

RESOLUTION NO. _____, SERIES OF 2024

**RESOLUTION FOR ZONE CHANGE 2 WITH FINAL DESIGNATION, FINAL
DEVELOPMENT PLAN AND SPECIAL REVIEW USE PERMIT FOR
DEPARTMENT OF PLANNING AND ZONING
FILE # ZC 23-003 T-K PROCESSING**

WHEREAS, T-K PROCESSING, (hereafter “Applicant”) has made application for issuance of a Zone Change #2 with Final Development Plan pursuant to 8.12 of the Zoning Resolution of Fremont County for a Permit to allow for the zoning to be changed from Agricultural Estates to Industrial; and

WHEREAS, the application also includes a Final Development Plan and Special Review Use Permit to allow for a meat process slaughtering operation legally described as Lot 1, T-K Processing Interior Lot Line Vacation, County of Fremont, State of Colorado, a.k.a 1910 North Street, Cañon City, CO. 81212; and

WHEREAS, the application has been designated as file #ZC-2 #23-003 T BAR K PROCESSING, to be located on certain real property for which the Applicant has secured lease agreements; and

WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted, the Planning Commission of Fremont County reviewed the application at its **March 5th, 2024**, regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, upon proper notice thereof the Fremont County Board of County Commissioners held a public hearing concerning said application on **April 9, 2024**, 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, subject to certain conditions, the zone change application, final development plan, and special review use permit application were approved by unanimous consent; and

WHEREAS, it appears that preliminary contingencies have been met and issuance of a Zone Change 2 with Final Designation is appropriate:

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. The Board makes the following findings with respect to the application for issuance of a Zone Change 2 with Final Designation to the Applicant as follows:
 - a. The procedural requirements of Section 8.13 of the Fremont County Zoning Resolution have been met.

- b. The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
 - 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, open spaces, walls and fences, parking, loading facilities 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. Zone Change 2 with Final Development Plan and Special Review Use Permit is approved 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 must notify the permit holder that the anniversary date has passed and / or request such 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 and/or its agencies or departments, the State of Colorado and/or its agencies or departments, and the United States of America and/or 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 permit shall revoke, suspend or terminate the permit authorized hereunder, 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. Approval by the Board of County Commissioners 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 Board in accordance with Section 8.14 of the Fremont County Zoning Resolution (complete reapplication).
12. Applicant will coordinate with Fremont County Weed Management to implement an Integrated Weed Management Plan.
13. Operation of Special Review Use Permit:
 - a. Days and hours of operation shall be limited to Monday through Friday 6 a.m. to 7 p.m. Saturdays 6 a.m. to 1 p.m. and closed on Sundays. During wild game season after hours the facility can be on call for wild game drop off only.
 - b. A maximum of ten (10) live animals to be slaughtered per day.
 - c. Animals are to be held for a maximum of four (4) hours in the holding pen.
 - d. A maximum of ten (10) employees.
 - e. A vault alarm will be installed to activate at seventy-five (75%) percent capacity. All operations will cease until the vault is pumped.
 - f. The watchmen's quarters occupancy is limited to a person(s) who either owns the primary use or is employed as a manager, maintenance person, or similar function.
 - g. All off-street parking areas shall be graded and surfaced to control dust.
 - h. T-K PROCESSING will allow access to the utility easement within the holding pens upon notice.
 - i. The owner/applicant shall provide and maintain all drainage easements and facilities to operate as designed.
 - j. All animal by-products that are produced as waste during slaughtering and processing of domestic and wild animals will be retained in bags and marked with a green denatured ink prior to being disposed of in a waste receptacle.

14. Conditions of Special Review Use Permit

- a. As of the date of approval the applicant has eighteen (18) months to remove structures as detailed on the site plan:
 - 1) Shed 89 sq. ft.,
 - 2) Shed 250.4 sq. ft.
 - 3) Shed 970.9 sq. ft.
 - 4) Storage shed 507.2 sq. ft.
 - 5) Double wide manufactured home 1157.1 sq. ft.

- b. As of the date of approval the applicant has eighteen (18) months to install the six (6) foot high wooden privacy west boundary fence.

- c. Payment of annual roadway impact fee to Fremont County Department of Transportation.
 - 1) The County shall retain the right to reevaluate and modify the annual roadway impact fees.

Commissioner _____ moved adoption of the foregoing Resolution, seconded by

Commissioner _____ and approved by roll call vote as follows:

Debbie Bell	AYE	NAY	ABSTAIN	ABSENT
Kevin Grantham	AYE	NAY	ABSTAIN	ABSENT
Dwayne McFall	AYE	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: _____

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: _____
Chairman

By: _____
Clerk to the Board