directions **from the subject property**.

~~8.1.2.4~~ **8.12.2.4** Evidence that there is a public need **for the zone change**.

~~8.1.2.4~~ **8.12.2.5** **Evidence and** that there **zone change** will be a County **and** / or neighborhood benefit, in that it will tend to preserve and promote property values in the neighborhood.

~~8.1.2.5~~ **8.12.2.6** Copy of the current deed of record identifying the current property owner of the subject property including:

~~8.1.2.5.1~~ **8.12.2.6.1** **Written** authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which the representation is authorized.

~~8.1.2.5.2~~ **8.12.2.6.2** If the proposed zone change application is not intended to rezone the entire property described in the current deed of record then an appropriate subdivision application may be required as a condition of approval.

~~8.1.2.6~~ **8.12.2.7** A detailed roadway impact analysis (*on a form obtained from the Department*) prepared by a professional engineer licensed to work in Colorado as per Section 5.11 of this Resolution, unless all vehicular traffic enters and exits the site onto a Federal or State Highway where the Colorado Department of Transportation has issued an access permit for the specified use.

~~8.1.2.7~~ **8.12.2.8** Explain what effect the proposed zoning **and proposed use** would have on adjacent uses. If no **positive or** adverse effect on adjacent uses is expected, explain why there will be no **positive or** adverse effect on adjacent uses.

~~8.1.2.8~~ **8.12.2.9** Evidence that the proposed ~~development~~ **zone change and proposed use** will be in harmony and compatible with the surrounding land uses and development in the area.

~~8.1.2.9~~ **8.12.2.10** List of names ~~addresses, and zip codes~~ **and complete mailing addresses** for all property owners within five-hundred (500) feet of the boundaries of property to be rezoned.

8.12.2.11 A list of names and complete mailing addresses of all severed mineral interest owners of the subject property.

~~8.1.2.10~~ **8.12.2.12** Proof of water, which may be a letter from a public water district indicating that the proposed use can be provided water service, or a letter or a copy of a well permit from the Colorado Division of Water Resources, or other appropriate **entity representative** that notes that the proposed use can be serviced by a well.

~~8.1.2.11~~ **8.12.2.13** Proof of sewage disposal, which may be a letter from a public sanitation district **committing to provide service to the subject property for the proposed use** or a copy of an ~~individual~~ **soil** percolation test, **by a Colorado Registered Professional Engineer** performed on the subject property **indicating that an individual sewage disposal system can adequately serve the proposed use on the property**, or documented proof that the existing individual sewage disposal system is functioning properly and is adequate for the proposed use.

~~8.1.2.12~~ **8.12.2.14** Statement ~~that as to how~~ the proposal complies with the intent and purposes of this Resolution. ~~and the Fremont County Master Plan.~~

~~8.1.2.12~~ **8.12.2.15** A statement as to how the proposal meets the intent, purpose and applicable goals and objectives of the current Fremont County Master Plan.

~~8.1.2.13~~ A complete legal description of the proposed site.

~~8.1.2.14~~ A statement describing the proposed uses.

~~8.1.2.15~~ A statement as to the existing zoning district of the land to be rezoned.

~~8.1.2.16~~ **8.12.2.16** Proof of access rights to public roads **when the property does not have adequate frontage on a County Road.**

8.12.2.17 When access to the subject property is proposed to be directly to a roadway controlled by the Colorado Department of Transportation (CDOT) a copy of an approved access permit for the proposed use shall be provided.

8.12.2.18 When access to the subject property is proposed to be via a County Road that accesses a roadway controlled by the CDOT within five hundred (500) feet of the intersection of the CDOT road and the County Road proof of CDOT notification of the proposed zone change and CDOT's comments and requirements shall be provided.

~~8.1.2.17~~ **8.12.2.19** Such other and additional information as required by the Department, the Commission or the Board .

By adding a zone change procedure for two different categories (Agricultural & Residential / Multi-family, Business & Industrial) the entire reference to Additional Site Plan Requirements can be removed.

~~**8.1.3 ADDITIONAL SITE PLAN REQUIREMENTS:** Any application for a zone change to Medium Density Residence, High Density Residence, Manufactured Home Park, Travel Trailer Park & Campground, Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts, shall comply with the zone district requirements, and shall be required to provide the following information in addition to the Zone Change requirements as per Section 8.1 through Section 8.1.2.17 of this Resolution:~~

~~**8.1.3.1. EXCEPTIONS:** Additional site plan requirements will not be required if any of the following apply:~~

~~**8.1.3.1.1** A site development plan has been previously approved for the same use.~~

~~8.1.3.1.2. A Preliminary plan and a final plat application are required in addition to the zone change application. It should be further noted that the Preliminary Plan may be subject to some of the requirements of the Site Development Plan drawing requirements. The zone change approval will not go into affect without final approval of the preliminary and final plat applications.~~

~~8.1.3.1.3 A minor subdivision application is required in addition to the zone change application, however it will be required to comply with the Site Development Plan drawing requirements as per Section 8.3.2 of the Zoning Resolution and to submit the Roadway Impact Analysis Form. The zone change approval will not go into affect without final approval of the minor subdivision application.~~

~~8.1.3.2 SITE PLAN DRAWING: In addition to the site plan requirements found at 8.1.2.1, the following shall also be provided:~~

~~8.1.3.2.1 The site drawing subtitle shall contain a brief description of the proposed use.~~

~~8.1.3.2.2 Building height of each building and/or structure shall be noted.~~

~~8.1.3.2.3 Identify by label or note each internal roadway proposed on the subject property after development including:~~

~~8.1.3.2.3.1 Dimensions from property lines at the beginning and end of the roadway and centerline information for the entire roadway.~~

~~8.1.3.2.3.2 Width at the beginning of the roadway and at any points along the roadway where the width changes.~~

~~8.1.3.2.3.3 All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.~~

~~8.1.3.2.3.4 All internal traffic circulation patterns by line symbol.~~

~~8.1.3.2.3.5 The surface type, width and thickness, of each internal roadway.~~

~~8.1.3.2.4 Identify by label or note, all pedestrian areas and walkways located outside of buildings and/or structures, on subject property, including:~~

~~8.1.3.2.4.1 Dimensions of all pedestrian areas and walkways.~~

~~8.1.3.2.4.2 Surface type, width, length and thickness of all pedestrian areas and walkways.~~

~~8.1.3.2.5 Identify by label or note all off street parking areas on the subject property~~

including:

~~8.1.3.2.5.1 Proposed thickness of the surface materials of the off-street parking areas. Dimensions of the overall size of all off-street parking areas.~~

~~8.1.3.2.5.2 Proposed surface type for all off-street parking areas (See Section 5.3.2 of this Resolution for requirements.)~~

~~8.1.3.2.5.3 Identify by label or note and locate different types of off-street parking spaces. (Such as full-size spaces, compact spaces and spaces for individuals with disabilities). (Map symbol may be used)~~

~~8.1.3.2.5.4 Dimension each type of off-street parking space proposed to be used on the subject property. (A typical for each type of space is acceptable)~~

~~8.1.3.2.5.5 A table based on Sections 5.3 and 5.4 of this Resolution specifying the minimum numbers of spaces required for each category.~~

~~8.1.3.2.6 Identify by label or note all off-street loading areas proposed to be contained on the subject property (See Section 5.5 of this Resolution for requirements) including:~~

~~8.1.3.2.6.1 Location and size, by dimension, all off-street loading areas.~~

~~8.1.3.2.6.2 Proposed surface type for all off-street loading areas. See Section 5.3.2 of this Resolution.~~

~~8.1.3.2.6.3 Proposed thickness of the surface materials of the off-street loading areas.~~

~~8.1.3.2.7 Identify by label or note, and locate by dimension, the specific type of lighting proposed for off-street parking and loading areas (See Section 5.3.3 of this Resolution) including:~~

~~8.1.3.2.7.1 The height of light poles and illustrate the lighting coverage area. Lighting shall not be directed toward surrounding properties and shielding of lighting may be required to mitigate impacts to surrounding properties.~~

~~8.1.3.2.8 Identify by label or note, the specific type and height (at maturity for vegetation and an estimated time to reach maturity) and locate, by dimension, all landscaping to be used within the off-street parking and loading areas. (See Section 5.3.4 of this Resolution)~~

~~8.1.3.2.9 Identify by label or note, and locate by dimension, the specific type of on-site identification signage proposed, including:~~

- ~~8.1.3.2.9.1 Total square footage of all signs, the width and length of the signs.~~
- ~~8.1.3.2.9.2 Total height of proposed signs, including poles and/or pedestals.~~
- ~~8.1.3.2.9.3 How signs are to be illuminated and how light will be directed away from adjoining properties.~~
- ~~8.1.3.2.10 Identify by label or note, locate and dimension all open space areas, if provided.~~
- ~~8.1.3.2.11 Identify and locate all drainage facilities, including:
 - ~~8.1.3.2.11.1 Dimension all drainage facilities.~~
 - ~~8.1.3.2.11.2 All drainage facilities shall be designated as a drainage easement.~~~~
- ~~8.1.3.2.12 Identify by label or note and locate and size, by dimension(s) all service and refuse areas.~~
- ~~8.1.3.3 — Drainage Plan and Report as per Section 5.10 of this Resolution.~~
- ~~8.1.3.4 — Buffering and landscaping plan in accordance with Section 5.2.6 of this Resolution, if required. Buffering and landscaping shall be completed prior to recording of the use permit. If non applicable, provide a justification statement as to why such regulations are non applicable.~~
- ~~8.1.3.5 — A fire protection plan (*on a form obtained from the Department*) addressing method of fire protection, location of fire hydrants or other means of fire protection. If project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.~~
- ~~8.1.3.6 — A detailed utility plan showing the proposed location of all utilities (*water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical*), as proposed by the developer. The plan shall include the signatures of all the utility companies noting their approval of the plan.~~
- ~~8.1.3.7 — All Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Waste to Energy Incineration Systems shall comply with the Solid Waste Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste to Energy Incineration Systems Regulations, Section 6 of this Resolution, and applicable State and Federal laws and regulations. If non applicable, provide a justification statement as to why such regulations are non applicable.~~
- ~~8.1.3.8 Such other and additional information as required by the Department, the Commission or the Board.~~

~~8.1.4 REFERRAL TO THE COMMISSION AND BOARD:~~

~~8.1.4.1 — The Commission shall consider the application at a public meeting at which time the applicant may offer comments and testimony concerning the application. The Commission may hear comments and receive sworn or unsworn testimony from interested persons, but shall not be required to do so. The meeting may be continued to a later date by the Commission, but no such continuance shall exceed forty (40) days. The Commission may approve, deny, table, or approve with contingencies.~~

~~8.1.4.2 — Following the recommendation of the Commission, the zone change application shall be placed on the agenda of the next regular meeting of the Board for the purpose of setting a public hearing date. A notice of the public hearing shall be published once by the Department, at the expense of the applicant, at least fourteen (14) days prior to the hearing date in a newspaper of general circulation in Fremont County. Such notice shall indicate the time, date, and place of the hearing and give a brief summary or explanation of the proposed zone change and its location.~~

~~8.1.4.3 — Upon notification to the applicant of the date and time of scheduled public hearing by the Department, the applicant shall complete the following:~~

~~8.1.4.3.1 — Mailing by certified mail, return receipt (*labeled to identify the project name*) to the Department, at least fourteen (14) days prior to the date of hearing, a notice (*on a form provided by the Department*), a site plan and a vicinity map locating subject property, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel; or within a radius around the property that will provide notice to property owners who will likely be directly impacted by the use.~~

~~8.1.4.3.2 — Posting of a notice, at least 3' X 4' in size and with each letter at least 2" in height, containing the specific matter of the hearing, including identification of the use, the date, time of hearing, location of hearing and the telephone number of the Department where additional information may be obtained. The sign shall be posted continuously for at least fourteen (14) days prior to the hearing on the parcel proposed for change, not further than fifteen (15) feet from the public right of way, providing access to the parcel except where more than one (1) parcel is involved and/or more than one (1) public right of way provides access, all parcels and/or sides facing any public right of way shall be so posted. All posting shall be so placed upon the parcel or at a public off site location as determined by the Department to provide for clear and unobstructed viewing from the nearest public right of way.~~

~~8.1.4.4 — The Board shall consider the application and recommendation of the Commission at a public hearing at which time the applicant, adjacent landowners, and interested persons may offer comments, evidence, and sworn or unsworn testimony~~

~~concerning the application. The hearing may be continued to a later date by the Board. The Board shall approve, deny, table, or approve with contingencies within forty five (45) days after the conclusion of the hearing or the date to which it was continued. All required improvements shall be completed prior to filing a certified copy of the zone change.~~

~~8.1.4.5 — Following approval by the Board, all contingencies required as part of the approval of the zone change shall be submitted within six (6) months from the date of approval. If the contingency items are not submitted by the deadline, the zone change approval shall be deemed expired.~~

~~8.1.4.6 — The applicant or his representative shall be present at the Commission and Board meeting or the application will be tabled to the next regular meeting. If the applicant or his representative fails to attend the next regular meeting, the application will be considered withdrawn.~~

~~8.1.5 — CERTIFICATION OF THE AMENDMENT: If an amendment receives a majority vote for adoption by the Board and all contingencies have been completed, a certified copy of the amendment shall then be filed with the County Clerk and Recorder, which she shall index, file, and make available.~~

~~8.1.6 — FEES: A nonrefundable application fee shall be established from time to time by resolution of the Board. If it appears that the proposed amendment is one that is applicable to and for the benefit of the County at large, or most of the persons effected in one area or in one district or class of district, then the Board may direct that the application fee be waived.~~

8.13 ZONE CHANGE REQUIREMENTS FOR CLASSIFICATION #2: For zone changes that change property to multi-family, business or industrial zone districts. (*MDR – Medium Density Residence, HDR – High Density Residence, MHP – Manufactured Home Park (Please see Section 4.10 for other requirements), TTP&CG – Travel Trailer Park & Campground (Please see Section 4.11 for other requirements), NB – Neighborhood Business, RHB – Rural Highway Business, B - Business, A - Airport, IP – Industrial Park, and I - Industrial*): The application packets shall include the following:

8.13.1 Three (3) copies of a drawing, prepared to professional standards, minimum size of 18" X 24", maximum size of 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application; and three (3) reduced (*to 8 1/2" x 11" or 11" x 17"*) copies, all of which shall include the following: (*Note 1: At least one (1) copy shall be of adequate size to use for display at public meetings; Note 2: More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification.*)

8.13.1.1 The drawing shall contain a title, (*Name*) Zone Change Request from _____ Zone District (*existing*) to _____ Zone District (*proposed*);

8.13.1.2 The drawing shall contain a subtitle that provides a brief description of the proposed use.

8.13.1.3 Boundary drawing of the property with bearings and dimensions which illustrates the legal description of the subject property.

8.13.1.4 Legal description of the subject property;

8.13.1.5 The total amount of square footage and acreage contained in the subject property.

8.13.1.6 Zoning classification for all adjoining lots, parcels, or tracts.

8.13.1.7 Written and graphic scale.

8.13.1.8 North arrow.

8.13.1.9 Vicinity map locating the property in relation to the surrounding area, streets, major natural features etcetera;

8.13.1.10 Provide a table on the drawing to indicate relationship between the proposed construction and existing construction to remain on the

property in association with the development requirements of the proposed zone district.

8.13.1.10.1 Minimum lot size;

8.13.1.10.2 Maximum lot coverage;

8.13.1.10.3 Maximum building height;

8.13.1.10.4 Minimum lot width;

8.13.1.10.5 Minimum setback requirements;

8.13.1.10.5.1 Front yard;

8.13.1.10.5.2 Side yards (two);

8.13.1.10.5.3 Rear yard.

8.13.1.11 The drawing shall illustrate the size, shape and location of all existing buildings, structures and improvements that will remain on the subject property after development including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

8.13.1.11.1 Each such building, structure and or improvement shall have a label and or note that identifies it and states its existing and or proposed use.

8.13.1.11.2 Location dimensions from at least two (2) property lines for each such building, structure and or improvement.

8.13.1.11.3 Square footage and dimensions of all such buildings and structures.

8.13.1.11.4 Building height of each building and/or structure.

8.13.1.12 The drawing shall illustrate the size, shape and location of all proposed buildings, structures and improvements including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

8.13.1.12.1 Each such building, structure and or improvement shall have a label and or note that identifies it and states its proposed use.

8.13.1.12.2 Location dimensions from at least two (2) property lines for each proposed building and/or structure.

- 8.13.1.12.3** Square footage and dimensions of all buildings and structures.
- 8.13.1.12.4** Building height of each building and/or structure.
- 8.13.1.13** Identify by label or note each internal roadway proposed on the subject property after development including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate).*
- 8.13.1.13.1** Dimensions from property lines at the beginning and end of the roadway and centerline information for the entire roadway.
- 8.13.1.13.2** Width at the beginning of the roadway and at any points along the roadway where the width changes.
- 8.13.1.13.3** All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.
- 8.13.1.13.4** All internal traffic circulation patterns by line symbol.
- 8.13.1.13.5** The surface type, the width and thickness, of each internal roadway.
- 8.13.1.14** Identify by label or note, all pedestrian areas and walkways located outside of buildings and/or structures, on subject property, including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*
- 8.13.1.14.1** Dimensions of all pedestrian areas and walkways.
- 8.13.1.14.2** Surface type, width, length and thickness of all pedestrian areas and walkways.
- 8.13.1.15** Identify by label or note all off-street parking areas on the subject property including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*
- 8.13.1.15.1** Dimensions of overall size of all off-street parking areas.
- 8.13.1.15.2** Proposed surface type for all off-street parking areas. (See Section 5.3.2 of this Resolution for requirements).
- 8.13.1.15.2.1** Proposed thickness of the surface materials of the off-street parking areas.

8.13.1.15.3 Identify by label or note and locate different types of off-street parking spaces. (*Such as full size spaces, compact spaces and spaces for individuals with disabilities*). (*Map symbols may be used*)

8.13.1.15.3.1 Dimension each type of off-street parking space proposed to be used on the subject property. (*A typical drawing for each type of space is acceptable*).

8.13.1.15.3.2 A table based on Sections 5.3 and 5.4 of this Resolution specifying the minimum numbers of spaces required for each use category in comparison to the numbers proposed by this application.

8.13.1.16 Identify by label or note all off-street loading areas proposed to be contained on the subject property (See Section 5.5 of this Resolution for requirements) including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

8.13.1.16.1 Location and size, by dimension, all off-street loading areas.

8.13.1.16.2 Proposed surface type for all off-street loading areas. (See Section 5.3.2 of this Resolution for requirements)

8.13.1.16.2.1 Proposed thickness of the surface materials of the off-street loading areas.

8.13.1.17 Identify by label or note, the specific type and height (*at maturity for vegetation and an estimated time to reach maturity*) and locate, by dimension, all landscaping to be used within the off-street parking and loading areas. (See Section 5.3.4 of this Resolution for requirements). (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

8.13.1.18 Identify by label or note, and locate by dimension, the specific type of lighting proposed for off-street parking and loading areas (See Section 5.3.3 of this Resolution for requirements) including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

8.13.1.18.1 The heights of light poles and illustrate the lighting coverage area.

8.13.1.18.1.1 Proposed lighting shall not direct light onto any public roadways.

8.13.1.18.1.2 Lighting shall not be directed toward surrounding properties.

8.13.1.18.1.2.1 Shielding of lighting, or other methods, may be required to mitigate impacts to surrounding properties.

8.13.1.19 Identify by label or note, and locate by dimension, the specific type of on-site identification signage proposed, including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

8.13.1.19.1 Total square footage of all proposed signs along with the width and length of proposed signs.

8.13.1.19.2 Total height of proposed signs, including poles and/or pedestals.

8.13.1.19.3 A statement or note shall be provided to signify whether or not the proposed signs will be illuminated.

8.13.1.19.3.1 Illuminated signage shall not direct light onto any public roadways.

8.13.1.19.3.2 Illuminated signage shall not direct light onto adjoining properties.

8.13.1.20 Identify by label or note, locate and dimension all open space areas, if provided.

8.13.1.21 Identify by label or note all existing easements located on the subject property including:

8.13.1.21.1 Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.

8.13.1.21.2 Width at the beginning and the end of the easement and at any points along the easement where the width changes.

8.13.1.21.3 If existing easements are to be vacated or relocated appropriate information shall be provided by label or note.

8.13.1.22 Identify by label or note all proposed easements to be located on the subject property after the zone change including:

8.13.1.22.1 Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.

- 8.13.1.22.2 **Width at the beginning and the end of the easement and at any points along the easement where the width changes.**
- 8.13.1.23 **Identify by label or note and locate and size, by dimension(s) all service and refuse areas.**
- 8.13.1.24 **Identify and locate all drainageways including FEMA flood areas, by dimensions from property lines.**
- 8.13.1.25 **Identify and locate, by dimensions, significant natural features of the subject property.**
- 8.13.1.26 **Identify and locate all drainage facilities, including:**
 - 8.13.1.26.1 **Dimension all drainage facilities.**
 - 8.13.1.26.2 **All drainage facilities shall be designated as a drainage easement.**
- 8.13.1.27 **Topography of the site (*two (2) foot contours or less*).**
- 8.13.1.28 **Final grading plan (*not greater than two (2) foot intervals*).**
- 8.13.1.29 **Designate soil type areas.**
 - 8.13.1.29.1 **In a table provide a brief description of the soil characteristics.**
- 8.13.1.30 **If the drawing requires the use of symbols or lines that cannot or should not be identified by label, then the drawing shall include a legend in which to identify them.**
- 8.13.1.31 **If the drawing requires notes in order to understand different aspects of the property and or proposal, then the drawing shall contain a note section in which each note is identified by a numerical or alpha designation.**
- 8.13.1.32 **Such other additional information on the drawing required by the Department, Commission, or the Board**
- 8.13.2 **OTHER APPLICATION REQUIREMENTS: (*Most items will be addressed in the appropriate application form*)**
 - 8.13.2.1 **A statement of justification for the rezoning, including at least one (1) of the following conditions: (*Please explain answer*).**

8.13.2.1.1 Evidence that the property was not properly zoned when existing zoning was imposed.

8.13.2.1.2 Evidence that additional land is need in the proposed zone district.

8.13.2.1.3 Evidence that there has been a material change in the neighborhood that justifies the requested zone change.

8.13.2.1.4 Evidence that the proposed zone change will be in conformance to the current Fremont County Master Plan in relation to for the area.

8.13.2.2 Written description of the types of buildings and or uses proposed if rezoning is granted,

8.13.2.3 A written description of land and building uses within five-hundred (500) feet of the boundary of the proposed area of change in all directions from the subject property.

8.13.2.4 Evidence that there is a public need for the zone change.

8.13.2.5 Evidence that the zone change will be a County and or neighborhood benefit, in that it will tend to preserve and promote property values in the neighborhood.

8.13.2.6 Explain what effect the proposed zoning and proposed use would have on adjacent uses. If no positive or adverse effect on adjacent uses is expected, explain why there will be no positive or adverse effect on adjacent uses.

8.13.2.7 Evidence that the proposed zone change and proposed use will be in harmony and compatible with the surrounding land uses and development in the area.

8.13.2.8 A copy of the current deed of record identifying the current property owner of the subject property including:

8.13.2.8.1 Written authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which the representation is authorized.

8.13.2.8.2 If the proposed zone change application is not intended to cover the entire property described in the current deed of record then an appropriate subdivision application may be required as a condition of approval.

- 8.13.2.9 Proof of water, which may be a letter from a public water district indicating that the proposed use can be provided water service, or a letter or a copy of a well permit from the Colorado Division of Water Resources, or other appropriate representative, which indicates that the proposed use can be serviced by a well.**
- 8.13.2.10 Proof of sewage disposal, which may be a letter from a public sanitation district committing to provide service for the proposed use or a copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system adequate for the specified use; or documented proof that the existing individual sewage disposal system is functioning properly and is adequate for the proposed use.**
- 8.13.2.11 Refuse disposal plan: The storage, collection, and disposal of refuse shall be so located and managed as not to create a health hazard, rodent harborage, insect breeding, accidents, hazards, or air pollution. Trash collection receptacles shall be provided and properly screened from view. (*A review by the Fremont County Environmental Health Office shall be required*).**
- 8.13.2.12 A detailed roadway impact analysis (*on a form obtained from the Department*) prepared by a professional engineer licensed to work in Colorado as per Section 5.11 of this Resolution, unless all vehicular traffic enters and exits the site onto a Federal or State Highway where the Colorado Department of Transportation has issued an access permit for the specified use.**
- 8.13.2.13 Property owner shall execute a Quit Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, right-of-ways, related structures and/or facilities. (*County will not accept maintenance of these facilities*). Such deed shall be recorded at the time of recording of the Zone Change.**
- 8.13.2.14 Drainage Plan and Report as per Section 5.10 of this Resolution.**
- 8.13.2.15 Buffering and landscaping plan shall be in accordance with Section 5.2.6, of this Resolution, if required. Buffering and landscaping shall be completed prior to recording of the zone change. If non-applicable, provide a justification statement as to why such regulations are non-applicable.**
- 8.13.2.16 A fire protection plan addressing method of fire protection, location of fire hydrants or other means of fire protection. If project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.**
- 8.13.2.17 A detailed utility plan showing the location of all utilities (*water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and***

vertical), as proposed by the developer. The plan shall include the signatures of all the utility companies involved noting their approval of the plan.

8.13.2.18 All Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Waste to Energy Incineration Systems shall comply with the Solid Waste Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-to-Energy Incineration Systems Regulations, Section 6 of this Resolution, and applicable State and Federal laws and regulations. If non-applicable, provide a justification statement as to why such regulations are non-applicable.

8.13.2.19 A statement describing the proposed uses.

8.13.2.20 A statement as to the existing zoning district of the land to be used.

8.13.2.21 Statement that the proposal complies with the intent and purposes of this Resolution (See Fremont County Zoning Resolution 1.1 & 1.3)

8.13.2.22 A statement as to how the proposal meets the intent, purpose and applicable goals and objectives of the current Fremont County Master Plan.

8.13.2.23 Proof of access rights to public roads when the property does not have adequate frontage on a County Road.

8.13.2.24 When access to the subject property is proposed to be directly to a roadway controlled by the Colorado Department of Transportation (CDOT) a copy of an approved access permit for the proposed use shall be provided.

8.13.2.25 When access to the subject property is proposed to be via a County Road that accesses a roadway controlled by the CDOT within 500 feet of the intersection of the CDOT road and the County Road proof of CDOT notification of the proposed zone change and CDOT's comments and requirements shall be provided.

8.13.2.26 Designate soil types and descriptions.

8.13.2.27 A list of names and complete mailing addresses for all property owners within five-hundred (500) feet of the boundaries of the subject property.

8.13.2.28 A list of names and complete mailing addresses of all severed mineral interest owners of the subject property.

8.13.2.29 Such other and additional information as required by the Department, the Commission or the Board.

8.2 8.14 CONDITIONAL USE PERMITS AND SPECIAL REVIEW USE PERMITS

~~8.2.1~~ **8.14.1 PURPOSE:** This section sets forth procedures to be followed to determine if a particular use is appropriate in a particular district depending upon the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effects. It is the purpose of this section to provide review of such uses to assure that they are compatible with surrounding land uses and are not in conflict with the objectives of the zoning resolution.

By describing the process for zone changes, conditional use permits, special review use permits and commercial development plans in one section (Section 8.4 through Section 8.11, of the proposed amendment) the following can be eliminated.

~~8.2.2~~ **PROCEDURES:** Application for a conditional use permit and special review use permit may be made by an person or entity owning or leasing property on which the use will exist. The application shall be submitted at least thirty (30) working days prior to the regularly scheduled Commission meeting, made on a form provided by the Department. The application for approval of a conditional use or special review use permit shall be filed with the Commission by submitting it to the Department. Any application for a conditional use permit or special review use permit may include one (1) or more uses for which a conditional use permit or special review use permit is required.

~~8.2.3~~ **GENERAL REQUIREMENTS:** At least (3) copies (one (1) original and two (2) copies) of the application (*on an application form provided by the Department*) and all other documents for a Special Review Use or Conditional Use Permit application shall be submitted to the Department as part of the initial submittal at least thirty (30) working days prior to a regularly scheduled Commission meeting. The applicant will be notified as to how many revised copies will be required within the Department comment and submittal deficiency letter. The application shall include the following:

In order to be consistent with the other two Zone Changes, the Conditional and Special Reviews Use Permits and Commercial Site Development application requirements the Drawing Requirements will be relocated to this section which will change the numbering.

~~8.2.3.1~~ **8.14.2** General information required in all applications: **OTHER APPLICATION REQUIREMENTS:**

~~8.2.3.1.1~~ Complete legal description of proposed site.

~~8.2.3.1.2~~ **8.14.2.1** Copy of the current deed of record identifying the current property owner of the subject property including:

~~8.2.3.1.2.1~~ **8.14.2.1.1** **Written** authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which the representation is authorized.

~~8.2.3.1.2.2~~ **8.14.2.1.2** If the proposed use permit application is not intended to cover the entire property described in the current deed of record then an appropriate subdivision application may be required as a condition of approval.

~~8.2.3.1.3~~ **8.14.2.2** A statement describing the proposed operation.

~~8.2.3.1.4~~ **8.14.2.3** A statement as to the existing zoning district of the land to be used.

8.14.2.4 Explain what effect the proposed use would have on adjacent uses. If no positive or adverse effect on adjacent uses is expected, explain why there will be no positive or adverse effect on adjacent uses.

8.14.2.5 Evidence that the proposed zone change and proposed use will be in harmony and compatible with the surrounding land uses and development in the area. If not in harmony and compatible what measures can be taken to make it in harmony and compatible.

8.14.2.6 Proof of access rights to public roads when the property does not have adequate frontage on a County Road.

~~8.2.3.1.5~~ **8.14.2.7** ~~Proof of access rights to public roads.~~ **When access to the subject property is proposed to be directly to a roadway controlled by the Colorado Department of Transportation (CDOT) a copy of an approved access permit for the proposed use shall be provided.**

8.14.2.8 When access to the subject property is proposed to be via a County Road that accesses a roadway controlled by the CDOT within 500 feet of the intersection of the CDOT road and the County Road proof of CDOT notification of the proposed Use Permit and CDOT's comments and requirements shall be provided.

~~8.2.3.1.6~~ **8.14.2.6** Statement that the proposal complies with the intent and purposes of this Resolution. **(See Fremont County Zoning Resolution 1.1 and 1.3).** ~~and the Fremont County Master Plan.~~

8.14.2.7 A statement as to how the proposal meets the intent, purpose and applicable goals and objectives of the current Fremont County Master Plan.

~~8.2.3.1.7~~ **8.14.2.8** A list of names, addresses, ~~and zip codes~~ and complete mailing addresses for all property owners within five-hundred (500) feet of the boundaries of the subject property ~~8.2.3.1.8~~

8.14.2.9 A list of names and complete mailing addresses of all severed mineral interest owners of the subject property.

8.14.2.10 Proposed hours and days of operation.

~~8.2.3.1.9~~ **8.14.2.11** The identity of all agencies of local, state, or federal government that will be required to issue any permit or license or the like for all or part of the activity that comprises the use. This section shall also require the applicant to summarize the status of the applications pending before the identified agencies including a copy of any such application and supporting materials.

~~8.2.3.1.9.1~~ **8.14.2.11.1** If the application is for a mining operation then at a minimum the proposed mining and reclamation plans shall accompany the application.

~~8.2.3.1.10~~ **8.14.2.12** Proof of water, which may be a letter from a public water district indicating that the proposed use can be provided water service, or a letter or a copy of a well permit from the Colorado Division of Water Resources or other appropriate representative that notes that the proposed use can be serviced by a well.

~~8.2.3.1.11~~ **8.14.2.13** Proof of sewage disposal, which may be a letter from a public sanitation district, **committing to provide service for the proposed use** or a copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system adequate for the specified use; or documented proof that the existing individual sewage disposal system is functioning properly and is adequate for the proposed use.

~~8.2.3.1.12~~ **8.14.2.14** A detailed roadway impact analysis (*on a form obtained from the Department*) prepared by a professional engineer licensed to work in Colorado as per Section 5.11 of this Resolution, unless all vehicular traffic enters and exits the site onto a Federal or State Highway where the Colorado Department of Transportation has issued an access permit for the specified use.

- ~~8.2.3.1.13~~ **8.14.2.15** Refuse disposal plan: The storage, collection, and disposal of refuse shall be so located and managed as not to create a health hazard, rodent harborage, insect breeding, accidents, hazards, or air pollution. Trash collection receptacles shall be provided and properly screened from view. (*A review by the Fremont County Environmental Health shall be required*)
- ~~8.2.3.1.14~~ **8.14.2.16** Drainage Plan and Report as per Section 5.10 of this Resolution.
- ~~8.2.3.1.15~~ **8.14.2.17** Property owner shall execute a Quit Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, right-of-ways, related structures and/or facilities, **prior to recording of the Commercial Development Plan**. (*County will not accept maintenance of these facilities*). Such deed shall be recorded at the time of recording of the use permit. ~~If non-applicable, provide justification statement as to why such regulations are not applicable~~
- ~~8.2.3.1.16~~ **8.14.2.18** Buffering and landscaping plan shall be in accordance with Section 5.2.6, of this Resolution, if required. Buffering and landscaping shall be completed **prior to recording of the use permit**. If non-applicable, provide a justification statement as to why such regulations are non-applicable.
- ~~8.2.3.1.17~~ **8.14.2.19** A fire protection plan addressing method of fire protection, location of fire hydrants or other means of fire protection. If project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.
- ~~8.2.3.1.18~~ **8.14.2.20** A detailed utility plan showing the proposed location of all utilities (*water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical*), as proposed by the developer. The plan shall include the signatures of all the utility companies noting their approval of the plan.
- ~~8.2.3.1.19~~ **8.14.2.21** All Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Waste to Energy Incineration Systems shall comply with the Solid Waste Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-to-Energy Incineration Systems Regulations, Section 6 of this Resolution, and applicable State and Federal laws and regulations. If non-applicable, provide a justification statement as to why such regulations are non-applicable.

~~8.2.3.1.20~~ **8.14.2.22** Such other and additional information as required by the Department, the Commission or the Board.

~~8.2.4~~ **DRAWING REQUIREMENTS:** ~~Three (3) copies of a site plan, professionally drawn, minimum size of 18" X 24", maximum size of 24" X 36", drawn to scale, between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application; and at least three (3) copies reduced (to 8 1/2" x 11" or 11" x 17"), which shall include the following: (More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification.)~~

8.14.3 DRAWING REQUIREMENTS: Three (3) copies of a drawing, prepared to professional standards, minimum size of 18" X 24", maximum size of 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application; and three (3) reduced (to 8 1/2" x 11" or 11" x 17") copies, all of which shall include the following: (*Note 1: At least one (1) copy shall be of adequate size to use for display at public meetings; Note 2: More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification.*)

~~8.2.4.1~~ **8.14.3.1** The drawing Site plan shall contain a title: "Conditional Use Permit for _____(name)" or "Special Review Use Permit _____(name)".

~~8.2.4.1.1~~ **8.14.3.1.1** The drawing shall contain a site plan subtitle **that provides** ~~shall contain~~ a brief description of the proposed use operation.

~~8.2.4.2~~ **8.14.3.2** Boundary **drawing of the property with bearings and description** dimensions of the area which illustrates the legal description of the subject property;

8.14.3.3 Legal description of the subject property;

8.14.3.4 The total amount of square footage and acreage contained in the subject property.

8.14.3.5 The zoning classification for the subject property.

~~8.2.4.3~~ **8.14.3.7** Written and graphic scale;

~~8.2.4.4~~ **8.14.3.8** North Arrow;

~~8.2.4.5~~ **8.14.3.6** Zoning classification for all adjoining lots, parcels, or tracts.

~~8.2.4.6~~ **8.14.3.9** Vicinity map to locating the **subject property** ~~proposed development~~ in relation to surrounding area, streets, **major natural features**, etcetera.;

8.14.3.10 Provide a table on the drawing to indicate relationship between the proposed construction and existing construction to remain on the property in association with the development requirements of the proposed zone district;

8.14.3.10.1 Minimum lot size;

8.14.3.10.2 Maximum lot coverage;

8.14.3.10.3 Maximum building height;

8.14.3.10.4 Minimum lot width;

8.14.3.10.5 Minimum setback requirements;

8.14.3.10.5.1 Front yard;

8.14.3.10.5.2 Side yards (two sides);

8.14.3.10.5.3 Rear yard.

~~8.2.4.7~~ Identify by label or note all existing buildings and/or structures which will remain on the subject property after development including:

8.14.3.11 The drawing shall illustrate the size, shape and location of all existing buildings, structures and improvements that will remain on the subject property including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

8.14.3.11.1 Each such building, structure and or improvement shall have a label and or note that identifies it and states its existing and or proposed use.

~~8.2.4.7.1~~ **8.14.3.11.2** Location dimensions from at least two (2) property lines for each **such** building, structure **and/or improvement**.

~~8.2.4.7.2~~ **8.14.3.11.3** Square footage and dimensions of all such buildings and structures. ~~and to verify square footage of each.~~

~~8.2.4.7.3~~ **8.14.3.11.4** Building height of each building and/or structure.

8.14.3.12 The drawing shall illustrate the size, shape and location of all proposed buildings, structures and improvements including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

~~8.2.4.7.4~~ Proposed use of all the existing buildings and/or structures to remain on the subject property after development.

8.14.3.12.1 Each such building, structure and or improvement shall have a label and or note that identifies it and states its proposed use.

~~8.2.4.8~~ Identify by label or note all proposed buildings and/or structures which will be located on the subject property including:

~~8.2.4.8.1~~ **8.14.3.12.2** Location dimensions from at least two (2) property lines for each proposed building, structure or improvement.

~~8.2.4.8.2~~ **8.14.3.12.3** Square footage and dimensions of all buildings and structures. ~~to verify square footage of each.~~

~~8.2.4.8.3~~ **8.14.3.12.4** Building height of each building and/or structure.

~~8.2.4.8.4~~ Proposed use of each of the proposed buildings and/or structures to be located on the subject property.

~~8.2.4.9~~ **8.14.3.13** Identify by label or note all off-street parking areas on the subject property including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

~~8.2.4.9.1~~ **8.14.3.13.1** Dimensions of overall size of all off-street parking areas.

~~8.2.4.9.2~~ **8.14.3.13.2** Proposed surface type for all off-street parking areas. *(See Section 5.3.2 of this Resolution for requirements).*

8.14.3.13.2.1 Proposed thickness of the surface materials of the off-street parking areas.

~~8.2.4.9.3~~ **8.14.3.13.3** Identify by label or note and locate different types of off-street parking spaces. *(Such as full size spaces, compact spaces and spaces for individuals with disabilities). (Map symbol may be used)*

~~8.2.4.9.3.1~~ **8.14.3.13.3.1** Dimension each type of off-street parking space proposed to be used on the subject property. (*A typical drawing for each type of space is acceptable*)

~~8.2.4.9.3.2~~ **8.14.3.13.3.2** A table based on Sections 5.3 and 5.4 of this Resolution specifying the minimum numbers of spaces required for each category **in comparison to the numbers proposed by this application.**

~~8.2.4.10~~ **8.14.3.14** Identify by label or note all off-street loading areas proposed to be contained on the subject property (*See Section 5.5 of this Resolution for requirements*) including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

~~8.2.4.10.1~~ **8.14.3.14.1** Location and size, by dimension, all off-street loading areas.

~~8.2.4.10.2~~ **8.14.3.14.2** Proposed surface type for all off-street loading areas. (See Section 5.3.2 of this Resolution **for requirements.**)

~~8.2.4.10.3~~ **8.14.3.14.3** Proposed thickness of the surface materials of the off-street loading areas.

~~8.2.4.11~~ **8.14.3.15** Identify by label or note, the specific type and height (*at maturity for vegetation and an estimated time to reach maturity*) and locate, by dimension, all landscaping to be used within the off-street parking and loading areas. (*See Section 5.3.4 of this Resolution*) (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

~~8.2.4.12~~ **8.14.3.16** Identify by label or note each internal roadway proposed on the subject property after development including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

~~8.2.4.12.1~~ **8.14.3.16.1** Dimensions from property lines at the beginning and end of the roadway and centerline information for the entire roadway.

~~8.2.4.12.2~~ **8.14.3.16.2** Width at the beginning of the roadway and at any points along the roadway where the width changes.

~~8.2.4.12.3~~ **8.14.3.16.3** All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.

- ~~8.2.4.12.4~~ **8.14.3.16.4** All internal traffic circulation patterns by line symbol.
- ~~8.2.4.12.5~~ **8.14.3.16.5** The surface type, width and thickness, of each internal roadway.
- ~~8.2.4.13~~ **8.14.3.17** Identify by label or note, all pedestrian areas and walkways located outside of buildings and/or structures, on subject property, including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)
- ~~8.2.4.13.1~~ **8.14.3.17.1** Dimensions of all pedestrian areas and walkways.
- ~~8.2.4.13.2~~ **8.14.3.17.2** Surface type, width, length and thickness of all pedestrian areas and walkways.
- ~~8.2.4.14~~ **8.14.3.18** Identify by label or note and locate and size, by dimension(s) all service and refuse areas.
- ~~8.2.4.15~~ **8.14.3.19** **Identify and locate** all drainageways including FEMA flood areas, by dimensions from property lines. ~~or other natural features having an effect on or which would be affected by the proposed use.~~
- 8.14.3.20** **Identify and locate significant natural features of the subject property by dimensions from the property lines.**
- ~~8.2.4.16~~ **8.14.3.21** Identify **and locate** ~~by note or label~~ all drainage facilities **including:**
- 8.14.3.21.1** **Dimension all drainage facilities.**
- ~~8.2.4.17~~ **8.14.3.21.2** All drainage facilities shall be ~~located by dimension~~ and shall be designated as a drainage easement.
- ~~8.2.4.18~~ **8.14.3.22** Identify by label or note, and locate by dimension, the specific type of lighting proposed for off-street parking and loading areas (*See Section 5.3.3 of this Resolution*) including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)
- ~~8.2.4.18.1~~ **8.14.3.22.1** The heights of light poles and illustrate the lighting coverage area.

~~8.2.4.18.1~~ **8.14.3.22.1.1** Proposed lighting shall not **direct light** be directed ~~light onto any public roadways.~~ toward surrounding properties and shielding of lighting may be required to mitigate impacts to surrounding properties.

~~8.2.4.18.1~~ **8.14.3.22.1.2** Lighting shall not be directed toward surrounding properties.

8.14.3.22.1.2.1 Shielding of lighting, or other methods, may be required to mitigate impacts to surrounding properties.

~~8.2.4.19~~ **8.14.3.23** Identify by label or note, and locate by dimension, the specific type of on-site identification signage proposed, including: (*Note: Typical type drawings and or tables may be used to express the required information if appropriate.*)

~~8.2.4.19.1~~ **8.14.3.23.1** Total square footage of all **proposed** signs **along with** the width and length of the **proposed** signs.

~~8.2.4.19.2~~ **8.14.3.23.2** Total height of proposed signs, including poles and/or pedestals.

8.14.3.23.3 A statement or note shall be provided to signify whether or not the proposed signs will be illuminated.

8.14.3.23.3.1 Illuminated signage shall not direct light onto any public roadways.

~~8.2.4.19.3~~ **8.14.3.23.3.2** ~~How signs are to be illuminated signage and how light will be directed away from~~ **shall not direct light onto** adjoining properties.

~~8.2.4.20~~ **8.14.3.24** Identify by label or note, locate and dimension all open space areas, if provided.

~~8.2.4.21~~ **8.14.3.25** Identify by label or note all existing ~~or proposed~~ easements located on the subject property ~~after development~~ including:

~~8.2.4.21.1~~ **8.14.3.25.1** Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.

~~8.2.4.21.2~~ **8.14.3.25.2** Width at the beginning and the end of the easement and at any points along the easement where the width changes.

8.14.3.25.3 If existing easements are to be vacated or relocated appropriate information shall be provided by label or note.

8.14.3.26 Identify by label or note all proposed easements to be located on the subject property after the development including:

8.14.3.26.1 Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.

8.14.3.26.2 Width at the beginning and the end of the easement and at any points along the easement where the width changes.

8.14.3.27 Topography of the site (*two (2) foot contours or less*).

8.14.3.28 Final grading plan (*not greater than two (2) foot intervals*).

8.14.3.29 Designate soil type areas.

8.14.3.29.1 In a table provide a brief description of the soil characteristics.

8.14.3.30 If the drawing requires the use of symbols or lines that cannot or should not be identified by label, then the drawing shall include a legend in which to identify them.

8.14.3.31 If the drawing requires notes in order to understand different aspects of the property and or proposal, then the drawing shall contain a note section in which each note is identified by a numerical or alpha designation.

8.14.3.32 Such other additional information on the drawing required by the Department, Commission, or the Board

By describing the process for zone changes, conditional use permits, special review use permits and commercial development plans in one section (Section 8.4 through Section 8.11, of the proposed amendment) the following can be eliminated.

~~8.2.5 REFERRAL TO THE COMMISSION AND BOARD:~~

~~8.2.5.1 The Commission shall consider the application for a conditional use permit or special review use permit at a public meeting at which time the applicant may offer comments and testimony concerning the application. The Commission may hear comments and receive sworn or unsworn testimony from interested persons, but shall not be required to do so. In making its recommendation the Commission shall consider the standards and~~

~~criteria set forth in 8.2.6.1 and 8.2.6.2 of this Resolution, and may recommend modifications of the application and conditions for approval. The hearing may be continued to a later date by the Commission, but no such continuance shall exceed forty (40) days. The Commission may approve, deny, table, or approve with contingencies.~~

~~8.2.5.2 — Following the recommendation of the Commission the conditional use permit or special review use permit application shall be placed on the agenda of the next regular meeting of the Board for the purpose of setting a public hearing date. A notice of the public hearing shall be published once by the Department, at the expense of the applicant, at least fourteen (14) days prior to the hearing date, in a newspaper of general circulation in Fremont County. Such notice shall indicate the time, date, and place of the hearing and give a brief summary or explanation of the proposed use and its location.~~

~~8.2.5.3 — Upon notification to the applicant of the date and time of scheduled public hearing by the Department, the applicant shall complete the following:~~

~~8.2.5.3.1 — Mailing by certified mail, return receipt (*labeled to identify the project name*) to the Department, at least fourteen (14) days prior to the date of hearing, a notice (*on a form provided by the Department*), a site plan and a vicinity map locating subject property, to all property owners within five hundred (500) feet of the boundaries of the subject parcel; or within a radius around the property that will provide notice to property owners who will likely be directly impacted by the use.~~

~~8.2.5.2 — Posting of a notice, at least 3' X 4' in size and with each letter at least 2" in height, containing the specific matter of the hearing, including identification of the use, the date, time of hearing, location of hearing and the telephone number of the Department where additional information may be obtained. The sign shall be posted continuously for at least fourteen (14) days prior to the hearing on the parcel proposed for change, not further than fifteen (15) feet from the public right of way, providing access to the parcel except where more than one (1) parcel is involved and/or more than one (1) public right of way provides access, all parcels and/or sides facing any public right of way shall be so posted. All posting shall be so placed upon the parcel or at a public off-site location as determined by the Department to provide for clear and unobstructed viewing from the nearest public right of way.~~

~~8.2.5.4 — The Board shall consider the application for a conditional use permit or special review use permit and recommendation of the Commission at a public hearing at which time the applicant, adjacent landowners, and interested persons may offer comments, evidence, and sworn or unsworn~~

~~testimony concerning the application. The hearing may be continued to a later date by the Board. The Board shall approve the application, with or without modifications and conditions, or deny the application within forty-five (45) days after the conclusion of the hearing or the date to which it was continued. All required improvements shall be completed prior to the recording of the use permit.~~

~~8.2.5.5 — Following approval by the Board, all contingencies required as part of the approval of the conditional use permit or special review use permit shall be submitted within six (6) months from the date of approval. If the contingency items are not submitted by the deadline, the proposed use shall be deemed expired.~~

~~8.2.5.6 — The applicant or his representative shall be present at the Commission and Board meeting, or the application for a conditional use permit or special review use permit will be tabled to the next regular meeting. If the applicant or his representative fails to attend the next regular meeting, the application will be considered withdrawn.~~

~~8.2.5.7 — Certification of the conditional use permit or special review use permit. If a conditional use permit or special review use permit receives a majority vote for approval by the Board and all contingencies have been completed, a copy of the resolution shall then be filed with the County Clerk and Recorder, which she shall index, file, and make available to the public.~~

~~8.2.6~~ **8.14.4 APPROVAL CRITERIA:** The Board may approve the application for conditional use permit or special review use permit provided that it is established by evidence presented to the Board that the proposed use is in accordance with the provisions of the Fremont County Master Plan and the Zoning Resolution, and further that the following qualifications have been met:

~~8.2.6.1~~ **8.14.4.1** The procedural requirements of this section have been met.

~~8.2.6.1.1~~ **8.14.4.1.1** The location of the proposed use is compatible and harmonious with the surrounding neighborhood.

~~8.2.6.1.2~~ **8.14.4.1.2** The proposed use will not have detrimental effect on property values.

~~8.2.6.1.3~~ **8.14.4.1.3** The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities, or adverse environmental influences.

~~8.2.6.1.4~~ **8.14.4.1.4** The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.

~~8.2.6.1.5~~ **8.14.4.1.5** 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.

~~8.2.6.1.6~~ **8.14.4.1.6** The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety, and welfare of the inhabitants of the County, and will not cause significant air, water, noise, or other pollution.

~~8.2.6.2~~ **8.14.4.2** In approving an application for a conditional use permit or special review use permit, the Board may require higher standards for site development than listed for such use in this Resolution and may make approval contingent on the acceptance and observance by the applicant of specified conditions relating to, but not limited to, the following considerations:

~~8.2.6.2.1~~ **8.14.4.2.1** Conformity to plans and drawings submitted with the application.

~~8.2.6.2.2~~ **8.14.4.2.2** The provision for open spaces, buffer strips, screen walls, fences, hedges, and landscaping.

~~8.2.6.2.3~~ **8.14.4.2.3** The volume of traffic generated, vehicular movements, and points of vehicular ingress and egress.

~~8.2.6.2.4~~ **8.14.4.2.4** Performance characteristics related to emission of noise, vibration, and other potentially dangerous or objectionable elements, or environmental impacts.

~~8.2.6.2.5~~ **8.14.4.2.5** Limits on time and days of operation for the conducting of specific activity.

~~8.2.6.2.6~~ **8.14.4.2.6** Guarantees as to compliance with the terms of the approval.

~~8.2.6.2.7~~ **8.14.4.2.7** Obtaining all other permits or licenses required by any governmental or regulatory agency.

~~8.2.6.2.8~~ **8.14.4.2.8** Other off-site impacts.

~~8.2.6.3~~ **8.14.4.3** No approved conditional use permit or special review use permit shall be assigned, conveyed, or transferred without notification to the Department accompanied by a written statement from the assignee or transferee that the assignee or transferee assumes responsibility for the performance of all obligations, conditions, and guarantees originally imposed upon the original permit. The statement shall be considered for approval by the Board without the necessity of a public hearing. The Board shall consider the ability of the proposed transferee to comply with the conditions, obligations, and guarantees of the original conditional use permit or special review use permit.

~~8.2.6.4~~ **8.14.4.4** If a conditional use permit or special review use permit is approved under this section, is abandoned, discontinued or terminated, for a period of six (6) months, the approval thereof shall be deemed expired and the use may not be resumed without approval of a new application pursuant to the procedures and conditions of this section. Provided, however, if the holder of the permit intends to, or does temporarily cease the conditional use permit or special review use permit for six (6) months or more without intending to abandon, discontinue, or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six (6) 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 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.

~~8.2.6.5~~ **8.14.4.5** The approval of a conditional use permit or special review use permit may be deemed suspended by the Board at a public meeting upon the expiration or termination of the permit holder's right to possession of the permit site, or if any other required permit expires or is terminated or revoked, which suspension shall continue until the permit holder reinstates or renews such right to possession or any required permit. Provided, however, no period of suspension shall extend beyond the term of the permit or any extension thereof. No use authorized by the conditional use permit or special review use permit shall be allowed upon the property during any period of suspension.

~~8.2.6.6~~ **8.14.4.6** The holder of the conditional use permit or special review use permit shall be given reasonable notice of the date and time of the Board meeting at which suspension of the conditional use permit or special review use permit will be discussed and decided. The conditional use permit or special review use permit holder will be afforded an opportunity to

address the Board on the issue of suspension of the conditional use permit or special review use permit at such meeting.

~~8.2.7~~ **8.14.5** ADDITIONAL GENERAL REQUIREMENTS/CONDITIONAL USE PERMIT: A statement setting forth the estimated duration of the conditional use permit and the length of time requested for the permit to remain in effect.

~~8.2.8~~ **8.14.6** ADDITIONAL APPROVAL CRITERIA/CONDITIONAL USE PERMIT/ SPECIAL REVIEW USE:

~~8.2.8.1~~ **8.14.6.1** In the absence of a specific finding that the conditional use permit should be issued for a term greater or lesser than ten (10) years, all conditional use permits issued under this section shall be for a term of ten (10) years. Such term includes that period of time after cessation of the use necessary to complete reclamation of disturbed lands or compliance with any other conditions that may have been set forth in the original permit. Except under circumstances where a greater or lesser term has been specified and subject to the other provisions of this paragraph, the applicant may be entitled to successive ten (10) year renewals of the permit upon application to the Board through the Department. Such application for renewal shall incorporate by reference the original application and all exhibits attached thereto, shall contain a statement that all conditions and guarantees incorporated into the original permit have been met or have been complied with and will continue to remain in effect, and may contain a request for any modifications thereof requested by the applicant. Compliance with all terms, conditions, and guarantees of the original permit shall be a prerequisite of renewal. The application for renewal shall be submitted to the Department at least sixty (60) days prior to the expiration date of the original permit or any prior extension thereof. Upon a determination by the Department that the application for renewal is in proper form, the Board shall schedule a public hearing on the application for renewal, and notice of such hearing shall be given as provided in 8.2.5.2 and 8.2.5.3 of this Resolution. The Board may hear evidence at the public hearing concerning whether there has been noncompliance with the conditions of the original permit, whether the applicant has requested modifications or changes in the permitted use that constitute a material change in the use (*in which case the application will be treated as a new application subject to all standards and criteria of this section*), and whether the continuance of the use could be detrimental to the general health, safety, and welfare of the area by reason of substantial changed area conditions. Conditional use permits originally issued or extended for a term greater or lesser than ten (10) years may be extended as set forth herein for such term as may be determined by the Board.

~~8.2.8.2~~ **8.14.6.2** If a conditional use permit has been approved or extended under this section for a specified term, the use may not be lawfully continued upon expiration of that term unless and until an extension thereof is approved under this section.

~~8.2.8.3~~ **8.14.6.3** Any conditional use permit lawfully in existence at the time of adoption of this Resolution shall be eligible for renewal or extension in accordance with the renewal or extension provisions of the current zoning resolution. Such eligibility shall exist regardless of whether the conditional use is authorized in the zone district established by this Resolution.

~~8.2.8.4~~ **8.14.6.4** All conditional use permits approved in accordance with this section shall be subject to review by the Board on a yearly basis, after the date of issuance or extension of the permit, or the date of assignment thereof. In the absence of a complaint such review shall be informal and without the necessity of a public hearing. If such review is accompanied by a complaint, the review shall be held by the Board at their next regularly scheduled meeting and the applicant shall be notified. The standards for review in either case shall include compliance with any other required permits, a review of the activities of the permit holder, and any other matter relevant to the holder, and any other matter relevant to the permit. The permit holder shall attend such review and furnish information that may be relevant.

~~8.2.8.5~~ **8.14.6.5** If a conditional use is issued for a specific period, the period shall begin to run on the date the application is approved by the Board unless another date is fixed by the Board.

~~8.2.8.6~~ **8.14.6.6** The specified term of a Special Review Use Permit is for life of the use unless otherwise specified by the Board. If an application for renewal is required, it shall incorporate by reference the original application and all exhibits attached thereto, shall contain a statement that all conditions and guarantees incorporated into the original permit have been met or have been complied with and will continue to remain in effect, and may contain a request for any modifications thereof requested by the applicant. Compliance with all terms, conditions and guarantees of the original permit shall be a prerequisite of renewal. The application for renewal shall be submitted to the Department at least sixty (60) days prior to the expiration date of the original permit or any prior extension thereof. Upon a determination by the Department that the application for renewal is in proper form, the Board shall schedule a public hearing on the application for renewal, and notice of such hearing shall be given as provided in 8.2.5.3.1 and 8.2.5.3.2 of this Resolution. The Board may hear evidence at the public hearing concerning whether there has been non-compliance with the conditions of the original permit, whether the applicant has requested

modifications or changes in the permitted use that constitute a material change in the use (*in which case the application will be treated as a new application subject to all standards and criteria of this section*), and whether the continuance of the use could be detrimental to the general health, safety, and welfare of the area by reason of substantial changed area conditions. Special Review Use Permits originally issued or extended for a term as specified by the Board may be extended as set forth herein for such term as may be determined by the Board.

~~8.2.9~~ **8.14.7 SPECIAL REQUIREMENTS/SPECIAL REVIEW USES:**

~~8.2.9.1~~ **8.14.7.1 AIRPORTS, PRIVATE:** The following information shall be provided with the application:

~~8.2.9.1.1~~ **8.14.7.1.1** Physical description of the landing area and its immediately adjacent area satisfactory to demonstrate the safety of take-offs and landings there from, to include a vicinity map locating the proposed airport site in relation to surrounding areas, streets, structures, railways, mains, pipes, conduits, wires, cables, poles, and all other facilities and equipment that may interfere with the location, expansion, development, improvement, or use of such airport.

~~8.2.9.1.2~~ **8.14.7.1.2** Written description of the flight plan or flight plans that will be regularly employed, to include:

~~8.2.9.1.2.1~~ **8.14.7.1.2.1** How take-offs and landings will be accomplished, specifically including directions and minimum altitudes necessary to safely operate;

~~8.2.9.1.2.2~~ **8.14.7.1.2.2** Minimum altitudes that will be maintained at various relevant points during the normal flight path within Fremont County; and

~~8.2.9.1.2.3~~ **8.14.7.1.2.3** A map or other suitable drawing indicating the regular flight paths to be taken within Fremont County.

~~8.2.9.1.3~~ **8.14.7.1.3** Proof that the applicant has liability insurance or the ability to acquire liability insurance of a minimum amount to be determined by the Board. Upon issuance of a special review use permit, applicants shall comply with all terms and conditions of its insurance policy and adhere to all representations made by the applicant therein in order that the coverage not be rendered inapplicable for any reason. Said insurance policy shall also provide for additional insurance as determined by the Board. (*A current certificate of insurance shall be continuously on file with the Board.*)

~~8.2.9.2~~ **8.14.7.2** ADULT USES: The following requirements shall be met:

~~8.2.9.2.1~~ **8.14.7.2.1** No adult use shall be permitted within one-thousand (1,000) feet of any residentially zoned property or property used for a dwelling, measured from the closest property line of such residentially zoned property or dwelling property to the property line of the adult use. Residentially zoned property shall refer to property zoned Agricultural Forestry, Agricultural Farming & Ranching, Agricultural Living, Agricultural Rural, Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence, High Density Residence, Manufactured Home Park and Travel Trailer Park & Campground zone districts.

~~8.2.9.2.2~~ **8.14.7.2.2** No adult use shall be permitted within one-thousand (1,000) feet of any public park, school, church, other adult use, or liquor licensed establishment subject to the State of Colorado liquor code, measured from the closest property line of such public park, school, church, other adult use, or liquor licensed establishment to the property line of the adult use.

~~8.2.9.2.3~~ **8.14.7.2.3** Adult use buildings, entries, windows, and openings shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.

~~8.2.9.2.4~~ **8.14.7.2.4** Adult use structures, signs, and buildings shall not be painted in garish (*excessively vivid*) colors, nor shall promotional materials or displays be exhibited, such as to effectuate the same purposes as a sign.

~~8.2.9.3~~ **8.14.7.3** KENNELS: The following requirements shall be included in or with the application:

~~8.2.9.3.1~~ **8.14.7.3.1** Setbacks for all facilities, including dog runs, shall be a minimum of twenty-five (25) feet from all property lines unless otherwise specified by this Resolution.

~~8.2.9.3.2~~ **8.14.7.3.2** All facilities must be fenced so as to restrict dogs or cats from escaping.

~~8.2.9.3.3~~ **8.14.7.3.3** A suitable drainage method shall be provided to eliminate excess water from all facilities.

~~8.2.9.3.4~~ **8.14.7.3.4** Proposed method of waste disposal.

~~8.2.9.3.5~~ **8.14.7.3.5** Copy of license issued by the Department of Agriculture as related to the Rules and Regulations pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act.

~~8.2.9.3.6~~ **8.14.7.3.6** Copy of license from Colorado Greyhound Racing Commission for all greyhound kennels.

~~8.2.9.4~~ **8.14.7.4** ANTENNAS & TOWERS: The following information shall be provided with the application and in addition to the other requirements of the Special Review Use:

~~8.2.9.4.1~~ **8.14.7.4.1** Lot size shall be determined with the height of the antenna or tower and other development requirements that may govern the size.

~~8.2.9.4.2~~ **8.14.7.4.2** Setbacks for the antenna and tower shall not be less than the district development regulations or twenty-five (25) per cent of the facility height, whichever is greater, unless waived by the Board.

~~8.2.9.4.3~~ **8.14.7.4.3** A design plan addressing the materials, colors, textures, screening, and landscaping that will be used in the design of the antenna, tower, or related structures. The materials used shall, as to the extent possible, blend into the natural setting and surrounding buildings.

~~8.2.9.4.4~~ **8.14.7.4.4** A lighting plan if required by the Federal Aviation Administration or other applicable authority.

~~8.2.9.4.5~~ **8.14.7.4.5** A report by a Colorado registered engineer demonstrating compliance with applicable structural standards and the general capacity of the proposed facility.

~~8.2.9.4.6~~ **8.14.7.4.6** A report or site plan that addresses the relative shape, size, and location of all existing and proposed antennas, towers, guy wire anchors, warning signs, and fencing within a radius of 500 feet of the boundaries of the property that will house the tower and/or antenna.

~~8.2.9.4.7~~ **8.14.7.4.7** The distance between the antenna and/or tower from the nearest residential unit.

~~8.2.9.4.8~~ **8.14.7.4.8** Evidence that demonstrates that no existing antennas and/or towers or alternative technology can accommodate the applicant's proposed antenna and/or tower.

~~8.2.9.4.9~~ **8.14.7.4.9** The following is a list of additional factors that may be considered in the granting of a Special Review Use permit for antennas and towers and related structures:

~~8.2.9.4.9.1~~ **8.14.7.4.9.1** Height of the tower;

~~8.2.9.4.9.2~~ **8.14.7.4.9.2** Proximity of the tower to residential structures and residential district boundaries;

~~8.2.9.4.9.3~~ **8.14.7.4.9.3** Surrounding topography;

~~8.2.9.4.9.4~~ **8.14.7.4.9.4** Surrounding tree coverage and foliage;

~~8.2.9.4.9.5~~ **8.14.7.4.9.5** Design of tower, with particular reference to characteristics that have the effect of reducing, or eliminating visual obtrusiveness.

~~8.2.10~~ **8.14.8** VIOLATIONS:

~~8.2.10.1~~ **8.14.8.1** Operation or continuance of use that requires a conditional use permit or special review use permit will subject the violator to the penalties in effect set forth at 1.6.2 of this Resolution, together with any penalties provided by state or local law.

~~8.2.10.2~~ **8.14.8.2** The Department, the Code Enforcement Officer, or any other interested person who is affected thereby, may file a written complaint with the Department alleging a violation(s) of one or more conditions of the permit. The Department or Code Enforcement Officer shall investigate the complaint and determine if the holder of a Conditional Use Permit or Special Review Use Permit has violated one or more conditions of the same.

~~8.2.10.3~~ **8.14.8.3** If the Department or Code Enforcement Officer determines that a violation(s) of a permit has occurred or is occurring, written notice of the violation(s) shall be provided to the holder of the permit, which shall be mailed by U.S. Certified Mail, return receipt request to the address of the holder as shown by the records of the Department. The notice shall state the alleged violation(s) of the permit conditions. The notice shall provide the permit holder a reasonable time to correct such violation(s) and shall provide that if the violation(s) is not corrected within such time, the permit may be subject to suspension or termination by the Board.

~~8.2.10.4~~ **8.14.8.4** Upon receipt of the notice, the permit holder may object to the claimed violation(s) by submitting a written statement setting forth such objection to the Department, and shall specify and set forth any

facts that may show that no violation(s) has occurred. The Department shall review the objection and shall contact the permit holder to attempt to resolve the dispute. If informal discussions do not resolve the dispute, the Department shall schedule the matter on the agenda for hearing at a regular meeting of the Board. The permit holder shall be provided a written notice of the date and time of the hearing, which shall be mailed by U.S. Certified Mail, return receipt requested, no later than ten (10) days prior to the hearing date.

~~8.2.10.5~~ **8.14.8.5** Upon receipt of a second or subsequent complaint alleging repeated or new violations of a permit by a permit holder, the Department or Code Enforcement Officer shall investigate the complaint and determine if the holder of a Conditional Use Permit or Special Review Use Permit has violated one or more conditions of the same. If the Department or Code Enforcement Officer determines that another violation(s) of a permit has occurred or is occurring, the Department shall schedule the matter on the agenda for hearing at a regular meeting of the Board. The permit holder shall be provided a written notice of the alleged violation(s) and the date and time of the hearing, which shall be mailed by U.S. Certified Mail, return receipt requested, no later than ten (10) days prior to the hearing date.

~~8.2.10.6~~ **8.14.8.6** Upon receipt of the combined notice of violation(s) and notice of hearing for a second or subsequent violation(s) of a permit, the permit holder may object to the claimed violation(s) by submitting a written statement setting forth such objection to the Department, and shall specify and set forth any facts that may show that no violation(s) has occurred.

~~8.2.10.7~~ **8.14.8.7** At the hearing conducted by the Board, the Department, Code Enforcement Officer, permit holder, and any other interested person shall be allowed to present evidence and testimony concerning the alleged violation(s). The burden of proving the violation by a preponderance of the evidence shall be on the Department.

~~8.2.10.8~~ **8.14.8.8** If the Board determines that one or more violations of the conditions of the permit have occurred, it may take any action it deems appropriate and consistent with the intent and purpose of this Resolution including, but not limited to, termination or limited suspension of the conditional use or special review use permit, providing a reasonable time period for correction of any violation(s), and imposition of additional permit conditions. The decision of the Board shall be final agency action by the County.

By describing the process for zone changes, conditional use permits, special review use permits and commercial development plans in one section (Section 8.4 through Section 8.11, of the proposed amendment) the following can be eliminated.

~~8.2.11 FEES: A nonrefundable application fee shall be established from time to time by resolution of the Board.~~

~~8.2.12 MODIFICATION OF A RECORDED CONDITIONAL USE OR SPECIAL REVIEW USE PERMIT: A Conditional Use or 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 this Resolution (*complete reapplication*).~~

~~8.2.12.1 A letter (*with supporting documentation, if applicable*) detailing the change(s) that would constitute the modification(s) shall be submitted to the Department along with a review fee for the same. The Department will review the letter and will either administratively approve the change(s) as a Minor Modification (*Changes that would not result in an increased impact to the neighborhood nor require a change to the recorded drawing*) or will confirm that the proposed change(s) would be considered a Major Modification (*Changes that would result in an increased impact to the neighborhood and/or require a change to the recorded drawing*).~~

~~8.2.12.1.1 A review of the letter submitted shall be conducted by the Department within thirty (30) working days of the date the letter was submitted to the Department.~~

~~8.2.12.1.2 If the Department review results in the determination that the proposed change(s) is a Major Modification to the permit then submittal by the applicant shall be in accordance with permit application submittal deadlines and fees.~~

~~8.2.12.1.3 The Department, Commission and or Board may require additional information of the applicant in order to perform an adequate review of the letter or application.~~

~~8.2.12.2 Modification items that have the potential to impact the neighborhood in any way or affect the general health and welfare of the citizens of Fremont County shall be considered in the review of any proposed permit modifications. Items that will be considered in the review of proposed modifications include, but are not limited to: use of the property; term of the use; days and hours of operation; building or structure size, location, height, increase in the numbers of buildings or structures; type of vehicles, increase in vehicle trips on or off the property, traffic flows and circulation of traffic; off street parking and loading area requirements, buffering and landscaping of the property; open space, lighting and signage; sewage disposal, water availability; utility service requirements to the property and the neighborhood; fire protection; stormwater drainage and mining plan and reclamation plan modifications.~~

8.15 SITE COMMERCIAL DEVELOPMENT PLAN

8.15.1 GOAL: Fremont County continues to welcome new business and industrial interests while constantly working to enhance conditions for continued success of its existing commercial enterprises and land use compatibility for its residents and visitors. Fremont County works to insure an understanding of regulations and will provide information and guidance necessary for applicants to provide representation adequate for review by appropriate entities.

8.15.2 PURPOSE: Commercial Development Plan Applications provide adequacy review of proposed business, industrial and multi-family developments and significant expansions of the same. These applications provide an opportunity for the governing body, service providers, utility providers, neighborhood property owners and applicants to judge the potential impacts, positive and negative, of a development. Commercial development review provides opportunity to evaluate existing infrastructure to determine the scope of necessary improvements to adequately service the proposed development or expansion and determine the burden of expense while ensuring a continued level of service to the current neighborhood. Such applications provide a chance for neighborhood and constituent input for suggestions of ways to make the proposed development as compatible as possible.

8.15.3 In order to determine if a Commercial Development Plan is required, a zoning verification is required along with completing a Commercial Development Plan Questionnaire. Upon receipt of a complete questionnaire the Department will notify, the potential applicant, in writing, as to whether the Commercial Development Plan application is or is not required.

8.15.4 A Commercial Development Plan shall be in affect for three (3) years from the date of approval by the Board, unless an extension has been granted by formal action of the Board.

8.15.5 At the time of application the applicant may propose phasing of the development with a defined time frame for the phasing.

8.15.5.1 No phasing shall be approved that exceeds a total time frame of six (6) years for completion of the development.

8.15.6 Completion of all the items proposed by the application and required by the approval shall be accomplished within three years of the date of approval by the Board, unless an extension has been granted by formal action of the Board.

~~8.3-1~~ **8.15.7** WHEN REQUIRED: ~~At least three (3) copies (one (1) original and two (2) copies) of the application (on an application form provided by the Department) and all other documents for a site development plan application shall be submitted to the Department as part of the initial submittal, at least thirty (30) working days prior to a~~

~~regularly scheduled Commission meeting. The applicant will be notified as to how many revised copies will be required within the Department comment and submittal deficiency letter. A site Commercial Development Plan Application will be required to be submitted for any of the following:~~

~~8.3.1.1~~ **8.15.7.1** Any proposal to develop vacant property which is currently located in the Medium Density Residence **and or** High Density Residence **Manufactured Home Park, Travel Trailer Park & Campground, Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts.** Note: As per statute any property zoned Medium or High Density residence will be required to make application for an appropriate subdivision process prior to development, if more than one dwelling unit is proposed.

8.15.7.2 Any proposal to develop vacant property which is currently located in the Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts.

~~8.3.1.2~~ **8.15.7.3** Any substantial change of use (*or occupancy as per the building code*) from one use **that is allowed in the zone district** to another use in the Medium Density Residence, High Density Residence, ~~Manufactured Home Park, Travel Trailer Park & Campground,~~ Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts.

~~8.3.1.3~~ **8.15.7.4** Any substantial expansion **or improvements and** or enlargement of an existing use in the Medium Density Residence, High Density Residence, Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts.

~~8.3.2~~ **8.15.8** WHEN NOT REQUIRED: A site Commercial Development Plan will not be required ~~for 8.3.1.1, 8.3.1.2 or 8.3.1.3~~ if any of the following apply:

~~8.3.2.1~~ For any ~~substantial expansion or enlargement to an existing Manufactured Home Park or a Travel Trailer Park & Campground,~~ however it will be required to comply with all development and general requirements of the individual zone district and a Department review of the plans will be required.

~~8.3.2.2~~ **8.15.8.1** When a site Commercial Development Plan has been previously approved, ~~in conjunction with 8.3.1.1, 8.3.1.2 or 8.3.1.3~~ **and there is no proposed substantial change of use.**

8.15.8.1.1 When a Commercial Development Plan has been previously approved for the subject property and there is no proposed substantial expansion or alteration of the proposed buildings, structures or improvements.

8.15.8.1.2 When a Commercial Development Plan has been previously approved for the subject property and there is no proposed substantial enlargement of the proposed use.

8.15.8.1.3 When a Commercial Development Plan has been previously approved for the subject property and not more than three (3) years has passed since the approval of the Commercial Development Plan.

~~8.3.2.3~~ **8.15.8.1.4** A preliminary plan and final plat application is required in conjunction with 8.3.1.1, 8.3.1.2 or 8.3.1.3. It should be further noted that the Preliminary Plan may be subject to some of the Site Development Plan drawing requirements. **When a Preliminary plan and a final plat application is submitted in conjunction with a zone change application.**

~~8.3.2.4~~ **8.15.8.1.5** A minor subdivision application is required in conjunction with 8.3.1.1, 8.3.1.2 or 8.3.1.3, however it will be required to comply with the Site Development Plan drawing requirements as per Section 8.3.2 of the Zoning Resolution and to submit the Roadway Impact Analysis Form. **When a Minor Subdivision application is submitted in conjunction with a zone change application.**

~~8.3.2.5~~ **8.15.8.2** When an application for Zone Change of **the subject property is necessary to allow the proposed use.** ~~Special Review Use, Conditional Use or Temporary Use Permit in zone districts where the use is allowed by the issuance of the use permit.~~

8.15.8.3 When an application for a Special Review Use or Conditional Use Permit is required for the proposed use in zone districts where the use is allowed by the issuance of such a use permit.

~~8.3.3.~~ **8.15.9** ~~SITE DRAWING:~~ Three (3) copies of a ~~site plan~~ **drawing, drawn prepared** to professional standards, minimum size of 18" X 24", maximum size of 24" X 36", **drawn** at a **common increment** scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department **prior** to submittal of the application; and **at least** three (3) reduced (*to 8 1/2" x 11" or 11" x 17"*) copies **all of** which shall include the following: (*Note 1: At least one (1) copy shall be of adequate size to use for display at public meetings; Note 2: More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification.*)

~~8.3.3.1~~ **8.15.9.1** ~~Site~~ The drawing shall contain a title; (*Name*) ~~Site~~ **Commercial Development Plan** ~~for (type of use).~~

~~8.3.3.2~~ **8.15.9.2** The ~~site~~ drawing shall contain a subtitle that provides a brief description of the proposed use.

8.15.9.3 The total amount of square footage and acreage contained in the subject property.

8.15.9.4 The zoning classification for the subject property.

~~8.3.3.3~~—**8.15.9.5** Zoning classification for all adjoining lots, parcels, or tracts.

~~8.3.3.4~~—**8.15.9.6** Written and graphic scale.

~~8.3.3.5~~—**8.15.9.7** North arrow.

~~8.3.3.6~~—**8.15.9.8** Legal description of the **subject** property.

~~8.3.3.7~~—**8.15.9.9** Boundary ~~description~~ **drawing of the property with bearings and dimensions of the area** which illustrates the legal description of the subject property.

~~8.3.3.8~~ **8.15.9.10** Vicinity map locating the **subject property** ~~proposed development~~ in relation to the surrounding area, streets, **major natural features**, etcetera.

8.15.9.11 Provide a table on the drawing to indicate relationship between the proposed construction and existing construction to remain on the property in association with the development requirements of the proposed zone district.

8.15.9.11.1 Minimum lot size;

8.15.9.11.2 Maximum lot coverage;

8.15.9.11.3 Maximum building height;

8.15.9.11.4 Minimum lot width;

8.15.9.11.5 Minimum setback requirements:

8.15.9.11.5.1 Front yard;

8.15.9.11.5.2 Side yards (two);

8.15.9.11.5.3 Rear yard.

~~8.3.3.9~~ **8.15.9.12** Identify by label or note all existing buildings and/or structures which will remain on the subject property after development including: **The drawing shall illustrate the size, shape and location of all existing buildings, structures and improvements that will remain on the subject property including: (Note: Typical type drawings and or tables may be used to express the required information if appropriate.)**

8.15.9.12.1 Each such building, structure and or improvement shall have a label and or note that identifies it and states its existing and or proposed use.

~~8.3.3.9.1~~ **8.15.9.12.2** Dimensions from at least two property lines for each building and/or structure. **Location dimensions from at least two (2) property lines for each such building and/or structure and or improvement.**

~~8.3.3.9.2~~ **8.15.9.12.3** Square footage and dimensions of all buildings and structures to verify square footage of each.

~~8.3.3.9.3.~~ **8.15.9.12.4** Building height of each building and/or structure.

~~8.3.3.9.4~~ Proposed use of all the existing buildings and/or structures to remain on the subject property after development.

~~8.3.3.10~~ **8.15.9.13** Identify by label or note all proposed buildings and/or structures which will be located on the subject property including: **The drawing shall illustrate the size, shape and location of all proposed buildings, structures and improvements including: (Note: Typical type drawings and or tables may be used to express the required information if appropriate.)**

8.15.9.13.1 Each such building, structure and or improvement shall have a label and or note that identifies it and states its proposed use.

~~8.3.3.10.1~~ **8.15.9.13.2** Dimensions from at least two property lines for each building and/or structure. **Location dimensions from at least two (2) property lines for each proposed building and/or structure.**

~~8.3.3.10.2~~ **8.15.9.13.3** Square footage and dimensions of all buildings and structures. to verify square footage of each.

~~8.3.3.10.3~~ **8.15.9.13.4** Building height of each building and/or structure.

~~8.3.3.9.4~~ Proposed use of each of the proposed buildings and/or structures to be located on the subject property.

~~8.3.3.11~~ **8.15.9.14** Identify by label or note each internal roadway proposed on the subject property after development including: **(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)**

~~8.3.3.11.1~~ **8.15.9.14.1** Dimensions from property lines at the beginning and end of the roadway and centerline information for the entire roadway.

~~8.3.3.11.2~~ **8.15.9.14.2** Width at the beginning of the roadway and at any points along the roadway where the width changes.

- ~~8.3.3.11.3~~ **8.15.9.14.3** All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.
- ~~8.3.3.11.4~~ **8.15.9.14.4** All internal traffic circulation patterns by line symbol.
- ~~8.3.3.11.5~~ **8.15.9.14.5** The surface type, the width and thickness, of each internal roadway.
- ~~8.3.3.12~~ **8.15.9.15** Identify by label or note, all pedestrian areas and walkways located outside of buildings and/or structures, on subject property, including: (*Note: Typical type drawings and / or tables may be used to express the required information, if appropriate*).
- ~~8.3.3.12.1~~ **8.15.9.15.1** Dimensions of all pedestrian areas and walkways.
- ~~8.3.3.12.2~~ **8.15.9.15.2** Surface type, width, length and thickness of all pedestrian areas and walkways.
- ~~8.3.3.13~~ **8.15.9.16** Identify by label or note all off-street parking areas on the subject property including: (*Note: Typical type drawings and / or tables may be used to express the required information, if appropriate*).
- ~~8.3.3.13.1~~ **8.15.9.16.1** Dimensions of overall size of all off-street parking areas.
- ~~8.3.3.13.2~~ **8.15.9.16.2** Proposed surface type for all off-street parking areas. (See Section 5.3.2 of this Resolution for requirements).
- ~~8.3.3.13.2.1~~ **8.15.9.16.2.1** Proposed thickness of the surface materials of the off-street parking areas.
- ~~8.3.3.13.3~~ **8.15.9.16.3** Identify by label or note and locate different types of off-street parking spaces. (*Such as full size spaces, compact spaces and spaces for individuals with disabilities*). (Map symbol may be used)
- ~~8.3.3.13.3.1~~ **8.15.9.16.3.1** Dimension each type of off-street parking space proposed to be used on the subject property. (*A typical drawing for each type of space is acceptable*).
- ~~8.3.5.13.3.2~~ **8.15.9.16.3.2** A table based on Sections 5.3 and 5.4 of this Resolution specifying the minimum numbers of spaces required for each category, **in comparison to the numbers proposed by this application.**

~~8.3.3.14~~ **8.15.9.17** Identify by label or note all off-street loading areas proposed to be contained on the subject property (See Section 5.5 of this Resolution for requirements) including: *(Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).*

~~8.3.3.14.1~~ **8.15.9.17.1** Location and size, by dimension, all off-street loading areas.

~~8.3.5.14.2~~ **8.15.9.17.2** Proposed surface type for all off-street loading areas. (See Section 5.3.2 of this Resolution for requirements).

~~8.3.3.14.2.1~~ **8.15.9.17.3** Proposed thickness of the surface materials of the off-street loading areas.

~~8.3.3.15~~ **8.15.9.18** Identify by label or note, the specific type and height (*at maturity for vegetation and an estimated time to reach maturity*) and locate, by dimension, all landscaping to be used within the off-street parking and loading areas. (See Section 5.3.4 of this Resolution). *(Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).*

~~8.3.3.16~~ **8.15.9.19** Identify by label or note, and locate by dimension, the specific type of lighting proposed for off-street parking and loading areas (See Section 5.3.3 of this Resolution) including: *(Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).*

~~8.3.3.16.1~~ The heights of light poles and illustrate the lighting coverage area. Lighting shall not be directed toward surrounding properties and shielding o lighting may be required to mitigate impacts to surrounding properties.

8.15.9.19.1 The heights of light poles and illustrate the lighting coverage area.

8.15.9.19.1.1 Proposed lighting shall not direct light onto any public roadways.

8.15.9.19.1.2 Lighting shall not be directed toward surrounding properties.

8.15.9.19.1.2.1 Shielding of lighting, or other methods may be required to mitigate impacts to surrounding properties.

~~8.3.3.17~~ **8.15.9.20** Identify by label or note, and locate by dimension, the specific type of on-site identification signage proposed, including: *(Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).*

~~8.3.3.17.1~~ **8.15.9.20.1** Total square footage of all **proposed** signs, **along with** the width and length of the **proposed** signs.

~~8.3.3.17.2~~ **8.15.9.20.2** Total height of proposed signs, including poles and/or pedestals.

~~8.3.3.17.3~~ **8.15.9.20.3** ~~How signs are to be illuminated and how light will be directed away from adjoining properties.~~ **A statement or note shall be provided to signify whether or not the proposed signs will be illuminated.**

8.15.9.20.3.1 **Illuminated signage shall not direct light onto any public roadways.**

8.15.9.20.3.2 **Illuminated signage shall not direct light onto adjoining properties.**

~~8.3.3.18~~ **8.15.9.21** Identify by label or note, locate and dimension all open space areas, if provided.

~~8.3.3.19~~ ~~Identify and locate all drainage facilities, including~~

~~8.3.3.19.1~~ ~~Dimension all drainage facilities.~~

~~8.3.5.19.2~~ ~~All drainage facilities shall be designated as a drainage easement.~~

~~8.3.3.20~~ **8.15.9.22** Identify by label or note all existing ~~or proposed~~ easements located on the subject property ~~after development~~ including:

~~8.3.3.20.1~~ **8.15.9.22.1** Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.

~~8.3.3.20.2~~ **8.15.9.22.2** Width at the beginning and the end of the easement and at any points along the easement where the width changes.

8.15.9.22.3 **If existing easements are to be vacated or relocated appropriate information shall be provided by label or note.**

8.15.9.23 Identify by label or note all proposed easements to be located on the subject property including:

8.15.9.23.1 **Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.**

8.15.9.23.2 **Width at the beginning and the end of the easement and at any points along the easement where the width changes.**

~~8.3.3.21~~ **8.15.9.24** Identify by label or note and locate and size, by dimension(s) all service and refuse areas.

~~8.3.3.22~~ **8.15.9.25** **Identify and** locate all drainageways including FEMA flood areas, by dimensions from property lines. ~~or other natural features having an effect on or which would be affected by the proposed use.~~

8.15.9.26 **Identify and locate, by dimensions, significant natural features of the subject property.**

8.15.9.27 **Identify and locate all drainage facilities, including:**

8.15.9.27.1 **Dimension all drainage facilities.**

8.15.9.27.2 **All drainage facilities shall be designated as a drainage easement.**

~~8.3.3.23~~ **8.15.9.28** Topography of the site (*two (2) foot contours or less*).

~~8.3.3.24~~ **8.15.9.29** Final grading plan (*not greater than two (2) foot intervals*).

~~8.3.3.25~~ **8.15.9.30** Designate soil type areas.

8.15.9.30.1 **In a table provide a brief description of the soil characteristics.**

8.15.9.31 **If the drawing requires the use of symbols or lines that cannot or should not be identified by label, then the drawing shall include a legend in which to identify them.**

8.15.9.32 **If the drawing requires notes in order to understand different aspects of the property and or proposal, then the drawing shall contain a note section in which each note is identified by a numerical or alpha designation.**

8.15.9.33 **Such other additional information on the drawing required by the Department, Commission, or the Board.**

8.15.10 ~~ADDITIONAL~~ **OTHER APPLICATION REQUIREMENTS: (*Most items will be addressed in the appropriate application form*).**

~~8.3.4.1~~ **8.15.10.1** A copy of the current deed of record identifying the current property owner of the subject property including:

~~8.3.4.1.1~~ **8.15.10.1.1** **Written** authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which the representation is authorized.

~~8.3.4.2~~ A complete legal description of the proposed site.

~~8.3.4.2.1~~ **8.15.10.1.2** If the proposed **commercial site** development plan application is not intended to cover the entire property described in the current deed of record then an appropriate subdivision application may be required as a condition of approval.

~~8.3.4.3~~ **8.15.10.2** Proof of water, which may be a letter from a public water district indicating that the proposed use can be provided water service, or a letter or a copy of a well permit from the Colorado Division of Water Resources, or other appropriate representative, which indicates that the proposed use can be serviced by a well.

~~8.3.4.4~~ **8.15.10.3** Proof of sewage disposal, which may be a letter from a public sanitation district committing to provide services for the proposed use or a copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system adequate for the specified use; or documented proof that the existing individual sewage disposal system is functioning properly and is adequate for the proposed use.

~~8.3.4.5~~ **8.15.10.4** Refuse disposal plan: The storage, collection, and disposal of refuse shall be so located and managed as not to create a health hazard, rodent harborage, insect breeding, accidents, hazards, or air pollution. Trash collection receptacles shall be provided and properly screened from view. *(A review by the Fremont County Environmental Health Office shall be required).*

~~8.3.4.6~~ **8.15.10.5** A detailed roadway impact analysis *(on a form obtained from the Department)* prepared by a professional engineer licensed to work in Colorado as per Section 5.11 of this Resolution, unless all vehicular traffic enters and exits the site onto a Federal or State Highway where the Colorado Department of Transportation has issued an access permit for the specified use.

~~8.3.4.7~~ **8.15.10.6** Drainage Plan and Report as per Section 5.10 of this Resolution.

~~8.3.4.8~~ **8.15.10.7** Property owner shall execute a Quit Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, right-of-ways, related structures and/or facilities, **prior to recording of the Commercial Development Plan.** *(County will not accept maintenance of these facilities).* Such deed shall be recorded at the time of recording of the ~~Site~~ **Commercial** Development Plan.

~~8.3.4.9~~ **8.15.10.8** Buffering and landscaping plan shall be in accordance with Section 5.2.6, of this Resolution, if required. Buffering and landscaping shall be completed prior to recording of the **Commercial site** Development Plan. If non-

applicable, provide a justification statement as to why such regulations are non-applicable.

~~8.3.4.10~~ **8.15.10.9** A fire protection plan addressing method of fire protection, location of fire hydrants or other means of fire protection. If project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.

~~8.3.4.11~~ **8.15.10.10** A detailed utility plan showing the location of all utilities (*water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical*), as proposed by the developer. The plan shall include the signatures of all the utility companies involved noting their approval of the plan.

~~8.3.4.12~~ **8.15.10.11** All Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Waste to Energy Incineration Systems shall comply with the Solid Waste Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-to-Energy Incineration Systems Regulations, Section 6 of this Resolution, and applicable State and Federal laws and regulations. If non-applicable, provide a justification statement as to why such regulations are non-applicable.

~~8.3.4.13~~ **8.15.10.12** A statement describing the proposed uses.

~~8.3.4.14~~ **8.15.10.13** A statement as to the existing zoning district of the land to be used.

~~8.3.4.15~~ **8.15.10.14** Statement that the proposal complies with the intent and purposes of this Resolution. **(See Fremont County Zoning Resolution 1.1 and 1.3).** ~~and the Fremont County Master Plan.~~

8.15.10.15 A statement as to how the proposal meets the intent, purpose and applicable goals and objectives of the current Fremont County Master Plan.

8.15.10.16 Explain what effect the proposed use would have on adjacent uses. If no positive or adverse effect on adjacent uses is expected, explain why there will be no positive or adverse effect on adjacent uses.

8.15.10.17 Evidence that the proposed zone change and proposed use will be in harmony and compatible with the surrounding land uses and development in the area. If not in harmony and compatible what measures can be taken to make it in harmony and compatible.

~~8.3.4.16~~ **8.15.10.18** Proof of access rights to public roads **when the property does not have adequate frontage on a County Road.**

8.15.10.19 When access to the subject property is proposed to be directly to a

roadway controlled by the Colorado Department of Transportation (CDOT) a copy of an approved access permit for the proposed use shall be provided.

8.15.10.20 When access to the subject property is proposed to be via a County Road that accesses a roadway controlled by the CDOT within 500 feet of the intersection of the CDOT road and the County Road proof of CDOT notification of the proposed Commercial Development Plan and CDOT's comments and requirements shall be provided.

~~8.3.4.17~~ **8.15.10.21** Designate soil types and descriptions.

~~8.3.4.18~~ **8.15.10.22** A list of names, addresses, ~~and zip codes~~ and complete mailing addresses for all property owners within five-hundred (500) feet of the boundaries of the subject property.

8.15.10.23 A list of names and complete mailing addresses of all severed mineral interest owners of the subject property.

~~8.3.4.19~~ **8.15.10.24** Such other and additional information as required by the Department, the Commission or the Board.

By describing the process for zone changes, conditional use permits, special review use permits and commercial development plans in one section (Section 8.4 through Section 8.11, of the proposed amendment) the following can be eliminated.

~~8.3.5~~ REFERRAL TO THE COMMISSION AND BOARD:

~~8.3.5.1~~ The Commission shall consider the Site Development Plan at a public meeting at which time the applicant may offer comments and information concerning the application. The Commission may hear comments and receive sworn or unsworn testimony from interested persons, but shall not be required to do so. The meeting may be continued to a later date by the Commission, but no such continuance shall exceed forty (40) days. The Commission may recommend approval, denial, tabling, continuance or approval with contingencies to the Board.

~~8.3.5.2~~ Following the recommendation of the Commission, the Site Development Plan application shall be placed on the agenda of the next regular meeting of the Board for scheduling of a public hearing date. A notice of the public hearing shall be published once by the Department, at the expense of the applicant, at least fourteen (14) days prior to the hearing date, in a newspaper of general circulation in Fremont County. Such notice shall indicate the time, date and place of the hearing and give a brief summary or explanation of the proposed Site Development Plan and its location.

~~8.3.5.3~~ Upon notification to the applicant of the date and time of the scheduled public hearing, by the Department, the applicant shall complete the following:

~~8.3.5.3.1 — Mailing by certified mail, return receipt (labeled to identify the project name) to the Department, at least fourteen (14) days prior to the date of hearing, a notice (on a form provided by the Department), a site plan and a vicinity map locating subject property, to all property owners within five hundred (500) feet of the boundaries of the subject parcel; or within a radius around the property that will provide notice to property owners who will likely be directly impacted by the use.~~

~~8.3.7.3.2 — Posting of a notice, at least 3' X 4' in size and with each letter at least 2" in height, containing the specific matter of the hearing, including identification of the use, the date, time of hearing, location of hearing and the telephone number of the Department where additional information may be obtained. The sign shall be posted continuously for at least fourteen (14) days prior to the hearing on the parcel proposed for change, not further than fifteen (15) feet from the public right of way, providing access to the parcel except where more than one (1) parcel is involved and/or more than one (1) public right of way provides access, all parcels and/or sides facing any public right of way shall be so posted. All posting shall be so placed upon the parcel or at a public off-site location as determined by the Department to provide for clear and unobstructed viewing from the nearest public right of way.~~

~~8.3.5.4 — The Board shall consider the application and recommendation of the Commission at a public hearing at which time the applicant, adjacent landowners and interested persons may offer comments, documents and sworn or unsworn testimony concerning the application. The hearing may be continued to a later date by the Board. The Board shall approve, deny, table, continue or approve with contingencies within forty five (45) days after the conclusion of the hearing or the date to which it was continued. All required improvements shall be completed prior to filing a certified copy of the Site Development Plan.~~

~~8.3.5.5 — Following approval by the Board, all contingencies required as part of the approval of the site development plan shall be submitted within one (1) year from the date of approval. If the contingency items are not submitted by above specified date, the Site Development Plan approval shall be deemed expired and a building permit will not be issued until approval of another Site Development Plan.~~

~~8.3.5.6 — The applicant or his representative shall be present at the Commission and Board meeting or the application shall be continued to the next regular meeting. If the applicant or his representative fails to attend the next regular meeting, after tabling or continuance, the application will be considered withdrawn.~~

~~8.3.6 — RECORDING OF THE SITE DEVELOPMENT PLAN: If the application is approved by the Board and all contingencies, and improvements have been completed, a copy of the site plan and other pertinent documents shall be recorded with the County Clerk and Recorder. A building permit will not be issued for any construction until the site plan has been recorded.~~

~~8.3.7 MODIFICATION OF A RECORDED SITE DEVELOPMENT PLAN: A Site Development Plan 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 8.3 of this Resolution (complete reapplication).~~

~~8.3.7.1 A letter (with supporting documentation, if applicable) detailing the change(s) that would constitute the modification(s) shall be submitted to the Department along with a review fee for the same. The Department will review the letter and will either administratively approve the change(s) as a Minor Modification (Changes that would not result in an increased impact to the neighborhood nor require a change to the recorded drawing) or will confirm that the proposed change(s) would be considered a Major Modification (Changes that would result in an increased impact to the neighborhood and or require a change to the recorded drawing).~~

~~8.3.7.1.1 A review of the letter submitted shall be conducted by the Department within thirty (30) working days of the date the letter was submitted to the Department. Department comment: Shorten the time frame for initial submittal to twenty (20) working days.~~

~~8.3.7.1.1.1 If the Department review results in the determination that the proposed change(s) is a Major Modification to the permit then submittal by the applicant shall be in accordance with permit application submittal deadlines and fees.~~

~~8.3.7.1.1.2 The Department, Commission and or Board may require additional information of the applicant in order to perform an adequate review of the letter or application.~~

~~8.3.7.1.2 Modification items that have the potential to impact the neighborhood in any way or affect the general health and welfare of the citizens of Fremont County shall be considered in the review of any proposed permit modifications. Items that will be considered in the review of proposed modifications include, but are not limited to: use of the property; building or structure size, location, height, increase in the numbers, sizes of the buildings or structures; type of vehicles, increase in vehicle trips on or off the property, traffic flows and circulation of traffic; off street parking and loading area requirements, buffering and landscaping of the property; open space, lighting and signage; sewage disposal, water availability; utility service requirements to the property and the neighborhood; fire protection and stormwater drainage.~~

~~8.3.8 FEES: A non-refundable application fee shall be established from time to time by resolution of the Board.~~

8.4 8.16 TEMPORARY USE PERMITS: A temporary use permit will be required for spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses with similar impacts whether a public or private gathering and whether held on public or private land, and for temporary towers. **The Department will hold a pre-submittal meeting if requested by the applicant. The applicant will be required to provide some information (ie... zoning verification, current use and proposed temporary use, proposed water and sanitation source, proof of access, etc...) prior to the meeting in order for the Department to prepare for the meeting and determine what staff members should attend the meeting. The applicant will be provided with handouts and information pertinent to the application.**

~~8.4.1 8.16.1 REQUIREMENTS FOR TEMPORARY USE PERMITS: SPECTATOR EVENTS, ATHLETIC EVENTS, CARNIVALS, CIRCUS, CONCERTS, FAIRS, FLEA MARKETS, PUBLIC RECREATIONAL EVENTS, TENT MEETINGS, OR OTHER SIMILAR USES:~~ A temporary use permit application ~~for spectator events, athletic events, carnivals, circus, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses~~ will be required to be submitted to the Department at least twenty (20) working days prior to a regularly scheduled Board meeting, **at which the applicant is requesting to be heard.** The application, at a minimum, shall contain the following: **Sections 8.4.1.1 through 8.4.1.18 will remain unchanged.**

~~8.4.1.19 8.16.1.19 Documentation that the Sheriff's Office has been notified of the event and of all street closures. Sheriff's Office (SO) Notification:~~

8.16.1.19.1 There are two (2) options for notification which are as follows:

8.16.1.19.1.1 The applicant may contact the SO and obtain a written statement that contains the SO acknowledgement of notification and any recommendations and or comments regarding the event the SO may have.

8.16.1.19.1.1.1 Proof of such notification shall accompany the application submittal.

8.16.1.19.1.2 The applicant may send notice of the event through the US Postal Service to the SO by certified mail, return receipt requested a minimum of twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard:

8.16.1.19.1.2.1 The notice shall state that written comments, recommendations, etcetera from the SO must be received by the Department at least ten (10) days prior to the Board meeting and if the SO fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its

review, that the SO had no recommendations and or comments regarding the application.

8.16.1.19.1.2.2 Representatives of the SO may attend the Board meeting to present recommendations and or comments regarding the application.

8.16.1.19.1.2.3 Proof of such notification shall accompany the application submittal.

8.16.1.19.2 SO Notification shall include at a minimum the following:

8.16.1.19.2.1 A description of the event;

8.16.1.19.2.2 The location, date, time and duration of the event;

8.16.1.19.2.3 A detailed description of all proposed roadway closures;

8.16.1.19.2.4 A copy of the proposed traffic control plan;

8.16.1.19.2.5 A detailed description of proposed signage and sign location;

8.16.1.19.2.6 A copy of the emergency services plan;

8.16.1.19.2.7 A detailed description of the proposed crowd control.

~~8.4.1.20~~ **8.16.1.20 Documentation that the Colorado State Patrol has been notified of the event and of all street closures. Colorado State Patrol (CSP) Notification:**

8.16.1.20.1 There are two (2) options for notification which are as follows:

8.16.1.20.1.1 The applicant may contact the CSP and obtain a written statement that contains the CSP acknowledgement of notification and any recommendations and or comments regarding the event the CSP may have.

8.16.1.20.1.1.1 Proof of such notification shall accompany the application submittal.

8.16.1.20.1.2 The applicant may send notice of the event through the US Postal Service to the CSP by certified mail, return receipt requested a minimum of twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard:

8.16.1.20.1.2.1 The notice shall state that written comments, recommendations, etcetera from the CSP must be received by the

Department at least ten (10) days prior to the Board meeting and if the CSP fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the CSP had no recommendations and or comments regarding the application.

8.16.1.20.1.2.2 Representatives of the CSP may attend the Board meeting to present recommendations and or comments regarding the application.

8.16.1.20.1.3 Proof of such notification shall accompany the application submittal.

8.16.1.20.2 CSP Notification shall include at a minimum the following:

8.16.1.20.2.1 A description of the event;

8.16.1.20.2.2 The location, date, time and duration of the event;

8.16.1.20.2.3 A detailed description of all proposed roadway closures;

8.16.1.20.2.4 A copy of the proposed traffic control plan;

8.16.1.20.2.5 A detailed description of proposed signage and sign locations.

~~8.4.1.21~~ **8.16.1.21** Documentation that the appropriate County Road Foreman has been notified of the event and of all street closures. **Fremont County Department of Transportation (FCDOT) Notification:**

8.16.1.21.1 There are two (2) options for notification which are as follows:

8.16.1.21.1.1 The applicant may contact the FCDOT and obtain a written statement that contains the FCDOT acknowledgement of notification and any recommendations and or comments regarding the event the FCDOT may have.

8.16.1.21.1.1.1 Proof of such notification shall accompany the application submittal.

8.16.1.21.1.2 The applicant may send notice of the event through the US Postal Service to the FCDOT by certified mail, return receipt requested a minimum of twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard:

8.16.1.21.1.2.1 The notice shall state that written comments, recommendations, etcetera from the FCDOT must be received by

the Department at least ten (10) days prior to the Board meeting and if the FCDOT fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the FCDOT had no recommendations and or comments regarding the application.

8.16.1.21.1.2.2 Representatives of the FCDOT may attend the Board meeting to present recommendations and or comments regarding the application.

8.16.1.21.1.2.3 Proof of such notification shall accompany the application submittal.

8.16.1.21.2 FCDOT Notification shall include at a minimum the following:

8.16.1.21.2.1 A description of the event;

8.16.1.21.2.2 The location, date, time and duration of the event;

8.16.1.21.2.3 A detailed description of all proposed roadway closures;

8.16.1.21.2.4 A copy of the proposed traffic control plan;

8.16.1.21.2.5 A detailed description of proposed signage and sign locations.

8.16.1.22 Colorado Department of Transportation (CDOT) Notification will be required if the property gains direct access from a roadway under the jurisdiction of CDOT or if deemed necessary by the Department:

8.16.1.22.1 There are two (2) options for notification which are as follows:

8.16.1.22.1.1 The applicant may contact the CDOT and obtain a written statement that contains the CDOT acknowledgement of notification and any recommendations and or comments regarding the event the CDOT may have.

8.16.1.22.1.1.1 Proof of such notification shall accompany the application submittal.

8.16.1.22.1.2 The applicant may send notice of the event through the US Postal Service to the CDOT by certified mail, return receipt requested a minimum of twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard:

8.16.1.22.1.2.1 The notice shall state that written comments, recommendations, etcetera from the CDOT must be received by the

Department at least ten (10) days prior to the Board meeting and if the CDOT fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the CDOT had no recommendations and or comments regarding the application.

8.16.1.22.1.2.2 Representatives of the CDOT may attend the Board meeting to present recommendations and or comments regarding the application.

8.16.1.22.1.2.3 Proof of such notification shall accompany the application submittal.

8.16.1.22.2 CDOT Notification shall include at a minimum the following:

8.16.1.22.2.1 A description of the event;

8.16.1.22.2.2 The location, date, time and duration of the event;

8.16.1.22.2.3 A detailed description of all proposed roadway closures;

8.16.1.22.2.4 A copy of the proposed traffic control plan;

8.16.1.22.2.5 A detailed description of proposed signage and sign locations;

8.16.2 ANNUAL EVENTS CRITERIA: A temporary use permit may be approved by the Department if all of the following are met:

8.16.2.1 A complete application form and all required documentation as per Section 8.16.1 of this Resolution and fee have been submitted to the Department.

8.16.2.1.1 Complete applications shall be submitted a minimum of twenty (20) working days prior to the event's proposed start date.

8.16.2.2 The event has been granted a temporary use approval by the Board consecutively for the three (3) previous years;

8.16.2.3 The applicant is not requesting a waiver of the application fee or the cash, surety or other bond (for clean-up).

8.16.2.3.1 If the application or other fee(s) have been waived by the Board for three (3) previous years;

8.16.2.4 The applicant/event has been in compliance with the issuance of the three (3) previous temporary use permits;

8.16.2.5 There are no major changes or amendments to the application as had been previously approved.

8.16.2.6 The applicant agrees to any recommendations or requirement of the notified agency.

There are no recommended requirements from any notified agency that were not previously requested and that the applicant does not agree too.

8.16.2.7 If notification is done by certified mail to required agencies, the agency shall submit written comments to the Department at least ten (10) days prior to the date of the proposed event. If the notified agency fails to provide written comments prior to the ten (10) day deadline it will be the determination of the Department, for its review, that the notified agency had no recommendations and or comments regarding the application.

8.16.2.7.1 If the notified agency enforces a law(s) or has a regulatory requirement(s) that would not allow the event or that would influence the way the event is held, but failed to contact the Department by the deadline, the entity should put the applicant on notice of such law or regulation.

Sections 8.4.2 through 8.4.5 will remain unchanged.