

## **FOURTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 27<sup>th</sup>, 2024, at 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman McFall called the meeting to order at 9:00 a.m.

Kevin Grantham	Commissioner	Present
Dwayne McFall	Commissioner	Present
Debbie Bell	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**

Bradley Buck from Bridge to Life 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 Grantham** moved to approve the agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

### **CONSENT AGENDA**

1. Approval of Minutes / February 13, 2024
2. Approval of Bills for \$2,952,007.29
3. Approval of office space and landing zone leases at Fremont County Airport to Jeremy Divan and Michael Ross for operation of a skydiving business.
4. Approval of landing zone lease extension at Fremont County Airport to High Sky Adventures Parachute Club, LLC for operation of Skip Moreau's skydiving business.
5. Resolution No. 14, Series of 2024, Resolution Requesting the Colorado General Assembly to Change the Categorizing of Fremont County, Colorado from Category II-B Pursuant to 30-2-102, C.R.S.

6. Resolution No. 15, Series of 2024, Resolution Recognizing Fremont County's Limited Resources and Prioritizing Fremont County Citizens.

7. Schedule Public Hearings: None.

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

### **ADMINISTRATIVE & INFORMATIONAL**

Ref. Fremont County BOCC Meeting 2/27/2024 4:05

1. Staff / Elected Officials:

a. County Clerk's Monthly Report for December 2023 and January 2024

**Clerk Grantham** gave the County Clerk's monthly report for [December](#).

**Clerk Grantham's** gave the County Clerk's monthly report for [January](#).

Ref. Fremont County BOCC Meeting 2/27/2024 6:27

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

**Budget & Finance Officer Sutton** gave the [Sales & Use Tax Report](#).

Ref. Fremont County BOCC Meeting 2/27/2024 14:00

c. County Manager Report, Tony Carochi, County Administrator

**County Administrator Carochi** gave the County Administrator Report, which can be found on in its entirety at <https://fremontcountyco.gov>.

Ref. Fremont County BOCC Meeting 2/27/2024 27:25

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

**Reta Martinez** said she came to this board meeting to invite the commissioners to an event on March 23<sup>rd</sup> to raise awareness for the homeless. The event is going to start at Veterans Park at 10 am. Progress has been made by expanding the shelter and a new building, that will be 5,000 square feet. The building will contain food, clothing, and household items. To be able to reach this organization please visit the Loaves and Fishes Ministries of Fremont County Facebook page, or LFministries.org

### **UNFINISHED BUSINESS**

None.

## **NEW BUSINESS**

Ref. Fremont County BOCC Meeting 2/27/2024 31:25

1. Requesting the issuance of a Malt, Vinous, and Spiritous & Fermented Malt Beverage Special Events Permit  
Special Forces Motorcycle Club Chapter 77 for an event at Pathfinder Park Event Center 6655 CO-115 Florence, CO 81226 on the following date: March 29<sup>th</sup>, 2024, from 5:00 pm to 11:30 pm in 2024.  
Representative: John Anderson (Filling in for Jeff Ross)

**John Anderson** said this event is for the NRA *National Rifle Association*. The last couple of years the Special Forces Motorcycle Club has provided the alcohol.

**Commissioner Bell** asked Mr. Anderson to briefly explain how the servers are trained and how they will be certain that no underage people will consume alcohol.

**Mr. Anderson** said over the past six years they have all gained bartender experience and have gone through training, which includes checking ID's.

**BOCC Clerk Sammy Ryan** gave the staff report stating Mr. Ross turned in all paperwork before the 45-day requirement and communicated with a formal letter that he would have someone else represent at the meeting today because he would be out of town. The public health and sheriff's report came back recommending approval.

**Commissioner Grantham** moved to approve the issuance of a malt, vinous, spiritous, and fermented malt beverage special events permit for the Special Forces Motorcycle Club Chapter 77 for an event at Pathfinder Park 6655 Colorado Hwy 115 in Florence, CO on March 29<sup>th</sup> from 5:00pm to 11:30pm in 2024. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Ref. Fremont County BOCC Meeting 2/27/2024 35:26

2. **LLA 23-009 Canon Farms**  
[Requesting a variance from the Fremont County Subdivision Regulations Appendix 1 Section B, 10.](#)  
[3369 Adams Avenue, Canon City, CO 81212](#)  
[Lot Standards: Where possible, the depth of lots should not be greater than twice its width.](#)  
[Representative: Cornerstone Land Surveying – Matt Koch](#)

**Mr. Koch** said the owners were adjusting the lot lines because the people they agreed to sell the house to wanted three acres, while adjusting the lot line they have discovered that it didn't meet the specific width on the front because of the subdivision regulation. A service line has been installed to go to the new house. It creates a problem for the new buyer

having other people's utilities cross their property, although it doesn't violate any zoning regulations. There is a house and barn already on the property so there isn't a question of what will be built there later.

**Director Victoria** said the verbiage that applies is the depth of a lot should not be greater than twice its width, the proposed lot does not meet the regulation. The depth of this lot is over three times greater than the width. The zoning department's recommendation is that an easement is not a significant enough reason to deviate from the subdivision regulations and therefore the recommendation is to deny this modification and request a reconfiguration. The planning commission's recommendation is for approval. They believe it does not create unusable land because it is still within the width requirements.

**Commissioner McFall** asked Director Victoria if the reason for not allowing the depth to be greater than the width is to prevent unusable land or unbuildable space.

**Director Victoria** answered that the intent with this regulation is to make sure that the lot is usable.

**Commissioner Grantham** commented that this regulation is to make sure enough space exists for easements and as a matter of practicality, nobody wants a subdivision that is made up of lots 40 feet wide and 1,000-foot-deep lots. In this situation it is clearly not the intention of asking for this variance.

**Commissioner Grantham** moved to approve the request for a variance from the Fremont County Subdivision regulations appendix 1 Section B10 for 3369 Adams Avenue in Canon City. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Ref. Fremont County BOCC Meeting 2/27/2024 44:06

3. Update from Congresswoman Brittany Pettersen's (CO-7)  
Representative: Justin Kurth, Regional Director, Outreach Coordinator

**Mr. Kurth** began the update by saying the VA is currently planning to go to legislation about the Veterans Clinic in Fremont County in the fiscal year of 2026 and opening the doors in 2027. While it is exciting that the project is moving forward, it is not fast enough. The plan is an out of cycle request that has been made with Veteran integrated Service network it is called Vision 19. The request has been elevated it is at big V, going through the channels. An assessment of the impact of services currently offered in Salida and the process can proceed.

### **PUBLIC HEARING SCHEDULED 9:30 a.m.**

Ref. Fremont County BOCC Meeting 2/27/2024 47:00

**Commissioner McFall** opened the public hearing at 9:46am.

1. [Request an amendment to the Fremont County Subdivision Regulations, Section XXIII General Requirements. Proposing updating the existing Drainage Plan & Report regulations](#)

**Director Victoria** said the proposal is a rewrite of the subdivision regulation section XX III the drainage plan and report the Fremont Count Engineer reviewed the regulations and made additional requirements, deletions, and recommendations. The purpose of the rewrite is for the Fremont County subdivision regulations and the Fremont County zoning regulations to match.

County Engineer J Bunderson reached out to other engineers in the community for their recommendations and feedback and the Planning Commission heard these comments and recommended approval.

**Commissioner McFall** – closed the public hearing at 9:51am.

**Commissioner Bell** moved to approve this request to amend the Fremont County Subdivision regulations section 23 general requirements proposing updating the existing drainage plan and report regulations for immediate adoption. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent

**Commissioner McFall** opened the public hearing at 10:00am.

2. [Request an amendment to the Fremont County Zoning Regulations, Chapter 1, Provisions, Definitions, & Violations, proposing new definitions and revising existing definitions with a new format](#)

**Director Victoria** said the highlights of the changes in this section include changing the definition of adult uses, agricultural building, animal units, conditional uses, dwelling units, farm, and ranch hand quarters. Manufactured homes, junk, roadside stands, travel trailer park and campground, vehicle, and watchman's quarter. The following regulations were added to match what the current regulations describe but aren't defined. Agricultural sales, angertainment, air bed and breakfast, bottling plant, brewery, car rental, Christmas tree cutting and sales. Commercial development plan, commercial firewood cutting and sales, construction office, crematory, distillery, dry cleaning service, accessory dwelling unit, emergency service station, exercise facility, farm, and ranch hand supplies. Sales and service, forestry sales, ground transportation facilities, heavy equipment and commercial truck repair, heliport, home occupation, machine shop, manufactured homes sales lot, manufactured home repair, meat locker, medical clinic, memorial park, post office, printing, industrial, property sales office, rafting, retail stores, schools, seasonal employee housing, small engine repair shop, solar panel field, SMM, temporary use, tent, tower collocate, train terminal/depo, upholstery services, utility, distribution elements, utilities, buildings, main lines, regulators, substations, wholesale sales, and winery. Most of the items on this list were already referenced in the regulations but had no definition to it. The adoption date would be April of 2024 and if any substantial changes were requested to this draft, it would be presented to the planning commission again.

**Commissioner Bell** said this is necessary because life today in Fremont County is so different from life in Fremont County decades ago when these were written. There were no such things as angertainment and no need for tower collocating. This board has struggled over the years in certain situations where the code says it doesn't fit and we would try to make it fit for the benefit of the citizens.

**Commissioner Grantham** wanted to point out that it doesn't only solve old problems, but it makes room for new ones to be created because there are such things as distilleries and brewers that did not exist in the mid 90's.

**Director Victoria** said that a significant change is the animal unit count, category one would remain the same, that those animals must be over a year old to be counted but category two, three, and four will now be six months.

**Shelley Keller** said she wanted some clarity about when the approval for these new regulations will be.

**Commissioner McFall** answered that these will be approved today and others in increments then in April it will all come back together for all of it to be approved.

**Ms. Keller** asked if this information was available to the public because she only became aware of changes since very recently.

**Commissioner Grantham** said this has been in motion for over a year and these changes have been available online on the Fremont County website. The purpose of this preliminary hearing is to hear opinions and make changes to it before the final approval in April, and then things are still subject to change.

**Commissioner Bell** wanted to reiterate that all new regulations approved today will not take effect until they are approved in April, and any questions, comments, and concerns are welcome and to contact Director Dan Victoria.

**Linda Matson** asked if it is possible that Director Victoria could come to Home Smart Preferred Realty and present these changes to the board of realtors and answer questions, it would be close to 200 members.

**Director Victoria** said that he would be willing to do that.

**George Hall** suggested putting guides and outfitters in the recreation facility rural to further define it.

**Commissioner McFall** – closed the public hearing at 10:09am.

**Commissioner Grantham** moved to approve this amendment to Fremont County zoning regulations Chapter one provisions definitions revising existing definitions with a new format subject to final approval in April 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** opened the public hearing at 10:12am.

3. [Request an amendment to the Fremont County Zoning Regulations, Chapter 3, General Regulations, proposing new regulations and revising existing regulations with a new format](#)

**Director Victoria** said there are a few additions worth mentioning such as the fencing regulation that if a fence is within 50 feet of a corner or intersection the fence must be 50% open or more. If it is, the height cannot be over 48 inches if it less than 50% see-through it can only be 40 inches tall. The reason this

regulation was added was because there were concerns about oversight lines on roadways and vehicle accidents caused by not being able to properly see traffic coming. Another change is the current regulation states that you can have a manufactured home on your property for six months and then be granted a one-time six-month extension. The new regulation's purpose is that you must have a building permit to drag it onto your property. The reason for this is because people will get a good deal on a manufactured home, have intentions to build it up but then things happen, and it just sits there and deteriorates.

**Sarah Wetherbee** asked if this new regulation would require owners to tear down already existing fences, and if those fences get blown down or knocked down somehow would they be allowed to put them back as they once were.

**Director Victoria** said Fremont County does not have the authority to make people alter their already existing fences, but if they do get knocked down, they will be required to follow the new regulation.

**Ms. Keller** asked why some of the zoning types are now missing.

**Director Victoria** said that they have now been condensed into R1, R2, and R3.

**Commissioner McFall** said that none of it really changed definition, some of the zonings had only slight differences so they grouped them together to be easier. The agricultural exemptions and tax rate will remain the same, some aspects were added that is more beneficial to the Fremont County community.

**Mr. Hall** suggested adding a regulation for shrubs, bushes, and trees to follow the same new rules about fencing.

**Director Victoria** said he would think about how he could implement that into the regulations.

**Commissioner McFall** – closed the public hearing at 10:25am.

**Commissioner Bell** moved to approve the request to amend the Fremont County zoning regulations chapter 3, general regulations, proposing new regulations, and revising existing regulations with a new format pending a start date of April following final approval. Commissioner Bell seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent

**Commissioner McFall** opened the public hearing at 10:26am.

4. [Request an amendment to the Fremont County Zoning Regulations, adding a new chapter. Chapter 6, Review Procedures, proposing new procedures and revising existing procedures with a new format](#)

**Director Victoria** said every chapter had procedures but the review procedures were basically the same so all were taken and compiled together in one location adding charts, graphs, and flow diagrams in hopes it would be easier to read. The Planning Commission suggested adding in section 642 adding an applicant and representative option instead of just applicant, which makes sense considering most of the time people

have consultants. In section 6.10 extensions on contingencies, currently, the board is responsible for granting extensions and with the new regulation the Planning Director can allow one extension and then after that it must be taken to the Board of County Commissioners.

**Mr. Hall** said in section 6.4.1.2 under revised application review it states that the department can require additional fees if not all questions are answered. He felt like there should be an option for mediation if the citizen and department head disagree.

**Commissioner Bell** answered with the Board of County Commissioners lean on the department heads for knowledge and if all information is included in an application so chances are if they don't agree we will side with them.

**Commissioner McFall** – closed the public hearing at 10:42am.

**Commissioner Grantham** moved to approve the amendment to the Fremont County zoning regulations adding this new chapter six, review procedures, proposing new procedures, and revising existing procedures with a new format the preliminary approval subject to final approval in April 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** opened the public hearing at 10:44am.

5. [Request an amendment to the Fremont County Zoning Regulations, Chapter 6, sections 5.6, 5.7.15, 8.7, 8.10, 8.11, 8.14, 8.15, 8.16 proposing a new Chapter 8, Land Use Permits and revising existing regulations and proposing new regulations, and deletions with a new format](#)

**Director Victoria** said the Planning Commission recommended approval apart from a few adjustments and suggested the commercial development plan be required at 10% not the 25% that Director Victoria is suggesting. Changes and additions to the old code include adding a standard for Tower Collocation and instead of specific licenses listed for kennels it will state that it shall be conducted in compliance with count, state, and federal law. Physical expansion or enlargement of an existing business use of 25% worth of growth over a 5-year period in the applicable zone districts, Planning Commission felt that was too high, that it should be 10-year period. For commercial development plans an architectural rendering is going to be required and the site plan so there can be visuals with the proposals. Major modifications to SRUs and CUPs include over 10% of increase to structures, disturbance, development, or adding additional land which would require a new application process.

**Commissioner McFall** – closed the public hearing at 10:57am.

**Commissioner Bell** moved to approve the amendment to the Fremont County zoning regulations chapter 6 sections 5.6, 5.7.15, 8.7, 8.10, 8.11, 8.14, 8.15, and 8.16 proposing a new chapter 8 land use permits and revising existing regulations and proposing new regulations and deletions with a new format. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent



**Commissioner McFall** opened the public hearing at 10:58am.

6. [Request an amendment to the Fremont County Zoning Regulations, Chapter 8, section 8.12 & 8.13 adding a new chapter. Chapter 9, Zone Changes, proposing new procedures and revising existing procedures with a new format](#)

**Director Victoria** staff has simplified the application process to make it more efficient and effective. Staff has removed the final development plan for zone change and added new regulations that require a land use permit approval for yearly inspections. The Planning Commission recommended approval as long as 9.1.1 was unstripped.

**Commissioner McFall** – closed the public hearing at 11:03am.

**Commissioner Grantham** moved to approve the changes and the amendment to the Fremont County zoning regulations chapter 8 section 8.12 and 8.13 adding new chapter, chapter 9 zone changes proposing new procedures revising existing procedures with the new format this preliminary approval subject to the final approval in April 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** opened the public hearing at 11:04am.

7. [Request an amendment to the Fremont County Zoning Regulations, adding a new Chapter 10, Drainage Plan & Report, to match the updated Subdivision Drainage Plan & Report](#)

**Director Victoria** said the only change is adding the document directly into the chapter instead of it referring the reader to a different page to view it.

**Commissioner McFall** – closed the public hearing at 11:08am.

**Commissioner Bell** moved to approve the requested amendment to the Fremont County zoning regulations adding a new chapter 10 drainage plan and report to match the updated subdivision drainage plan and report this is intended as a preliminary approval with the final approval to come in April of 2024. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent

**Commissioner McFall** opened the public hearing at 11:10am.

8. [Request an amendment to the Fremont County Zoning Regulations, deleting section 4.12 Neighborhood Business Zone District and rezoning 2 properties in Fremont County](#)
  - a. [1605 South Street, Cañon City to Residential One Zone District.](#)
  - b. [105 Forge Road, Cañon City to Business Zone District.](#)

**Director Victoria** explained that the South Street location has non-conforming status giving them the ability to live in a single-family dwelling surrounded by agricultural suburban land, so approving this would make the land conforming. The property on Forge Road holds a SRU to be a gas station convenience store, it is adjacent to industrial properties and land to the South is zoned agricultural suburban. It is proposed to be made a business zone district. The Planning Commission recommended approval.

**Commissioner McFall** – closed the public hearing at 11:13am.

**Commissioner Grantham** moved to approve this amendment to the Fremont County zoning regulations deleting section 4.12 the neighborhood business zone district rezoning the two properties in Fremont County at 1605 South Street to Residential 1 zone district and 105 Forge Road to the business zone district this preliminary approval is subject to final approval in April of 2024. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

### **NEW BUSINESS continued at 11:15am**

Ref. Fremont County BOCC Meeting 2/27/2024 2:16:19

4. [Appointment of new member to the Fremont County Weed Advisory Board for a term ending December 31, 2026](#)

**Commissioner Bell** moved to approve the addition of Tom Grette to the Fremont County Weed Advisory Board for a term that will end on December 31<sup>st</sup> of 2026. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Ref. Fremont County BOCC Meeting 2/27/2024 2:17:06

5. [Resolution No. 14, Series of 2024, Resolution Requesting the Colorado General Assembly to Change the Categorizing of Fremont County, Colorado From Category II-B Pursuant to 30-2-102, C.R.S.](#)

**Assessor Seifert** said this increase is 10% based on size and population. Based on the amount of new legislation, new regulations, and new reports the workload is going to increase. The workload for County Assessor is going to increase by 30 to 40 percent.

**Commissioner Grantham** moved to approve resolution number 14 series of 2024 requesting the Colorado general assembly to change the categorization of Fremont County Colorado from category 2C to category 2B pursuant to the CRS 30-2-102. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Ref. Fremont County BOCC Meeting 2/27/2024 2:25:45

6. [Resolution No. 15, Series of 2024, Resolution Recognizing Fremont County's Limited Resources and Prioritizing Fremont County Citizens.](#)

**Commissioner Bell** read Resolution No. 15.

**Commissioner Bell** moved to formally adopt resolution number 15 series of 2024 recognizing Fremont County's limited resources and prioritizing Fremont County Citizens. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**Commissioner McFall** adjourned the meeting at 11:36am.

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

<https://www.youtube.com/watch?v=GYhPi0FIHNI>

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Clerk to the Board of County Commissioners