

FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 11, 2022, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman Dwayne McFall called the meeting to order at 9:30 a.m.

Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Kevin Grantham	Commissioner	Present
Talia Smith	Recording Technician	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Mica Simpleman	Planning & Zoning Director	Present

INVOCATION

Stacy Swagger, Abundant Life CC Pregnancy Center

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes / December 28, 2021
2. Approval of Bills for \$ 1,527,334.34
3. Ratification of Chairman’s Signature on Assignment of Lease Agreement for Use of a Portion of Building 14, Fremont County Airport
4. Renewal of Hotel & Restaurant Liquor License for Holt Family Recreation, LLC dba Shadow Hills Golf Course located at 1232 County Rd 143 Canon City, CO 81212.
5. Schedule Public Hearing: None.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
 - a. County Clerk’s Monthly Report

Clerk & Recorder Grantham gave the County Clerk’s Monthly Report which can be found in its entirety at www.fremontco.com.

Commissioner Bell moved to accept the County Clerk’s Monthly Report. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

b. Sales Tax Report, Kristine Cowan, Finance Officer

Finance Officer Cowan gave the Sales Tax Report which can be found in its entirety at www.fremontco.com.

Commissioner Bell spoke about the 2022 Colorado Legislative Session and the expectation of new State and Federal legislation. She said the Board will attend Colorado Counties Incorporated (CCI) meetings and National Association of Counties (NACo) meetings to advocate for the community.

Commissioner Grantham said the Board will do their best to be aware of new legislation and inform the public accordingly.

Commissioner McFall encouraged citizens to keep the Board informed about new legislation that they may not be aware of, then spoke briefly about the importance of fire safety.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda
 - a. There were none.

OLD BUSINESS

1. None.

NEW BUSINESS

1. Organization of the Board of County Commissioners

Commissioner Bell thanked the other Commissioners and explained to the public that they discussed the appointment before the meeting.

Commissioner Grantham moved to appoint Commissioner Debbie Bell as Chairman for the 2022 calendar year. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Commissioner Bell moved to appoint Commissioner Kevin Grantham as Chairman Pro Tem for the 2022 calendar year. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

The Board of Commissioners then reorganized and Commissioner Bell took over chairmanship duties.

Commissioner Bell thanked Commissioner McFall for his service as Chairman in 2021 and presented him with a gavel plaque.

2. Appointment of County Attorney

Commissioner Bell announced that County Attorney Jackson is finishing her 30th year being attorney for the County.

Commissioner McFall thanked County Attorney Jackson for her legal advice during these trying times.

Commissioner Grantham added that County Attorney Jackson's knowledge and experience is invaluable and appreciated.

Commissioner Bell expounded on County Attorney Jackson's knowledge of Fremont County and her historical expertise thereof.

County Attorney Jackson thanked the Board.

Commissioner McFall moved to reappoint Brenda Jackson as County Attorney. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

3. Resolution No. 1 Designating and Approving Official Depositories for Fremont County for 2022

Commissioner Bell said the Treasurer recommends naming Sunflower Bank of Cañon City, Colorado Surplus Asset Fund Trust, Colo Trust, and Bank of the San Juans Glacier Bank as the official depositories for Fremont County.

Commissioner Grantham moved to approve Resolution No. 1 Designating and Approving Official Depositories for Fremont County for 2022. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

4. Resolution No. 2 Designating Schedule for Regular Meeting for the Fremont County Board of Commissioners

Commissioner Bell noted that regular meetings for the Fremont County Board of Commissioners are traditionally held the 2nd and 4th Tuesdays of each month at 9:30 a.m.

Commissioner McFall moved to approve Resolution No. 2 Designating Schedule for Regular Meeting for the Fremont County Board of Commissioners. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

5. Resolution No. 3 Designating Official Newspaper for Fremont County

Commissioner Bell explained there are three publications in Fremont County: The Cañon City Daily Record, which is published 6 days per week, The Florence Citizen, which is posted online only, and The Fremont County Crusader, which is a weekly publication. She later noted that they will continue to work with all publications to disperse information to the public.

Commissioner McFall noted that the Fremont County Crusader has also gone digital due to printing expenses. He explained the Cañon City Daily Record is the quickest way to distribute information.

Commissioner Grantham moved to approve Resolution No. 3 Designating the Cañon City Daily Record as the Official Newspaper for Fremont County. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

6. Resolution No. 4 Designating Official Posting Place for Notice of Public Meetings for the Fremont County Board of Commissioners

Commissioner Bell said Resolution No. 4 designates the official posting places for notice of public meetings for the Fremont County Board of Commissioners are: online at www.fremontco.com, the bulletin board outside the Commissioners' Office in Room 105 of the Administration Building, and the bulletin board at the south entrance of the Administration Building.

Commissioner McFall moved to approve Resolution No. 4 Designating the Official Posting Places for Notice of Public Meetings for the Fremont County Board of Commissioners. Commissioner Grantham seconded the motion. Upon Vote:

Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

7. Renewal of Tavern Liquor License for VFW Penrose Post #2788 located at 402 Broadway Penrose, CO 81240

Gerry Rimpley introduced herself as Senior Vice Commander and said next year she will be Colorado Commander of the VFW. She invited the Board to attend a convention in June where she will be installed as the Department Commander. Ms. Rimpley then spoke on renewal of the liquor license. She explained that the Post had to raise many more funds for local families than previous years and the distraction caused them to be late in getting the renewal packet to the department, so they are requesting a waiver of the \$100.00 late fee.

Recording Technician Smith reported that the application was due by November 21st, 2021 and was received in office on December 6th. She repeated that they are requesting a waiver of the late fee and mentioned that they have provided all the necessary documentation for a renewal.

Commissioner Bell asked Ms. Rimpley whether this is the first time they've been late on a renewal.

Ms. Rimpley confirmed it was the first time they have been late.

Commissioner McFall thanked her for her work with the Post to help local kids. He pointed out the timeframe that they were given to submit the application and noted that those dates will play into effect.

Ms. Rimpley said that the application from the Department of Revenue was late.

Commissioner Grantham asked for clarification on her explanation.

Ms. Rimpley repeated her last statement.

Commissioner McFall asked whether the Post is current with all other financial obligations.

Ms. Rimpley mentioned a current dispute with Penrose Sanitation that will be pursued in court.

Commissioner Bell asked whether they are actively working on resolving the dispute.

Ms. Rimpley repeated that the matter will be settled in court.

Commissioner McFall asked Ms. Rimpley to keep what the Board has said in mind for next year.

Ms. Rimpley said she is taking notes for next year and for their upcoming TUP.

Commissioner Grantham pointed out that many organizations in the County are run by volunteers and thanked her for her responsiveness to resolving the situation.

Commissioner Bell agreed with Commissioner Grantham and recognized Ms. Rimpley for taking care of her community.

Commissioner Grantham moved to approve the renewal of Tavern Liquor License for VFW Penrose Post #2788 located at 402 Broadway Penrose, CO 81240 including the waiver of the late fee. Commissioner McFall seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Ms. Rimpley thanked the Board for considering veterans when observing legislation.

PUBLIC HEARINGS

1. SRU 21-004 Echoland requesting Special Review Use Permit approval for eight (8) glamping structures and rental house on 16.16 acres located at 45120 W. US Highway 50, Cañon City and is zoned Agricultural Rural.
Representative: Alex Ewers

Commissioner Bell opened the public hearing at 10:01 a.m.

Alex Ewers explained that Echo Canon's Cabins and Glamping development are across the road from the rafting business. He said the owner purchased the property to the South intending to expand the business.

Planning & Zoning Director Simpleman reported that Fremont County Department of Transportation (DOT) has no comments and approves the SRU, the Fremont County Project Engineer approves the SRU, and Fremont County Department of Public Health and Environment (FCDPHE) wanted to see the contract with Howard Disposal, which they received. He added that the applicant is requesting a variance for a 50' setback on the two northern glamping sites. Director Simpleman said his department recommends approval as long as the variance is approved.

Commissioner McFall asked if the variance would need to go to the Board of Zoning Adjustments (BOZA).

Director Simpleman confirmed that it would.

Commissioner Bell asked Director Simpleman if that step would take place after the decision today.

Director Simpleman confirmed that it would.

Commissioner McFall said it would be a contingency.

Commissioner Bell asked for public comment or if anyone would like to speak on the SRU permit.

Eric Johnson said he is the neighbor across the fence from the property requesting the SRU. He addressed his concerns regarding sewer drainage amounts and the vault system, as gray water may affect future development. He also had concerns regarding a gate that provides access to both properties.

Commissioner Bell explained that Director Simpleman and the applicant will address his concerns.

Commissioner McFall asked about the northwest corner being an easement.

Mr. Johnson replied that when he redid the property boundaries, the County did not recognize the driveway to the house and he kept the 60' easement off of Dixie Court for future development. He is concerned about the public impact as well as the sewage, drainage, and leaching.

Commissioner Bell closed the public hearing at 10:10 a.m.

Mr. Ewers explained that the OWTS vault is a large version of a residential vault and it will be maintained by being pumped every two years, therefore it will have no effect to the other property. He added that the northwest easement is intended for employee and emergency access only, not for guests.

Commissioner Bell clarified that it would be very low traffic.

Mr. Ewers agreed with Commissioner Bell.

Commissioner McFall asked about and listed waiver requests.

Director Simpleman said the storm water waiver was approved by the County Engineer.

Commissioner Bell determined that there are four separate requests and staff recommends approval of each of them.

Commissioner Bell noted that the Planning Commission recommended a contingency to have some sort of lighting installed at the owner's discretion.

Commissioner McFall responded that he will not include the lighting contingency in the motion.

Commissioner McFall moved to approve Resolution #5 approving SRU 21-004 Echoland including a contingency for a 50' setback variance that needs approval by BOZA and the approval of four waivers as follows: minor variances of the Storm Water Drainage Plan and Report requirement, the asphalt or concrete surfacing requirement, a variance for a proposed access width to be 30-feet and a road grade waiver request. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

2. SRU 21-002 Phantom Canyon RV Ranch Major Modification requesting approval of a major modification to existing Special Review Use Permit SRU 20-001 for twenty (20) additional travel self-contained trailers, modification of operational characteristics, installation of an on-site wastewater treatment system (OWTS), reduction on recreation area, the addition of 23,476 square feet of storage areas and structures on 29.79 acres located at 505 County Road 67 in Penrose and is zoned Agricultural Forestry.
Representative: Dr. Angela Bellantoni

Commissioner Bell opened the public hearing at 10:18 a.m.

Dr. Angela Bellantoni thanked Attorney Jackson for her years of service, and then spoke about the events and motions regarding Phantom Canyon RV Ranch that led up to this public hearing. She said the project was first approved March 10, 2020, the contingencies were accepted August 20, 2020, the applicant was called before the Board April 13, 2021, and there was a hearing on April 29, 2021. She spoke about the bathhouse requirement and septic tank, which were not on the approved 2020 site plan. Dr. Bellantoni explained that there was a misunderstanding regarding the SRU process and department coordination. She added that they were told by previous Planning & Zoning Director Sean Garrett to stop work and turn in a Major Site Plan. She explained that she submitted an application for a Major Site Plan on May 24, 2021, which was delayed and after new leadership on December 7, 2021 the bathhouse requirement was addressed by the Planning & Zoning Department. She expressed that the applicant has applied for the bathhouse, submitted quotes for septic construction, and noted that they want to add a wind fence on east side of the east boundary of the RV spaces.

Commissioner Bell asked for clarification regarding the location of the wind fences.

Dr. Bellantoni clarified the location of the fence by referring to the site plan then continued on and said the fence would be made of wooden posts with a wildlife weave. She also mentioned that the three proposed lights have been installed and they want to install three more.

Commissioner Grantham asked about the number of lights installed.

Dr. Bellantoni said three are installed.

Commissioner Grantham asked about the dates that Dr. Bellantoni mentioned and whether they took place in 2020.

Dr. Bellantoni clarified that April 29 was in 2021 and December 7 was in 2021.

Commissioner Grantham asked if March 10, 2020 was the initial approval of the project.

Dr. Bellantoni confirmed it was and that they had 24 months to complete the bathrooms.

Commissioner Grantham explained his confusion regarding the communication of the dates.

Dr. Bellantoni mentioned there being additional site assistants then spoke about progress at the site. She discussed the roadway impact form update and her correspondence with Jeff Hudson from LSC Transportation Consultants and referenced a list of items to be expected on the updated form. She reiterated that Mr. Garrett told them to stop until getting the Site Plan approved.

Commissioner Grantham referred to the roadway impact information and asked Dr. Bellantoni whether hers was based 70% occupancy.

Dr. Bellantoni confirmed this and clarified that due to the duration of stay, the majority of trips on the road will be done by patrons, not by RVs.

Commissioner Bell referred to the 70% occupancy and asked whether the applicant will be going with 60 or 40.

Dr. Bellantoni said it would be 60 because everything is totaled.

Commissioner Grantham clarified that it is an averaged occupancy over a 12-month period.

Director Simpleman reported that the Fremont County DOT has no issues at this time, the Fremont County Project Engineer accepts the Stormwater Drainage Plan and Report, and FCDPHE has received many complaints.

Building Official Wyatt Sanders spoke about unsatisfied contingencies under Resolution 19 Series of 2020 as follows: contingency "2.J" regarding the permitting and development of the chemical toilet, and contingency "2.K" regarding the permitting, inspection, and financial documentation of the Dump Station.

Commissioner Bell asked whether all 6 receipts for servicing the dump-station were from the month prior to renewal.

Building Official Sanders clarified that the receipts were from the first of June to the first portion of July then continued on about contingency "2.J." He then referred to contingency "2.I", which conveys that permanent restrooms will be installed within 24 months from the date of approval. He pointed out that no onsite wastewater treatment system has been applied for to accommodate the restroom facility and that the temporary dump-station vault is not intended to be a long-term solution. Building Official Sanders stated that FCPDHE recommends to have all requirements for sanitation in place per the 2020 Resolution. The building department's recommendation is that the park must comply with the regulations of Fremont County, CDPHE Regulations, and campgrounds and regulation areas.

Commissioner Bell asked Building Official Sanders whether chemical toilets were being used during the two months when they were not permitted.

Building Official Sanders replied that he did not know.

Commissioner McFall asked whether the vault is working the way it's supposed to.

Building Official Sanders said the vault is 1500 gallon and repeated Dr. Bellantoni's comment that the original site plan did not include an OWTS System, and claimed that there were other documents that did include a sanitation system. He reiterated that the vault was intended to be a temporary solution.

Commissioner McFall asked whether the vault sewage is being taken care of properly.

Building Official Sanders said there is no evidence that it is being taken care of properly.

Commissioner McFall asked about other tanks on the property.

Building Official Sanders said he can only assume what they use the tanks for.

Director Simpleman listed violations discovered at several inspections that took place since May 5, 2021. The department is concerned that the applicant has not been keeping up with standard requirements in the original SRU and recommends that if the SRU is approved, all contingencies be met within the provided timelines.

Commissioner Bell called for public input.

Paul Bond owns a neighboring property to the south of the RV park. He spoke about the March 10, 2020 hearing and his voiced concerns regarding the approval of a low-budget trailer park. Mr. Bond said the RV park claimed the following: that no campers would be present for more than 30 days, there would be no RVs less than 10 years old, and they termed the park "luxury" and "high-end." He has witnessed black water being collected from trailers and said the vault does not meet requirements and is not compliant with the State. He added that they were approved for 20 slots and units including bathroom facilities, but claimed there are around 27 units. Mr. Bond conveyed that FCDPHE seems to be unable to enforce regulations, Planning & Zoning is unwelcome in the park, Law Enforcement is present at the RV park frequently, and the park invites drug and crime activity. He also mentioned there not being visual screening around the park or fencing provided by the park on the south side.

Commissioner Bell asked Mr. Bond how often he is at his property.

Mr. Bond said he is there about 18 hours per day.

Commissioner McFall asked Mr. Bond where the fence is.

Mr. Bond said he owns the fence and it is on his property, not on the property line.

Commissioner McFall clarified that there is a fence there.

Mr. Bond agreed and discussed there being no fence to the west and referred to Colorado being a fence-out state.

Commissioner McFall asked if there are cattle on the property.

Mr. Bond replied that there are cattle on the property that he has fenced in.

Commissioner McFall explained that it's the applicant's responsibility to provide a fence if they do not want cows on their property.

Mr. Bond clarified that there is no fence on the highway to keep the cattle in. He added that since there is no fence to the west, park renters enter the land on recreational vehicles, which is intended to be grazing land. Mr. Bond also addressed his concerns about patrons trespassing on his property, trash from the RV park, penned-up horses, and a proposed shooting range.

Commissioner Bell stressed that a shooting range proposal has nothing to do with this hearing.

Mr. Bond explained that he wants to protect his property.

Commissioner Bell closed the public hearing at 11:09 a.m.

Commissioner Bell referred to the applicant's website, which states that there is a current upgrade to add an additional 20 RV lots to the site. She asked why they are advertising this before approval.

Dr. Bellantoni said Mr. Sander's recommendation that the septic and bathhouse be constructed before expansion is doable.

Commissioner McFall recalled that the suggestion was a condition of the original SRU, so they are already out of compliance.

Dr. Bellantoni addressed the lack of trees along HWY 67 and explained that the berm required for drainage would be compromised by the presence of trees.

Commissioner Grantham asked where the trees would be in relation to the berm.

Dr. Bellantoni replied the trees would be south of the berm to provide a visual barrier to Mr. Bond.

Mitchell Slayton is an owner of the RV Park and asked Commissioner Bell to repeat her initial question about the website.

Commissioner Bell asked why they are advertising new plots before approval.

Mr. Slayton said he communicated to people that they want to build the park but cannot until the SRU can be approved. He clarified that they have not built since February the prior year, when they were told to stop.

Commissioner Bell pointed out that nothing about the park is luxurious as promised and asked Mr. Slayton to address the things he can fix.

Mr. Slayton explained that he has to follow eviction laws and worked with the Sheriff's Office to have a patron arrested. In regard to sanitation, he said he was told not to build.

Dr. Bellantoni asked Mr. Slayton to address trespassing patrons.

Mr. Slayton said they would put a fence on the south side of the property.

Commissioner McFall asked if Mr. Slayton has seen patrons going into the two neighboring properties on the west side of the RV park.

Mr. Slayton said he has not seen anyone trespassing.

Dr. Bellantoni replied that they will put a fence with signs. She asked Mr. Slayton to address the animals within permanent-looking fences.

Mr. Slayton explained that the patron with the animal was evicted but the animal is still there. He added that they are working to remove the refrigerator and RV that belong to the arrested patron.

Dr. Bellantoni suggested staff doing daily site visits.

Mr. Slayton replied that their lawyer drew up a 10-day cease and desist or to comply, an eviction notice, and a third form to gain access to the site.

Commissioner McFall asked if it was the RV with the eviction notice on it.

Mr. Slayton confirmed that it was.

Commissioner Bell asked why they are accepting older RVs and why they are allowing people to stay longer than 30 days, two conditions the applicant proposed in its initial application.

Mr. Slayton replied that the 30-day limit SRU was corrected at Planning Commission.

Commissioner McFall pointed out that at the last public hearing, Dr. Bellantoni said the expected stay was 1 to 30 days.

Mr. Slayton replied that it was something that they fixed.

Commissioner Bell replied that they were not in compliance with it to begin with.

Commissioner McFall clarified that if the new SRU is approved, it will fix the 30-day limit.

Mr. Slayton agreed with Commissioner McFall.

Commissioner McFall said it still does not answer why they let it go longer than 30 days. He then asked Mr. Slayton to address the second question.

Commissioner Bell clarified that the question was regarding the age of the RVs.

Mr. Slayton said they allow vehicles 10 years old or newer and vet older ones.

Commissioner McFall asked Mr. Slayton what they are doing about dust control.

Mr. Slayton said they have 12-inches of gravel.

Commissioner McFall said they see no gravel.

Mr. Slayton replied that there is asphalt on top of the gravel.

Dr. Bellantoni described how gravel wasn't working so they are trying recycled asphalt.

Commissioner McFall asked what is being done about tracking mud onto CR 67.

Mr. Slayton said there was originally a tracking mat and they were told by the county to do asphalt.

Commissioner McFall asked whether it is recycled asphalt or asphalt.

Mr. Slayton said it was recycled.

Commissioner McFall asked how it's holding up.

Mr. Slayton said it seems to work.

Commissioner McFall asked if it was done recently.

Mr. Slayton said it was done 6 months ago with special permission from former Planning & Zoning Director Dan Victoria.

Commissioner McFall asked about the installation of the 3 light poles and why it took so long to get the last 2 installed.

Mr. Slayton repeated that they were told by former Planning & Zoning Director Garrett to stop building since last February.

Commissioner Grantham asked Mr. Slayton what exactly they were stopped from doing and when.

Mr. Slayton replied that they were on the Planning Commission docket 12 times and every time Sean Garrett removed them at the last moment. He then spoke about his former business partner.

Commissioner McFall clarified Commissioner Grantham's question and asked Mr. Slayton to address it.

Dr. Bellantoni said the partner was responsible and the face of business to the County. She added that the new partnership formed in January or February of 2021. She repeated that Mr. Garrett said not to do anything, thinking it would only be a short pause until August.

Commissioner Grantham asked what Mr. Garret wanted to stop.

Dr. Bellantoni said they were told to not do anything until the new site plan was approved.

Commissioner McFall pointed out that some conditions were meant to be met within 4 to 6 months.

Mr. Slayton spoke about the bids out on the bathrooms and suggested that they did what they were asked to do regarding the bathrooms.

Commissioner Grantham conveyed that the bad partnership and time lost because of it is not the County's problem.

Mr. Slayton explained that he assumed things were moving forward.

Dr. Bellantoni agreed with Commissioner Grantham that the bad partnership was on the RV park and reiterated that the lack of progress in the months from May 24 to December 7 are not on the RV park.

Commissioner McFall moved to table SRU 21-002 Phantom Canyon RV Ranch Major Modification to February 8, 2022 including a workshop to create a list of findings. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Commissioner Grantham claimed that he hopes to see tremendous progress within the next month.

Commissioner McFall pointed out the existing SRU.

Commissioner Grantham elaborated that they are not in compliance with the existing SRU.

Commissioner McFall assured Mr. Bond that his comments would be taken into account when considering whether to approve the SRU.

Commissioner Bell adjourned the meeting at 11:46 a.m.


Clerk to the Board of County Commissioners



RESOLUTION NO. 1, SERIES OF 2022

RESOLUTION DESIGNATING AND APPROVING OFFICIAL DEPOSITORIES FOR
 FREMONT COUNTY, COLORADO IN 2022

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §30-10-708 to designate and approve, by written resolution, all depositories for Fremont County funds; and

WHEREAS, Kathy Elliott, the Fremont County Treasurer has submitted a recommendation for designation and approval of depositories for Fremont County funds, based upon the Fremont County Treasurer's investment policy, a copy of which is available for review in the Fremont County Treasurer's Office; and

WHEREAS, it appears to the Board of County Commissioners the depositories recommended by the Treasurer are appropriate for the investment of County funds and that each of the depositories meet the requirements of the provisions of C.R.S. §30-10-708 and of article 47 of title 11, C.R.S. and part 6, article 75, title 24, C.R.S.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY, that the following depositories are hereby approved and designated as the official depositories for Fremont County funds:

1. SUNFLOWER BANK OF CAÑON CITY
2. COLORADO SURPLUS ASSET FUND TRUST (CSAFE)
3. COLOTRUST
4. BANK OF THE SAN JUANS/GLACIER BANK

BE IT FURTHER RESOLVED, that the Fremont County Treasurer is hereby authorized to use these designated depositories for the deposit and investment of the funds of Fremont County, and is authorized to invest all or any part of the funds and moneys in securities meeting the investment requirements established in part 6 of article 75 of title 24, C.R.S.

Commissioner Grantham moved for adoption of this Resolution, with a second by Commissioner McFall. The roll call vote of the Board was as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Kevin J. Grantham	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain

Date: 1/11/2022

ATTEST:

Debbie Bell
 Chairman

Opardunis Chief Deputy
 Clerk to the Board

RESOLUTION NO. 2, SERIES OF 2022

RESOLUTION DESIGNATING SCHEDULE FOR REGULAR MEETINGS FOR THE
FREMONT COUNTY, COLORADO, BOARD OF COUNTY COMMISSIONERS

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §30-10-303 to designate and publish a schedule for regular meetings of the Board; and

WHEREAS, the Board currently meets on the second and fourth Tuesdays of each month, commencing at 9:30 a.m. to conduct the regular business of Fremont County and finds that such schedule is widely known and accepted to the members of the public in Fremont County.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby designates the second and fourth Tuesdays at 9:30 a.m. as the time for regular meetings of the Board of County Commissioners for Fremont County. All regular meetings shall be held in Cañon City, the county seat, and at the Fremont County Administration Building, 615 Macon Ave., Room LL3, Cañon City, CO 81212, unless otherwise previously publicized. The designation of the regular meeting schedule shall in no manner affect the ability of the Board of Commissioners to schedule and hold special or emergency meetings, as deemed necessary for best serving the public interest.

Commissioner McFall moved adoption of the foregoing Resolution, seconded by Commissioner Grantham and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Kevin J. Grantham	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain

Date: 1/11/2022

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: [Signature]
Clerk to the Board

RESOLUTION NO. 3, SERIES OF 2022

RESOLUTION DESIGNATING OFFICIAL NEWSPAPER
FOR FREMONT COUNTY, COLORADO

WHEREAS, the Fremont County Board of County Commissioners is required by section C.R.S. §24-70-103, to publish in a "legal newspaper" all legal notices, publication of ordinances and regulations, and announcement of requests for bids, as well as other official County publications; and

WHEREAS, there currently exist three legal publications or newspapers in Fremont County, as defined in C.R.S. §24-70-102, those being the *Cañon City Daily Record* (six day-a-week publication), the *Florence Citizen* (weekly publication), and the *Fremont County Crusader* (weekly publication); and

WHEREAS, the Board finds that a daily newspaper is better equipped to provide public notice of official actions such as special meetings, public hearings, and unexpected events on short notice, which is essential for effective notice to the public; and

WHEREAS, the Board is authorized, without official designation, to publish notices in any of the legal publications in the County to provide additional or supplemental notice to the public, if deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for Fremont County hereby designates the *Cañon City Daily Record* as the official newspaper for Fremont County official publications.

Commissioner Grantham moved adoption of the foregoing Resolution, seconded by Commissioner McFall and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Kevin J. Grantham	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain

Date: 1/11/2022

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: Justin D Grantham
Clerk to the Board

RESOLUTION NO. 4, SERIES OF 2022

**RESOLUTION DESIGNATING OFFICIAL POSTING PLACE FOR
 NOTICE OF PUBLIC MEETINGS FOR THE FREMONT COUNTY, COLORADO
 BOARD OF COUNTY COMMISSIONERS**

WHEREAS, the Fremont County Board of County Commissioners is required by C.R.S. §24-6-402 to designate a public place for posting notice of all public meetings at which the adoption of any proposed policy, position, resolution, rule, regulations, or formal action occurs, or at which a majority or quorum of the Board is in attendance or expected to be in attendance; and

WHEREAS, it is the intent of the Colorado general assembly, as stated in §24-6-402(2)(c)(II)(A), C.R.S., that local governments transition from posting physical notices of public meetings in physical locations to posting notices on a website, social media account, or other official online presence of the local government to the greatest extent practicable; and

WHEREAS, the Board of Commissioners may exercise its discretion and also post a notice by any other means including in a designated public place and intends to continue the practice of posting all notices of public meetings at two physical locations at the Fremont County Administration Building, 615 Macon Avenue, Cañon City, Colorado as a means of providing public notice of all meetings.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby designates the following official posting places for the posting of notices for public meetings of the Board of County Commissioners for Fremont County, Colorado:

1. The website of Fremont County, Colorado <https://www.fremontco.com/> (online notice)
2. The bulletin board in the hallway outside of the offices of the Board of County Commissioners, Fremont County Administration Building);
3. The bulletin board located at the main (south) entrance of the Fremont County Administration Building (physical notice);

The posting place inside the building is open to the public during normal Fremont County business hours. The main entrance posting place is visible to the public from the outside of the building at all times.

Commissioner McFall moved adoption of the foregoing Resolution, seconded by Commissioner Grantham and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Kevin J. Grantham	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain

Date: 1/11/2022

BOARD OF COUNTY COMMISSIONERS
 FOR FREMONT COUNTY

ATTEST:

By: Debbie Bell
 Chairman

By: Justin D Grantham
 Clerk to the Board

RESOLUTION NO. 5
Series of 2022

RESOLUTION FOR SPECIAL REVIEW USE PERMIT
DEPARTMENT OF PLANNING AND ZONING
FILE # SRU 21-004 ECHOLAND, LLC

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

THAT WHEREAS, Echoland, LLC, (hereafter "applicant") has made application for issuance of a Special Review Use Permit pursuant to 8.14 of the Zoning Resolution of Fremont County for a Permit to allow for an expansion to the north of the existing Echo Canyon glamping (45044 US HWY 50), which application has been designated as file #SRU 21-004 Echoland, LLC to be located on certain real property that the applicant owns; and

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its December 7, 2021, 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 January 11, 2022, 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 Permit 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 Permit to Applicant as follows:
 - a. The procedural requirements of Section 8.14 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 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.
 - f. The site is sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
 - 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. A Special Review Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions that must be met within six (6) months, if applicable, since the use was previously in operation prior to approval by the Board:
 - A. Special Review Use Permit shall be issued for life of the use.
 - B. 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.

- C. 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.
- D. 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.
- E. 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 hereunder, as the case may be.
- F. 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.
- G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days and hours of operation shall not be limited.

- I. Refuse service provider will be determined upon completion of development. Frequency should be governed by a rate sufficient to prevent nuisance conditions.
- J. 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.
- K. 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.
- L. 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).

WAIVER REQUESTS:

- 1. Having found the minor increase in imperviousness and the existence of an existing drainage channel, the Board **approves** the minor variances from the Storm Water Drainage Plan and Report requirements.
- 2. Having found the proposed roadway surfacing provides adequate assurance that potential adverse environmental influence of dust and erosion is mitigated, the Board **approves** the waiver from the asphalt or concrete surfacing requirement.
- 3. Having found that the adjacent property to the west of the project site's proposed entrance is 30-feet in width, a variance from the access width to 30-feet is **approved** by the Board.
- 4. The Board **approves** the road grade waiver request since it is a short section of road that exceeds a 6% grade and the owners are responsible for maintaining the internal roads.

CONTINGENCY ITEMS TO BE COMPLETED PRIOR TO RECORDING OF THE RESOLUTION:

1. Relocate the northern two glamping sites in accordance with the 50 foot front setback requirement or secure approval of a setback variance from the Fremont County Board of Zoning Adjustment (BOZA).

BE IT FURTHER RESOLVED that all applicable provisions of the Fremont County Zoning Resolution, particularly Chapter 8, shall apply to all activities conducted pursuant to this permit and shall govern the process for enforcement, violations and other issues arising under the permit.

Commissioner Grantham moved the adoption of the foregoing Resolution, seconded by Commissioner McFall and approved by roll call vote as follows:

Commissioner Bell: Aye / Nay / Abstain / Absent

Commissioner Grantham: Aye / Nay / Abstain / Absent

Commissioner McFall: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: January 25th, 2022

Debra Bell

CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

[Signature]
FREMONT COUNTY CLERK AND RECORDER

