

NINTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 12th, 2026, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman Bell called the meeting to order at 9:00 a.m.

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

INVOCATION

Grant Adkisson from Canyon Cowboy Church gave the invocation.

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 as presented. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion was carried by unanimous consent.

CONSENT AGENDA

1. Approval of Minutes / April 28, 2026
2. Approval of Bills for \$1,159,397.14
3. Ratification of Chairman Signature on Cessnun Release of Lien
4. Ratification of Chairman Signature on **Resolution No. 10**, Series of 2026, Adopting the Amended On-Site Wastewater Treatment System Regulations for Fremont County
5. Schedule Public Hearing:
 - a. Tuesday, May 26, 2026, at 9:30 AM
Modification of OPC 14-011 Pure Medical LLC

Pure Medical LLC, at 440 8th Street, Penrose, CO 81240, is requesting approval for a Modification of Premises to expand the existing fence line to increase functionality of the OPC. Included with this fence line being moved will be a refrigeration unit and an increase in grow area

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

ADMINISTRATIVE & INFORMATIONAL

Ref. Fremont County BOCC Meeting 5/12/2026 4:42

1. Staff / Elected Officials:

a. Sales & Use Tax Report, Shawn Sutton, Budget & Finance Officer

Shawn Sutton provided the Sales & Use Tax Report, which is available in its entirety at www.fremontcountyco.gov.

b. County Administrator Report, Tony Carochi, County Administrator

County Administrator Carochi presented the County Administrator Report, which is available in full at www.fremontcountyco.gov.

Commissioner McFall reminded citizens that our terrain remains very dry, despite the limited moisture we have received, and that representatives from different water providers are here to explain their plans for drinking water if it stays dry.

Commissioner Bell noted that at the last Western Interstate Region Conference, Commissioner McFall was elected and sworn in as the Western Interstate Region President for the 17 westernmost states at the national level. She explained that it is a very high honor and that she is glad Fremont County will have such a strong voice at the federal level. Commissioner Bell then shared her own experience, as she is part of the disaster declarations group. She explained that as they went around the room, everyone viewed a disaster as a natural occurrence, such as a flood or fire. Commissioner Bell reminded the others in that group that Fremont County has had a couple of cases unrelated to natural disasters, such as the cyberattack and the Return to Nature funeral home. She also attended a disaster recovery tour for the Lahaina fire on an island in Hawaii in August 2023. In one day, 2,200 structures were burned, including 1,800 homes and over 300 businesses. She illustrated how extensive and complex the process is for such a devastating fire, and now she has a clearer sense of the effort it takes.

PUBLIC HEARING SCHEDULED 9:30 a.m.

Commissioner Bell opened the public hearing at **9:32 am**.

1. SRU 26-001 Legacy Metals and Fabrication Facility

The proposed facility will be a fabrication and sales facility for metal panels, siding, roofs, and similar products, located at 130 CR 67 in Penrose.

Representative: Jerry Martin

Rob Brown, the Fremont Economic Development Corporation Executive Director, approached the podium to give a brief introduction to Legacy Metal Center. He explained that Economic Development has conducted due diligence to ensure that this organization is significant and that the proposed project is sound. He said that in 2020, Legacy Metal chose Fremont County as the location for its business, and it has grown to the point where it needs to expand. This project across Highway 50 is the best way forward.

Mr. Martin then approached the podium to reiterate that they had outgrown their original facility and had a real need to expand. That's why the company purchased the 120 acres; they hope to gain approval to build a 60,000-square-foot facility on one of the 37-acre parcels. He said that they believe in this project and that it's a meaningful investment in their business and local community.

Planning and Zoning Director Victoria said the project proposes to improve the currently vacant land with a 61,316 sq ft building that will contain offices, a conference room, a break room, a metal fabrication shop, and a material storage area. The proposed facility will be a fabrication and sales facility for metal products. The facility will be open Monday through Friday from 7:00 am to 4:00 pm in the winter and 4:30 am to 4:30 pm for the rest of the year. The facility is expected to have 25 employees and 10-20 customers per day. On average, the facility receives 3 deliveries per week from 18-wheelers. Roll forming, forklift, and loading operations will take place within the building and will not create significant noise or vibration outside the building's footprint. The estimated daily traffic count is 146 trips, including employees leaving and returning for lunch. There will be one access point. The parcel is not in a floodplain; it has a septic system and an engineered OWTS system, Black Hills Energy for electricity, and propane for lighting. The owners would like to install dawn floodlights for security purposes and ensure they do not disturb the neighbors. It is proposed to provide 1 parking space for the maximum number of employees at any given time (25), plus 10 standard customer spaces, and 2 ADA spaces, both accessible. The customer and delivery loading and off-loading dock will be located on the north side of the fabrication shop area. Director Victoria explained that they have received agency comment; Fremont County Department of Transportation said the owners must hard surface the driveway access to match the existing grade to protect the county's hard surface shouldering, they also request a roadway impact fee of \$478.24 annually, and it will be reviewed annually to make sure the fee matches the cost of materials. The Fremont County Engineer said the drainage plan meets all of Fremont County's regulations. The building department recommended approval for the OWTS system. The Public Health department believes the capacity is adequate. The Florence Fire Protection District approved the system size based on the square footage of the proposed reception and office area. The applicant sent a notice of construction or alteration to the FFA, and the status was determined to be that this project will not be a hazard. The applicant requested two waivers: 1. The code about parking states the minimum number of spaces required is the greater of one per 300 ft of floor area up to 100,000 square feet or one per employee on the maximum shift. This would then require them to have 205 parking spaces, and the applicants rendered this unnecessary. 2. The applicant requested a variance from Fremont County Zoning Resolution Section 5.04, which requires screening along the North and East boundary of the property line. The justification for the variance is that the property to the North is currently vacant, and the applicant owns the entire parcel of land extending to 8 Mile Creek to the East. Granting the variance would allow the applicant greater

flexibility to further subdivide the property without risking the imminent removal of newly constructed fencing or mature trees. Director Victoria said the application complies with the requirements of the Fremont County Zoning Resolution; staff recommends approval of the Special Review Use Permit application, subject to the following contingencies or conditions. Waiver number one: parking. Staff supports this waiver, which requires 205 standard spaces and 11 ADA spaces for their square footage. The applicant proposed that the employee and customer parking spaces appear adequate and that an overflow parking area is already shown on the site plan. Waiver Number Two: The staff also supports this waiver for screening. Fremont County Zoning Resolution 5.04 requires a screen between commercial and/or industrial uses and agricultural or residential zones. The only condition staff recommended is to surface the driveway with hard access to match the existing grade of County Road 67 and to pay the annual road impact fee of \$478.24 to the Fremont County Department of Transportation. When this application was presented to the Planning Commission on April 7th, they recommended approval with the same waivers and conditions.

Commissioner McFall wanted to explain that the reason for sending a report to the FAA is that the Fremont County Airport is 90% grant-funded, and it has rules, such as different layers, that govern the heights to which buildings can be built. He also asked the applicant representative whether the driveway access is wide enough for traffic in both directions.

Mr. Martin answered that it's two lanes wide, which equates to about 24 feet.

Commissioner Bell then reminded the public that this is a Public Hearing and that they are welcome to comment.

Victoria Hansen approached the podium to speak about her concerns regarding the lighting, noise, and whether the building had already been approved.

Director Victoria explained that the applicants are only seeking to develop the 37-acre parcel and must still complete the building department process before any building is constructed. Still, that application will not be brought before the public.

John Wilson expressed understanding and excitement about the development, given the desolate ground and the lack of irrigation, which will create jobs and put the land to use.

Commissioner Bell closed the public hearing at 9:57 am.

Commissioner Grantham moved to approve SRU 36-001, Legacy Metals and Fabrication Facility, with the following waivers, as detailed on the site plan. The waiver from the current requirement in our code and parking to be done according to the site plan, and the waiver for the screening, also included in this motion, are the conditions for the hard surface driveway access to match County Road 67, and the inclusion of the annual road impact fee of \$478.24. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion was carried by unanimous consent.

ADMINISTRATIVE & INFORMATIONAL CONTINUED AT 10:00 am.

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 5/12/2026 59:00

1. Water Status Updates from Canon City, Florence, Park Center, and Penrose Water
Representative: Travis Payne, Canon City
Representative: Florence
Representative: James Wade, Park Center
Representative: Charlotte Norman, Penrose Water

Travis Payne approached the podium to share information about low water levels in the Arkansas River Basin. The graph shows the trend in water levels since the 80s, and this year is the lowest on record. The median is typically 20% snow water, and this year is 14%. Precipitation accumulation in the Arkansas River Basin is not shockingly low; the warm March we had caused much of our snowpack to evaporate. The next graph shows water flow in Canon City; we measure at 236 cubic feet per second, which is again low. Considering the numbers heading into summer, he explained that he has put together a Water Shortage Response Plan. He said they are already asking citizens who use Canon City water (not individuals with wells or ditch water) to reduce water usage by 5-10%. This entails watering lawns no more than 3 days a week and watering tree shrubs and perennials with a handheld hose or low-volume, non-spray between 6:00 am and 10:00 am. Mr. Payne then transitioned to the plan. Stage One would consist of asking the public to reduce use by 20 to 30% by watering only one to two days a week, which is still the customer's choice. In Stage Two, water restrictions would be mandatory, requiring a 50% reduction in water use, including no watering of grass on playing fields and golf courses. Car washes will be shut down unless they are certified commercial car washes or use recycled water. Canon City has a 1,000-acre reserve in the Pueblo Reservoir. Although it may sound like a lot, in peak season the city uses 10 million gallons a day, which is equivalent to about 30 acres.

Commissioner McFall thanked Mr. Payne for providing the information and let everyone know that the county will already be following the Water Shortage Watch guidelines and watering lawns early in the morning and using untreated well water.

Lori Cobbler said that once Florence saw the same low water number, they sprang into action to tailor a plan that specifically meets Florence's water needs, including rights and storage. She explained that they reviewed previous drought plans to determine what worked, what did not, and how the City's needs have changed since. They also evaluated what was easy for compliance and for citizens to understand. The City Council held a meeting on April 6th to present the drought plan, which was approved.

Brandon Harris, Regional Water Superintendent, was present to explain Florence's drought plan. It is tiered with four levels, and they are currently at level one, where they plan to educate customers about conserving water and ask everyone to check for drips, leaky faucets, running toilets, and dripping swamp coolers. They also ask that citizens water lawns only 2 or 3 times a week, not during daylight hours, to reduce usage by 20%. Level two: they will designate days for people to water lawns, with odd- and even-numbered addresses alternating. If someone uses more than 3,500 gallons within city limits or 5,000 gallons outside city limits, they will be charged a higher rate. Level three includes no watering of golf courses except for greens and tee boxes once per week, and no watering of parks or cemeteries. Florence has already decided to cut watering of parks to three nights a week. Also, under level three water restrictions, there will be no refilling of residential or commercial pools; the Florence City Pool will remain open at level three until it runs out of water; no car washing, outdoor fountains, or waterfalls; and restaurants will provide water only upon request. Another aspect Florence must consider is that they rent hydrant meters for construction purposes and have decided that Stage Three is where this service will not be available, and that their bulk water filling station will be limited to the immediate area. The rates will be increased by 100% for overuse of the allotted base gallons. In Stage Four, the rate will triple if the community reaches this stage, and the bulk water filling station will be shut down entirely to prioritize Florence's citizens. He said they also have some project water stored in Pueblo Reservoir, and it appears they are just one small step away from releasing the water upstream. Florence also owns two reservoirs and 380 acres of decreed water storage.

Commissioner McFall wanted further information on the bulk water filling system, specifically, how they plan to prevent non-residents from using it.

Mr. Harris said they will implement a PIN code system in which people must register with proof of identity and then receive a unique PIN code to use with a credit card. Everyone will be allowed access until level three is enacted.

James Wade from Park Center West Water District then approached the podium to explain that their water comes from Pisgah Reservoir down Four Mile Creek through Canyon Heights Irrigation. He said it is flowing, but not as much as normal. Surprisingly, the Pisgah Reservoir contains a little more water than usual. They contain 161 acre-feet of water stored in the Pisgah Project and 500 acre-feet in Pueblo Reservoir. Currently, the Park Center Well, owned by BLM, is not operational because the main valve is left open and the operational valve is fixed in the closed position. BLM is formulating a plan to shut in the well to replace the broken valves. His contact, Doug Maas from BLM, is supposed to give him an update tonight concerning the status of this project. They have not implemented a drought plan but know it will be like the previous ones presented, and they will fine people heavily for using more than the allotted 13,000 gallons.

Commissioner McFall commented that he had spoken to Doug Maas. A few days ago, Doug expressed that this is their top priority right now.

Charlotte Norman from Penrose Water relayed that they also have a multi-stage approach: they ask citizens, tell them, and then require. They are currently under a voluntary curtailment, and their 18 highest water users, which are not critical to community health and safety, such as greenhouses and

medical marijuana growers, have been notified that their uses will be the first to go. She explained that back in 2003 or 2004, Penrose was a role model for other areas facing drought-related restrictions; they restricted all outdoor use except for watering livestock. She believes that they are in the best situation in Colorado since the last storm; they are not struggling nearly as much as Skit Country USA and the Arkansas River headquarters. Their main supply comes from Beaver Creek, and the water district brought in water rights from the Arkansas River. They own storage at a terminal above the water plant and in the Pueblo Reservoir. She then explained that most water decrees don't allow for exchange when the river is low because it's vital to keep the river alive. Penrose Water District cannot exchange when the gauge at Portland is below 180 CFS.

Commissioner Bell closed the topic on the agenda by thanking the representative who attended the meeting and by expressing the understanding that we are one community and that we all have a part to play.

Ref. Fremont County BOCC Meeting 5/12/2026 1:34:27

2. Requesting the issuance of a Fermented Malt Beverage Special Event Permit, Royal Gorge River Initiative, for an event at Royal Gorge Park East Ridge Campground, CO Rd. 389 B, Canon City, CO 81212, on the following date: May 16th, 2026, from 4:00 pm to 9:00 pm.
Representative: Kat McNeil

Mrs. McNeil said this event will take place at the Royal Gorge Campground, where they will serve beer and have a complete perimeter fence delineating the permitted area. There will be only one entry at the Southwest corner, that is where they will check IDs. All servers are TIP's certified to help prevent overserving, and it will be mandatory for customers who are drinking alcohol to wear a wristband.

BOCC Clerk Sammy Ryan delivered a staff report beginning with a brief introduction of the organization. The organization turned in the application on February 26, which met the 45-day requirement, along with the appropriate supporting documents and funds. There were reports sent to the Public Health Department and the Sheriff's Office, both of which recommended approval. After that was completed, the file was taken to County Attorney Bellas for review, and he also recommended approval. The applicant then had to post a Public Notice poster informing the public of this meeting to express support of grievances, much more than the mandated 10 days before the meeting. After the complete review of the file, it was reported that the Clerk's office recommended approval for the special event liquor permit.

Commissioner McFall moved to approve the fermented malt beverage special event permit for Royal Gorge River Initiative for an event at Royal Gorge Park, East Ridge Campground, County Road 389B in Canon City, CO 81212 on May 16th from 4:00 pm to 9:00 pm. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion was carried by unanimous consent.

Ref. Fremont County BOCC Meeting 5/12/2026 1:38:42

3. TUP 26-003 Royal Gorge Rumble

Colorado High School Cycling League to host an interscholastic cross-country bike race at the Royal Gorge Ranch and Resort, October 9-11, 2026

Representative: Vicki Meier

Ms. Meier said she is a resident and representative of the Colorado High School Mountain Bike League. She said she has been involved for over 12 years now, and last year she appeared before the board for the first time to request this temporary use permit. Last year was an overwhelming success, with over 300 volunteer hours donated by community members, and it brought in off-season tourists, selling out campgrounds and hotels. There were over 850 high school kids racing over the two days, and even after the survey results came in, everyone was begging for another event next year.

Planning and Zoning Director Victoria delivered a staff report describing the application for a cross-country mountain bike race in a residential 3 area with a rural highway business zone district. They will host approximately 20 to 30 teams, totaling 400 student-athletes per day, and it is expected that 1,200 spectators will be present over the two days. They did not receive any complaints from the league, students, or bystanders. There will be signage only on the property; refuse will be handled by Twin Enviro, and crowd control by A Security and Safety. GE Trucking will provide portable water; there will be 16 chemical toilets, 1 ADA-compliant toilet, and 3 handwashing stations. A food truck by the name of Peaks and Pita's will be there. This event does not require any road closures, and parking will be contained within the property. The league provided current insurance, and the Canon City Fire Protection District asked that one individual be designated to receive, deliver, and take appropriate action on local emergency notifications. Fremont County Department of Transportation wants to ensure that no participants or spectators block any roadways or impair the line of sight, and that all trash is cleaned up after the event. The applicant requested two waivers: one for the roadway impact analysis and one for the surety bond. The Planning and Zoning Department recommends approval with waivers: number one, the roadway impact analysis, and number two, the surety bond. One condition is that they appoint an individual to serve as the lead for emergent notifications via Fremont County Everbridge. Ensure that no roadways are blocked, that line of sight is maintained for vehicles and pedestrians, and that trash is picked up after the event.

Commissioner McFall asked Ms. Meier if the league had already picked this designated person.

Ms. Meier answered that her role with the High School League is in safety and security, so she is already registered through Everbridge and will be the point of contact.

Commissioner Grantham moved to approve Temporary Use Permit 26-003 for The Royal Gorge Rumble, for the Colorado High School Cycling League to host an interscholastic cross-country bike race at the Royal Gorge Ranch and Resort from October 9 through the 11th, 2026. Included with this motion is the waiver of the roadway impact analysis, and number two, the waiver of the surety bond. There are also conditions stating that a designated point of contact will be provided, that no roadways will be blocked, that the line of sight for vehicles and pedestrians will not be impeded, and that all traffic will be contained and cleared during and after the event. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion was carried by unanimous consent.

Commissioner Bell adjourned the meeting at 10:47 am.

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

<https://www.youtube.com/watch?v=RNbUQuhZqgA>

Clerk to the Board of County Commissioners