

SEVENTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 12, 2023, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chair Kevin Grantham called the meeting to order at 9:30 a.m.

Kevin Grantham	Commissioner	Present
Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Justin D Grantham	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present
Tony Carochi	County Manager	Present
Dan Victoria	Planning & Zoning Director	Present

INVOCATION

Steve Van Winkle, Cañon Community Baptist Church

PLEDGE OF ALLEGIANCE

Those present recited the Pledge of Allegiance to the flag of the United States of America.

APPROVAL OF AGENDA

Commissioner McFall moved to approve the agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

CONSENT AGENDA

1. Approval of Minutes: July 11, 2023
2. Approval of Bills for \$1,677,530.01
3. Ratification of Chairman's Signature on the Colorado Employers Benefit Trust Insurance Renewal
4. Approval of Colorado Retirement Association Retirement Plan and Trust Agreement
5. Schedule Public Hearing for October 24, 2023:
 - a. **CUP 23-001 Tallahassee Resources Exploration Project**
Tallahassee Resources has submitted application to conduct mineral exploration activities to further delineate the known uranium deposit and collect data that will guide development of an environmentally responsible mining technique encompassing a boundary of 734 acres.
 - b. **Zone Consolidation and Rewrite**
 - A. **Staff Report for new formatting to Zone Districts**
 1. Airport Zone District
 2. Low Density Residence Zone District
 3. Manufactured Home Park Zone District
 - B. **Minor change in Zone Districts**
 1. Business Zone District
 2. Industrial Zone District
 3. Industrial Park Zone District
 4. Planned Unit Developments (PUD)
 5. Rural Highway Business (RHB)

C. Zone Consolidation of HDR & MDR

1. High Density Residential Zone District (HDR)
2. Medium Density Residence Zone District (MDR)

Commissioner Bell moved to approve the consent agenda. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

ADMINISTRATIVE & INFORMATIONAL

Ref. Fremont County BOCC Meeting 9/12/2023 – 3:50

1. Staff / Elected Officials:

- a. County Manager Report, Tony Carochi, County Manager

County Manager Carochi -- gave the County Manager's Report.

Clerk Grantham – announced that this week is ballot creation week. Further summarized what will be included on the full ballots. Now is the time to register to vote either in person at the election office or online at www.govotecolorado.gov

Commissioner Bell – mentioned that this weekend is Pioneer Days at Pioneer Park in Florence. She encouraged all to attend.

Commissioner McFall – cautioned residents to be careful when out and about due to dry conditions. He will be traveling to Washington D.C. to advocate for PILT (payment in lieu of taxes) money received for the amount of acreage of federal land in the county that taxes cannot be collected on. We receive roughly 1.2 to 1.3 million dollars per year and rely on that money for the budget. The National Association of Counties is advocating for the permanent funding of PILT or for a longer duration than a year.

Commissioner Grantham – encouraged everyone to vote no on Proposition HH. He also participated in the board of directors meeting for the Gold Belt Scenic Byway Group. He further explained what the scenic byway is and how the group maintains the signs and promotes the historic and scenic areas located in the two counties of Teller and Fremont. The Gold Belt Scenic Byway Group is funded by local government and local businesses. He encouraged people to participate in this group and to contact him if interested.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda.

UNFINISHED BUSINESS: None

NEW BUSINESS

Ref. Fremont County BOCC Meeting 9/12/2023 – 17:10

1. Kinship Care Month Proclamation
Representatives: Molly Willard and Amy Maroni

Molly Willard – shared data regarding kinship care's success from January through June 2023. Ms. Willard also read the Kinship Care Month Proclamation.

Commissioner Bell – thanked Ms. Willard and Ms. Maroni for being present and relayed how important their work is to the community.

Commissioner McFall – thanked Ms. Willard and Ms. Maroni for attending the meeting and shared how impressed he is with their hard work.

Commissioner Grantham – expressed how he and his fellow commissioners enjoy speaking at conferences about the great work the Department of Human Services does. He also thanked Ms. Willard and Ms. Maroni for attending the meeting and for their hard work.

Commissioner McFall -- moved to approve the Kinship Care Month Proclamation. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Ref. Fremont County BOCC Meeting 9/12/2023 – 23:50

2. Requesting the issuance of a Malt, Vinous and Spiritous Liquor & Fermented Malt Beverage Special Events Permit
Boys & Girls Club of Fremont County for an event at Pathfinder Event Center 6655 HWY 115 Florence, CO 81226 on the following date: October 27th from 6:00p.m. to 11:00p.m. in 2023
Representative: Eric Thompson

Eric Thompson – explained that the annual fundraiser was moved closer to Halloween so that costumes could be incorporated into the event.

Commissioner Bell – asked how the serving of alcohol will be handled and inquired if the staff was trained and TIPS certified.

Mr. Thompson – explained the caterer for the event is receiving state training similar to TIPS as a condition for the catering contract.

Clerk Grantham – gave the staff report and recommended approval.

Commissioner Bell – verified that the map provided showed the serving boundaries.

Commissioner Bell moved to approve the Malt, Vinous and Spiritous Liquor & Fermented Malt Beverage Special Events Permit Boys & Girls Club of Fremont County for an event at Pathfinder Event Center 6655 HWY 115 Florence, CO 81226 on the following date: October 27th from 6:00p.m. to 11:00p.m. in 2023. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Ref. Fremont County BOCC Meeting 9/12/2023 – 28:35

3. Resolution No. 26, Series of 2023 Revoking The Designation Of A Portion Of Fremont County Road 45 Open to Off-Highway Vehicle Traffic

Commissioner McFall – reviewed the background of Resolution No. 26 and Resolution No. 27.

Commissioner Grantham – emphasized that ATV use on our county roads causes wear and tear and reminded everyone that this allowance is for business use only and does not continue beyond the business.

4. Resolution No. 27, Series of 2023 Designating Fremont County Road 54 Open to Off-Highway Vehicle Traffic.

Commissioner McFall -- moved to approve Resolution No. 26, Series of 2023 Revoking the Designation of a Portion of Fremont County Road 45 Open to Off-Highway Vehicle Traffic and Resolution No. 27, Series of 2023 Designating Fremont County Road 54 Open to Off-Highway Vehicle Traffic. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

5. Change meeting date for the regularly scheduled Board of County Commissioner (BOCC), BOHS and BOH meetings from Tuesday, November 28, 2023, to Thursday, November 30, 2023. BOCC will begin at 9:30am, BOHS at 1:15pm, and BOH at 2:00pm

Commissioner Grantham – explained that there is a conflict with an annual conference on November 28, 2023.

Commissioner Bell – confirmed that the conference is in Jefferson County for the Colorado Counties Incorporated Winter Conference and the commissioners will return Thursday November 30, 2023.

Commissioner Bell moved to approve the change to the meeting date for the regularly scheduled Board of County Commissioner (BOCC), BOHS and BOH meetings from Tuesday, November 28, 2023, to Thursday, November 30, 2023. BOCC will begin at 9:30am, BOHS at 1:15pm, and BOH at 2:00pm. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

6. Re-appointment of Lu Toxvard to the Airport Advisory Board for a term ending October 1, 2026

Commissioner Grantham moved to approve the re-appointment of Lu Toxvard to the Airport Advisory Board for a term ending October 1, 2026. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

7. Re-appointment of James Wick to the Airport Advisory Board for a term ending October 1, 2026

Commissioner McFall moved to approve the re-appointment of James Wick to the Airport Advisory Board for a term ending October 1, 2026. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

8. Re-appointment of Mildred Wintz to the Fremont County Heritage Commission for a term ending December 31, 2026

Commissioner Grantham moved to approve the re-appointment of Mildred Wintz to the Fremont County Heritage Commission for a term ending December 31, 2026. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

PUBLIC HEARING SCHEDULED 10:00 a.m.

Ref. Fremont County BOCC Meeting 9/12/2023 – 36:20

Commissioner Grantham opened the public hearing at 10:05 a.m.

1. **Proposed Regulations**
 - a. Residential 1-Zone Consolidation and Rewrite
Agricultural Suburban and Agricultural Estates Zone Districts

Planning and Zoning Director Dan Victoria – explained that the current zoning regulations need updating and he and his staff have been working on the rewrite for the past year. Director Victoria summarized the updates, noting that there are currently six agricultural residential zone districts, which cause some issues. Residential 1-Zone consolidates the agricultural suburban and the agricultural estates zone districts. Issues and deficiencies were addressed including citizens having confusion in which zone they reside in, zone district names preventing access to financing, uses needing updating and currently cause barriers for housing. Director Victoria further detailed how the Residential 1-Zone Consolidation and Rewrite is structured.

Charlotte Norman – spoke in the capacity of the president of the Penrose Water District board of directors. This Colorado special district has the mission of providing municipal water to the people living in the unincorporated area of Penrose. Ms. Norman stated the board is opposed to one specific provision of the Residential 1-Zone, which is the one-acre minimum lot size with public water and OWTS. Ms. Norman explained there is not enough water to increase the density within the district. She also voiced the district's concern for the OWTS, or septic systems allowed on one acre lots due to the unique geology of the area.

Director Victoria – addressed Ms. Norman’s concerns and stated that the lot sizes for the new zoning have not changed from the old zoning regulations. He also addressed the conflicts that exist between the County regulations and the Penrose Water District regulations.

Ms. Norman – stated there are a limited number of agriculture suburban/agriculture estates in Penrose but the concern is that the existing larger lots could request to further subdivide the lots to the one acre lots allowed by the county.

Sue Madone – expressed her concerns about the new zoning regulations regarding parking on the road.

Director Victoria – explained that the parking regulations have not been changed in terms of the new zoning regulations, regardless of zone district. Currently, all projects must be able to accommodate all parking and should not spill out into the roadway.

Commissioner Bell – explained to Ms. Madone that she has a temporary use permit for parking currently and comes before the county annually for approval. The regulations have not changed for parking and the temporary use permit is not guaranteed for approval each year.

b. Residential 2-Zone Consolidation and Rewrite
Agricultural Rural and Agricultural Living Zone Districts.

Director Victoria – summarized the Residential 2-Zone consolidation and rewrite details. These include reformatting, renaming, new zone descriptions, consolidation of uses and addition of new uses. The intent of this consolidation and rewrite is the same as Zone 1. Director Victoria further detailed how the Residential 2-Zone Consolidation and Rewrite is structured. Director Victoria explained that Zone 2 does allow for an increase in density for the Agricultural Living Zone District.

Commissioner Bell – questioned the new cemetery regulations for cemeteries between 4.5 and 9 acres subject to an SRU, while greater than 9 acres no longer require an SRU.

Director Victoria – responded that this is a density issue with the smaller acreage in the residential areas. The intent is to not make too many changes during consolidation, while keeping density concerns in mind.

George Hall – expressed his concern about the stables and the 300 ft setback on the lower acreages. He questioned if the current non-conforming stables will be grandfathered in.

Director Victoria – explained that there is an application process for non-conforming properties to go through and the non-conforming section of the regulations will be addressed later.

Ms. Madone – referring to Zone 1 and the wording for the roadside stands, voiced her concerns over the section stating no agricultural products may be sold that are not produced on the premises.

Director Victoria – explained to Ms. Madone that a roadside stand differs from her property. She has a temporary use permit and is allowed to sell produce from another location.

c. Residential 3-Zone Consolidation and Rewrite
Agricultural Farming and Ranching and Agricultural Forestry Zone Districts.

Director Victoria -- summarized the Residential 3-Zone consolidation and rewrite details. These include reformatting, renaming, new zone descriptions, the development requirements in the new smaller zone district AFR (Agricultural Farming and Ranching) becoming the standard, consolidation of uses and addition of new uses. Director Victoria detailed how the Residential 3-Zone Consolidation and Rewrite is structured, including additions. He further explained that the acreage requirements will go down to 20 acres minimum, which matches the current AFR requirements. Director Victoria clarified that all subdivision requests smaller than 35-acre parcels will be required to go before the Planning and Zoning Department.

Commissioner McFall – questioned if there are allowances for animal units in the current zoning regulations.

Director Victoria – confirmed that the allowance for animal units was added to Zone 3 for consistency.

Commissioner McFall – expressed his disagreement with the animal unit allowance on Zone 3 based on his concern for over grazing on smaller acreage and his concern with limiting the allowances for existing properties.

Director Victoria – explained that there was not a change in the number of animals allowed per acre and there are no new restrictions, but a renaming of the district to assist with financing. The current animal unit chart was not changed. He referenced state regulations that may further restrict the animal units.

Lester Limon – spoke regarding the livestock. He lives in Zone 3 and as an architect, also assists in developing areas in this zone. He stated that the land in this zone is governed in part by Property Owner Associations and Home Owner Associations. He discussed balancing the POA restrictions versus allowing landowners freedom to do what they choose on their own land. Mr. Limon questioned the differences in animal units based on animal type. He suggested that additional guidance would be helpful for POAs to then interpret for their own covenants.

Director Victoria – explained there is a current chart that breaks down the animal unit by species. He suggested that the chart is not ideal and may need to be re-vamped. There was also discussion of the age requirements of different species as to when they are counted as a unit.

Mr. Limon – confirmed the real reason for his attendance was to speak about vacation rentals. His concern is that vacation rentals do not fall under commercial use now and therefore the POA covenants would have to be rewritten to regulate vacation rentals. Mr. Limon spoke about the confusion in connecting the water supply from primary dwelling to the accessory dwelling unit and how that affects POA regulations.

Mr. George Hall – expressed his concerns over the current sizing of the sections that should be 40 acres but once surveyed are smaller once roads are taken into consideration and may be 38 acres instead. His suggestion is that a minimum of 20 acre lots should be decreased to perhaps 18 acres to accommodate. He would like to see the original proration that was in place before the new zoning be reinstated. He went on to request that property once improperly zoned could be corrected through a process. Mr. Hall also touched upon grandfathering in a non-compliant property.

Commissioner Grantham – suggested that some of the zoning that appears improper may have had a valid reason. He agreed that the process could possibly be streamlined.

Director Victoria – presented feedback from the Planning Commission regarding the zoning consolidations and rewrites. The commission recommended approval with the following recommendations: re-naming the districts to avoid confusion with existing names in other municipalities, adding a visual aid to the front of each district as an example of what a conforming lot may look like, adding an additional statement informing citizens that other agencies may be involved in a project and may have other requirements, and any significant changes in these documents be sent back to them for review.

Ms. Norman – expressed her appreciation to the county commissioners for sticking up for the ag lifestyle.

Commissioner Grantham – closed the public hearing at 11:27 a.m.

Commissioner Bell moved to table the regulations to Tuesday, September 26, 2023, with an effective date anticipated in April 2024. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

Commissioner Grantham adjourned the meeting at 11:30 a.m.

To view the YouTube Video for Commissioner Minutes, go to the following website:

www.youtube.com/watch?v=mfSrxfgkwho