



FREMONT COUNTY ZONE CHANGE #1 APPLICATION

1. Project Name: _____
2. Applicant: _____ Address: _____
City: _____ State: _____ Zip Code: _____
Telephone #: _____ Facsimile # _____
Email Address: _____
3. Owner: _____ Address: _____
City: _____ State: _____ Zip Code: _____
Telephone #: _____ Facsimile # _____
Email Address: _____
4. Consultant: _____ Address: _____
City: _____ State: _____ Zip Code: _____
Telephone #: _____ Facsimile # _____
Email Address: _____

Please read prior to completion of this application

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. For more details on application meetings, see Section 8.3 of the Fremont County Zoning Resolution (FCZR).

The Zone Change #1 Application Form is 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*)

No zone change (ZC) application which has been denied by the Fremont County Board of County Commissioners (Board) within the past three (3) years can be resubmitted unless there is valid new evidence or a substantial change in conditions of the original application.

Any application for ZC that has been submitted after the use requiring the ZC has been established on the property shall be subject to a penalty fee in addition to the set application fee for the ZC. The penalty fee shall be the same amount as the initial application fee for the ZC. In effect a double application fee shall be charged at the time of submittal in such circumstances. As with all land use applications payment of associated fees does not insure approval of the application.

Any application for ZC where the intention is to house more than one (1) primary use on the property or in a single building will require that the property and or building be subdivided.

In the circumstance of a ZC application that will require a Preliminary Plan/Final Plat or Minor Subdivision application the ZC approval will not go into affect without final approval of the subdivision application.

Any application which is not complete or does not include all minimum submittal requirements will not be accepted by the Fremont County Department of Planning and Zoning (Department). Further, any application that is inadequately prepared, or is incomplete, may be subject to postponement (*until an adequate submittal is provided*) of placement on an agenda of the Fremont County Planning Commission (Commission).

The applicant shall provide **one (1) original document, four (4) copies, and an electronic copy (either CD or flash/thumb drive)** of the application and all of its attachments (*copies of deeds, contracts, leases etcetera are acceptable*) at the time of application submittal along with the application fee, set as per Resolution of the Board. Submittals shall be made to the Department no later than 3:00 pm on the submittal deadline date.

After an adequate submittal, the Department will review the application and all attachments and prepare a Department Submittal Deficiency and Comment Letter (D & C Letter), which will state the submittal deficiencies which must be addressed by the applicant, Department comments and/or questions about the application and the number of revised application packets that must be supplied to the Department in order to place the application on an agenda of the Commission.

Attachments can be made to this application to provide expanded narrative for any application item including supportive documentation or evidence for provided application item answers. Please indicate at the application item that there is an attachment and label it as an exhibit with the application item number, a period and the number of the attachment for that item (*as an example, the first attached document providing evidence in support of the answer given at application item number 22 would be marked - Exhibit ZC-22.1, the fifth attached document supporting the narrative provided for application item 22 would be marked - Exhibit ZC-22.5*). Exhibit numbers should be placed in the lower right hand area of the exhibit.

An additional full application fee will be charged to the applicant, as per resolution approved by the Board, if all deficiencies as per the initial D & C Letter are not adequately addressed or provided. Each subsequent D & C Letter, based on resubmitted items, will result in another full application fee. All such fees shall be paid along with the deficiency submittal, prior to any further review of the application.

If the application is approved by the Board with contingencies the contingencies shall be provided to the Department within six (6) months of the approval date. If not the approval shall be deemed rescinded and the application expired. Re-submittal of the entire application, including fees, and procedural requirements, including public meetings and notices would be required.

If the application is approved by the Board requiring improvements, all such improvements must be completed at the expense of the applicant prior to recording of the ZC.

The Department, The Commission and/or The Board may require additional information at any time during the application process as may be deemed necessary in order to review the application adequately, to determine if the application is in compliance with all applicable regulations and make an informed decision with regard to recommendations, approval or disapproval of the application.

For specific regulatory requirements the applicant should refer to the appropriate sections of the Fremont County Zoning Resolution (FCZR). In addition, consideration shall be given to the Fremont County Master Plan (FCMP), as the Department will consider it in the review of ZC applications which could result in the need for additional information from the applicant.

For further reference the Fremont County Zoning Resolution may be viewed on the Internet at <http://www.fremontco.com/planningandzoning/zoningresolution.pdf> and the Fremont County Subdivision Regulations (FCSR) may be viewed on the Internet at <http://www.fremontco.com/planningandzoning/forms/subdivisionregulations.pdf> and the Fremont County Master Plan may be viewed on the Internet at <http://www.fremontco.com/planningandzoning/forms/masterplan.pdf>

1. If the owner is not the applicant, written authorization from the current property owner, specifying the extent to which the representation is authorized shall be attached marked as Exhibit ZC-5.1. An exhibit has been attached.
2. In the circumstance of corporate ownership, documentation evidencing whom is eligible to execute documents on behalf of the corporation, shall be attached to this application. Attachments for this application item shall be marked as Exhibit ZC-6.1. An exhibit has been attached.
3. What is the current zoning of the property? _____
4. What is the proposed zoning of the property? _____
5. What is the total acreage of the property? _____
6. What is the total acreage of the property to be rezoned? _____
7. What is the legal description of the proposed zone change boundary? _____

If the legal description is long an attachment can be made marked as Exhibit ZC-11.1. An exhibit has been attached.

8. Is the boundary of the property to be rezoned the total property legally described in the current deed of record (*most recent deed of the property recorded in the Fremont County Clerk & Recorder's Office*)? Yes --- No If **no**, please explain: _____

NOTE: *If the property to be rezoned is a portion of the total property in the current deed of record, then a subdivision or exemption process will be required to be completed, as a contingency item, if this request is approved. All subdivisions or exemptions must comply with the development requirements of the zone district in which the property is or will be located and appropriate requirements of the FCSR met.* A contingency is being requested.

9. A copy of the current deed of record identifying the current property owner for the subject property shall accompany this application marked as Exhibit ZC-13.1. An exhibit has been attached.
10. What is the general location of the proposed ZC site? _____

11. What is the current land use of the subject property? _____
- NOTE:** *The current land use must be incorporated into the proposed use, removed from the property or the property shall be subdivided so that each use is contained on a separate property. Please explain how the current land use will be addressed.* _____

12. What is the proposed use of the property? (*explain in detail*) _____

13. Provide the FCZR citing that allows the proposed use of the property: _____

14. Is the proposed land use an --- Allowed use, --- Conditional Use Permit (CUP), --- Special Review Use Permit (SRUP) or --- Temporary Use Permit (TUP) in the proposed zone district? Please explain: _____

If the proposed use is a use allowed through the issuance of a CUP, SRUP or TUP in the proposed zone district then appropriate applications will be required to be --- submitted to coincide with this application or to be submitted as a --- contingency of approval of this application. **NOTE:** *Approval of a ZC application does not guarantee the approval of a use permit application.*

15. Is the proposed use not specifically listed in the FCZR but thought to be a similar use to an allowed use or a use allowed by permit? Yes --- No If **yes**, then an application for similar use designation in accordance with requirements of the FCZR and associated fee, shall be made prior to submittal of this application or submitted in conjunction with this application. Said application shall be attached and marked as Exhibit ZC-19.1. An exhibit has been attached.

16. A written statement of justification for the rezoning, to include references to at least one (1) of the listed conditions, also documentation should be provided to support the justification evidence. Check all boxes thought to be justification for the proposed ZC: (*supportive documentation may be attached marked as Exhibit ZC-20.1* An exhibit has been attached.)

- a. - Evidence that the property was not properly zoned when the existing zoning was imposed.
- b. - Evidence that additional land is needed in the proposed zone district.
- c. - Evidence that there has been a material change in the neighborhood that justifies the requested zone change.
- d. - Evidence that the proposed zone change will be in conformance to Fremont County Master Plan the Master Plan in relation to the area.

Please provide a justification statement specifically indicating how each of the conditions marked are applicable for this application: _____

17. Provide evidence that there is a public need for the proposed zone change (*supportive documentation may be attached and marked as Exhibit ZC-21.1* An exhibit has been attached.). _____

18. Provide evidence that there will be a County or neighborhood benefit from the proposed zone change, in that it will tend to preserve and promote property values in the neighborhood (*supportive documentation may be attached and marked as Exhibit ZC-22.1* An exhibit has been attached).

19. Provide a written description of buildings and uses proposed on the property to be rezoned.

20. Provide a written description of land uses, buildings and structures (*and their uses*) within five-hundred (500) feet of the boundary of the proposed area of change, in all directions from the subject property.

Northerly: _____

Southerly: _____

Easterly: _____

Westerly: _____

21. Explain what effect the proposed rezoning 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. _____

22. Provide evidence explaining how the proposed development will be in harmony and compatible with the surrounding land uses and existing development in the neighborhood of the property to be rezoned (*supportive documentation may be attached and marked as Exhibit ZC-26.1.* An exhibit has been attached). _____

23. The project site must be served with utilities necessary to adequately accommodate the proposed use.
a. Will the proposed use require service from a public water system? Yes --- No If **yes**, will connection to the system require more than a service line type connection, at the applicant and/or owner's expense? Yes --- No If **yes**, please explain. _____

If water service is to be provided from a public water system, then documentation from the provider evidencing the ability to provide water and commitment to serve the project, including fire protection, shall be attached marked as Exhibit ZC-27a.1. An exhibit has been attached.

In addition, Fremont County's Colorado Division of Water Resources Information Form for Special Use, Zoning, and Other Land Use Actions shall be completed and attached, marked as Exhibit ZC-27a.2. An exhibit has been attached.

b. Is the proposed use to be serviced by an individual well? Yes --- No If **yes**, then Fremont County's Colorado Division of Water Resources Information Form for Special Use, Zoning, and Other Land Use Actions Shall be completed, marked as Exhibit ZC-27b.1. An exhibit has been attached.

c. Will the proposed use require service from a public sewer system? Yes --- No If **yes**, will the connection to the system require more than a service line type connection, at the applicant and/or owner's expense? Yes --- No Please explain. _____

If sewer service is to be provided from a public sewer system, then documentation from the provider evidencing the ability to provide service and commitment to serve the project shall be attached marked as Exhibit ZC-27c.1. An exhibit has been attached.

d. Will the proposed use be serviced by an onsite wastewater treatment system? Yes --- No If **yes**, then a percolation test and report in conjunction with a system design by a Colorado Registered Professional Engineer adequate to accommodate the proposed use shall be attached for a new system marked as Exhibit ZC-27d.1. An exhibit has been attached. If **yes**, but the intention is to use an existing system then documentation as to the system's adequacy from the Fremont County Environmental Health Office shall be attached marked as Exhibit ZC-27d.2. An exhibit has been attached.

28. The proposed use should have a minimal effect on adjacent uses, the use and its location should be compatible and harmonious with its surrounding neighborhood, should not create undesirable sanitary conditions, should not overburden utilities, should not create adverse environmental influences, should not adversely affect wildlife, should not impact the rural character of the County and should not impair the public health, welfare, prosperity and safety. If the proposed use is anticipated to create any undesirable conditions, provide an explanation of the proposed mitigation procedures. Address the following items:

a. What are the current zone district classifications adjacent to the proposed use site?

Northerly: _____

Southerly: _____

Easterly: _____

Westerly: _____

b. What are the current land uses adjacent to the proposed use site?

Northerly: _____

Southerly: _____

Easterly: _____

Westerly: _____

29. Is the proposed project site located within the Urban Growth Boundaries or other areas of influence of any municipality? Yes --- No If **yes**, please identify the municipality and area(s) of influence.

If **yes**, does the proposed use meet the requirements of the municipality influence area, Urban Growth Boundary policies and Master Plan document? Yes --- No Please explain _____

Will the proposed use require any variances to the requirements of the municipality influence area, Urban Growth Boundary policies, requirements of the municipality Master Plan document or any land use regulations of the County? Yes --- No Please explain. _____

30. Does the project site property lie adjacent to a municipal boundary line (*city or town limits*)? Yes --- No If **yes**, please identify the municipality. _____

If **yes**, is this a use that should be annexed inside the municipal boundary? Yes --- No If **no**, please explain why not. _____

31. Does the subject property lie within three (3) miles of any municipal boundary line and/or a county boundary line? Yes --- No If **yes**, please identify the entity(s). _____

32. Does the proposed project site adjoin lands currently in public ownership (*BLM, USFS, CDOW, CSFS, municipal ownerships, etcetera*)? Yes --- No If **yes**, is the project landowner willing to provide access from the public roadway that serves the site across the site property for public access to the public lands in question? Yes --- No Please explain. _____

33. Will the proposed use utilize existing buildings and/or structures currently located on the subject property? Yes --- No Please explain. _____

34. The **intent** of the Fremont County Zoning Resolution is to regulate the use of buildings, structures and land for trade, industry, residence, recreation, public and other purposes; the location, height, bulk and size of buildings and other structures; the lot size and percentage that may be occupied; the size of yards, courts and other open spaces; the density and distribution of population. Provide a statement as to how the proposed use meets this intent: _____

35. The **purpose** of the Fremont County Zoning Resolution is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Fremont County, including lessening the congestion of the streets or roads, or reducing the waste of excessive amounts of roads; promoting energy conservation, securing safety from fire, floodwater and other dangers; providing adequate light and air; classifying land uses and land development and utilization, protecting the tax base, securing economy in governmental expenditures, fostering the State’s agricultural and other industries and protecting both urban and non-urban development. Please provide a statement explaining how the proposed use complies with this purpose. _____

36. **Fremont County Master Plan Approval Criteria:** The proposed use should comply with the “Goals, Objectives and Implementation Strategies”, in general, of the twelve categories listed in Chapter Four of the Fremont County Master Plan. The applicant is familiar with said document and feels that the proposed project is in compliance with the document. Yes --- No Please explain. _____

37. **MASTER PLAN - PLANNING DISTRICTS** - The Fremont County Master Plan divides the County into six distinctive planning districts, with objectives and strategies for each planning district that will be used in review of all land use applications as a portion of the justification that the proposed project would meet the intent of the Master Plan. An attachment, marked as Exhibit ZC-37.1, that addresses how the proposed ZC will meet the objectives and strategies of the Planning District in which the subject property is located shall be provided.

In which Planning District is the proposed project site located?

- | | |
|---|--|
| <input type="checkbox"/> District One - The Urban Growth District | <input type="checkbox"/> District Two - The Penrose/Beaver Park District |
| <input type="checkbox"/> District Three - The Mountain District | <input type="checkbox"/> District Four - The Royal Gorge Impact District |
| <input type="checkbox"/> District Five - The Arkansas Valley District | <input type="checkbox"/> District Six - The Plains District |
| <input type="checkbox"/> <u>An exhibit has been attached.</u> | |

38. The subject property must be served by roadways adequate to provide acceptable access for the proposed use, not endanger users of the roadway by creating traffic hazards or congestion and not create a maintenance problem. Please provide, with this application, the following:
- a. If the subject property has access via a County Road, a completed Fremont County Roadway Impact Analysis Form, marked as Exhibit ZC-38.1a An exhibit has been attached
- or
- b. If the subject property accesses a roadway controlled by the CDOT, an issued Colorado Department of Transportation Access Permit for the specified use, to include documented proof of access rights to a public roadway, marked as Exhibit ZC-38.1b An exhibit has been attached.
39. If the property does not have adequate frontage on a County Road, then proof of access rights to public roads shall be provided marked as Exhibit ZC-39.1. An exhibit has been attached.
40. 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 marked as Exhibit ZC-40.1. An exhibit has been attached.
41. Once a public hearing date has been set by the Board the Applicant shall be responsible for mailing notice (*see FCZR 8.5.5.1*) to all property owners within five-hundred (500) feet of the subject property. A list of names and complete mailing addresses, and Assessor's Parcel Numbers for all property owners within five-hundred (500) feet of the property boundary shall be attached to this application and marked as Exhibit ZC-41.1. An exhibit has been attached.
42. Based on the real estate records of the county, which include the records of the County Assessor, and "requests for notification" filed by a mineral estate owner in the records of the County Clerk and Recorder, have the mineral interests of the subject property been severed? Yes --- No If yes, name of mineral interest owner _____
 As per the FCZR Section 8.5.5.2, a notice shall be sent (*certified mail return receipt requested*) to the severed mineral interest owner(s) not less than thirty (30) days before the date of the Commission meeting at which the application is anticipated to be heard. See Zoning – Mineral Interest Owner Notification Form. Evidence of said notice and mail receipt shall be attached to this application, marked as Exhibit 42.1. An exhibit has been attached.
43. Five (5) full size and five (5) reduced (8½"x11" or 11"x17") copies of a site plan drawing, drawn to professional standards, to include, at a minimum, the following (*the Department, Commission or Board can require additional information*) (*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*):
- a. Drawing size: Minimum sheet size 11"X17" to a maximum sheet size of 24"X36";
 - b. Drawing scale, unless a different scale is approved by the Department prior to submittal: Minimum scale of 1"=200' to a maximum scale of 1"=50';
 - c. Appropriate title (Owner or Project Name ZONE CHANGE REQUEST);
 - d. Appropriate subtitle (_____ Zone District to _____ Zone District);

- e. Boundary drawing of the property with bearings and dimensions which illustrates the legal description of the subject property;
- f. Legal description of the subject property;
- g. The total amount of square footage and acreage contained in the subject property;
- h. Zoning classification for all adjoining lots, parcels, or tracts;
- i. The drawing shall clearly label or show by identified line symbol the boundary of the property proposed to be rezoned;
- j. Written and graphic scale;
- k. A North Arrow;
- l. A vicinity map locating the property to be rezoned in relation to the surrounding area, streets, major natural features, etcetera;
- m. The drawing shall illustrate the size, shape and location of all existing buildings, structures and improvements 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.)*
 - 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.
 - 2) Location dimensions from at least two (2) property lines for each such building, structure and or improvement.
 - 3) Square footage and dimensions of all such buildings and structures.
- n. The drawing shall contain tables or notes that will provide the following:
 - 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.
 - 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.
- o. 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.
- p. Identify and locate all drainageways including FEMA flood areas, by dimensions from property lines.
- q. Identify and locate, by dimensions, significant natural features of the subject property.
- r. Identify by label or note all existing easements located on the subject property including:
 - 1) Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.
 - 2) Width at the beginning and the end of the easement and at any points along the easement where the width changes.
 - 3) If existing easements are to be vacated or relocated, appropriate information shall be provided by label or note.
- s. Identify by label or note all proposed easements to be located on the subject property after the zone change including:
 - 1) Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.
 - 2) Width at the beginning and the end of the easement and at any points along the easement where the width changes.

- t. 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.
 - u. 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.
 - v. Date of preparation and date of revision, if necessary.
44. The proposed use must comply with the FCZR, concerning the off-street parking and loading area (*every proposed use must provide adequate areas for employee, customer, delivery and shipping parking off-street*) requirements. Provide the following information:
- a. How many off-street parking spaces are proposed (total)? _____
 - b. What is the proposed number of standard size spaces (9' X 18')? _____
45. A submittal fee of \$ _____ is attached to this application (Check # _____ cash)

By signing this Application, the Applicant, or the agent / representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

Applicant Printed Name	Signature	Date
------------------------	-----------	------

Owner Printed Name	Signature	Date
--------------------	-----------	------