



FREMONT COUNTY – COLORADO

DEPARTMENT OF PLANNING AND ZONING

615 MACON AVE., CANON CITY, COLORADO

719-276-7360 PH / 719-276-7374 FAX

Email: Planning@fremontco.com

STAFF REPORT

Project Name: Rewrite – Chapter 6 Review Procedures

Name(s) Planning and Zoning Director- Daniel Victoria

Request: Rewrite Chapter 6 – Review Procedures

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has taken the review procedures from various chapters of the Fremont County Zoning Resolution and compiled the procedures all in one location. Staff has added charts, application flow diagrams, new regulations, revised existing regulations and removed some regulations. We have also changed the format to match the format of the new Fremont County Zoning Resolution.

~~Strikethrough~~ show what is being proposed to be removed.

Yellow Highlighted items show proposed additions to this section.

Proposed Timeline:

Proposed rewrite if viewed as favorable will have an adoption date of April 2024. If any substantial changes are made to this draft, these sections will be presented to this commission for further recommendations.

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

Chapter 6 Review Procedures

The general provisions of this section apply to all development applications and procedures under this Chapter unless otherwise stated.

6.1 Summary of Review Procedures

The following table summarizes the procedures for review of applications for land use and development activity.

Table 6-1a

Procedure	Planning and Zoning Director	Planning Commission	Board of County Commissioners	Chapter / Section
Accessory Dwelling Unit	✓			Chapter 5 5.2.1
Agritainment	✓ 	✓*	✓	Chapter 5 5.2.2
Commercial Development Plan	✓	✓	✓	Chapter 8 8.3
Conditional Use Permit	✓	✓	✓	Chapter 8 8.1
Home Occupations	✓			Chapter 5 5.2.3
Non-Conformance	✓			Chapter 5 5.5
Major Modifications: CDP, CUP, SRU	✓	✓	✓	Chapter 8 8.7.1
Minor Modifications to existing CDP, CUP, SRU	✓	✓	✓	Chapter 8 8.7.2
Planned Unit Development	✓	✓	✓	Chapter 4 4.12
Special Review Use	✓	✓	✓	Chapter 8 8.1
Temporary Use Permit	✓ 		✓	Chapter 8 8.13
Tower Co-locate	✓			Chapter 8 8.2.4.1
Transfer of ownership	✓		✓	Chapter 8 8.6
Zone Change I & II	✓	✓	✓	Chapter 9
Zoning resolution Amendments	✓	✓	✓	

 **The Planning Director may approve eligible applications.**

*** Only when it is a Special Review Use Permit see chapter 8**

6.1.1 General Notes:

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 determine by formal action of the Board.

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

- A. Any citizen, firm, or organization residing, owning, or leasing property in the County.
- B. The Commission
- C. The Board

Where the Board of County Commissioners is shown as the final Decision -Making Body (with no appeal), appeals shall be taken to the courts, as provided by law.

6.2 Review Procedures

Applicability: This section sets out the required review and approval procedures for Administrative Approvals, Planning Commission Recommendation and Board of County Commissioners Approval, Board of County Commissioners Approval and Board of Zoning Adjustment Approvals.

Procedure: The following figures identifies the review and application procedures for all permit types within the Fremont County Zoning Resolution.

Figure 6.2.1 Administrative Approvals

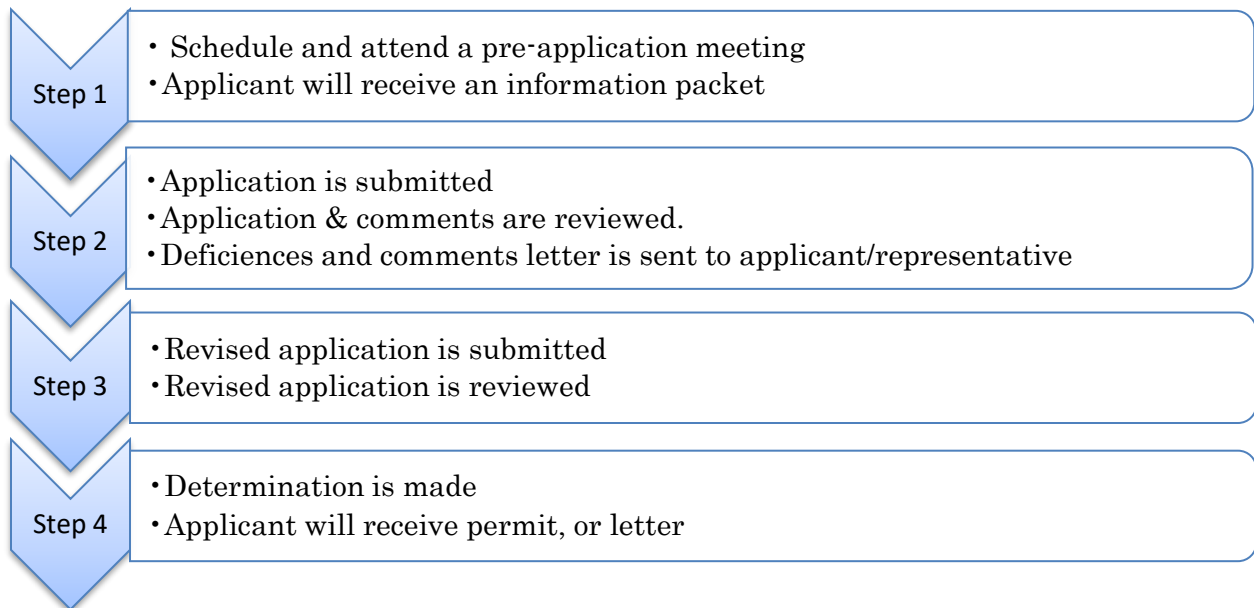


Figure 6.2.2 Planning Commission Recommendation and Board of County Commissioners

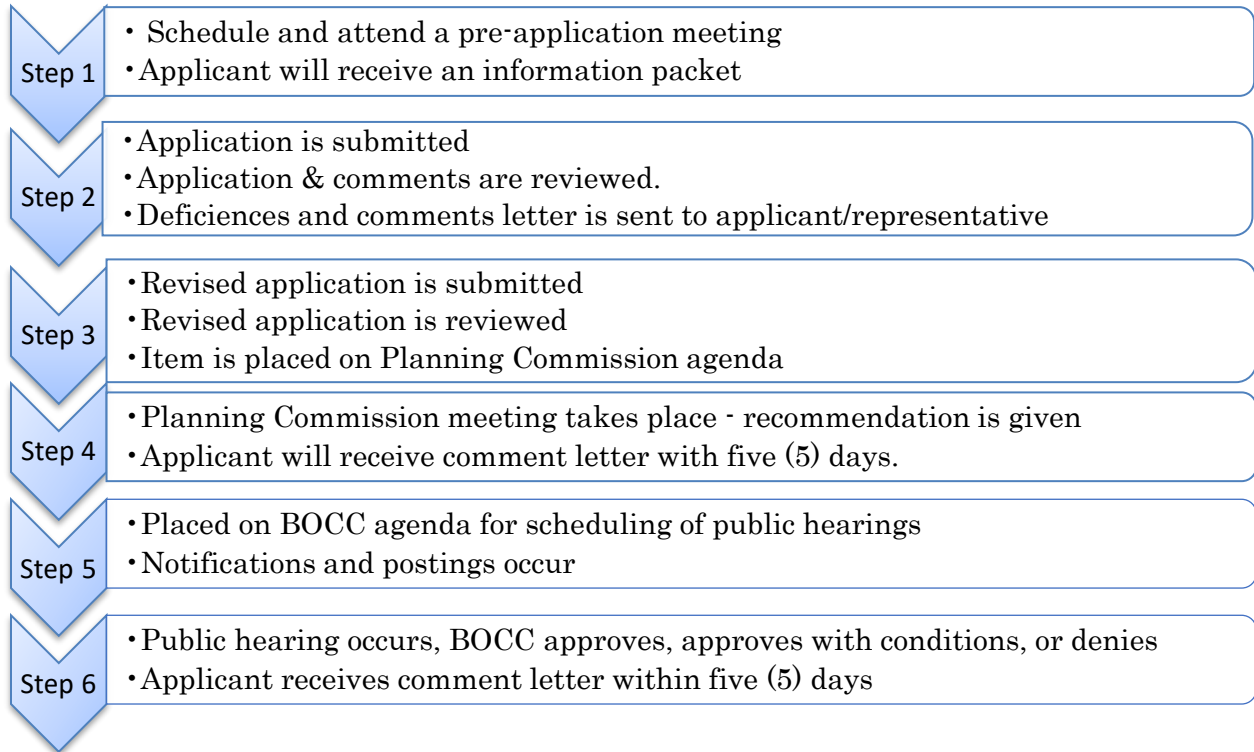
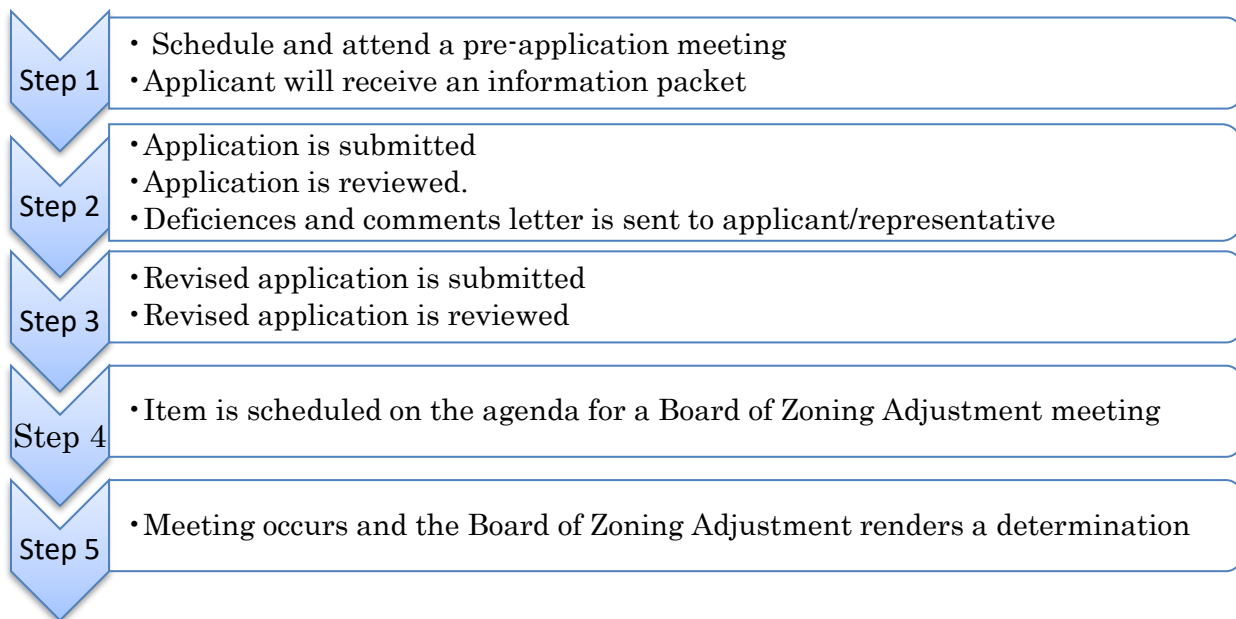


Figure 6.2.3 Board of Zoning Adjustment Approval



6.3 Pre-Application Meeting

Fremont County welcomes new business and industrial enterprises to the community. In an effort to help streamline the process and ensure the applicant is aware of all the rules and regulations, Fremont County requires potential applicants to meet with the Planning and Zoning staff prior to application submittal to gain familiarity with the application process and to determine application eligibility and to continue the communications throughout the application process.

The potential applicant will be required to provide general information regarding the proposal to include: proposed water and sanitation source, access, address or parcel number of the subject property and a general overview of the proposal (proposed use, number of buildings, hours of operation, equipment used, etc.) This information should be provided prior to the meeting to all the Department to prepare and determine who should attend the meeting. Potential applicants are encouraged to discuss the proposal in general terms with the respective utility and access providers to determine feasibility and requirements prior to the application meeting

Applicants shall meet with the Department Staff, by appointment, unless waived in writing by the Planning Director or Planning Coordinator and agreed upon by the applicant for the purposes set forth.

- A. To determine if the proposal is an allowed use in the current zoning of the property.
- B. To determine what type of application and permit is appropriate for the proposal.
- C. To provide the applicant with the appropriate information handout packet that will contain a zone district handout, the appropriate application and fees, procedural requirements, a general time frame of the process, goals, objectives, and planning district of the current Master Plan for the subject property.
- D. To discuss any unique or various aspects associated with the proposal and;
- E. To determine if any additional information, licenses, or procedures are necessary for the proposal.

6.3.1 Additional Meetings

Department staff will meet with the applicant by appointment, if requested, after applicants' receipt of the Departments' Deficiency and Comment letter; after the Planning Commission meeting to discuss recommendations; and after the Board meeting to discuss any conditions and/or contingencies of approval or denial of the application.

6.4 Application Submittal

Unless otherwise stated all applications shall be submitted on a form provided by the Department

- A. Application Filing Fees
Applications must be accompanied by the fee that has been established by the Board of County Commissioners.
- B. Application Completeness
An application will be considered complete if it is submitted in the required form; includes all mandatory accompanying material; and is accompanied by the applicable fee. The Department representative will accept the application only if all submittal requirements are presented at time of submission.
- ~~C. The initial application submittal shall be made to the Department a minimum of twenty four (24) working days prior to the regularly scheduled Commission meeting at which it is to be considered.~~
- D. Application Copies
The initial application shall consist of one (1) original and one (1) electronic copy of the appropriate application form and all required accompanying materials for the type of application being made. (Two (2) complete packets – one (1) hard and one (1) electronic).

6.4.1 Application Review

In conducting required reviews, the Director shall be authorized to distribute the application and other submittals to County departments and other agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements. Comments received from reviewers shall be addressed.

The department will conduct a preliminary review of the application to determine the adequacy of the application for Commission or Board Review. The applicant will be notified of the results of the department review via a department deficiency and comment letter:

- A. 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.
- B. The applicant will be notified 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.

6.4.1.2 Revised Application Review:

- A. The Department will conduct a review of the revised application to determine the adequacy of the application for Commission or Board review. The applicant will be notified of the results.
- B. Once all deficiencies have been satisfied, the Department will provide the applicant and Commission with a review of the application to be placed on the agenda.
- C. 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.
 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 deficiency and comment letter are not adequately addressed.
 2. Each subsequent department deficiency and comment letter prompted by a failure to meet minimum requirements will result in another full application fee.
 3. All such fees shall be paid along with a deficiency submittal, prior to any other review of the application.

6.4.2 Planning Commission Action

- A. The applicant shall attend the Commission meeting at which the application is scheduled to be reviewed.
 1. Failure of the applicant to attend the meeting will result in tabling of application review by the commission.
 2. Failure of the applicant to attend the meeting to which review of the application was table will be considered a withdrawal of the application by the applicant. Application fees will not be refunded.
- B. The Planning 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 hold formal public hearings, unless expressly authorized by law, or upon request of the Board.

- C. The Planning Commission may continue or table the 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; ninety-five (95) days for a PUD.
 - 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
- D. The planning Commission may recommend approval, approval with contingencies or conditions, or denial of the application to the Board. The Commission may include comments and or suggestions with its recommendation.
- E. Proposal Presentation: 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.
 - 1. The Department may require an additional review fee if deemed appropriate.
- F. The applicant shall be sent a copy of the Commission comments within five (5) working days after the application was reviewed and decision occurred.
- G. The Department shall place the request on the next scheduled BOCC meeting for the purpose of scheduling the public hearing.
 - 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.
 - a) Such a request shall be made, in writing to the department which is authorized to grant the request on behalf of the Board
 - b) No such request shall exceed ninety (90) days from the date of the Commission meeting at which the Commission's review was completed.
 - c) The extension of time for Board review must coincide with a regular Board meeting date.
 - 2. 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.
 - 3. In such circumstances the Board, at its discretion, may require further review of the application by the Commission.
 - 4. 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.
 - a) If significant changes are needed in 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 that application by the Board.

6.4.3 Notifications

Notice shall be required for applications as shown in [Table 6-4a](#) below unless otherwise expressly provided in state statutes or this FCZR:

Table 6-4a NOTICE REQUIREMENTS				
Application Type	Published	Posted	Certified Mail	Timing: Number of days before hearing/meeting
Board of Zoning Adjustment	✓		✓	10
Conditional Use Permits	✓	✓	✓	14
Fremont County Zoning Resolution Amendments	✓			14
Mineral Interests Notification ***			✓	30
Planned Unit Development Planning Commission Meeting	✓	✓	✓	14
Planned Unit Development Board of County Commissioners	✓	✓	✓	30
Special Review Use	✓	✓	✓	14
Temporary Use Permit	**	**	**	14
Zone Change I & II	✓	✓	✓	14

*Applicant shall mail notifications to adjoining owners prior to application submittal

** Applicant may be required to complete notifications per the Director or Board.

*** Applicants shall notify all Mineral Interests' Owners a minimum of thirty (30) days prior to the Planning Commission meeting where required in this Resolution.

A. Mailed Notice: The Department shall provide the applicant a notice form with information relevant to the public hearing, accompanied by a list of owners, and agencies to be notified of the public hearing.

1. All mailings shall be complete by the United States Postal Service (USPS) certified mail, return receipt, (to the Department) labeled to identify the application in accordance with the dates stated in [Table 6-4a](#) of this Resolution.
 - a. ~~A written notice, on a form provided by the Department, shall be transmitted by the applicant at least fourteen (14) days prior to the meeting by first class mail to other owners of estates, rights, liens, mortgages, or interest in the property and to adjacent property owners identified within the title report. Inadvertent failure to notify every such property owner shall not affect the validity of any meeting or determination of the Commission.~~ Planned Unit Development applicants shall provide written notice of said Planning Commission meeting to the Department of Planning & Zoning for other owners of estates, rights, liens, mortgages, or interest in the property and to adjacent property owners identified within the title report, with postage prepaid for first class mail, at least fourteen (14) days prior to the meeting.
 - b. ~~A written notice on a form provided by the Department of said hearing shall be transmitted by the applicant by first class mail, postage prepaid, at least thirty (30) days prior to the hearing date to property owners identified within the title report;~~ Planned Unit Development applicants shall provide written notice of said Board of County Commissioners hearing to the Department of Planning & Zoning for property owners identified within the title report, with postage prepaid by first class mail, at least thirty (30) days prior to the hearing date.
2. Notifications to property owners shall occur for the minimum distances as specified in [table 6-4b](#). If deemed appropriate the Department, Commission, or Board can require additional notifications and/or radiuses.

- a. Ownership information shall be based on the records of the Fremont County Assessor's Office.
- 3. The Planning Commission may require additional notifications to outside agencies if the Commission deems it appropriate for adequate public and agency input on the application based on its potential impacts.
 - a. A copy of the site plan
 - b. BOZA mailings shall include the legal description of the property, street address, zoning, nature of the variance, and date and time of the hearing.
- 4. The applicant shall provide the Department with USPS mailing receipts evidencing the date the notice packets were mailed.

TABLE 6-4b NOTICE RADIUS	
Application Type	Required Notice Radius
Accessory Dwelling Unit	Adjacent Owners
Board of Zoning Adjustment	Adjacent Owners
Commercial Development Plan	500 feet of subject property boundaries
Conditional Use Permits	500 feet of subject property boundaries
Planned Unit Development	500 feet of subject property boundaries
Special Review Use	500 feet of subject property boundaries
Temporary Use Permit	500 feet of subject property boundaries
Zone Change	500 feet of subject property boundaries

B. Posted Notice:

- 1. When the provisions of this FCZR require that notice be posted on the subject property, the applicant shall: (1) post the notice using signs. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents and passers-by.
- 2. All signs must be posted a minimum of 14 days prior to the Board Meeting. Applicants shall be responsible for maintaining the signs and removing them.
- 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.
- 4. The sign shall be 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.

C. Published Notice

- 1. When the provisions of this FREMONT COUNTY ZONING RESOLUTION require that notice be published, the County shall be responsible for preparing the content of the notice and shall ensure that notice is published in the newspaper that has been selected by the County.
- 2. The applicant shall be responsible for payment of advertisement.

D. Mineral Interests Notification

1. If the mineral interest for the subject property has been severed from the surface ownership, not less than thirty (30) days before the date of the scheduled Commission meeting, the applicant shall send notice, by certified mail, return receipt requested or by a nationally recognized overnight courier to the mineral interest owner(s), as shown in the county record.

6.4.4 Board Action

- A. The Board of County Commissioners shall take into consideration the application, Commission recommendations, comments, and suggestions (if applicable), minutes from the Commission meeting, and Department review at the scheduled Board public hearing.
- B. The applicant shall attend the Board public hearing at which the application is scheduled to be reviewed.
 1. Failure of the applicant to attend the public hearing will result in tabling of the application review.
 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.
- C. The Board may hear comments and receive evidence or testimony from interested people.
- D. The applicant may offer comments, evidence and testimony concerning the application.
- E. The public hearing may be continued to a later date by the Board, but no such continuance shall exceed thirty (30) days.
- F. The Board of County Commissioners shall approve, approve with conditions and/or contingencies, or deny the application within forty-five (45) days after the conclusion of the public hearing or the date to which it was continued; one hundred and eighty (180) days for a PUD.
 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
 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.
 - a. If the contingency items are not submitted by the deadline, the application approval shall be deemed expired. Application fees will not be refunded.
 - b. If the application is deemed expired a complete resubmittal of the application, including fees, will be required and the review process will begin again.
 3. 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.

6.4.4.2. 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.

- a. 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.

- b. The Department shall schedule the request for change for the next possible regular Board meeting at which time the Board will consider the request.
- c. The Board may, at its discretion, require the request to be reviewed by the Commission at its next regularly scheduled meeting.
- d. The Board may, at its discretion, require a public hearing, with notice requirements at the applicant's expense, to review the request for change.

6.4.4.3 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.

6.4.4.4 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.

6.4.5 Board of Zoning Adjustment Action

The Board of Zoning Adjustment shall hold a public hearing in accordance with the FCZR and Board of Zoning Adjustments bylaws

- A. The Board of Zoning Adjustment shall consider the application applicable review criteria, support material, staff report, and any evidence and/or comments from the public hearing
- B. The public hearing may be continued to a later date by the Board, but no such continuance shall exceed thirty (30) days.
- C. The Board of Zoning Adjustment shall approve, approve with conditions and/or contingencies, or deny the application within forty-five (45) days after the conclusion of the public hearing or the date to which it was continued.

6.4.6 Director Action

If an application is subject to final decision by the Director per [Table 6-1a](#), the Director shall make a decision based on the review standards applicable to the application type. The decision shall be in writing for approvals and/or approvals with conditions. If denied, denial will be accompanied by written findings of fact.

6.4.7 Director Recommendation

If an application is subject to final decision by another decision-making body per [Table 6-1a](#), the Director shall prepare a written staff report, accompanied by the application and exhibits, and recommendations of approval or denial..

6.5 Final Decision

Conditions of Approval: In approving development applications, the Decision-Making Body shall be authorized to impose 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:

1. Conformity to plans and drawings submitted with the application.
2. The provision for open spaces, buffer strips, screen walls, fences, hedges, and landscaping.
3. The volume of traffic generated, vehicular movements, and points of vehicular ingress and egress.

4. Performance characteristics related to emission of noise, vibration, and other potentially dangerous or objectionable elements, or environmental impacts
5. Limits on time and days of operation for the conducting of specific activity
6. Guarantees as to compliance with the terms of the approval.
7. Obtaining all other permits or licenses required by any governmental or regulatory agency.
8. Other off-site impacts.

6.6 Appeals

A. Administrative Decisions

Appeals of an administrative decision must be filed within thirty (30) days of the decision.

B. Board of County Commissioners

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

C. Board of Zoning Adjustment

Appeals of decisions of the Board of Zoning Adjustment shall be made to the courts, as provided by law.

D. Standing to Appeal

Any appeals to actions taken under this FCZR may only be made to the Colorado Courts as allowed by Colorado law. The standing of any party to pursue such an appeal is only to the extent allowed by Colorado law.

Any other appeal contemplated in this FCZR, besides those filed in Colorado Court proceedings, standing may only exist to those persons who are "Parties of Record," who shall be deemed to include the following:

1. The applicant;
2. The property owner or holder of any interest or easement in the subject property; or
3. Any person who submitted written comments on the application before final action was taken (excluding persons who have only signed petitions or form letters).

6.7 Burden of Proof or Persuasion

The burden of demonstrating that an application complies with applicable review and approval criteria is the applicants responsibility.

6.8 Simultaneous Processing

Whenever two (2) or more forms of review are required, the Director may allow the applications to be processed simultaneously.

6.9 Approval Criteria

6.9.1 Administrative Approvals

1. The proposal meets the intent and purpose of this Zoning Resolution
2. Regulatory requirements for the proposal are met

6.9.2 Conditional Use and Special Review Use Permits:

The Board may approve the 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:

1. The Procedural requirements have been met.
 - a) The location of the approved use is compatible and harmonious with the surrounding neighborhood.
 - b) The proposed use will not have a detrimental effect on property values.
 - c) The proposed site will not impair public health, welfare, prosperity, and safety by undesirable sanitary conditions, overburdening of utilities, or adverse environmental influences.
 - d) 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.
 - e) 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.
 - f) 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.

Conditional Use and Special Review Use Permits, Additional Criteria: 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:

1. Conformity to plans and drawings submitted with the application.
2. The provision for open spaces, buffer strips, screen walls, fences, hedges, and landscaping
3. The volume of traffic generated, vehicular movements, and points of vehicular ingress and egress.
4. Performance characteristics related to emission of noise, vibration, and other potentially dangerous or objectionable elements, or environmental impacts.
5. Limits on time and days of operation for the conducting of specific activity.
6. Guarantees as to compliance with the terms of the approval.
7. Obtaining all other permits or licenses required by any governmental or regulatory agency.
8. Other off-site impacts

6.9.3 Planned Unit Developments

1. Fully complies with the minimum zoning requirements set forth in the Zoning Resolution (as applicable) and complies with all applicable requirements of the Fremont County Subdivision Regulations;
2. Provides that areas designated as common open space or parks are perpetually protected by appropriate covenants and a homeowner's association organized and approved by the Board to control, construct, and maintain the mutually owned property;
3. Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
4. Will be in accordance with the Fremont County Master Plan;

5. Will not result in an over-intensive use of land;
6. Will not have a material adverse effect on community capital improvement programs;
7. Will not require a level of community facilities and services greater than that which are available;
8. Will not result in undue traffic congestion or traffic hazards;
9. Will not cause significant air, water, or noise pollution;
10. Will be adequately landscaped, buffered, and screened;
11. Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Fremont County;
12. Shall be under unified development control;
13. The application shall bear the written consent of each and every landowner whose properties are included within the development; and
14. The maximum reasonable preservation of natural or cultural features;
15. The maximum reasonable preservation and utilization of agricultural lands;
16. Will not result in any significant negative impacts on the surrounding agricultural land and attendant agricultural uses;
17. If granted, the Board may impose such conditions and safeguards as are necessary to ensure compliance with the above standards;
18. If a concurrent request for approval is also reviewed, the Board may find that the provisions have been met and authorize execution of an acceptable Development Agreement.

6.9.3.1 PUD Procedure Requirements

Application for PUD approval shall be filed on forms available through the Department and shall be accompanied by the following:

- A. A site plan displaying significant topographic features, proposed land uses, the basic road and pedestrian access scheme, land survey data, recorded easements/rights-of-way, existing physical features, external features that may influence the proposal, and any other essential data as may be required by the Department.
- B. A development report including a description of site features, soil and geologic characteristics, adequate evidence of a sufficient water supply and sanitation system, an evaluation of any potential radiation hazards; evaluation of the effect of the development on identified environmental resources and any necessary mitigation measures; needed storm drainage and flood control facilities, fire control, road improvements, available service facilities; remedial measures to counteract any hazard; estimated costs of all required improvements and method of financing, construction schedules, proposed maintenance and performance guarantees, a list of individuals responsible for preparation of the development report, and other factors essential for a complete evaluation of the proposal.
- C. Such additional relevant information as the Department may deem necessary.

6.9.4 Zone Change I & II:

The Board may approve a Zone Change I or II providing that sufficient evidence that one or more of the following exists:

- ~~1. The property was not properly zoned when existing zoning was imposed.~~
2. Additional land is needed in the proposed zone district.
3. There has been a material change in the neighborhood that justifies the requested zone change.
4. The proposed zone change will be in conformance to the current Fremont County Master Plan in relation to the area.

6.10 Extension of Contingencies

The ~~Board~~ **Planning Director** may extend the time period for submittal of contingency items of application approval upon documented showing of good cause.

5. 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 (10) working days prior to the expiration of the initial six (6) month period or previous extension granted.
- ~~6. The Department shall schedule the request for the extension for the next regular Board meeting at which time the Board will consider the request. The Department may administratively approve one six month extension.~~
- ~~7. For all additional requests the Department shall schedule the request for extension for the next regular Board meeting; at which time the Board will consider the request.~~
8. 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.~~ **Any extensions after the first extension granted, shall be reviewed by the Board.**
- ~~9. 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. PROCEDURES FOR AMENDMENTS, SUPPLEMENTS, CHANGES, OR REPEALS

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 the 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 the official zoning maps or applications for conditional use permits, 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- Fremont County welcomes new business and industrial enterprises to the community. In an effort to help streamline the process and ensure the applicant is aware of all the rules and regulations, Fremont County Requires potential applicants to meet with the Planning and Zoning staff prior to application submittal to gain familiarity with the application process and to determine application eligibility and to continue Property owners and other potential Applicants are encouraged to meet informally or communicate with planning and Zoning Department staff to gain familiarity with the application process prior to formal submittal of an application and to continue the communications throughout the application process.

8.3.1 The potential applicant will be required to provide general information regarding the proposal to include: proposed water and sanitation source, access, address or parcel number of the subject property and a general overview of the proposal (proposed use, number of buildings, hours of operation, equipment used, etc.) This information should be provided prior to the meeting to all the Department to prepare and determine who should attend the meeting. Potential applicants are encouraged to discuss the proposal in general terms with the respective utility and access providers to determine feasibility and requirements prior to the application meeting

8.3.2 Applicants shall meet with the Department Staff, by appointment, unless waived in writing by the Planning Director or Planning Coordinator and agreed upon by the applicant for the purposes set forth in section 8.3.2.1 below.

8.3.2.1 Purposes

A. To determine if the proposal is an allowed use in the current zoning of the property.

- B.** To determine what type of application and permit (Special Review Use, Conditional Use Permit, Temporary Use Permit, Commercial Development Plan, Zone Change) is appropriate for the proposal;
- C.** To provide the applicant with the appropriate information handout packet that will contain a zone district handout, the appropriate application and fees, procedural requirements, a general time frame of the process, goals, objectives, and planning district of the Current Master Plan for the subject property;
- D.** To Discuss any unique or various aspects associated with the proposal and;
- E.** To determine if any additional information, licenses, or procedures and necessary for the proposal.

8.3.3 Additional Meetings: Department staff will meet with the applicant by appointment, if requested, after applicants' receipt of the Departments' Deficiency and Comment letter; after the Planning Commission meeting to discuss recommendations; and after the Board meeting to discuss any conditions and/or contingencies of approval or denial of the application

8.4 APPLICATION SUBMISSIONS FOR ZONE CHANGE CLASSIFICATION #1, ZONE CHANGE CLASSIFICATION #2, 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 twenty four (24) 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 one (1) electronic copy of the appropriate application form and all required accompanying materials for the type of application being made. *(Two (2) complete packets – one (1) hard and one (1) electronic).*

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 notified 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 notified 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 department deficiency/comment letter prompted by a failure to meet minimum requirements 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 hold formal public hearings, unless expressly authorized by law, or upon request of the Board.

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.

8.5.5.1.2.1.1 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 If the mineral interest for the subject property has been severed from the surface ownership, not less than thirty (30) days before the date of the scheduled Commission meeting, the applicant shall send notice, by certified mail, return receipt requested or by a nationally recognized overnight courier to the mineral interest owner(s), as shown in the county records., The mailing shall include the items listed in paragraph 8.5.5.1.2.

8.5.5.3 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.

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

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

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

8.5.5.3.3 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.

8.5.5.3.4 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. The Department may administratively approve one six month extension.~~

~~**8.6.3** For all additional requests the Department shall schedule the request for extension for the next regular Board meeting; at which time the Board will consider the request.~~

8.6.4 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.~~

~~**8.6.5** 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 material 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. 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 affected in one area or in one district or class of district, then the Board may direct that the application fee be waived.~~

~~8.14.3.25 Identify by label or note all existing easements located on the subject property including:~~



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

~~8.14.3.25.2 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 Designate soil type areas.~~

~~8.14.3.27.1 In a table provide a brief description of the soil characteristics.~~

~~8.14.3.28 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.~~

~~8.14.3.29 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.~~

~~8.14.3.30 Such other additional information on the drawing required by the Department, Commission, or the Board.~~

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:

- 8.14.4.1** The procedural requirements of this section have been met.
 - 8.14.4.1.1** The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
 - 8.14.4.1.2** The proposed use will not have detrimental effect on property values.
 - 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.
 - 8.14.4.1.4** 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.
 - 8.14.4.1.5** 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.
 - 8.14.4.1.6** 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.
- 8.14.4.2** 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:
 - 8.14.4.2.1** Conformity to plans and drawings submitted with the application.
 - 8.14.4.2.2** The provision for open spaces, buffer strips, screen walls, fences, hedges, and landscaping.
 - 8.14.4.2.3** The volume of traffic generated, vehicular movements, and points of vehicular ingress and egress.

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

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

8.14.4.2.6 Guarantees as to compliance with the terms of the approval.

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

8.14.4.2.8 Other off-site impacts.

~~**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.~~

~~**8.14.4.4** 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.~~

~~**8.14.4.5** 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~~

~~4.18.2.3.5.1 Multiplying the area of the property within each zoning district by the gross density specifications found in the zoning district; or~~

~~4.18.2.3.5.2 Where no such applicable density specifications exist for the zoning district, divide the area within the zoning district by the applicable minimum lot area requirements of such zoning district; and~~

~~4.18.2.3.5.3 Totaling the number of units in all districts of the PUD; and~~

~~4.18.2.3.5.4 Rounding down to the nearest whole number of units to be permitted within the PUD; and~~

~~4.18.2.3.5.5 In measuring the area of the property within each zoning district, one half (1/2) of the area of adjacent public rights of way may be included provided such measured public rights of way do not exceed ten percent (10%) of the property.~~

~~4.18.3 COORDINATION WITH OTHER PROVISIONS:~~

~~4.18.3.1 In cases where conditional use or special review use approval is required for a proposed use, review of the PUD application under this article shall be carried out simultaneously with conditional use and special review use review as provided for within 8.14 of this Resolution.~~

~~4.18.3.2 As subdivision review and approval will always be necessary, review of PUD application under this article shall be carried out simultaneously, and under the same application, referral, notice, and public meeting procedural requirements as is provided for Sketch Plan review within the Fremont County Subdivision Regulations. Tentative approval of the PUD application by the Board, subject to modifications through the subdivision review process, shall be obtained prior to application for Preliminary Plan or Final Plat, except for subdivisions where simultaneous Sketch Plan/Preliminary Plan/Final Plat processing is approved by the Commission. In making their decision, the Commission shall take into consideration among other things the size, complexity, and potential hazards of the proposed development. Final Board approval of the PUD shall occur at the same time as Final Plat approval of the development.~~

4.18.4 PROCEDURE REQUIREMENTS:

4.18.4.1 Application for PUD approval shall be filed on forms available through the Department and shall be accompanied by the following:

4.18.4.1.1 A site plan displaying significant topographic features, proposed land uses, the basic road and pedestrian access scheme, land survey data, recorded easements/rights-of-way, existing physical features, external

features that may influence the proposal, and any other essential data as may be required by the Department;

4.18.4.1.2 A development report including a description of site features, soil and geologic characteristics, adequate evidence of a sufficient water supply and sanitation system, an evaluation of any potential radiation hazards; evaluation of the effect of the development on identified environmental resources and any necessary mitigation measures; needed storm drainage and flood control facilities, fire control, road improvements, available service facilities; remedial measures to counteract any hazard; estimated costs of all required improvements and method of financing, construction schedules, proposed maintenance and performance guarantees, a list of individuals responsible for preparation of the development report, and other factors essential for a complete evaluation of the proposal;

4.18.4.1.3 Such additional relevant information as the Department may deem necessary.

4.18.4.2 The Commission shall review and make recommendations to the Board on the application for a Planned Unit Development following a public meeting, notice of which shall be given as follows:

4.18.4.2.1 A notice of said meeting shall be published (*cost of publication shall be paid by applicant*) in a newspaper of general circulation within Fremont County at least fourteen (14) days prior to the meeting date. Said notice shall include the days prior to the meeting date. Said notice shall include the time, place, and purpose of said meeting; the address and telephone number of the Department where materials relating to the proposal may be reviewed prior to the meeting; the names of the landowner and applicant; the proposed uses; the zoning; and a general location description of the land. Said general location description shall consist of Section, Township and Range, together with a road address or location by road mileage. The public notice shall state that a complete legal description is available for review and the location of such review materials;

4.18.4.2.2 The subject property shall be posted in a conspicuous manner at least fourteen (14) days prior to the Commission meeting and shall note the name of the project, the docket number, and the address and telephone number of the Department where the materials relating to the proposal for PUD may be reviewed prior to the meeting;

4.18.4.2.3 A written notice, on a form provided by the Department, shall be transmitted by the applicant at least fourteen (14) days prior to the meeting by first class mail to other owners of estates, rights, liens, mortgages, or interest in the property and to adjacent property owners identified within the

title report. Inadvertent failure to notify every such property owner shall not affect the validity of any meeting or determination of the Commission;

4.18.4.2.4 At the meeting, the Commission may table the request but shall take action to recommend approval, conditional approval, or disapproval of the PUD not later than ninety-five (95) days after the initial date of the Commission meeting. The Commission may table a proposal to provide the applicant or staff the proper time to review new technical or other information that was made available without reasonable opportunity for review. At the applicant's request, action by the Commission may be delayed for up to ninety-five (95) additional days.

4.18.4.3 Upon receipt of Commission action, the Board shall decide the proposed development following a public hearing as set forth below:

4.18.4.3.1 A notice of said hearing shall be published (*cost of publication shall be paid by applicant*) in a newspaper of general circulation within Fremont County at least thirty (30) days prior to the hearing date;

4.18.4.3.2 A written notice on a form provided by the Department of said hearing shall be transmitted by the applicant by first class mail, postage prepaid, at least thirty (30) days prior to the hearing date to property owners identified within the title report;

~~**4.18.4.3.3** A PUD application shall be tentatively approved, conditionally approved, or denied by the Board within one hundred and eighty (180) days of the date the complete application is submitted unless an extension has been consented to by the applicant, or their designated appointee, and the Board.~~

4.18.5 STANDARDS AND CONDITIONS FOR APPROVAL: The PUD shall be approved only if the Board finds that the development meets the following standards and conditions:

4.18.5.1 Fully complies with the minimum zoning requirements set forth in the Zoning Resolution (*as applicable*) and complies with all applicable requirements of the Fremont County Subdivision Regulations;

4.18.5.2 Provides that areas designated as common open space or parks are perpetually protected by appropriate covenants and a homeowners association organized and approved by the Board to control, construct, and maintain the mutually owned property;

4.18.5.3 Will be in harmony and compatible with the character of the surrounding areas and neighborhood;

- 4.18.5.4 Will be in accordance with the Fremont County Master Plan;
- 4.18.5.5 Will not result in an over-intensive use of land;
- 4.18.5.6 Will not have a material adverse effect on community capital improvement programs;
- 4.18.5.7 Will not require a level of community facilities and services greater than that which are available;
- 4.18.5.8 Will not result in undue traffic congestion or traffic hazards;
- 4.18.5.9 Will not cause significant air, water, or noise pollution;
- 4.18.5.10 Will be adequately landscaped, buffered, and screened;
- 4.18.5.11 Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Fremont County;
- 4.18.5.12 Shall be under unified development control;
- 4.18.5.13 The application shall bear the written consent of each and every landowner whose properties are included within the development; and
- 4.18.5.14 The maximum reasonable preservation of natural or cultural features;
- 4.18.5.15 The maximum reasonable preservation and utilization of agricultural lands;
- 4.18.5.16 Will not result in any significant negative impacts on the surrounding agricultural land and attendant agricultural uses;
- 4.18.5.17 If granted, the Board may impose such conditions and safeguards as are necessary to insure compliance with the above standards;
- 4.18.5.18 If a concurrent request for approval is also reviewed, the Board may find that the provisions have been met and authorize execution of an acceptable Development Agreement.

~~4.18.6 MODIFICATIONS: No substantial modification, removal, or release of the provisions of the PUD shall be permitted by the Board except upon a finding, following review and a public hearing, that the modification, removal, or release is consistent with the standards and conditions of this Resolution, is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a~~

- 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. The Department may administratively approve one six-month extension.
- 8.6.3 For all additional requests the Department shall schedule the request for extension for the next regular Board meeting; at which time the Board will consider the request.
- 8.6.4 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.
- 8.6.5 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