

RESOLUTION NO. _____

Series of 2021

RESOLUTION FOR SPECIAL REVIEW USE PERMIT
DEPARTMENT OF PLANNING AND ZONING FILE #SRU 13-002 CAPTAIN ZIPLINE
ADVENTURE TOURS (Major Modification)

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter “Board”):

THAT WHEREAS, Gene M. Holmes, DJHM LLC, and Play Dirty ATV Tours (hereafter “applicant”) has made application for modification of a Special Review Use Permit pursuant to 8.2 of the Zoning Resolution of Fremont County to allow for Play Dirty ATVs to operate from the parking area, and also allowing Captain Zipline customers to follow employees to the zipline area rather than park at the parking area and be shuttled, which application has been designated as file **#SRU 13-002 Captain Zipline Adventure Tours (Major Modification)**;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **June 1, 2021** regular meeting and a motion was made to recommend **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter “Department”), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location of the public hearing to be held by the Board, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on July 14, 2021, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

WHEREAS, it appears that issuance of a Special Review Use Permit is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use Permit to Applicant as follows:
 - a. The procedure requirements of 8.2 of the Fremont County Zoning Resolution have been met.
 - b. The location of the modification is compatible and harmonious with the surrounding neighborhood.
 - c. The proposed modification will not have detrimental effects on property values.
 - d. The proposed modification will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
 - e. The site is of sufficient size to accommodate the modification together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
 - f. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the modification, and the proposed use will not result in undue traffic congestion or traffic hazards.
 - g. The proposed modification, if it continues to comply with all conditions on which this 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.
2. The application for modification of Special Review Use Permit 13-002 subject to continued acceptance and observance of Resolution #25 series of 2013 by the Applicants of the conditions in effect shall be issued contingent on the acceptance and observance by the

Applicant of the following specified conditions in effect as of the date of this approval, including the following conditions:

- A. Applicants shall provide annual permits for the chemical toilets.
 - B. A re-evaluation of the County Road Impact fees will be completed annually to include adjustments as necessary.
 - C. Tours for the ATV's will be prohibited between December 1st and April 30th to minimize impact on wildlife.
 - D. All existing conditions of operation imposed under SRU 13-007, as modified and amended from time to time since the date of initial approval, shall remain in full force and effect and shall continue to govern the operations.
3. In addition, the following items shall be required prior to issuance and recording of the permit. Documentation of completion of said items must be completed and delivered to the Department by January 14, 2022 or the application and any granted approvals will be considered expired, with reapplication required if the use is still proposed.
- a. A copy of a permit for chemical toilets.

WAIVER REQUESTS: Waivers of the following have been requested and granted:

5.2.4: **BUFFERING & LANDSCAPING REQUIREMENTS:** The applicant shall be required to provide screening or a buffering strip, which will act as an opaque visual barrier, unless waived by the Board. Where, in these regulations, any such screening or buffering strip is required to be provided and maintained, such buffering strip shall consist of a row of trees or continuous un-pierced hedge row of evergreens or shrubs of such species as will produce within three (3) years a screen height of at least six (6) feet and shall be of the following minimum sizes at time of installation:

5.3.3 **Lighting:** All off-street business, commercial, or industrial parking spaces may be required to be adequately lighted so as to protect the safety of the individual using the area. Said lighting shall not be directed toward surrounding properties.

5.3.4 **Landscaping:** All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

Commissioner Grantham moved the adoption of the foregoing Resolution, with a second by Commissioner Bell and approved by roll call vote as follows:

Debbie Bell: Aye / Nay / Abstain / Absent

Kevin J. Grantham: Aye / Nay / Abstain / Absent

Dwayne McFall: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: _____

By: _____ Attest: _____
Chairman Clerk