



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 8 Land Use Permits

Name(s) Planning and Zoning Director- Daniel Victoria

Request: Rewrite Chapter 8 – Land Use Permits

Planning and Zoning has recognized the need for a review and update to the regulations. Staff has taken the Land Use Permits SRU's, CUP's, CDP's, & TUP's and reserved a chapter for them all from the Fremont County Zoning Resolution. Staff has rewrote Chapter 6, Sections 5.6, 5.7.15, 8.7, 8.10, 8.11, 8.14, 8.15, 8.16. We have also changed the format to match the format of the new Fremont County Zoning Resolution.

Staff has revised the Commercial Development Requirements in regard to the Moratorium, Resolution No. 34, series of 2022.

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

Yellow Highlighted items show proposed & revised 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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8 Chapter 8 Land Use Permits

8.1 Special Requirements for CUP & SRU

The following uses have special development requirements and or require additional information to be provided for review and approval

8.1.1 Airport, Private

The following information shall accompany the application:

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

- B. Written description of the flight plan or flight plans that will be regularly employed, to include:
 1. Written description of the flight plan or flight plans that will be regularly employed, to include:
 2. How take-offs and landings will be accomplished, specifically including directions and minimum altitudes necessary to safely operate;
 3. Minimum altitudes that will be maintained at various relevant points during the normal flight path within Fremont County; and
 4. A map or other suitable drawing indicating the regular flight paths to be taken within Fremont County
 5. Proof that the applicant has liability insurance or the ability to acquire liability insurance of a minimum amount to be determined by the Board. Upon issuance of a special review use permit, applicants shall comply with all terms and conditions of its insurance policy and adhere to all representations made by the applicant therein in order that the coverage not be rendered inapplicable for any reason. Said insurance policy shall also provide for additional insurance as determined by the Board. (A current certificate of insurance shall be continuously on file with the Board.)

8.1.2 Adult Uses

- A. No adult use shall be permitted within one-thousand (1,000) feet of any residentially zoned property or property used for a dwelling, measured from the closest property line of such residentially zoned property or dwelling property to the property line of the adult use. ~~Residentially zoned property shall refer to property zoned Agricultural Forestry, Agricultural Farming & Ranching, Agricultural Living, Agricultural Rural, Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence, High Density Residence, Manufactured Home Park and Travel Trailer Park & Campground zone districts.~~
- B. No adult use shall be permitted within one-thousand (1,000) feet of any public park, school, church, other adult use, or liquor licensed establishment subject to the State of Colorado liquor code, measured from the closest property line of such public park, school, church, other adult use, or liquor licensed establishment to the property line of the adult use.
- C. Adult use buildings, entries, windows, and openings shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.
- D. Adult use structures, signs, and buildings shall not be painted in garish (excessively vivid) colors, nor shall promotional materials or displays be exhibited, such as to effectuate the same purposes as a sign.

8.1.3 Antenna or Tower

The following information shall be provided with the application and in addition to the other requirements of the Special Review Use:

- ~~A. Lot size shall be determined with the height of the antenna or tower and other development requirements that may govern the size.~~
- B. Setbacks for the antenna and tower shall not be less than the district development regulations or twenty-five (25) per cent of the facility height, whichever is greater, unless waived by the Board.
- C. A design plan addressing the materials, colors, textures, screening, and landscaping that will be used in the design of the antenna, tower, or related structures. The materials used shall, as to the extent possible, blend into the natural setting and surrounding buildings.
- D. A lighting plan if required by the Federal Aviation Administration or other applicable authority.
- E. A report by a Colorado registered engineer demonstrating compliance with applicable structural standards and the general capacity of the proposed facility.
- F. A report or site plan that addresses the relative shape, size, and location of all existing and proposed antennas, towers, guy wire anchors, warning signs, and fencing within a radius of 500 feet of the boundaries of the property that will house the tower and/or antenna.
- G. The distance between the antenna and/or tower from the nearest residential unit.
- ~~H. Evidence that demonstrates that no existing antennas and/or towers or alternative technology can accommodate the applicant's proposed antenna and/or tower.~~
- I. The following is a list of additional factors that may be considered in the granting of a Special Review Use permit for antennas and towers and related structures:

- J. Height of the tower;
- ~~K. Proximity of the tower to residential structures and residential district boundaries;~~
- ~~L. Surrounding topography;~~
- ~~M. Surrounding tree coverage and foliage;~~
- N. ~~Design of tower, with particular reference to characteristics that have the effect of reducing or eliminating visual obtrusiveness.~~ Design of tower, in reference to reducing visual impacts.

8.1.3.1 Collocation of Antennas

Collocation of antennas on an existing tower shall require an application provided by the department with a fee. This includes any replacement or attachments of antennas not to exceed the height it was originally approved for.

8.1.3.2 Application Requirements

- A. Name and file number of existing SRU permit.
- B. SRU permit holder information.
- C. Right to Occupy
 - 1. A copy of the current deed of record indicating ownership and the legal description
 - 2. A letter authorizing an occupant to make an application.
- D. Provide a statement for:
 - 1. Total height of the tower with the existing and proposed antennas.
 - 2. Current and proposed antennas.
 - 3. Documentation from a Licensed Professional Engineer demonstrating that the tower can accommodate the proposed number of antennas.
 - 4. Detail the existing and proposed structures on site.
 - 5. Detail all off-street parking spaces.
 - 6. Address surfacing, lighting, and or landscaping.
 - 7. Address the stormwater drainage plan, if applicable.
- E. Attach the agreement, lease or the like between the property owner and the existing permit holder allowing for a collocation.
- F. Attach a copy of the lease or agreement between the permit holder and the collocation applicant as to right to use of the tower by the collocation applicant.

8.1.4 Contractor's Yard #2

- A. The outdoor storage area shall be screened in accordance with [Section 5.4.2](#)
- B. The outdoor storage area for vehicles and equipment shall set back a minimum of seventy-five (75) feet from all property lines.
- C. The outdoor storage area for vehicles and equipment is contained by an opaque screen (fence or vegetation), in accordance with Section 5.4.2 of this resolution, along all portions of the property being used for the outdoor storage area, which do not meet the required seventy-five (75) foot setback from the property line.
- D. The outdoor storage area is no more than half (1/2) an acre, twenty-one thousand seven hundred and eighty (21,780) square feet.
- E. There can be more than five (5) commercially used passenger vehicles used in association with the contractor's yard, the number shall be determined by the Board.
- F. All Special Mobile Machinery (SMM) shall be registered, and/or appear on the personal property

tax schedule filed with the County Assessor.

8.1.5 Kennel

The following requirements shall be included in or with the application:

- A. Setbacks for all facilities, including dog runs, shall be a minimum of twenty-five (25) feet from all property lines unless otherwise specified by this Resolution.
- B. All facilities must be fenced so as to restrict dogs or cats from escaping
- C. ~~A suitable drainage method shall be provided to eliminate excess water from all facilities.~~
- D. Proposed method of waste disposal.
- E. ~~Copy of license issued by the Department of Agriculture as related to the Rules and Regulations pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act.~~
- F. ~~Copy of license from Colorado Greyhound Racing Commission for all greyhound kennels.~~
- G. The kennel shall be conducted in compliance will all applicable County, State, and federal laws. Provide copies of additional licenses.

8.1.6 Junkyards

Screening Regs

All junkyards, automobile graveyards, and vehicle impoundment yards shall have an adequately maintained eight (8) foot opaque screening of the junkyard and/or automobile grave yard and/or vehicle impoundment yard. This screening shall consist of wooden fencing, slat fencing, stone or brick wall, closely planted natural vegetation, or other appropriate visual barriers, as approved by the Board. If natural vegetation is utilized, it shall consist of plants at least thirty (30) inches in height when planted, and maintained in a healthy condition to provide minimum capacity to a height of eight (8) feet within two (2) years from the date of planting. If natural vegetation is to be used, a fence as required above, shall be constructed and shall remain in place until vegetation reaches required height of eight (8) feet

8.1.7 Solid Waste Disposal Site and Facility

This section shall apply in all zone districts within the unincorporated area of Fremont County, except as noted below, ~~which applies within the incorporated and unincorporated portions of Fremont County.~~

- A. **Conditional Use Permit or Special Review Use Permit approval required:**
 - 1. Any person, firm, corporation, etc., who operates a solid wastes disposal site and facility, a hazardous waste treatment, storage, or disposal site and facility, or a waste-to-energy incineration system shall first obtain a ~~conditional use permit~~ or special review use permit approval from the Board. The ~~conditional use permit~~ or special review use permit shall be submitted concurrently with this section 8.1.5 and certificate of designation if required.
 - 2. Solid wastes disposal, hazardous waste treatment, storage, or disposal, and waste-to-energy incineration are prohibited within the ~~incorporated or unincorporated~~ portion of Fremont County except on or at a site and facility for which a ~~conditional use permit~~ or a special review use permit approval has been obtained as provided in the Fremont County Zoning Resolution, ~~as amended, or that has been approved by a city or town within the boundaries of which the site and facility are situated.~~
 - 3. Notwithstanding the provisions above, any person may dispose of his own solid waste on his own property, as long as such disposal complies with all state and federal laws and regulations and does not constitute a public nuisance and as long as such solid wastes are not hazardous wastes.

4. Notwithstanding the provisions above, the final use for beneficial purposes, including fertilizer, soil conditioner, fuel, and livestock feed, of sludge that is not hazardous waste and has been processed and certified or designated as meeting all applicable regulations of the Colorado Department of Health and the Colorado Department of Agriculture shall not require a ~~conditional use permit~~ or special review use permit approval for such final use.
- B. **Application for permit:** Any person desiring to operate a solid wastes disposal site and facility, a hazardous waste treatment, storage, or disposal site and facility, or a waste-to-energy incineration system within the unincorporated portion of Fremont County shall apply to the Board for approval of ~~a conditional use permit~~ or a special review use permit. Such application shall be accompanied by a fee fixed by the Board on a schedule available at the Department. For purposes of covering the actual costs and expenses of evaluating the application, including but not limited to retaining any necessary expert or investigative assistance, the Board may, at its discretion, assess an additional fee of an amount deemed appropriate by the Board. The Board may, at its discretion, require that payment of this additional fee, or any portion thereof, be received before incurring costs of evaluating the application. Only the unused portion of this additional fee shall be refundable. The application shall be prepared and/or certified by a registered and qualified professional engineer. Sources of information in the application shall be carefully noted. Highly technical or specialized data not easily understood by laymen shall appear in appendices. The application shall, at minimum, contain:
1. A description of the location of the site and facility or system and a detailed description of the proposed activity. The description shall include: the type of site and facility or system involved; the type of processing to be used, such as sanitary landfill, composting, burning in an industrial furnace or boiler (including a cement kiln), thermal treatment, or incineration; the hours of operation; the method of supervision; the rates to be charged, if any; the types, locations, and useful lives of any tanks or storage container to be used; the leak prevention and detention methods to be used and the reasons for selection of such methods; the sources and amounts of all solid wastes or hazardous waste to be processed at the site and facility or system; and the composition of such solid wastes or hazardous waste and the methods of waste analysis to be used. If the type of processing to be used includes burning, incineration, or thermal treatment, the applicant shall specify operating temperatures, including the reasons for selection of such temperatures, methods of monitoring and controlling emissions and operating temperatures, including the reasons for selection of such methods. The description shall demonstrate that the site and facility or system will be located, operated, and maintained in a manner that controls obnoxious odors, prevents rodent and insect breeding and infestation, and complies with the health laws, standards, rules, and regulations of the State Department of Health, the State Air and Water Quality Control Commissions, all Federal agencies, and all applicable zoning laws and ordinances;
 2. A demonstration that no radioactive materials or materials contaminated by radioactive substances will be disposed of in a site and facility or system not specifically designated for that purpose, including specification of methods for preventing inadvertent processing of radioactive substances;
 3. A detailed description of the probable impacts that the proposed activity will have on the environment. The description shall include all technical data, maps, and diagrams reasonably necessary for assessment of such impacts by the county and commenting agencies and citizens. This part of the application shall describe the environment at the site and the surrounding area, as it exists before the proposed activity and without the effects of the proposed activity, in sufficient detail to facilitate an informed assessment by the County, and shall include projections as to growth and population. This part of the application shall demonstrate that the site and facility or system will conform to officially adopted land use plans, policies, regulations, and resolutions;
 4. A detailed assessment of the probable positive and negative effects the proposed activity will have on local, regional, and overall public health and safety. If the activity will involve

emission or release of solid or hazardous wastes or constituents or byproducts of solid or hazardous wastes or transportation of solid or hazardous wastes, the application shall include a health risk assessment conducted by a qualified professional that shall contain a quantification of risks to human health associated with the proposed activity. The assessment shall include, but not be limited to, consideration of the risk of accidents during the transportation of waste to, from, or at the site. The assessment shall specify the bases for all conclusions and shall identify any assumptions the author or authors of the assessment have made. The application shall contain a statement of the qualifications of the author or authors of the health risk assessment;

5. A detailed description of the need, if any, for the site and facility or system by Colorado generators of solid or hazardous wastes;
6. A demonstration that the applicant:
 - i. has the financial ability to operate the proposed site and facility or system according to all applicable laws and regulations;
 - ii. shall maintain his financial ability to close and maintain the site and facility or system property at and after the end of its useful life in accordance with all applicable laws and regulation;
 - iii. shall maintain adequate liability coverage for sudden accidental and non-sudden accidental occurrences that result in bodily injury or property damage to third parties.
 - iv. A demonstration that the applicant, taking into account its prior performance record, if any, in the treatment, storage, or disposal of solid or hazardous wastes, has sufficient reliability, expertise, and competency to operate and manage the proposed site and facility or system;
 - v. Such engineering, engineering, geological, hydrological, and operational data as is required by the Fremont County Zoning Resolution, as amended;
 - vi. Such other information as may be required by the Board.

C. **Factors to be Considered:** In considering an application of a ~~conditional use permit~~ or special review use permit under this Section, the Board shall take into account:

1. The effect that the proposed activity will have on the surrounding property, the health and welfare of the public, and the environment, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions;
2. The convenience and accessibility of the site and facility or system to potential users;
3. The ability of the applicant to comply with the health and safety standards and operating procedures provided for by local, state or federal laws and such rules and regulations as may be promulgated pursuant to such laws;
4. Recommendations by other governmental agencies;
5. Such other factors as the Board deems appropriate.
6. Issuance of a ~~conditional use permit~~ or special review use permit approval pursuant to this Section shall be discretionary with the Board, subject only to such judicial review by the district court of appropriate jurisdiction as may be otherwise provided by law. If the application provides insufficient information for the Board to reach an informed decision, the Board may, at its discretion, afford the applicant the opportunity to provide additional

information.

7. Prior to a public hearing held by the Board, the application shall be reviewed, and a recommendation as to approval or disapproval made, by the Commission. Such recommendation may be conditional. The application, report of the Commission, master plan, and other pertinent information shall be presented to the Board at a public hearing to be held after notice. Such notices shall contain the time and place of the hearing and shall state that the matter to be considered is the applicant's proposal for a solid wastes disposal site and facility, a hazardous waste treatment, storage or disposal site and facility, or a waste-to-energy incineration system. The notice shall be published in a newspaper having general circulation in Fremont County at least ten (10) but no more than thirty (30) days prior to the date of hearing.
- D. **Permit:** If the Board deems that a conditional use permit or a special review use permit approval should be granted to the applicant, it shall issue the permit with such conditions, if any, that the Board deems appropriate, and such permit shall be displayed in a prominent place at the site and facility or system.
- E. ~~**Revocation or Suspension of Permit:** The Board, after reasonable notice and public hearing, may revoke or temporarily suspend a conditional use permit or a special review use permit approval that has been issued by it if it finds:~~
1. ~~A failure of a site and facility or system to comply with all applicable laws, resolutions, and ordinances or to comply with any rule or regulation adopted pursuant thereto;~~
 2. ~~There was a material misrepresentation or misstatement of fact in the application for the conditional use permit or special review use permit approval;~~
 3. ~~The site and facility or system is not being operated in substantial compliance with a term, condition, or limitation of its conditional use permit, special review use permit approval or an applicable rule or regulation; or~~
 4. ~~The site and facility or system poses an unreasonable risk to public health or welfare or the environment.~~
- F. ~~The revocation or suspension of a conditional use permit or a special review use approval shall not relieve the permit holder from any legal liability.~~
- G. ~~**Substantial Change in Ownership, Design, or Operation:** A substantial change in ownership of any site and facility system, or in the design and operation of any site and facility or system, shall be submitted to the Board for its approval before such change shall become effective. The application for approval of a substantial change shall be accompanied by a fee fixed by the Board on a schedule available at the Department. For purposes of covering the actual costs and expenses of evaluating the application, including but not limited to retaining any necessary expert or investigative assistance, the Board may, at its discretion, assess an additional fee of an amount deemed appropriate by the Board. The Board may, at its discretion, require that payment of this additional fee, or any portion thereof, be received before incurring costs of evaluating the application. Only the unused portion of this additional fee shall be refundable. The application shall contain the information and certifications required for application for a conditional use permit by this Section~~
- H. **Permit required for Operation:**
1. Operation of a solid waste disposal site and facility, hazardous waste treatment, storage, or disposal site and facility, or a waste-to-energy incineration system for which a conditional use permit or special review use permit approval has been issued shall not begin until the applicant obtains all state and federal permits required by law or regulation for such operation.
 2. Solid wastes deposited at any site and facility shall not be burned, other than by incineration or industrial burning in accordance with a certificate of designation issued pursuant to Section 30-20-105, C.R.S.; except that in extreme emergencies resulting in the generation of large quantities of combustible materials, authorization for burning under

controlled conditions may be given by the State Department of Health.

- I. **Procedures Not Exclusive:** The requirements of this Section shall be in addition to and not in lieu of the requirements for a ~~conditional use permit~~ or special review use permit approval set forth in Chapter 8 of the Fremont County Zoning Resolution, as amended; provided, however, in the event of any conflict between the provisions of this Chapter of this Resolution, the provisions of this Section shall apply.
- J. **Severability:** If any provision of this Section shall be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate any other part or provision hereof.
- K. **Enforcement:** In addition to any other civil or criminal procedure or penalty provided by law or in the Fremont County Zoning Resolution, as amended, any site and facility or system that is found to be abandoned or that is operated and maintained in a manner so as to violate any of the provisions of this Section shall be deemed a public nuisance and such violation may be enjoined by the district court of Fremont County in an action brought by the Board.

8.1.8 Travel Trailer Park & Campground:

Minimum Park area shall be the same as the minimum lot size for the zone district in which it is located, including variations in acreage based on availability and service to the property of public water and sewer.

- A. Each trailer site shall have a minimum of two-thousand (2,000) square feet.
- B. Each recreational cabin and park model site shall have a minimum of one-thousand-five-hundred (1,500) square feet.
- C. Each tent site shall have a minimum of one-thousand (1,000) square feet.
- D. No structures shall be attached to a recreational vehicle or place in a manner that would prevent or hinder the immediate removal of the recreational vehicle
- E. All Travel Trailer Park and Campgrounds shall comply with the "Standards and Regulations for Campgrounds and Recreation Areas" as adopted by the Colorado Department of Public Health and Environment, except that Primitive and Semi Primitive campgrounds as defined by the Colorado Department of Public Health and Environment "Standards and Regulations for Campgrounds and Recreation Areas" shall not be permitted. Any exemptions set forth in the Colorado Standards and Regulations for Campgrounds and Recreation Areas shall apply to the same category or classification campground and/or recreation area under these regulations
- F. The site shall have at least one direct access to a public street by a roadway that shall be at least thirty-two (32) feet in width. The internal street system shall be privately owned, constructed and maintained and shall be designed for safe and convenient access to all spaces and to facilities for common use by park occupants. The interior roadway shall not be less than sixteen (16) feet in width for one way and twenty-four (24) feet for two way. A two-way roadway shall have a minimum turning radius of forty (40) feet. Road grades shall not exceed six (6) percent. One-way roadways shall form a loop. All roadways shall be surfaced with at least four (4) inches of gravel, no greater than 1 ½ grade and shall be surfaced with asphalt or concrete, unless the asphalt or concrete requirement is waived by the Board. If one-way roadways are used, one-way directional signs shall be installed
- G. All roadways and walkways within the travel trailer park or campground shall be lighted at night to provide safe access.

- H. All interior roadways and sidewalks shall be maintained so as to provide a safe driving and walking surface and limit pollution
- I. Every travel trailer park or campground shall provide one or more service buildings adequately equipped with flush-type toilet fixtures and lavatories.
- J. All spaces in a travel trailer park and campground shall provide an electrical outlet supplying at least 110 volts or 11-/220 volts. The installation shall comply with all state and local electrical regulations.
- K. Recreation Space Requirements: Space in the amount of at least four (4) percent of the total area of a travel trailer park and campground shall be provided for recreational purposes. At least a ten (10) foot wide access shall be provided to all recreational facilities.
- L. The density of campsites shall not exceed 25 campsites per acre excluding roads, buildings, and other common use areas.

8.2 Allowed Use Business Permit

An allowed use business permit is required when a new business is moving to an established business location. If the change of use is determined to be substantial by the Planning and Zoning Office a Commercial Development Plan may be required.

8.2.1 Allowed use Business application requirements:

- A. An application form as provided by the Department with the required non-refundable application fee.
- B. A copy of the deed or lease agreement showing right to occupy.
- C. Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.
- D. All applications shall include a summary of any permits, licenses or the like required, status of pending applications for the same, copies of pending applications and or copies of issued permits.
- E. A plot plan showing:
 - 1. All structures existing with dimensions to property lines.
 - 2. All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.
 - 3. All parking areas.
 - 4. All exterior access points.

8.3 Commercial Development Plan

8.3.1 Goal

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

8.3.2 Purpose

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

applications provide a chance for neighborhood and constituent input for suggestions of ways to make the proposed development as compatible as possible.

8.3.3 Commercial Development Plan Questionnaire

To determine if a Commercial Development Plan is required, a Commercial Development Plan Questionnaire shall be completed. If a violation is suspected, by Fremont County Code Enforcement, in Rural Highway Business, Business, Airport, Industrial Park, Industrial, or High Density Residence Zone Districts, zoning verification is required along with completing a Commercial Development Plan Questionnaire, will also be required. Upon receipt of a complete questionnaire the Department will notify, the potential applicant and/or violator, in writing, as to whether the Commercial Development Plan is or is not required.

8.3.4 Phasing

1. ~~A Commercial Development Plan shall be in effect for three (3) years from the date of approval by the Board unless an extension has been granted by formal action of the Board.~~
2. At the time of application, the applicant may propose phasing of the development with a defined time frame for the phasing.
3. No phasing shall be approved that exceeds a total time frame of six (6) years for completion of the development.
4. Completion of all items approved in the application shall be accomplished within the time frame approved by the Board, unless an extension has been granted by formal action of the Board.

8.3.5 When Required

A Commercial Development Plan Application will be required to be submitted for any of the following:

1. ~~Any proposal to develop vacant property which is currently located in the Medium Density Residence and or High Density Residence Zone Districts. Note: As per Colorado Revised Statute (CRS) any property zoned Medium or High Density residence will be required to make application for an appropriate subdivision process prior to development, if more than one dwelling unit is proposed.~~
2. Any proposal to develop vacant property which is currently located in the High Density Residence, Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts.
3. Any substantial change of use, ~~(or occupancy as per the building code) from one use that is allowed in the zone district to another use~~ in the Medium Density Residence, High Density Residence, Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts, as determined by the Planning and Zoning Department.
4. Any substantial expansion or improvements and or enlargement of an existing use in the Medium Density Residence, High Density Residence, Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park, and Industrial Zone Districts.
Resolution No. #34, series of 2022
Resolution imposing a moratorium – Section 8.15.7.4
5. Any expansion and or enlargements of an existing use of twenty-five percent (25%) growth within a five (5) year period in the High Density Residence, Rural Highway Business, Business, Airport, Industrial Park, and Industrial Zone Districts.
6. Any expansion of land in the High Density Residence, Rural Highway Business, Business, Airport, Industrial Park, and Industrial Zone Districts with an existing business use.

8.3.6 When Not Required

A Commercial Development Plan will not be required if any of the following apply:

1. When a Commercial Development Plan has been previously approved and there is no proposed ~~substantial~~ change of use.
2. When a Commercial Development Plan has been previously approved for the subject property and there is no proposed ~~substantial~~ expansion or alteration beyond what is described in section 8.3.5 #5, of the proposed buildings, structures or improvements.
3. ~~When a Commercial Development Plan has been previously approved for the subject property and there is no proposed substantial enlargement of the proposed use.~~
4. ~~When a Commercial Development Plan has been previously approved for the subject property and not more than three (3) years has passed since the approval of the Commercial Development Plan.~~
5. ~~When a Preliminary Plan and a Final Plat Application is submitted in conjunction with a zone change application.~~
6. ~~When a Minor Subdivision Application is submitted in conjunction with a Zone Change Application.~~
7. ~~When an application for Zone Change of the subject property is necessary to allow for the proposed use.~~
8. ~~When an application for a Special Review Use or Conditional Use Permit is required for the proposed use in zone districts where the use is allowed by the issuance of such a use permit.~~

8.4 Application Requirements for CUP, SRU, & CDP

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

8.4.1 Application Requirements

Application is provided by the department.

1. Right to Occupy
 - a. A copy of the current deed of record indicating ownership and the legal description.
 - b. A letter authorizing an occupant to make application.
 - c. ~~If the proposed use permit application is not intended to cover the entire property described in the current deed of record, then an appropriate subdivision application may be required as a condition of approval.~~
2. Proof of water
 - a. A letter from a Water district indicating that service can be provided for the use or that existing service is adequate for the proposal.
 - b. A letter or copy of a well permit from the Colorado Division of Water Resources indicating

that well use can occur or is adequate for the proposal.

3. Proof of sanitation
 - a. A letter from a public sanitation district committing to provide service for the proposed use or that existing service is adequate for the use.
 - b. A copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system adequate for the specified use; or documented proof that the existing individual sewage disposal system is functioning properly and is adequate for the proposed use.
4. Refuse disposal plan
 - a. The plan shall outline location, type, service provider, and frequency.
 - b. The storage, collection, and disposal of refuse shall be so located and managed as not to create a health hazard, rodent harborage, insect breeding, accidents, hazards, or air pollution. Trash collection receptacles shall be provided and properly screened from view.
 - c. A review by the Fremont County Environmental Health shall be required.
5. Proof of Access
 - a. A detailed impact analysis prepared by a professional engineer licensed to work in Colorado, unless all vehicular traffic enters and exits the site onto a Federal or State Highway where the Colorado Department of Transportation has issued an access permit for the specified use.
 - b. A Fremont County Driveway Access Permit
 - c. A Colorado Department of Transportation access permit
 - d. Proof of notification and comments from the Colorado Department of Transportation if access stems from a Fremont County Road that access a roadway controlled by CDOT located within five-hundred (500) feet
 - e. Proof of right to use for private roads, access, or easements.
6. A buffering, screening, or landscaping plan meeting the requirements of section 5.4.
7. Drainage Plan and Report as per ~~Section 5.10~~ Chapter Ten of this Resolution.
8. Property owner shall execute a Quit Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, rights-of-way, related structures and/or facilities, prior to recording of the use permit. (County will not accept maintenance of these facilities). Such deed shall be recorded at the time of recording of the use permit.
9. A Fire Protection Plan addressing method of fire protection, location of fire hydrants or other means of fire protection. If the project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.
10. A detailed utility plan outing location and type(s). This may be included on the site plan. (*Water, sewer, electric, gas, cablevision lines, irrigation ditches, and lines, horizontal and vertical*), as proposed by the developer. Plan shall be accompanied by documentation from the utility providers that service can be provided, and any necessary upgrades as determined by the utility provider.
11. Statements to include:
 - a. Describing proposed operation, including days & hours.
 - ~~b. The existing zoning district of the land to be used.~~

- c. How the proposal meets the intent and purpose of this resolution Section 1.3 Purpose
 - d. How the proposed use meets the intent, purpose, and applicable goals and objectives of the current Fremont County Master Plan
<https://www.fremontco.com/files/planning-and-zoning/masterplan2015.pdf>
12. Evidence that the proposed use will be in harmony and compatible with the surrounding land uses and development in the area.
 13. Potential affects the proposed use would have on adjacent uses and properties to include mitigation measures.
 14. Designate soil types and descriptions.
 15. A list of names and mailing addresses for all property owners within five-hundred (500') of the boundaries of the subject property
 16. A list of names and complete mailing addresses of all severed mineral interest owners of the subject property.
 17. The identity of all agencies of local, state, or federal government that will be required to issue any permit or license or the like for all or part of the activity that comprises the use. This section shall also require the applicant to summarize the status of the applications pending before the identified agencies including a copy of any such application and supporting materials.
 18. Mining operations shall submit a copy of the mining and reclamation plan.
 19. Architectural rendering or perspectives to portray fully the project as a whole, minimum size of 18"x24", multiple sheets can be used to display the project. This excludes CUP applications.
 20. Additional information requested by the Department, Commission, or the Board.

8.4.2 Site Plan Requirements

~~Three (3)~~ **Two (2)** copies of a drawing shall be prepared to professional standards, minimum size of ~~18" X 24"~~, maximum size of 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application. ~~Three (3)~~ **Two (2)** reduced (to 8"x11" or 11"x17") copies all of which shall include the following:

- ~~1) At least one (1) copy shall be of adequate size to use for display at public meetings.~~
- 2) More than one sheet may be used if it is easier to express the required information, provided that are adequately labeled for identification.

A site plan containing the following:

1. Titles
 - a. Main Title: _____(name) "Type" _____(permit) Conditional Use, Special Review Use, or Commercial Development Plan
 - b. Sub Title: Brief Description of the Use
2. Boundary drawing of the property with bearings and dimensions which illustrates the legal description of the property;
3. Legal Description of the property.
4. Property size in acreage and square footage
5. Zoning of the subject and adjacent parcels

6. Written and graphic scale
7. North Arrow
8. Vicinity map locating the subject property in relation to surrounding area, streets, major natural features, etcetera.
9. Provide a table on the drawing to indicate the relationship between the proposed construction and existing construction to remain on the property in association with the development requirements of the proposed zone district.
 - a. Minimum lot size;
 - b. Maximum lot coverage;
 - c. Maximum building height;
 - d. Minimum lot width;
 - e. Minimum setbacks requirements
 - a) Front yard;
 - b) Side yards;
 - c) Rear yard;
10. Identify and locate by dimensions from property lines:
 - a. All drainageways
 - b. FEMA Flood areas
 - c. Significant Natural Features
 - d. Drainage Facilities
 - a) Dimensions of all drainage facilities.
 - b) All drainage facilities shall be designated as a drainage easement.
11. The drawing shall illustrate the size, shape, and location of all existing and proposed buildings, structures, and improvements including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*
 - a. 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.
 - b. Location dimensions from at least two property lines for each building, structure and/or improvements.
 - c. Square footage and dimensions of all buildings and structures.
 - d. Building height of each building and/or structure.

Identify by label or note the following: (Note: Typical type drawings and or tables may be used to express the required information if appropriate.)

12. Off-street parking areas to include:
 - a. Dimensions of overall size of all off-street parking areas.
 - b. Proposed surface type, and thickness of the surface materials, for all off-street parking areas. *(See section 5.4.3 of this Resolution for requirements.)*
 - c. Different types of off-street parking spaces. *(Such as full-size spaces, compact spaces, and spaces for individuals with disabilities). (Map symbol may be used).*
 - a) Dimensions for each type of off-street parking space proposed to be used on the subject property. *(A typical drawing for each type of space is acceptable.)*
 - b) A table based on section 5.4.3 of this Resolution specifying the minimum numbers of spaces required for each category in comparison to the numbers proposed by this application.
13. Off-street loading areas to include: *(See section 5.4.3.6 of this Resolution for requirements)*
 - a. Location and size, by dimension, all off-street loading areas.
 - b. Proposed surface type, and thickness of materials, of the off-street loading areas.
14. Landscaping to be used within the off-street parking and loading areas to include: *(See section 5.4.3.3 of this resolution for requirements.)*

- a. Specific type and height (at maturity for vegetation and an estimated time to reach maturity) and locate by dimension.
15. Interior roadways to include:
- a. Dimensions from property lines at the beginning and end of the roadway and centerline information for the entire roadway.
 - b. Width at the beginning of the roadway and at any points along the roadway where the width changes.
 - c. All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.
 - d. All internal traffic circulation patterns by line symbol.
 - e. The surface type, width, and thickness, of each internal roadway.
16. Pedestrian areas and walkways located outside of buildings and/or structures to include:
- a. Dimensions of all pedestrian areas and walkways.
 - b. Surface type, width, length and thickness of all pedestrian areas and walkways.
17. Refuse & Service areas by dimension(s) and size.
18. Lighting for off-street parking & loading areas to include: (See section 5.4.3.2 of this Resolution for requirements.)
- a. The height of light poles and illustrate the lighting coverage area.
 - a) Proposed lighting shall not direct light onto any public roadways.
 - b) Lighting shall not be directed toward surrounding properties. Shielding of lighting, or other methods may be required to mitigate impacts to surrounding properties.
19. On-site identification signage to include:
- a. Total square footage of all proposed signs along with width and length of proposed signs.
 - b. Total height of proposed signs, including poles and/or pedestals.
 - c. A statement or note shall be provided to signify whether or not the proposed signs will be illuminated.
 - a) Illuminated signage shall not direct light onto any public roadways.
 - b) Illuminated signage shall not direct light onto adjoining properties.
20. Open space areas by dimension if provided.
21. Existing & Proposed Easements to include:
- a. Dimensions from property lines at the beginning and end of the easement and centerline information for the entire easement.
 - b. Width at the beginning and the end of the easement and at any points along the easement where the width changes.
 - c. If existing easements are to be vacated or relocated appropriate information shall be provided by label or note.
22. Designate soil type areas.
- a. In a table provide a brief description of the soil characteristics.
23. 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.
24. 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 to identified by a numerical or alpha designation.
25. Such other additional information on the drawing required by the Department, Commission, or the Board.

8.5 Amendment to Contingencies or Conditions

- A. No changes to contingencies or conditions of approval may be granted unless an application,

provided by the Department, is submitted 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.

8.6 Change of Operator/Transfer of Ownership

No approved commercial development plan, 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 approved plan or 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 commercial development plan, conditional use permit or special review use permit.

8.7 Modification of an Approved Plan

8.7.1 Minor Modification

A recorded conditional use permit, special review use permit or commercial development plan shall not be modified in any material way without submitting an application, provided by the Department, for a Minor Modification, that is reviewed by the Director of Planning and Zoning.

Minor Modifications: Modifications that meet the following criteria:

1. Will not result in an increase to existing and approved structures by greater than ten (10) percent
2. Will not result in an increase to existing and approved disturbance areas by greater than ten (10) percent
3. Will not result in an increase to other existing and approved development by greater than ten (10) percent.
4. Will not include any additional land to the boundary area.

8.7.1.1 Application Requirements

1. An application letter with supporting documentation which includes the following: 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).
 - a. A statement detailing the scope of the minor modification(s).
 - b. A site plan, refer to section 8.4.2 of this resolution for requirements.
 - c. The Department, Commission and or Board may require additional information from the applicant in order to perform an adequate review of the letter or application.
2. A review of the letter application submitted shall be conducted by the Department within thirty (30) working days of the date the letter was submitted to the Department.

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

8.7.2 Major Modification

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.

Major Modifications: Modifications that meet the following criteria:

1. Results in an increase to existing and approved structures by greater than ten (10) percent
2. Results in an increase to existing and approved disturbance areas by greater than ten (10) percent
3. Results in an increase to other existing and approved development by greater than ten (10) percent
4. Will add additional land to the boundaries of the approved permit.

8.7.2.1 Application Requirements

For a Major Modification a complete reapplication see section 8.4 of this resolution, for a special review use, conditional use permit, or a commercial development plan shall be submitted to the Planning & Zoning Department and will be reviewed by the Board.

8.8 Specified Time Frames (CUP, SRU, & CDP)

A. Specified time frames

1. If a conditional use, or special review use, is issued for a specific period, the period shall begin to run on the date the application is approved by the Board unless another date is fixed by the Board.
2. In the absence of a specific finding that the CUP & SRU, should be issued for a term greater or lesser than ten (10) years, all CUP & SRU issued under this section shall be for a term of ten (10) years. Such term includes that period of time after cessation of the use necessary to complete reclamation of disturbed lands or compliance with any other conditions that may have been set forth in the original permit. Except under circumstances where a greater or lesser term has been specified and subject to the other provisions of this paragraph, the applicant may be entitled to successive ten (10) year renewals of the permit upon application to the Board through the Department. Such application for renewal shall incorporate by reference the original application and all exhibits attached thereto, shall contain a statement that all conditions and guarantees incorporated into the original permit have been met or have been complied with and will continue to remain in effect, and may contain a request for any modifications thereof requested by the applicant. Compliance with all terms, conditions, and guarantees of the original permit shall be a prerequisite of renewal. The application for renewal shall be submitted to the Department at least sixty (60) days prior to the expiration date of the original permit or any

prior extension thereof. Upon a determination by the Department that the application for renewal is in proper form, the Board shall schedule a public hearing on the application for renewal, and notice of such hearing shall be given as provided in Chapter 6 of this Resolution. The Board may hear evidence at the public hearing concerning whether there has been noncompliance with the conditions of the original permit, whether the applicant has requested modifications or changes in the permitted use that constitute a material change in the use (in which case the application will be treated as a new application subject to all standards and criteria of this section), and whether the continuance of the use could be detrimental to the general health, safety, and welfare of the area by reason of substantial changed area conditions. CUP & SRU originally issued or extended for a term greater or lesser than ten (10) years may be extended as set forth herein for such term as may be determined by the Board.

3. The specified term of a CUP & SRU Permit is for life of the use unless otherwise specified by the Board. If an application for renewal is required, it shall incorporate by reference the original application and all exhibits attached thereto, shall contain a statement that all conditions and guarantees incorporated into the original permit have been met or have been complied with and will continue to remain in effect, and may contain a request for any modifications thereof requested by the applicant. Compliance with all terms, conditions and guarantees of the original permit shall be a prerequisite of renewal. The application for renewal shall be submitted to the Department at least sixty (60) days prior to the expiration date of the original permit or any prior extension thereof. Upon a determination by the Department that the application for renewal is in proper form, the Board shall schedule a public hearing on the application for renewal, and notice of such hearing shall be given as provided in Chapter 6 of this Resolution. The Board may hear evidence at the public hearing concerning whether there has been noncompliance with the conditions of the original permit, whether the applicant has requested modifications or changes in the permitted use that constitute a material change in the use (in which case the application will be treated as a new application subject to all standards and criteria of this section), and whether the continuance of the use could be detrimental to the general health, safety, and welfare of the area by reason of substantial changed area conditions. Special Review Use Permits originally issued or extended for a term as specified by the Board may be extended as set forth herein for such term as may be determined by the Board

B. Renewal of Permit

Such application for renewal shall incorporate by reference the original application and all exhibits attached thereto, shall contain a statement that all conditions and guarantees incorporated into the original permit have been met or have been complied with and will continue to remain in effect, and may contain a request for any modifications thereof requested by the applicant. Compliance with all terms, conditions, and guarantees of the original permit shall be a prerequisite of renewal. The application for renewal shall be submitted to the Department at least sixty (60) days prior to the expiration date of the original permit or any prior extension thereof. Upon a determination by the Department that the application for renewal is in proper form, the Board shall schedule a public hearing on the application for renewal, and notice of such hearing shall be given as provided in Chapter 6 of this Resolution. The Board may hear evidence at the public hearing concerning whether there has been noncompliance with the conditions of the original permit, whether the applicant has requested modifications or changes in the permitted use that constitute a material change in the use (in which case the application will be treated as a new application subject to all standards and criteria of this section), and whether the continuance of the use could be detrimental to the general health, safety, and welfare of the area by reason of substantial changed area conditions. Conditional use permits originally issued or extended for a term greater or lesser than ten (10) years may be extended as set forth herein for such term as may be determined by the Board.

8.9 Abandonment, Discontinuance, or Termination

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.

8.10 Suspension of Conditional Use & Special Review Use Permits

The approval of a conditional use permit or special review use permit may be deemed suspended by the Board at a public meeting upon the expiration or termination of the permit holder's right to possession of the permit site, or if any other required permit expires or is terminated or revoked, which suspension shall continue until the permit holder reinstates or renews such right to possession or any required permit. Provided, however, no period of suspension shall extend beyond the term of the permit or any extension thereof. No use authorized by the conditional use permit or special review use permit shall be allowed upon the property during any period of suspension. The holder of the conditional use permit or special review use permit shall be given reasonable notice of the date and time of the Board meeting at which suspension of the conditional use permit or special review use permit will be discussed and decided. The conditional use permit or special review use permit holder will be afforded an opportunity to address the Board on the issue of suspension of the conditional use permit or special review use permit at such meeting.

~~8.11 Additional General Requirements~~

~~A statement setting forth the estimated duration of the conditional use permit and the length of time requested for the permit to remain in effect.~~

~~8.12 Additional Approval Criteria~~

~~Any application for a conditional use permit or special review use permit may include one (1) or more uses for which a conditional use permit or special review use permit is required.~~

~~In the absence of a specific finding that the conditional use permit should be issued for a term greater or lesser than ten (10) years, all conditional use permits issued under this section shall be for a term of ten (10) years. Such term includes that period of time after cessation of the use necessary to complete reclamation of disturbed lands or compliance with any other conditions that may have been set forth in the original permit. Except under circumstances where a greater or lesser term has been specified and subject to the other provisions of this paragraph, the applicant may be entitled to successive ten (10) year renewals of the permit upon application to the Board through the Department. Such application for renewal shall incorporate by reference the original application and all exhibits attached thereto, shall contain a statement that all conditions and guarantees incorporated into the original permit have been met or have been complied with and will continue to remain in effect, and may contain a request for any modifications thereof requested by the applicant. Compliance with all terms, conditions, and guarantees of the original permit shall be a prerequisite of renewal. The application for renewal shall be submitted to the Department at least sixty (60) days prior to the expiration date of the original permit or any prior extension thereof. Upon a determination by the Department that the application for renewal is in proper form, the Board shall schedule a public hearing on the application for renewal and notice of such hearing shall be given as provided in 6.4.3 of this Resolution. The Board may hear evidence at the public hearing concerning whether there has been noncompliance with the conditions of the original permit, whether the applicant has requested modifications or changes in the permitted use that constitute a material change in the use (in which case the application will be treated as a new application subject to all standards and criteria of this section), and whether the continuance of the use could be detrimental to the general health, safety,~~

~~and welfare of the area by reason of substantial changed area conditions. Conditional use permits originally issued or extended for a term greater or lesser than ten (10) years may be extended as set forth herein for such term as may be determined by the Board.~~

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

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

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

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

~~The specified term of a Special Review Use Permit is for life of the use unless otherwise specified by the Board. If an application for renewal is required, it shall incorporate by reference the original application and all exhibits attached thereto, shall contain a statement that all conditions and guarantees incorporated into the original permit have been met or have been complied with and will continue to remain in effect, and may contain a request for any modifications thereof requested by the applicant. Compliance with all terms, conditions and guarantees of the original permit shall be a prerequisite of renewal. The application for renewal shall be submitted to the Department at least sixty (60) days prior to the expiration date of the original permit or any prior extension thereof. Upon a determination by the Department that the application for renewal is in proper form, the Board shall schedule a public hearing on the application for renewal and notice of such hearing shall be given as provided in 6.4.3 of this Resolution. The Board may hear evidence at the public hearing concerning whether there has been noncompliance with the conditions of the original permit, whether the applicant has requested modifications or changes in the permitted use that constitute a material change in the use (in which case the application will be treated as a new application subject to all standards and criteria of this section), and whether the continuance of the use could be detrimental to the general health, safety, and welfare of the area by reason of substantial changed area conditions. Special Review Use Permits originally issued or extended for a term as specified by the Board may be extended as set forth herein for such term as may be determined by the Board.~~

8.13 Violations:

Operation or continuance of use that requires a conditional use permit or special review use permit will subject the violator to the penalties in effect set forth in section 1.6 of this Resolution, together with any penalties provided by state or local law.

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

If the Department or Code Enforcement Officer determines that a violation(s) of a permit has occurred or is occurring, written notice of the violation(s) shall be provided to the holder of the permit, which shall be

mailed by U.S. Certified Mail, return receipt request to the address of the holder as shown by the records of the Department. The notice shall state the alleged violation(s) of the permit conditions. The notice shall provide the permit holder a reasonable time to correct such violation(s) and shall provide that if the violation(s) is not corrected within such time, the permit may be subject to suspension or termination by the Board.

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

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

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

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

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

8.14 Temporary Use Permits (TUP)

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

8.14.1 Application Requirements for TUP's

A temporary use permit application will be required to be submitted to the Department. ~~at least twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard.~~ Note: **Applications are recommended to be submitted at least 45 days prior to the event.**

The application, at a minimum, shall contain the following:

1. General Description of the Event to include:
 - a. Location and/or street address
 - b. Date(s) of the event.
 - c. Hours of the day that the event will be held.
2. Drawing of the property on which the event will be held locating items such as:
 - a. Natural Features (*waterways, cliffs, etcetera*)
 - b. Existing Improvements (*structures, driveways, septic systems, etcetera*)
 - c. Components of the special event (*stages, parking areas, vender areas, etcetera*)
 - d. Vicinity map
3. Right to Occupy
 - a. If the applicant is not the owner of the property on which the event is to be held, then documentation from the property owner indicating authority for the applicant to submit the application shall be attached.
4. Signage Plan
 - a. Provide a statement as to the type(s) of signs, size, & location(s).
 - b. Total amount of signs.
 - c. How long will the signs be posted.
*The signage plan shall include copies of any agreements and or contracts with the appropriate property owners, agencies or companies, if applicable.
5. A Fire Protection Plan addressing method of fire protection, location of fire hydrants or other means of fire protection. If the project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.
6. Street Closures
 - a. Any closure of a County roadway will require approval by the Board. Proposed closures of roadways not controlled by the County will require closure approval by the appropriate authority. Describe how closures will be conducted, where the closure will occur and the time frames for closure.
7. The applicant shall provide a list of agencies that require the issuance of a permit, license, or the like for the event.
8. General Liability Insurance
 - a. In the amount deemed appropriate by the Board.
9. Cash, Surety, or other Bond
 - a. In the amount deemed appropriate by the Board to ensure that the property affected by the event will be cleaned to the reasonable satisfaction of the County and that damage associated with the conduct of the event may be repaired or remedied without cost to the County.

Attach copies of any agreements and or contracts with appropriate agencies or companies, if applicable.

10. Refuse Disposal Plan
 - a. Address how any litter and debris will be handled during the event and what is the method of disposal after the event.
11. Security & Crowd Control Plan
12. Vehicular & Pedestrian Traffic Plan

13. Emergency Service Operation Plan
 - a. List all emergency services that are proposed for the event.
14. Event Parking Plan

The following will require review and approval by the Fremont County Environmental Health Officer

15. Drinking Water Plan
16. Sanitation Plan (restroom facilities)
17. Concession Plan
 - a. Include a list of food and or beverage vendors and a copy of permits, and/or licenses.
 - b. Vendors shall provide documentation of sales tax license.
18. 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.

8.14.2 Annual Events Criteria

A temporary use permit may be approved by the Department if all the followings are met:

1. A complete application form and all required documentation as per Section 8.13.1 of this Resolution and fee have been submitted to the Department.
 - a. Complete applications shall be submitted a minimum of twenty (20) working days prior to the event's proposed start date.
2. The event has been granted a temporary use approval by the Board consecutively for the three (3) previous years.
3. The applicant is not requesting a waiver of the application fee or the cash, surety or other bond *(for clean-up)*.
 - a. If the application or other fee(s) have been waived by the Board for three (3) previous years.
4. The applicant/event has been in compliance with the issuance of the three (3) previous temporary use permits.
5. There are no major changes or amendments to the application as had been previously approved.
6. The applicant agrees to any recommendations or requirements of the notified agency.
 - a. There are no recommended requirements from any notified agency that were not previously requested, and that the applicant does not agree to.

8.14.3 Department Notifications

The Department shall notify the Sheriff's Office (SO), Fremont County Department of Transportation (FCDOT), Colorado State Patrol (CSP), Fremont County Environmental Health, Colorado Department of Transportation (CDOT), if access is directly off a CDOT controlled road, and Fremont County Search & Rescue of the event.

1. Notification shall state that written comments, concerns, recommendations, etcetera must be received ~~at least 10~~ **within fourteen (14) days, after notification.** ~~prior to the scheduled Board~~

~~Meeting~~. And, that representatives from the respective agency may attend the meeting to present recommendations or provide comments regarding the application.

2. Notification shall include:
 - a. A description of the event.
 - b. Location, date(s) and time(s) of the event(s).
 - c. Any proposed road closures.
 - d. The proposed traffic control plan.
 - e. Detailed description of signage and sign location(s).
 - f. Emergency Service Plan.
 - g. Crowd control plan.
 - ~~h. Date of scheduled Board Meeting~~

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

8.14.4 Requirements for Temporary Towers

The tower and accessory structures shall be a non-reflective material or color such as tan, brown, light grey, or an earth tone, unless such requirements are made by another entity.

A temporary use permit for temporary towers may be issued by the Department following an administrative review to determine if the application meets the following criteria:

1. The temporary tower is less than two-hundred (200) feet in height.
2. The temporary tower has a minimum setback not less than twice the height of the proposed tower from any property line.
3. The temporary tower is to be located in a zone district that provides for such use as a Temporary Use.

8.14.4.1.1 Review of Temporary Towers

The Department may refer applications to the Board for review and action if it deems such a referral is appropriate to ensure land use compatibility.

1. An application for a temporary tower that does not meet the listed criteria for administrative approval by the Department will be required to be submitted to the Department at least **forty-five (45) ~~twenty (20)~~** working days prior to a regularly scheduled Board meeting and the application shall be reviewed by the Board. The Board may approve, approve with contingencies, approve with conditions, deny, table for decision, and or table requesting additional information any such application.

8.14.4.1.2 Application Requirements

All applications for Temporary Use Permit for temporary towers shall include at least **two (2) ~~(3)~~** copies (one (1) original and **one (1) electronic ~~two (2)~~** copy) of the application (on a form provided by the Department) and all supporting documents. All such applications shall be submitted to the Department. The applicant will be notified as to how many revised copies, if applicable, this will be required within the Department comment and submittal deficiency letter. The application shall include the following:

1. Copy of the most current recorded deed.
2. Right to Occupy

- a. If the applicant is not the owner of the property on which the temporary tower is to be constructed, then documentation from the property owner indicating authority for the applicant to submit the application shall be attached.
3. A statement describing the proposed operation.
4. ~~Identification of the existing zoning district of the land to be used.~~
5. Proof of access rights to public roads.
6. The identity of all agencies of local, state, or federal government that will be required to issue any permit or license or the like for all or part of the activity that comprises the use. This section shall also require the applicant to summarize the status of the applications pending before the identified agencies including a copy of any such application and supporting materials.

8.14.4.1.3 Site Plan Requirements

~~Three (3)~~ **Two (2)** copies of a drawing shall be prepared to professional standards, minimum size of ~~18" X 24"~~, maximum size of 24" X 36", drawn at a common increment scale between or including 1" = 50' and 1" = 200' unless otherwise approved by the Department prior to submittal of the application. ~~Three (3)~~ **Two (2)** reduced (to 8"x11" or 11"x17") copies all of which shall include the following:

- ~~1. At least one (1) copy shall be of adequate size to use for display at public meetings.~~
2. *More than one sheet may be used if it is easier to express the required information, provided that are adequately labeled for identification.*

A site plan containing the following:

1. Titles
 - a. Main Title: _____(name) "Type" _____ Temporary Use Permit for a Temporary Tower.
2. Legal description of the subject property.
3. Boundary description of the area which describes the temporary use permit boundary, if different than the subject property.
4. Written and graphic scale.
5. North arrow.
6. Vicinity map locating the temporary use permit boundary in relation to the surrounding area, streets, natural features, etcetera.
7. All adjacent property owners names, addresses, and zip codes shall be shown on the site plan.
8. Setback dimensions form the tower to the front, sides, rear, and closet point of the property lines.
9. Tower height and other pertinent dimensions.
10. Labels or notes to identify any proposed accessory structures.
11. Dimensions to size and locate any proposed accessory structures.
12. Identify, locate and dimensions any parking spaces.
13. 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 from a known point.

14. Locate all drainageways including FEMA flood areas, by dimensions from property lines and or other natural features having an effect on, or which would be affected by the proposed use.
15. Zoning classification for subject property and all adjoining lots, parcels, or tracts.
16. The Department may require additional information as necessary to ensure an administrative review is adequate to provide neighborhood land use compatibility.

8.14.5 Additional Requirements

1. The Department shall have the right to require public notice in a newspaper of general circulation for any meeting being held to consider the issuance of a Temporary Use Permit by the Board.
2. The Department may require notice by United States Postal Service certified mail, return receipt requested to property owners within five hundred (500) feet of the subject property of any public meeting being held to consider the issuance of a Temporary Use Permit by the Board.
3. The Department may require notice by posting of the subject property of any public meeting being held to consider the issuance of a Temporary Use Permit by the Board.
4. The Board may refer any application for Temporary Use Permit to the Commission requesting its review at a Commission regular meeting and further requesting its recommendations concerning the application.
5. The Board may refer any application for Temporary Use Permit to any entity the Board deems could have significant input regarding the potential impacts of the proposed Temporary Use Permit.
6. The Board shall have the right to obtain professional review, at the applicant's expense, for any aspect of the proposed event as deemed necessary by the Board.

8.14.6 Additional Considerations

1. The Board may require the applicant to submit the following information if in their opinion it is necessary, to fully understand the impacts of the proposed Temporary Use Permit:
 - a. An environmental impact study/statement.
 - b. A detailed utility plan showing the proposed location of all utilities (water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical), as proposed by the developer, if applicable. Plan shall be accompanied by documentation from the utility providers that service can be provided, and any necessary upgrades as determined by the utility provider.
 - c. A roadway impact analysis; except for temporary towers (on a form obtained from the Department)
 - d. A fire protection plan addressing method of fire protection, location of fire hydrants or other means of fire protection. If project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.

- e. A Drainage Plan and Report; only required for temporary towers with construction of a permanent road.

1. Property owner shall execute a Quit Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, rights-of-way, related structures and/or facilities. (County will not accept maintenance of these facilities). Such deed may be recorded at the time of issuance of the temporary use permit. If non-applicable, provide a justification statement as to why such regulations are non-applicable.

- f. A socioeconomic impact study/statement.

- g. Studies, comments, referrals to agencies or professionals whose area or jurisdiction of expertise is applicable and germane to the use being proposed.

8.15 Fees

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

- 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.

5.7.14.2 Junkyards & Automobile Graveyards, as herein defined, that are not used for commercial or business use at the time of enactment of this amendment must be removed or be brought into compliance with the development requirements found in 5.7.15 of this Resolution.

5.7.15 SCREENING REQUIREMENTS: All junkyards, automobile graveyards, and vehicle impoundment yards shall have an adequately maintained eight (8) foot opaque screening of the junkyard and/or automobile grave yard and/or vehicle impoundment yard. This screening shall consist of wooden fencing, slat fencing, stone or brick wall, closely planted natural vegetation, or other appropriate visual barriers, as approved by the Board. If natural vegetation is utilized, it shall consist of plants at least thirty (30) inches in height when planted, and maintained in a healthy condition to provide minimum capacity to a height of eight (8) feet within two (2) years from the date of planting. If natural vegetation is to be used, a fence as required above, shall be constructed and shall remain in place until vegetation reaches required height of eight (8) feet.

5.7.15.1 Contractor's yard shall have a minimum six (6) foot opaque screening as per above requirements.

5.8 ENFORCEMENT / AUTHORITY: If Fremont County brings legal action to enforce the provisions of the Fremont County Zoning Resolution, and the County is the prevailing party in such legal action, County shall be entitled to recover its costs in enforcing the Fremont County Zoning Resolution, including reasonable attorney fees for attorneys who are not salaried employees of Fremont County.

5.9 BUILDING PERMITS: Permits required: No person, firm or corporation shall erect, construct, alter, convert, enlarge or move a residential, commercial or industrial building or structure in the County, or cause the same to be done, without first obtaining a separate building permit for each building or structure from the Building Inspector or his designated agent.

5.9.1 REQUIREMENTS FOR BUILDING PERMIT ISSUANCE:

5.9.1.1 The requirements for building permit issuance shall be in accordance with any building code currently in effect for Fremont County.

5.9.1.2 If it is determined by the Building Inspector or his designated agent that the property lies within a Flood Hazard Zone, as per the Federal Insurance Rate Maps (F.I.R.M.), all applicable requirements of the Flood Damage Prevention Regulations shall be met.

5.9.1.3 Any other information as may be required by any building code currently in effect for Fremont County, or other necessary information,

8.14 CONDITIONAL USE PERMITS AND SPECIAL REVIEW USE PERMITS

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

8.14.2 OTHER APPLICATION REQUIREMENTS:

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

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

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

8.14.2.2 A statement describing the proposed operation.

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

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

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

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

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

- 8.14.2.8** When access to the subject property is proposed to be via a County Road that accesses a roadway controlled by the CDOT within 500 feet of the intersection of the CDOT road and the County Road proof of CDOT notification of the proposed Use Permit and CDOT's comments and requirements shall be provided.
- 8.14.2.9** Statement that the proposal complies with the intent and purposes of this Resolution. (*See Fremont County Zoning Resolution 1.1 and 1.3*).
- 8.14.2.10** A statement as to how the proposal meets the intent, purpose and applicable goals and objectives of the current Fremont County Master Plan.
- 8.14.2.11** A list of names and complete mailing addresses for all property owners within five-hundred (500) feet of the boundaries of the conditional use permit or special review use permit property.
- 8.14.2.12** A list of names and complete mailing addresses of all severed mineral interest owners of the subject property.
- 8.14.2.13** Proposed hours and days of operation.
- 8.14.2.14** The identity of all agencies of local, state, or federal government that will be required to issue any permit or license or the like for all or part of the activity that comprises the use. This section shall also require the applicant to summarize the status of the applications pending before the identified agencies including a copy of any such application and supporting materials.
- 8.14.2.14.1** If the application is for a mining operation then at a minimum the proposed mining and reclamation plans shall accompany the application.
- 8.14.2.15** Proof of water, which may be a letter from a public water district indicating that the proposed use can be provided water service, or a letter or a copy of a well permit from the Colorado Division of Water Resources or other appropriate representative that notes that the proposed use can be serviced by a well.
- 8.14.2.16** Proof of sewage disposal, which may be a letter from a public sanitation district, committing to provide service for the proposed use or a copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system adequate for the specified use; or documented proof that the existing individual sewage disposal system is functioning properly and is adequate for the proposed use.

- 8.14.2.17** A detailed roadway impact analysis (*on a form obtained from the Department*) prepared by a professional engineer licensed to work in Colorado as per Section 5.11 of this Resolution, unless all vehicular traffic enters and exits the site onto a Federal or State Highway where the Colorado Department of Transportation has issued an access permit for the specified use.
- 8.14.2.18** Refuse disposal plan: The storage, collection, and disposal of refuse shall be so located and managed as not to create a health hazard, rodent harborage, insect breeding, accidents, hazards, or air pollution. Trash collection receptacles shall be provided and properly screened from view. (*A review by the Fremont County Environmental Health shall be required*)
- 8.14.2.19** Drainage Plan and Report as per Section 5.10 of this Resolution.
- 8.14.2.20** Property owner shall execute a Quit Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, right-of-ways, related structures and/or facilities, prior to recording of the use permit. (*County will not accept maintenance of these facilities*). Such deed shall be recorded at the time of recording of the use permit.
- 8.14.2.21** Buffering and landscaping plan shall be in accordance with Section 5.2.6, of this Resolution, if required. Buffering and landscaping shall be completed prior to recording of the use permit. If non-applicable, provide a justification statement as to why such regulations are non-applicable.
- 8.14.2.22** A fire protection plan addressing method of fire protection, location of fire hydrants or other means of fire protection. If project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.
- 8.14.2.23** A detailed utility plan showing the proposed location of all utilities (*water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical*), as proposed by the developer. Plan shall be accompanied by documentation from the utility providers that service can be provided, and any necessary upgrades as determined by the utility provider
- 8.14.2.24** All Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Waste to Energy Incineration Systems shall comply with the Solid Waste Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-to-Energy Incineration Systems Regulations, Section 6 of this

Resolution, and applicable State and Federal laws and regulations. If non-applicable, provide a justification statement as to why such regulations are non-applicable.

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

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

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

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

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

8.14.3.3 Legal description of the subject property;

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

8.14.3.5 The zoning classification for the subject property;

8.14.3.6 Zoning classification for all adjoining lots, parcels, or tracts;

8.14.3.7 Written and graphic scale;

8.14.3.8 North Arrow;

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

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

8.14.3.10.1 Minimum lot size;

8.14.3.10.2 Maximum lot coverage;

8.14.3.10.3 Maximum building height;

8.14.3.10.4 Minimum lot width;

8.14.3.10.5 Minimum setback requirements;

8.14.3.10.5.1 Front yard;

8.14.3.10.5.2 Side yards (*two sides*);

8.14.3.10.5.3 Rear yard;

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

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

8.14.3.11.2 Location dimensions from at least two property lines for each such building, structure and/or improvement.

8.14.3.11.3 Square footage and dimensions of all buildings and structures.

8.14.3.11.4 Building height of each building and/or structure.

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

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

8.14.3.12.2 Location dimensions from at least two property lines for each proposed building, structure or improvement.

8.14.3.12.3 Square footage and dimensions of all buildings and structures.

8.14.3.12.4 Building height of each building and/or structure.

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

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

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

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

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

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

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

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

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

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

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

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

drawings and or tables may be used to express the required information if appropriate.)

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

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

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

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

8.14.3.16.4 All internal traffic circulation patterns by line symbol.

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

8.14.3.17 Identify by label or note, all pedestrian areas and walkways located outside of buildings and/or structures, on subject property, including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*

8.14.3.17.1 Dimensions of all pedestrian areas and walkways.

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

8.14.3.18 Identify by label or note and locate and size, by dimension(s) all service and refuse areas.

8.14.3.19 Identify and locate all drainageways including FEMA flood areas, by dimensions from property lines.

8.14.3.20 Identify and locate significant natural features of the subject property by dimensions from the property lines.

8.14.3.21 Identify and locate all drainage facilities including:

8.14.3.21.1 Dimension all drainage facilities.

8.14.3.21.2 All drainage facilities shall be designated as a drainage easement.

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

8.14.3.22.1 The height of light poles and illustrate the lighting coverage area.

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

8.14.3.22.1.2 Lighting shall not be directed toward surrounding properties.

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

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

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

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

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

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

8.14.3.23.3.2 Illuminated signage shall not direct light onto adjoining properties.

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

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. **Added Commercial Development Plans**
- 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

permit site, or if any other required permit expires or is terminated or revoked, which suspension shall continue until the permit holder reinstates or renews such right to possession or any required permit. Provided, however, no period of suspension shall extend beyond the term of the permit or any extension thereof. No use authorized by the conditional use permit or special review use permit shall be allowed upon the property during any period of suspension.

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

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

8.14.6 ADDITIONAL APPROVAL CRITERIA/CONDITIONAL USE PERMIT/SPECIAL REVIEW USE:

8.14.6.1 Any application for a conditional use permit or special review use permit may include one (1) or more uses for which a conditional use permit or special review use permit is required.

8.14.6.2 In the absence of a specific finding that the conditional use permit should be issued for a term greater or lesser than ten (10) years, all conditional use permits issued under this section shall be for a term of ten (10) years. Such term includes that period of time after cessation of the use necessary to complete reclamation of disturbed lands or compliance with any other conditions that may have been set forth in the original permit. Except under circumstances where a greater or lesser term has been specified and subject to the other provisions of this paragraph, the applicant may be entitled to successive ten (10) year renewals of the permit upon application to the Board through the Department. Such application for renewal shall incorporate by reference the original application and all exhibits attached thereto, shall contain a statement that all conditions and guarantees incorporated into the original permit have been met or have been complied with and will continue to remain in effect, and may contain a request for any modifications thereof requested by the applicant. Compliance with all terms, conditions, and guarantees of the original permit shall be a prerequisite of renewal. The application for renewal shall be submitted to the Department at least sixty (60) days prior to the expiration date of the original permit or any prior extension thereof.

Upon a determination by the Department that the application for renewal is in proper form, the Board shall schedule a public hearing on the application for renewal, and notice of such hearing shall be given as provided in 8.5.4 and 8.5.5 of this Resolution. The Board may hear evidence at the public hearing concerning whether there has been noncompliance with the conditions of the original permit, whether the applicant has requested modifications or changes in the permitted use that constitute a material change in the use (*in which case the application will be treated as a new application subject to all standards and criteria of this section*), and whether the continuance of the use could be detrimental to the general health, safety, and welfare of the area by reason of substantial changed area conditions. Conditional use permits originally issued or extended for a term greater or lesser than ten (10) years may be extended as set forth herein for such term as may be determined by the Board.

- 8.14.6.3** If a conditional use permit has been approved or extended under this section for a specified term, the use may not be lawfully continued upon expiration of that term unless and until an extension thereof is approved under this section.
- 8.14.6.4** Any conditional use permit lawfully in existence at the time of adoption of this Resolution shall be eligible for renewal or extension in accordance with the renewal or extension provisions of the current zoning resolution. Such eligibility shall exist regardless of whether the conditional use is authorized in the zone district established by this Resolution.
- 8.14.6.5** All conditional use permits approved in accordance with this section shall be subject to review by the Board on a yearly basis, after the date of issuance or extension of the permit, or the date of assignment thereof. In the absence of a complaint such review shall be informal and without the necessity of a public hearing. If such review is accompanied by a complaint, the review shall be held by the Board at their next regularly scheduled meeting and the applicant shall be notified. The standards for review in either case shall include compliance with any other required permits, a review of the activities of the permit holder, and any other matter relevant to the holder, and any other matter relevant to the permit. The permit holder shall attend such review and furnish information that may be relevant.
- 8.14.6.6** If a conditional use is issued for a specific period, the period shall begin to run on the date the application is approved by the Board unless another date is fixed by the Board.
- 8.14.6.7** The specified term of a Special Review Use Permit is for life of the use unless otherwise specified by the Board. If an application for renewal is

required, it shall incorporate by reference the original application and all exhibits attached thereto, shall contain a statement that all conditions and guarantees incorporated into the original permit have been met or have been complied with and will continue to remain in effect, and may contain a request for any modifications thereof requested by the applicant. Compliance with all terms, conditions and guarantees of the original permit shall be a prerequisite of renewal. The application for renewal shall be submitted to the Department at least sixty (60) days prior to the expiration date of the original permit or any prior extension thereof. Upon a determination by the Department that the application for renewal is in proper form, the Board shall schedule a public hearing on the application for renewal, and notice of such hearing shall be given as provided in 8.5.4 and 8.5.5 of this Resolution. The Board may hear evidence at the public hearing concerning whether there has been non-compliance with the conditions of the original permit, whether the applicant has requested modifications or changes in the permitted use that constitute a material change in the use (*in which case the application will be treated as a new application subject to all standards and criteria of this section*), and whether the continuance of the use could be detrimental to the general health, safety, and welfare of the area by reason of substantial changed area conditions. Special Review Use Permits originally issued or extended for a term as specified by the Board may be extended as set forth herein for such term as may be determined by the Board.

8.14.7 SPECIAL REQUIREMENTS/SPECIAL REVIEW USES:

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

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

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

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

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

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

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

8.14.7.2 ADULT USES: The following requirements shall be met:

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

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

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

8.14.7.2.4 Adult use structures, signs, and buildings shall not be painted in garish (*excessively vivid*) colors, nor shall promotional

materials or displays be exhibited, such as to effectuate the same purposes as a sign.

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

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

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

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

8.14.7.3.4 Proposed method of waste disposal.

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

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

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

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

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

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

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

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

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

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

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

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

8.14.7.4.9.1 Height of the tower;

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

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

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

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

8.14.8 VIOLATIONS:

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

8.14.8.2 The Department, the Code Enforcement Officer, or any other interested person who is affected thereby, may file a written complaint with the

Department alleging a violation(s) of one or more conditions of the permit. The Department or Code Enforcement Officer shall investigate the complaint and determine if the holder of a Conditional Use Permit or Special Review Use Permit has violated one or more conditions of the same.

- 8.14.8.3** If the Department or Code Enforcement Officer determines that a violation(s) of a permit has occurred or is occurring, written notice of the violation(s) shall be provided to the holder of the permit, which shall be mailed by U.S. Certified Mail, return receipt request to the address of the holder as shown by the records of the Department. The notice shall state the alleged violation(s) of the permit conditions. The notice shall provide the permit holder a reasonable time to correct such violation(s) and shall provide that if the violation(s) is not corrected within such time, the permit may be subject to suspension or termination by the Board.
- 8.14.8.4** Upon receipt of the notice, the permit holder may object to the claimed violation(s) by submitting a written statement setting forth such objection to the Department, and shall specify and set forth any facts that may show that no violation(s) has occurred. The Department shall review the objection and shall contact the permit holder to attempt to resolve the dispute. If informal discussions do not resolve the dispute, the Department shall schedule the matter on the agenda for hearing at a regular meeting of the Board. The permit holder shall be provided a written notice of the date and time of the hearing, which shall be mailed by U.S. Certified Mail, return receipt requested, no later than ten (10) days prior to the hearing date.
- 8.14.8.5** Upon receipt of a second or subsequent complaint alleging repeated or new violations of a permit by a permit holder, the Department or Code Enforcement Officer shall investigate the complaint and determine if the holder of a Conditional Use Permit or Special Review Use Permit has violated one or more conditions of the same. If the Department or Code Enforcement Officer determines that another violation(s) of a permit has occurred or is occurring, the Department shall schedule the matter on the agenda for hearing at a regular meeting of the Board. The permit holder shall be provided a written notice of the alleged violation(s) and the date and time of the hearing, which shall be mailed by U.S. Certified Mail, return receipt requested, no later than ten (10) days prior to the hearing date.
- 8.14.8.6** Upon receipt of the combined notice of violation(s) and notice of hearing for a second or subsequent violation(s) of a permit, the permit holder may object to the claimed violation(s) by submitting a written statement setting forth such objection to the Department, and shall specify and set forth any facts that may show that no violation(s) has occurred.

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

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

8.15 COMMERCIAL DEVELOPMENT PLAN

- 8.15.1 GOAL:** Fremont County continues to welcome new business and industrial interests while constantly working to enhance conditions for continued success of its existing commercial enterprises and land use compatibility for its residents and visitors. Fremont County works to ensure an understanding of regulations and will provide information and guidance necessary for applicants to provide representation adequate for review by appropriate entities.
- 8.15.2 PURPOSE:** Commercial Development Plan Applications provide adequacy review of proposed business, industrial and multi-family developments and significant expansions of the same. These applications provide an opportunity for the governing body, service providers, utility providers, neighborhood property owners and applicants to judge the potential impacts, positive and negative, of a development. Commercial development review provides opportunity to evaluate existing infrastructure to determine the scope of necessary improvements to adequately service the proposed development or expansion and determine the burden of expense while ensuring a continued level of service to the current neighborhood. Such applications provide a chance for neighborhood and constituent input for suggestions of ways to make the proposed development as compatible as possible.
- 8.15.3** In order to determine if a Commercial Development Plan is required, a ~~zoning verification is required along with completing~~ a Commercial Development Plan Questionnaire. Upon receipt of a complete questionnaire the Department will notify, the potential applicant, in writing, as to whether the Commercial Development Plan application is or is not required.
- ~~**8.15.4** A Commercial Development Plan shall be in effect for three (3) years from the date of approval by the Board, unless an extension has been granted by formal action of the Board.~~
- 8.15.5** At the time of application the applicant may propose phasing of the development with a defined time frame for the phasing.
- 8.15.5.1** No phasing shall be approved that exceeds a total time frame of six (6) years for completion of the development.
- 8.15.6** Completion of all the items proposed by the application and required by the approval shall be accomplished within ~~three years of the date~~ of approval by the Board, unless an extension has been granted by formal action of the Board.

8.15.7 WHEN REQUIRED: A Commercial Development Plan Application will be required to be submitted for any of the following:

~~8.15.7.1 Any proposal to develop vacant property which is currently located in the Medium Density Residence and or High Density Residence Zone Districts. Note: As per Colorado Revised Statute (CRS) any property zoned Medium or High Density residence will be required to make application for an appropriate subdivision process prior to development, if more than one dwelling unit is proposed.~~

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

8.15.7.3 Any substantial change of use ~~(or occupancy as per the building code) from one use that is allowed in the zone district to another use in the Medium Density Residence, High Density Residence, Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts.~~ as determined by the Planning and Zoning Department

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

8.15.8 WHEN NOT REQUIRED: A Commercial Development Plan will not be required if any of the following apply:

8.15.8.1 When a Commercial Development Plan has been previously approved and there is no proposed substantial change of use.

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

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

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

~~8.15.8.1.4 When a Preliminary Plan and a Final Plat Application is submitted in conjunction with a zone change application.~~

~~8.15.8.1.5 When a Minor Subdivision Application is submitted in conjunction with a zone change application.~~

~~8.15.8.2 When an application for Zone Change of the subject property is necessary to allow the proposed use.~~

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

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

8.15.9.1 The drawing shall contain a title; (*Name*) Commercial Development Plan.

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

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

8.15.9.4 The zoning classification for the subject property.

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

8.15.9.6 Written and graphic scale.

8.15.9.7 North arrow.

8.15.9.8 Legal description of the subject property.

8.15.9.9 Boundary drawing of the property with bearings and dimensions which illustrate the legal description of the subject property.

8.15.9.10 Vicinity map locating the subject property in relation to the surrounding area, streets, major natural features, etcetera.

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

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

- 8.15.9.11.1** Minimum lot size;
- 8.15.9.11.2** Maximum lot coverage;
- 8.15.9.11.3** Maximum building height;
- 8.15.9.11.4** Minimum lot width;
- 8.15.9.11.5** Minimum setback requirements;
 - 8.15.9.11.5.1** Front yard;
 - 8.15.9.11.5.2** Side yards (*two*);
 - 8.15.9.11.5.3** Rear yard.

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

- 8.15.9.12.1** Each such building, structure and or improvement shall have a label and or note that identifies it and states its existing and or proposed use.
- 8.15.9.12.2** Location dimensions from at least two (2) property lines for each such building and/or structure and or improvement.
- 8.15.9.12.3** Square footage and dimensions of all buildings and structures.
- 8.15.9.12.4** Building height of each building and/or structure.

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

- 8.15.9.13.1** Each such building, structure and or improvement shall have a label and or note that identifies it and states its proposed use.
- 8.15.9.13.2** Location dimensions from at least two (2) property lines for each proposed building and/or structure.

- 8.15.9.13.3** Square footage and dimensions of all buildings and structures.
- 8.15.9.13.4** Building height of each building and/or structure.
- 8.15.9.14** Identify by label or note each internal roadway proposed on the subject property after development including: *(Note: Typical type drawings and or tables may be used to express the required information if appropriate.)*
 - 8.15.9.14.1** Dimensions from property lines at the beginning and end of the roadway and centerline information for the entire roadway.
 - 8.15.9.14.2** Width at the beginning of the roadway and at any points along the roadway where the width changes.
 - 8.15.9.14.3** All access points from the subject property to the public roadway system. Locate each access point by providing dimensions from property lines.
 - 8.15.9.14.4** All internal traffic circulation patterns by line symbol.
 - 8.15.9.14.5** The surface type, the width and thickness, of each internal roadway.
- 8.15.9.15** Identify by label or note, all pedestrian areas and walkways located outside of buildings and/or structures, on subject property, including: *(Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).*
 - 8.15.9.15.1** Dimensions of all pedestrian areas and walkways.
 - 8.15.9.15.2** Surface type, width, length and thickness of all pedestrian areas and walkways.
- 8.15.9.16** Identify by label or note all off-street parking areas on the subject property including: *(Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).*
 - 8.15.9.16.1** Dimensions of overall size of all off-street parking areas.
 - 8.15.9.16.2** Proposed surface type for all off-street parking areas. *(See Section 5.3.2 of this Resolution for requirements).*
 - 8.15.9.16.2.1** Proposed thickness of the surface materials of the off-street parking areas.

- 8.15.9.16.3** Identify by label or note and locate different types of off-street parking spaces. (Such as full size spaces, compact spaces and spaces for individuals with disabilities). (Map symbol may be used)
- 8.15.9.16.3.1** Dimension each type of off-street parking space proposed to be used on the subject property. (*A typical for each type of space is acceptable*).
- 8.15.9.16.3.2** A table based on Sections 5.3 and 5.4 of this Resolution specifying the minimum numbers of spaces required for each category, in comparison to the numbers proposed by this application.
- 8.15.9.17** Identify by label or note all off-street loading areas proposed to be contained on the subject property (See Section 5.5 of this Resolution for requirements) including: (Note: Typical type drawings and / or tables may be used to express the required information, if appropriate).
- 8.15.9.17.1** Location and size, by dimension, all off-street loading areas.
- 8.15.9.17.2** Proposed surface type for all off-street loading areas. (*See Section 5.3.2 of this Resolution.*)
- 8.15.9.17.3** Proposed thickness of the surface materials of the off-street loading areas.
- 8.15.9.18** Identify by label or note, the specific type and height (*at maturity for vegetation and an estimated time to reach maturity*) and locate, by dimension, all landscaping to be used within the off-street parking and loading areas. (*See Section 5.3.4 of this Resolution*). (*Note: Typical type drawings and / or tables may be used to express the required information, if appropriate*).
- 8.15.9.19** Identify by label or note, and locate by dimension, the specific type of lighting proposed for off-street parking and loading areas (*See Section 5.3.3 of this Resolution*) including: (*Note: Typical type drawings and / or tables may be used to express the required information, if appropriate*).
- 8.15.9.19.1** The heights of light poles and illustrate the lighting coverage area.
- 8.15.9.19.1.1** Proposed lighting shall not direct light onto any public roadways.

8.15.9.19.1.2 Lighting shall not be directed toward surrounding properties.

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

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

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

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

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

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

8.15.9.20.3.2 Illuminated signage shall not direct light onto adjoining properties.

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

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

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

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

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

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

specifying the extent to which the representation is authorized.

- 8.15.10.1.2** If the proposed commercial development plan application is not intended to cover the entire property described in the current deed of record then an appropriate subdivision application may be required as a condition of approval.
- 8.15.10.2** Proof of water, which may be a letter from a public water district indicating that the proposed use can be provided water service, or a letter or a copy of a well permit from the Colorado Division of Water Resources, or other appropriate representative, which indicates that the proposed use can be serviced by a well.
- 8.15.10.3** Proof of sewage disposal, which may be a letter from a public sanitation district or a copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system adequate for the specified use; or documented proof that the existing individual sewage disposal system is functioning properly and is adequate for the proposed use.
- 8.15.10.4** Refuse disposal plan: The storage, collection, and disposal of refuse shall be so located and managed as not to create a health hazard, rodent harborage, insect breeding, accidents, hazards, or air pollution. Trash collection receptacles shall be provided and properly screened from view. *(A review by the Fremont County Environmental Health Office shall be required).*
- 8.15.10.5** A detailed roadway impact analysis *(on a form obtained from the Department)* prepared by a professional engineer licensed to work in Colorado as per Section 5.11 of this Resolution, unless all vehicular traffic enters and exits the site onto a Federal or State Highway where the Colorado Department of Transportation has issued an access permit for the specified use.
- 8.15.10.6** Drainage Plan and Report as per Section 5.10 of this Resolution.
- 8.15.10.7** Property owner shall execute a Quit Claim deed to the County with a deed restriction addressing the maintenance of any required drainage facilities, easements, right-of-ways, related structures and/or facilities, prior to recording of the Commercial Development Plan. *(County will not accept maintenance of these facilities).* Such deed shall be recorded at the time of recording of the Commercial Development Plan.
- 8.15.10.8** Buffering and landscaping plan shall be in accordance with Section 5.2.6, of this Resolution, if required. Buffering and landscaping shall be completed prior to recording of the Commercial Development Plan.

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

- 8.15.10.9** A fire protection plan addressing method of fire protection, location of fire hydrants or other means of fire protection. If project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.
- 8.15.10.10** A detailed utility plan showing the location of all utilities (*water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical*), as proposed by the developer. Plan shall be accompanied by documentation from the utility providers that service can be provided, and any necessary upgrades as determined by the utility provider
- 8.15.10.11** All Solid Wastes Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Waste to Energy Incineration Systems shall comply with the Solid Waste Disposal Sites and Facilities, Hazardous Waste Treatment, Storage or Disposal Sites and Facilities and Waste-to-Energy Incineration Systems Regulations, Section 6 of this Resolution, and applicable State and Federal laws and regulations. If non-applicable, provide a justification statement as to why such regulations are non-applicable.
- 8.15.10.12** A statement describing the proposed uses.
- 8.15.10.13** A statement as to the existing zoning district of the land to be used.
- 8.15.10.14** Statement that the proposal complies with the intent and purposes of this Resolution. (*See Fremont County Zoning Resolution 1.1 and 1.3*).
- 8.15.10.15** A statement as to how the proposal meets the intent, purpose and applicable goals and objectives of the current Fremont County Master Plan.
- 8.15.10.16** Explain what effect the proposed use would have on adjacent uses. If no positive or adverse effect on adjacent uses is expected, explain why there will be no positive or adverse effect on adjacent uses.
- 8.15.10.17** Evidence that the proposed use will be in harmony and compatible with the surrounding land uses and development in the area. If not in harmony and compatible what measures can be taken to make it in harmony and compatible.
- 8.15.10.18** Proof of access rights to public roads when the property does not have adequate frontage on a County Road.

- 8.15.10.19** When access to the subject property is proposed to be directly to a roadway controlled by the Colorado Department of Transportation (CDOT) a copy of an approved access permit for the proposed use shall be provided.
- 8.15.10.20** When access to the subject property is proposed to be via a County Road that accesses a roadway controlled by the CDOT within 500 feet of the intersection of the CDOT road and the County Road proof of CDOT notification of the proposed Commercial Development Plan and CDOT's comments and requirements shall be provided.
- 8.15.10.21** Designate soil types and descriptions.
- 8.15.10.22** A list of names, and complete mailing addresses for all property owners within five-hundred (500) feet of the boundaries of the subject property.
- 8.15.10.23** A list of names and complete mailing addresses of all severed mineral interest owners of the subject property.
- 8.15.10.24** Such other and additional information as required by the Department, the Commission or the Board.

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

8.16.1 REQUIREMENTS FOR TEMPORARY USE PERMITS: A temporary use permit application will be required to be submitted to the Department ~~at least twenty (20) working days prior to a regularly scheduled Board meeting, at which the applicant is requesting to be heard.~~ The application, at a minimum, shall contain the following:

8.16.1.1 A general description of the event.

8.16.1.2 A location and / or street address of the event.

8.16.1.3 A vicinity map that provides a general location of the event.

8.16.1.4 A drawing of the property on which the event will be held locating items such as natural features (*waterways, cliffs, etcetera*), existing improvements (*structures, driveways, septic systems, etcetera*) and components of the special event (*stages, parking areas, vendor areas, etcetera*).

8.16.1.5 The date(s) of the event, and hours of the day that the event will be held.

8.16.1.6 If the applicant is not the land owner for the property on which the event is to be held, then documentation from the property owner indicating authority for the applicant to submit the application shall be attached.

8.16.1.7 Address whether there will be any signs used to advertise the event. If yes, please provide a statement as to the type(s) of signs, size, location(s) the signs will be placed, how many signs are proposed and how long the signs will be posted. The signage plan shall include copies of any agreements and or contracts with appropriate property owners, agencies or companies, if applicable.

8.16.1.8 Address how any litter and debris will be handled during the event and what is the method of disposal after the event. The litter containment and disposal plan shall include copies of any agreements and or contracts with appropriate agencies or companies, if applicable.

- 8.16.1.9** Address means of security and crowd control. The security and crowd control plan shall include copies of any agreements and or contracts with appropriate agencies or companies, if applicable.
- 8.16.1.10** Address how vehicular and pedestrian traffic will be handled. The vehicular and pedestrian traffic control plan shall include copies of any agreements and or contracts with appropriate agencies or companies, if applicable.
- 8.16.1.11** A drinking water plan which includes documentation of agreements and / or contracts with companies providing necessary facilities. NOTE: This will require review and approval by the Fremont County Environmental Health Officer.
- 8.16.1.12** A sanitation plan (*restroom facilities*) which includes documentation of agreements and/or contracts with companies providing necessary facilities. NOTE: This will require review and approval by the Fremont County Environmental Health Officer.
- 8.16.1.13** A concession plan, if any, which includes a list of food and or beverage vendors and permits, licenses or the like required. If vendors are used, please provide documentation of sales tax license. NOTE: This will require review and approval by the Fremont County Environmental Health Officer.
- 8.16.1.14** An emergency service operation plan addressing what emergency services are proposed for the proposed event. The emergency services plan shall include any agreements and or contracts, with appropriate agencies or companies.
- 8.16.1.15** Documentation as to acceptance of a fire protection plan from an appropriate fire protection agency along with a copy of said plan. A blank fire protection plan and district comment form is available at the Department.
- 8.16.1.16** Address how event parking will be handled. The event parking plan shall include copies of any agreements and or contracts with appropriate agencies or companies, if applicable.
- 8.16.1.17** Address any street closures in connection with the event. Any closure of a County roadway will require approval by the Board. Proposed closures of roadways not controlled by the County will require closure approval by the appropriate authority. Describe how closures will be conducted, where the closure will occur and the time frames for closure.

8.16.1.18 The applicant shall provide a list of agencies that require the issuance of a permit, license or the like for the event.

8.16.1.19 The Department shall notify the Sheriff's Office (SO), Fremont County Department of Transportation (FCDOT), Colorado State Patrol (CSP), Fremont County Environmental Health, Colorado Department of Transportation (CDOT), if access is directly off a CDOT controlled road, and Fremont County Search & Rescue of the event.

8.16.1.19.1 Notification shall state that written comments, concerns, recommendations, etcetera must be received at least 10 days prior to the scheduled Board Meeting. And, that representatives from the respective agency may attend the meeting to present recommendations or provide comments regarding the application.

8.16.1.19.1.1 Notification shall include the following:

8.16.19.1.1.1 A description of the event;

8.16.19.1.1.2 Location, date(s) and time(s) of the event(s);

8.16.19.1.1.3 Any proposed road closures;

8.16.19.1.1.4 The proposed traffic control plan;

8.16.19.1.1.5 Detailed description of signage and sign location(s);

8.16.19.1.1.6 Emergency Service Plan;

8.16.19.1.1.7 Crowd control plan;

8.16.19.1.1.8 Date of scheduled Board Meeting

8.16.1.20 Proof of general liability insurance for the event in amounts deemed appropriate by the Board.

8.16.1.21 Requirements as to cash, surety or other bond deemed necessary and appropriate by the Board to ensure that the property affected by the event will be cleaned to the reasonable satisfaction of the County and that damage associated with the conduct of the event may be repaired or remedied without cost to the County.

8.16.1.22 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.

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

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

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

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

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

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

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

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

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

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

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

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

8.16.3 REQUIREMENTS FOR TEMPORARY TOWERS: A temporary use permit for temporary towers may be issued by the Department following an administrative review to determine if the application meets the following criteria:

- The temporary tower is less than two-hundred (200) feet in height;
- The temporary tower has a minimum setback not less than twice the height of the proposed tower from any property line;
- The temporary tower is to be located in a zone district that provides for such use as a Temporary Use.

8.16.3.1 The Department may refer applications to the Board for review and action if it deems such referral is appropriate to insure land use compatibility.

8.16.3.2 An application for a temporary tower that does not meet the listed criteria for administrative approval by the Department will be required to be submitted to the Department at least twenty (20) working days prior to a regularly scheduled Board meeting and the application shall be reviewed by the Board. The Board may approve, approve with contingencies, approve with conditions, deny, table for decision, and or table requesting additional information any such application.

8.16.3.3 All applications for Temporary Use Permit for temporary towers shall include at least (3) copies (*one (1) original and two (2) copies*) of the application (*on a form provided by the Department*) and all supporting documents. All such applications shall be submitted to the Department. The applicant will be notified as to how many revised copies, if applicable, will be required within the Department comment and submittal deficiency letter. The application shall include the following:

8.16.3.3.1 Complete legal description of proposed site.

8.16.3.3.1.1 Copy of the current deed of record of the subject property including:

8.16.3.3.2.1 Authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which the representation is authorized.

- 8.16.3.3.2** A statement describing the proposed operation.
- 8.16.3.3.3** Identification of the existing zoning district of the land to be used.
- 8.16.3.3.4** Proof of access rights to public roads.
- 8.16.3.3.5** The identity of all agencies of local, state, or federal government that will be required to issue any permit or license or the like for all or part of the activity that comprises the use. This section shall also require the applicant to summarize the status of the applications pending before the identified agencies including a copy of any such application and supporting materials.
- 8.16.3.3.6** The tower and accessory structures shall be a non-reflective material or color such as tan, brown, light grey or an earth tone, unless such requirements are made by another entity.
- 8.16.3.3.7** Three (3) copies of a site plan, drawn to professional standards, minimum sheet size of 8½” X 11” and a maximum sheet size of 24” X 36”, and which is legible at a scale appropriate to determine size and location of all items shown, which shall include the following: *(More than one sheet may be used if it is easier to express the required information, provided they are adequately labeled for identification.)*
 - 8.16.3.3.7.1** Site plan shall contain a title, *(Name)* Temporary Use Permit For A Temporary Tower;
 - 8.16.3.3.7.2** Legal description of the subject property;
 - 8.16.3.3.7.3** Boundary description of the area which describes the temporary use permit boundary, if different than the subject property;
 - 8.16.3.3.7.4** Written and graphic scale;
 - 8.16.3.3.7.5** North arrow;
 - 8.16.3.3.7.6** Vicinity map locating the temporary use permit boundary in relation to the surrounding area, streets, natural features, etcetera;

- 8.16.3.3.7.7** All adjacent property owners names, addresses, and zip codes shall be shown on the site plan;
- 8.16.3.3.7.8** Setback dimensions from the tower to the front, sides, rear and closest point of the property lines;
- 8.16.3.3.7.9** Tower height and other pertinent dimensions;
- 8.16.3.3.7.10** Labels or notes to identify any proposed accessory structures;
- 8.16.3.3.7.11** Dimensions to size and locate any proposed accessory structures;
- 8.16.3.3.7.12** Identify, locate and dimension any parking spaces;
- 8.16.3.3.7.13** 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 from a known point;
- 8.16.3.3.7.14** Locate all drainageways including FEMA flood areas, by dimensions from property lines and or other natural features having an effect on or which would be affected by the proposed use;
- 8.16.3.3.7.15** Zoning classification for subject property and all adjoining lots, parcels or tracts;
- 8.16.3.3.8** The Department may require additional information as necessary to insure an administrative review is adequate to provide neighborhood land use compatibility.

8.16.4 ADDITIONAL REQUIREMENTS

- 8.16.4.1** The Department shall have the right to require public notice in a newspaper of general circulation for any meeting being held to consider the issuance of a Temporary Use Permit by the Board.
- 8.16.4.2** The Department may require notice by United States Postal Service certified mail, return receipt requested to property owners within five-hundred (500) feet of the subject property of any public meeting being held to consider the issuance of a Temporary Use Permit by the Board.

8.16.4.3 The Department may require notice by posting of the subject property of any public meeting being held to consider the issuance of a Temporary Use Permit by the Board.

8.16.4.4 The Board may refer any application for Temporary Use Permit to the Commission requesting its review at a Commission regular meeting and further requesting its recommendations concerning the application.

8.16.4.5 The Board may refer any application for Temporary Use Permit to any entity the Board deems could have significant input regarding the potential impacts of the proposed Temporary Use Permit.

8.16.4.6 The Board shall have the right to obtain professional review, at the applicant's expense, for any aspect of the proposed event as deemed necessary by the Board.

8.16.5 ADDITIONAL CONSIDERATIONS

8.16.5.1 The Board may require the applicant to submit the following information if in their opinion it is necessary, to fully understand the impacts of the proposed Temporary Use Permit:

8.16.5.1.1 An environmental impact study/statement.

8.16.5.1.2 A detailed utility plan showing the proposed location of all utilities (*water, sewer, electric, gas, cablevision lines, irrigation ditches and lines, horizontal and vertical*), as proposed by the developer, if applicable. Plan shall be accompanied by documentation from the utility providers that service can be provided, and any necessary upgrades as determined by the utility provider

8.16.5.1.3 A roadway impact analysis; except for temporary towers (*on a form obtained from the Department*).

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

8.16.5.1.5 A Drainage Plan and Report; only required for temporary towers with construction of a permanent road.

8.16.5.1.5.1 Property owner shall execute a Quit Claim deed to the County with a deed restriction addressing the maintenance of any required drainage

facilities, easements, right-of-ways, related structures and/or facilities. (*County will not accept maintenance of these facilities*). Such deed may be recorded at the time of issuance of the temporary use permit. If non-applicable, provide a justification statement as to why such regulations are non-applicable.

8.16.5.1.6 A socioeconomic impact study/statement.

8.16.5.1.7 Studies, comments, referrals to agencies or professionals whose area or jurisdiction of expertise is applicable and germane to the use being proposed.

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

6 SOLID WASTES DISPOSAL SITES AND FACILITIES, HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL SITES AND FACILITIES AND WASTE-TO-ENERGY INCINERATION SYSTEMS

6.1 Applicability: This section shall apply in all zone districts within the unincorporated area of Fremont County, except 6.2.2 of this Resolution, which applies within the incorporated and unincorporated portions of Fremont County.

6.2 Conditional Use Permit or Special Review Use Permit approval required:

6.2.1 Any person, firm, corporation, etc., who operates a solid wastes disposal site and facility, a hazardous waste treatment, storage, or disposal site and facility, or a waste-to-energy incineration system shall first obtain a conditional use permit or special review use permit approval from the Board. The conditional use permit or special review use permit shall be submitted concurrently with this section 6.2.1 and certificate of designation if required.

6.2.2 Solid wastes disposal, hazardous waste treatment, storage, or disposal, and waste-to-energy incineration are prohibited within the incorporated or unincorporated portion of Fremont County except on or at a site and facility for which a conditional use permit or a special review use permit approval has been obtained as provided in the Fremont County Zoning Resolution, as amended, or that has been approved by a city or town within the boundaries of which the site and facility are situated.

6.2.3 Notwithstanding the provisions of 6.2.1 and 6.2.2 of this Resolution, any person may dispose of his own solid waste on his own property, as long as such disposal complies with all state and federal laws and regulations and does not constitute a public nuisance and as long as such solid wastes are not hazardous wastes.

6.2.4 Notwithstanding the provisions of 6.2.1 and 6.2.2 of this Resolution, the final use for beneficial purposes, including fertilizer, soil conditioner, fuel, and livestock feed, of sludge that is not hazardous waste and has been processed and certified or designated as meeting all applicable regulations of the Colorado Department of Health and the Colorado Department of Agriculture shall not require a conditional use permit or special review use permit approval for such final use.

6.3 Application for permit: Any person desiring to operate a solid wastes disposal site and facility, a hazardous waste treatment, storage, or disposal site and facility, or a waste-to-energy incineration system within the unincorporated portion of Fremont County shall apply to the Board for approval of a conditional use permit or a special review use permit. Such application shall be accompanied by a fee fixed by the Board on a schedule available at the Department. For purposes of covering the actual costs and expenses of evaluating the application, including but not limited to retaining any necessary expert or investigative assistance, the Board may, at its discretion, assess an additional fee of an amount deemed appropriate by the Board. The Board may, at its discretion, require that payment of this additional fee, or any portion thereof, be received before incurring costs of evaluating the

application. Only the unused portion of this additional fee shall be refundable. The application shall be prepared and/or certified by a registered and qualified professional engineer. Sources of information in the application shall be carefully noted. Highly technical or specialized data not easily understood by laymen shall appear in appendices. The application shall, at minimum, contain:

6.3.1 A description of the location of the site and facility or system and a detailed description of the proposed activity. The description shall include: the type of site and facility or system involved; the type of processing to be used, such as sanitary landfill, composting, burning in an industrial furnace or boiler (*including a cement kiln*), thermal treatment, or incineration; the hours of operation; the method of supervision; the rates to be charged, if any; the types, locations, and useful lives of any tanks or storage container to be used; the leak prevention and detention methods to be used and the reasons for selection of such methods; the sources and amounts of all solid wastes or hazardous waste to be processed at the site and facility or system; and the composition of such solid wastes or hazardous waste and the methods of waste analysis to be used. If the type of processing to be used includes burning, incineration, or thermal treatment, the applicant shall specify operating temperatures, including the reasons for selection of such temperatures, methods of monitoring and controlling emissions and operating temperatures, including the reasons for selection of such methods. The description shall demonstrate that the site and facility or system will be located, operated, and maintained in a manner that controls obnoxious odors, prevents rodent and insect breeding and infestation, and complies with the health laws, standards, rules, and regulations of the State Department of Health, the State Air and Water Quality Control Commissions, all Federal agencies, and all applicable zoning laws and ordinances;

6.3.2 A demonstration that no radioactive materials or materials contaminated by radioactive substances will be disposed of in a site and facility or system not specifically designated for that purpose, including specification of methods for preventing inadvertent processing of radioactive substances;

6.3.3 A detailed description of the probable impacts that the proposed activity will have on the environment. The description shall include all technical data, maps, and diagrams reasonable necessary for assessment of such impacts by the county and commenting agencies and citizens. This part of the application shall describe the environment at the site and the surrounding area, as it exists before the proposed activity and without the effects of the proposed activity, in sufficient detail to facilitate an informed assessment by the County, and shall include projections as to growth and population. This part of the application shall demonstrate that the site and facility or system will conform to officially adopted land use plans, policies, regulations, and resolutions;

6.3.4 A detailed assessment of the probable positive and negative effects the proposed activity will have on local, regional, and overall public health and safety. If the activity will involve emission or release of solid or hazardous wastes or constituents or

byproducts of solid or hazardous wastes or transportation of solid or hazardous wastes, the application shall include a health risk assessment conducted by a qualified professional that shall contain a quantification of risks to human health associated with the proposed activity. The assessment shall include, but not be limited to, consideration of the risk of accidents during the transportation of waste to, from, or at the site. The assessment shall specify the bases for all conclusions and shall identify any assumptions the author or authors of the assessment have made. The application shall contain a statement of the qualifications of the author or authors of the health risk assessment;

6.3.5 A detailed description of the need, if any, for the site and facility or system by Colorado generators of solid or hazardous wastes;

6.3.6 A demonstration that the applicant:

6.3.6.1 has the financial ability to operate the proposed site and facility or system according to all applicable laws and regulations;

6.3.6.2 shall maintain his financial ability to close and maintain the site and facility or system property at and after the end of its useful life in accordance with all applicable laws and regulation;

6.3.6.3 shall maintain adequate liability coverage for sudden accidental and non-sudden accidental occurrences that result in bodily injury or property damage to third parties.

6.3.7 A demonstration that the applicant, taking into account its prior performance record, if any, in the treatment, storage, or disposal of solid or hazardous wastes, has sufficient reliability, expertise, and competency to operate and manage the proposed site and facility or system;

6.3.8 Such engineering, geological, hydrological, and operational data as is required by the Fremont County Zoning Resolution, as amended;

6.3.8.1 Such other information as may be required by the Board.

6.4 Factors to be Considered:

6.4.1 In considering an application of a conditional use permit or special review use permit under this Section, the Board shall take into account:

6.4.1.1 The effect that the proposed activity will have on the surrounding property, the health and welfare of the public, and the environment, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions;

6.4.1.2 The convenience and accessibility of the site and facility or system to potential users;

6.4.1.3 The ability of the applicant to comply with the health and safety standards and operating procedures provided for by local, state or federal laws and such rules and regulations as may be promulgated pursuant to such laws;

6.4.1.4 Recommendations by other governmental agencies;

6.4.1.5 Such other factors as the Board deems appropriate.

6.4.2 Issuance of a conditional use permit or special review use permit approval pursuant to this Section shall be discretionary with the Board, subject only to such judicial review by the district court of appropriate jurisdiction as may be otherwise provided by law. If the application provides insufficient information for the Board to reach an informed decision, the Board may, at its discretion, afford the applicant the opportunity to provide additional information.

6.4.3 Prior to a public hearing held by the Board, the application shall be reviewed, and a recommendation as to approval or disapproval made, by the Commission. Such recommendation may be conditional. The application, report of the Commission, master plan, and other pertinent information shall be presented to the Board at a public hearing to be held after notice. Such notices shall contain the time and place of the hearing and shall state that the matter to be considered is the applicant's proposal for a solid wastes disposal site and facility, a hazardous waste treatment, storage or disposal site and facility, or a waste-to-energy incineration system. The notice shall be published in a newspaper having general circulation in Fremont County at least ten (10) but no more than thirty (30) days prior to the date of hearing.

6.5 Permit: If the Board deems that a conditional use permit or a special review use permit approval should be granted to the applicant, it shall issue the permit with such conditions, if any, that the Board deems appropriate, and such permit shall be displayed in a prominent place at the site and facility or system.

6.6 Revocation or Suspension of Permit:

6.6.1 The Board, after reasonable notice and public hearing, may revoke or temporarily suspend a conditional use permit or a special review use permit approval that has been issued by it if it finds:

6.6.1.1 A failure of a site and facility or system to comply with all applicable laws, resolutions, and ordinances or to comply with any rule or regulation adopted pursuant thereto;

6.6.1.2 There was a material misrepresentation or misstatement of fact in the application for the conditional use permit or special review use permit approval;

6.6.1.3 The site and facility or system is not being operated in substantial compliance with a term, condition, or limitation of its conditional use permit, special review use permit approval or an applicable rule or regulation; or

6.6.1.4 The site and facility or system poses an unreasonable risk to public health or welfare or the environment.

6.6.2 The revocation or suspension of a conditional use permit or a special review use permit approval shall not relieve the permit holder from any legal liability.

6.7 Substantial Change in Ownership, Design, or Operation: A substantial change in ownership of any site and facility system, or in the design and operation of any site and facility or system, shall be submitted to the Board for its approval before such change shall become effective. The application for approval of a substantial change shall be accompanied by a fee fixed by the Board on a schedule available at the Department. For purposes of covering the actual costs and expenses of evaluating the application, including but not limited to retaining any necessary expert or investigative assistance, the Board may, at its discretion, assess an additional fee of an amount deemed appropriate by the Board. The Board may, at its discretion, require that payment of this additional fee, or any portion thereof, be received before incurring costs of evaluating the application. Only the unused portion of this additional fee shall be refundable. The application shall contain the information and certifications required for application for a conditional use permit by this Section.

6.8 Permit Required for Operation:

6.8.1 Operation of a solid waste disposal site and facility, hazardous waste treatment, storage, or disposal site and facility, or a waste-to-energy incineration system for which a conditional use permit or special review use permit approval has been issued shall not begin until the applicant obtains all state and federal permits required by law or regulation for such operation.

6.8.2 Solid wastes deposited at any site and facility shall not be burned, other than by incineration or industrial burning in accordance with a certificate of designation issued pursuant to Section 30-20-105, C.R.S.; except that in extreme emergencies resulting in the generation of large quantities of combustible materials, authorization for burning under controlled conditions may be given by the State Department of Health.

6.9 Procedures Not Exclusive: The requirements of this Section shall be in addition to and not in lieu of the requirements for a conditional use permit or special review use permit approval set forth in 8.14 of the Fremont County Zoning Resolution, as amended; provided, however, in the event of any conflict between the provisions of this Section and 8.14 of this Resolution, the provisions of this Section shall apply.

6.10 Severability: If any provision of this Section shall be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate any other part or provision hereof.

6.11 Enforcement: In addition to any other civil or criminal procedure or penalty provided by law or in the Fremont County Zoning Resolution, as amended, any site and facility or system that is found to be abandoned or that is operated and maintained in a manner so as to violate any of the provisions of this Section shall be deemed a public nuisance and such violation may be enjoined by the district court of Fremont County in an action brought by the Board.

5.6 TRAVEL TRAILER PARK & CAMPGROUND

- 5.6.1** Minimum park area shall be the same as the minimum lot size for the zone district in which it is located, including variations in acreage based on availability and service to the property of public water and sewer.
- 5.6.2** Each trailer site shall have a minimum of two-thousand (2,000) square feet.
- 5.6.3** Each recreational cabin and park model site shall have a minimum of one-thousand-five-hundred (1,500) square feet.
- 5.6.4** Each tent site shall have a minimum of one-thousand (1,000) square feet.
- 5.6.5** No structures shall be attached to a recreational vehicle or placed in a manner that would prevent or hinder the immediate removal of the recreational vehicle.
- 5.6.6** All Travel Trailer Park and Campgrounds shall comply with the “Standards and Regulations for Campgrounds and Recreation Areas” as adopted by the Colorado Department of Public Health and Environment, except that Primitive and Semi-Primitive campgrounds as defined by the Colorado Department of Public Health and Environment “Standards and Regulations for Campgrounds and Recreation Areas” shall not be permitted. Any exemptions set forth in the Colorado Standards and Regulations for Campgrounds and Recreation Areas shall apply to the same category or classification campground and/or recreation area under these regulations.
- 5.6.7** The site shall have at least one direct access to a public street by a roadway that shall be at least thirty-two (32) feet in width. The internal street system shall be privately owned, constructed and maintained and shall be designed for safe and convenient access to all spaces and to facilities for common use by park occupants. The interior roadway shall not be less than sixteen (16) feet in width for one way and twenty-four (24) feet for two way. A two-way roadway shall have a minimum turning radius of forty (40) feet. Road grades shall not exceed six (6) percent. One-way roadways shall form a loop. All roadways shall be surfaced with at least four (4) inches of gravel, no greater than 1 ½ grade and shall be surfaced with asphalt or concrete, unless the asphalt or concrete requirement is waived by the Board. If one-way roadways are used, one-way directional signs shall be installed.
- 5.6.8** All roadways and walkways within the travel trailer park or campground shall be lighted at night to provide safe access.

- 5.6.9** All interior roadways and sidewalks shall be maintained so as to provide a safe driving and walking surface and limit pollution.
- 5.6.10** Every travel trailer park or campground shall provide one or more service buildings adequately equipped with flush-type toilet fixtures and lavatories.
- 5.6.11** All spaces in a travel trailer park and campground shall provide an electrical outlet supplying at least 110 volts or 11-/220 volts. The installation shall comply with all state and local electrical regulations.
- 5.6.12** Recreation Space Requirements: Space in the amount of at least four (4) percent of the total area of a travel trailer park and campground shall be provided for recreational purposes. At least a ten (10) foot wide access shall be provided to all recreational facilities.
- 5.6.13** The density of campsites shall not exceed 25 campsites per acre excluding roads, buildings, and other common use areas.

5.7.2.3.1 If the subject property is considered a non-conforming lot, parcel or tract and such is required in the application for non-

RESOLUTION NO. 34, SERIES OF 2022

RESOLUTION IMPOSING A MORATORIUM ON ENFORCEMENT OF CERTAIN PROVISIONS OF THE FREMONT COUNTY ZONING RESOLUTION REGARDING COMMERCIAL DEVELOPMENT PLANS

WHEREAS, pursuant to §30-28-111 and 30-28-112, C.R.S., the Board of County Commissioners (“Board”) and the Planning Commission for Fremont County have authority to make and adopt a zoning plan for zoning all or any part of the unincorporated territory within the county; and

WHEREAS, on or about November 22, 1994, County duly adopted Resolution No. 54, Series of 1994, which enacted the Fremont County Zoning Resolution (FCZR), to serve the best interests of the inhabitants of Fremont County. The regulations became effective January 1, 1995, in accordance with the resolution. On or about January 13, 2009, the County readopted the Zoning Resolution, incorporating all amendments into a revised edition of the Fremont County Zoning Resolution; and

WHEREAS, the FCZR section 8.15.7.4 presently requires submission and approval of a Commercial Development Plan (CDP), for any substantial expansion or improvements and/or enlargement of an existing use in the Medium Density Residence, Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts; and

WHEREAS, the Board of Commissioners wishes to simplify the process for existing businesses in Fremont County to expand, improve and enlarge their businesses by elimination of the requirement to go through the CDP process for these types of business changes; and

WHEREAS, the Board is of the opinion that the FCZR should be revised and amended to allow more flexibility for businesses to expand, enlarge and improve their existing facilities, which could require several months to complete; and,

WHEREAS, the Board has the power to impose a moratorium on a temporary basis to allow time to consider, draft, study, present and potentially adopt an amendment to the FCZR to address the issue of requiring Commercial Development Plans for existing businesses seeking to expand, enlarge, or improve without a change of use; and

WHEREAS, the Board believes it to be appropriate and necessary to place a moratorium on the enforcement of the FCZR Section 8.15.7.4 regarding the requirement of a Commercial Development Plan for expansion, enlargement or improvement of an existing business that does not seek a change in use.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY:

1. A Moratorium is hereby imposed, pending creation and drafting of an amendment to the Fremont County Zoning Resolution, on enforcement of Section 8.15.7.4 of the FCZR that requires submission and approval of a Commercial Development Plan for any substantial expansion, improvements, and/or enlargement of an existing use in the Medium Density Residence, Neighborhood Business, Rural Highway Business, Business, Airport, Industrial Park and Industrial Zone Districts.

2. This Moratorium shall not apply if the expansion, improvement, and/or enlargement of the existing use includes a change in actual use of the property.

3. This Moratorium shall not affect the requirement that all development and building setback requirements set out in the FCZR be met.

4. The purpose and intent of this moratorium shall be to provide opportunities for existing businesses and commercial enterprises to improve, expand and enlarge their business presence without unnecessary delay, cost and governmental oversight.

8. This moratorium shall expire one year from the date of this Resolution, unless terminated earlier by Board of Commissioners action or by adoption of an amendment to the Fremont County Zoning Resolution addressing this issue.

Commissioner Grantham moved for adoption of this Resolution, with a second by Commissioner McFall. The roll call vote of the Board was as follows:

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Kevin J. Grantham	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Dwayne McFall	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: November 8th, 2022

Debbie Bell
Chairman

Attest: [Signature]
Clerk

