

## TWENTY SECOND MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Special Session On October 15<sup>th</sup>, 2024, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman called the meeting to order at 9:00am.

Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Kevin Grantham	Commissioner	Present
Justin D Grantham	Clerk and Recorder	Absent
Eric Bellas	County Attorney	Present
Tony Carochi	County Administrator	Absent
Dan Victoria	Planning & Zoning Director	Present

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF AGENDA

**Commissioner Bell** moved to approve the agenda with the change item that will read: Schedule public hearing on November 26<sup>th</sup>, 2024 at 9:30am for the designation of activities of state interest by Fremont County to include site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems, site election and construction of major facilities of a public utility and efficient utilization of municipal and industrial water projects and regulations concerning the same. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye Commissioner McFall, aye. The motion carried by unanimous consent.

### PUBLIC HEARING SCHEDULED FOR 9:00AM

1. Consideration and adoption of Fremont County Zoning Resolution.

### NEW BUSINESS

1. Schedule Public Hearing on November 26, 2024, at 9:30 a.m. - Designation of activities of state interest by Fremont County, to include site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems; site selection and construction of major facilities of a public utility; and efficient utilization of municipal and industrial water projects, and regulations concerning the same.
2. **Resolution No. 32**, Series of 2024 a Resolution Removing the Suspension of the Fire Ban for Fremont County Pursuant To Ordinance No. 2012-1 And Imposing The Fire Ban As Provided In Ordinance No. 2012-1

**Commissioner Grantham** moved to approve **Resolution No. 32** series of 2024 removing the suspension of the fire ban in Fremont County pursuant to the Ordinance 2012-001. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**Commissioner McFall** explained the purpose of this meeting was for the public hearing of the adoption of the Fremont County Zoning Regulations.

**Commissioner McFall** opened the public hearing at 9:08am.

**Planning and Zoning Director Victoria** began the staff report by saying that the department recognized the need for a review and an update to the regulations. The Fremont County Board of County Commissioners allowed changes to be made to the formatting, revised language, and addition of new language, new uses as a use by right or special permitting. Changes & revisions were made to some of our current such as agricultural building, farm & ranch hand quarters, emergency service station was revised

to make it non-gender specific, rodeo grounds, seasonal employee housing trailer or tent camping. New definitions were added backyard poultry and fowl, dry cleaning services, human habitation, sales office, tiny homes, tiny home community. Added new uses and revised some of our current uses such as, backyard poultry, home burials, agricultural sales, solar fields, tiny homes, home occupation three. We added new development requirements for accessory dwelling units. Commercial Development Plans were clarified with new language for the present of growth and time. Zone changes the criteria is explained. We have been working on the balance to allow the community to have a greater use of their properties, while retaining the character of the community. The Planning and Zoning department tried to be as detailed as possible without causing excessive restrictions.

**Commissioner McFall** said the regulations total 190 pages, a lot of them are definitions that have been reworded, and the index. This has taken two years to complete while taking care of day-to-day business still. The format is much more user friendly and now includes links to navigate the regulations easier, all references are linked to direct back to the correct sections. The new regulations will make uses less restrictive, and overall, better for Fremont County, and the citizens.

**Planning and Zoning Director Victoria** wanted to highlight some of the changes made. One being that backyard poultry is allowed inside the city limits on Cañon City, however in the county's low density residential zone districts poultry was not allowed. An exemption for the limit of animal units in pasture was added since agricultural is big in this county and the ranchers like to bring animals in for pasture in the winter or for veterinary purposes. Home burials we refer people to the Fremont County Coroner they issue the permitting. Tiny home communities are now added to the regulations, they are becoming more popular withing communities the purpose being that it helps with affordable housing. The communities will be allowed in the same zone districts as travel trailer parks and campgrounds are since they are considered to have the same density impact. Another change is to the R3 zoning district, the minimum requirements for acreage will be 18 acres this zone district was consolidated with the agricultural forestry zone district which was a minimum of 35 acres. This will allow to install roads for development.

**Commissioner McFall** wanted to mention that before all these changes there were six agricultural zones, now there are three R1, R2, and R3. The name agricultural was taken out of the name, however agriculture is still withing the zone districts, nothing was taken out pertaining to agriculture.

**Planning and Zoning Director Victoria** added the fact that the reason for taking agriculture out of the name was to help with financing, because some of the banks wouldn't finance some properties for the simple fact that agriculture was in the name.

**Commissioner Bell** asked Director Victoria to explain more about Agritainment.

**Planning and Zoning Director Victoria** said this is one use that they have been doing for years, we did not have a use describing what they were doing. He believes it's important for the community because it creates memories for families, and it turns into a generational tradition for families. It is currently handled as Temorparty Use Permit because one month out of the year these places are very impactful to surrounding properties. These places are absolutely flooded with people, which is great for the business, but the neighbors get to experience it as well. The department settled on allowing it as a Special Use Permit, in the R1 districts which is more residential use under a Special Review Use which means it would have to go in front of this board to be approved. For the R2 and R3 districts only requires in office approval where all impacts will still be addressed such as parking, insurance, signage, hours and days of the week.

**Commissioner Grantham** requested Director Victoria to elaborate on the Commercial Development Plan, that we put a moratorium on that portion of the CDP concerning the existing uses and the expansion of the existing uses and the changes that were made.

**Planning and Zoning Director Victoria** said the current regulations said that any significant change of use mean the business would have to go through the whole CDP) process again. The department found that exhaustive and decided that if they are not expanding more than 50%, within a two year period they would not be required to submit a CDP. They still must prove that it meets county requirements, and handle all impacts but they are not required to redo the whole process or required to be presented and approved in front of the board.

**Martin Landers** said he is with Plan Tools and the company has been assisting the county with this project associated with developing various recommendations regarding amendments to the county's codes specific to housing. He expressed his support of these changes being made. This was all part of the housing grant that was provided by the Department of Local Affairs, and that was associated with B 211271 the passage of that bill included a menu of various housing strategies, and those housing strategies were designed to incentivize affordable housing and remove barriers for housing development. We have been working with staff and identified three housing strategies in particular to ADU's small square footage dwelling units like tiny homes, and allowing duplexes as a housing options in one of the zoning districts.

**Dale McCullough** said the last couple years he's been sitting on the zoning commission board listening to the process and he wanted to point out a few things such as non-conforming lots and how they will be addressed and taken care of, he feels as though the regulations don't go to a depth the county residents need it go for it to work for them. Mr. McCullough is concerned that the county will use the definition for Special Mobile Machinery that was provided by the state and thinks it cause many issues. He also said that if the zoning maps are redone and a citizen doesn't like the way the lines were drawn it would then be up to the citizen to prove their case that their property wasn't zoned right. Another issue Mr. McCullough wanted to point out was the Auxiliary Dwelling Unit because the way the standards are written the building could not exceed to 1,200 square feet. He said there are ranches that have these run-down older houses and what if the owners want to build a new house and whichever house is there first is the primary so then someone couldn't build a new home over 1,200 square feet.

**Planning and Zoning Director Victoria** responded that in those situations people that have a smaller house and want to build a larger home they map apply for an ADU if the house meets the regulations. The department then will consider the smaller home the ADU and the larger one as their primary home.

**Mr. McCullough** mentioned that the tiny home communities were only thrown in a month ago to the changes and doesn't understand where they are supposed to go on the zoning map in the community.

**Planning and Zoning Director Victoria** said that they do not get their own zone district, that they can be applied for as a special review use and will have to go in front of the Boards for approval.

**County Attorney Bellas** said the definition for the SMM comes from the revised statute and the county is not free to modify its definition, the only thing that was changed was instead of sub paragraphs they were combined it to one run-on sentence. The statute does not apply to shovels being in the back of a truck, it applies for any machinery pulled, hauled, or driven on or over a state highway. If we were to change it the county would have to be more restrictive.

**Planning and Zoning Director Victoria** said the agricultural building definition was per the Building Department. The Building Department will look at the plans to determine if the proposed building meets all the requirements of an agricultural building. When it is considered an agricultural building, the person may build the building free of charge.

**Geroge Hall** asked if the tiny home community once approved as a special review use would it have a time limit once approved. When that time limit is up would you have to move the tiny home if the SRU was not renewed. His concern is when the SRU is approved for these permanent structures, they would be not be able to move them off.

**Planning and Zoning Director Victoria** said that an SRU is approved for life of use meaning once it was approved it would not have to be renewed. The only time the SRU would be in jeopardy is if the terms of the SRU were violated.

**Commissioner McFall** closed the Public Hearing at 10:13am.

**Commissioner Bell** moved to table this item to the November 12<sup>th</sup>, 2024, meeting. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

### 3. Adoption of Official Fremont County Zoning Maps.

**Commissioner McFall** moved to table the adoption of the Fremont County zoning map to the November 12<sup>th</sup> meeting. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

4. Adoption of fee schedule for Fremont County Planning and Zoning department.

**Planning and Zoning Director Victoria** explained that some of the items that are processed in planning and zoning take some time and have no fee attached to them and others that aren't necessary to have a fee. In the Marijuana Fees we deleted. The change of corporation, change of trade name, and the license fee for the change of location, and transfer of ownership. These are addressed through a difference typer of permitting that we already address. We increase the fees for a caregiver, and modification of premise which includes a public hearing. The increases cover the staff time that is involved in processing the application. We have deleted four fees, lowered some the fess, and increased a few fees, and added fees for new uses. This is to reflect the uses that we are proposing in the regulations, and to cover staff time. When an individual being in a project to us its not taxpayer dollars paying for our salaries to review it, we just want the applicant to cover staff time. The Subdivision Fees have minor increases, and two reductions.

**Commissioner Grantham** moved to approve the adoption of the fee schedule for the Fremont County planning and zoning departments effective December 1<sup>st</sup> of 2024. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**Commissioner McFall** adjourned the meeting at 10:25am.

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

[https://www.youtube.com/watch?v=2on\\_fxOINaA](https://www.youtube.com/watch?v=2on_fxOINaA)

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Clerk to the Board of County Commissioners