

RESOLUTION NO. ____

Series of 2026

RESOLUTION FOR A SPECIAL REVIEW USE PERMIT.

DEPARTMENT OF PLANNING AND ZONING

FILE # SRU 25-002 DIANA'S PUMPKIN PATCH

AGRITAINMENT PERMIT

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

THAT WHEREAS, Timothy & Susan F. Madone, (hereafter "Applicant") have made application for issuance of a Special Review Use pursuant to 8.04 of the Zoning Resolution of Fremont County for a Permit to allow for a Pumpkin Patch & Corn Maze. This permit is for the property legally described as, T S SUBDIVISION LOT 1, LOT 2, LOT 3, LOT 4, & COMMENCING 40 RODS EAST OF THE SW CORNER OF THE NW ¼ SE ¼ SECTION 3, TOWNSHIP 19 SOUTH, RANGE 70 WEST OF THE 6TH P.M. THENCE NORTH 40 RODS; THENCE EAST 20 RODS; THENCE SOUTH 40 RODS; THENCE WEST 20 RODS TO THE PLACE OF BEGINNING. EXCEPT, FOR A ROAD, A STRIP 20 FEET WIDE ALONG AND OFF FROM THE SOUTH END OF SAID TRACT, County of Fremont, State of Colorado, a.k.a 1649 & 1629 Poplar Ave., Cañon City, CO. 81212. The application has been designated as file #SRU 25-002 Diana's Pumpkin Patch to be located on certain real property that the Applicant owns; and is located in the Residential One (R1) Zone District.

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **January 6th 2026**, regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on **February 19th 2026**, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

WHEREAS, it appears that issuance of a Special Review Use is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use to the Applicant as follows:
 - a. The procedural requirements of Section 8.04 of the Fremont County Zoning Resolution have been met.
 - b. The location of the proposed use is compatible and harmonious with the surrounding area.
 - c. The proposed use will not have detrimental effects on property values.
 - d. 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.
 - e. The site is of sufficient size to accommodate the proposed use together with all yards, outdoor areas, parking, and such other provisions required by this resolution.
 - f. 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.
 - g. 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.

2. Special Review Use shall be issued for the life of use starting from the date of approval of this project.
3. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and / or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.
4. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
5. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
6. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized here under, as the case may be.
7. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use 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 of Planning and Zoning prior to the expiration of the six-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 permit 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 of County Commissioners.

8. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer. A transfer of ownership with the County must be applied for and approved by the Board of County Commissioners.
9. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
10. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
11. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Planning Director or Board in accordance with Section 8.07 of the Fremont County Zoning Resolution.
12. The applicant will coordinate with Fremont County Weed Management if needed to implement the Integrated Weed Management Plan.
13. Operation of Special Review Use Permit:
 - A. Days and hours of operation shall be 7 days a week, for 6 weeks starting September 20th to October 31st each year. Monday-Thursday 9:30 a.m. to 12:00 p.m., Friday and Saturday 10:00 a.m. to 9:00 p.m. and Sunday 10:00 a.m. to 6:00 p.m. Reservation allowed after hours on the weekdays, all events shall close at 9:00 p.m.
 - B. There will be six to ten employees, three to four volunteers as needed, and contracted security during the weekends.
 - C. Monday – Thursday 65 to 75 guests per day with the exception for school events that will bring in 250 to 275 guests. Friday – Sunday 800 to 1,000 guests per day.

- D. All customers shall park on the property and take access from Poplar Avenue and/or Locust Street. There will be sixty-six (66) gravel parking spaces, one hundred and three (103) grass-surfaced parking spaces, and six (6) ADA parking spaces.
- E. The parking and loading requirements of Fremont County as detailed on the application and site plan are required to be maintained in place.

14. Conditions of Special Review Use Permit:

- A. Carport 1 (existing structure) – 18’x20’ – To be relocated to meet setbacks – 2026 season.
- B. Carport 2 (existing structure) – 18’x18’ – To be relocated to meet setbacks – 2026 season.
- C. Shipping containers (existing) – 7.5’x20’ – To be relocated to meet setbacks – 2026 season.
- D. Applicant will be responsible for trash/debris removal and disposal from County R-O-W resulting from SRU activities.
- E. Applicant cannot block roadways or interfere with the line of sight for the traveling public.
- F. Applicant will pay the calculated impact fees on an annual basis, which is averaged over a 10-year period. The cost is \$578.00 annually with maintenance of the roadway being performed by Fremont County DOT every 10 years.
- G. The applicant will no longer be responsible for impact fees if the permit is relinquished or revoked.
- H. Applicant will need to maintain the county rights-of-way along applicant property lines as needed and/or when maintenance is required as determined by the FCDOT.
- I. Portable Chemical Toilets are approved for the life of the Special Review Use Permit.
- J. Permitted area must maintain code compliance.
- K. Six (6) ADA parking spaces that must meet State and Federal standards.

15. Contingencies of Special Review Use Permit:

- A. Applicant shall be permitted to maintain existing masonry equipment and wood on site.

16. Waivers Approved:

- A. Hard surfaced dumpster pad.
- B. Surfacing requirement for standard parking spaces located in agricultural areas. (103 spaces).
- C. Hard surfacing of 6 ADA parking spaces.
 - i. Per FCZR 5.05.ii.3.c, hard surfacing asphalt or concrete.

Commissioner Grantham moved the adoption of the foregoing Resolution, seconded by Commissioner McFall and approved unanimously by roll call vote.

The above and foregoing Resolution is declared to be duly adopted.

DATE: August 11, 2026, *nunc pro tunc* February 19, 2026

CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

FREMONT COUNTY CLERK TO THE BOARD