

FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 25, 2020 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. Chair Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Dwayne McFall	Commissioner	Present
Tim Payne	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Absent at roll call, arrived at 9:40 a.m.
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

INVOCATION

Joe Garkovich, of Mercy Today Ministries, gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes / February 11, 2020
2. Approval of Bills for \$2,592,193.25
3. Authorization of Chairman's signature on the 2020 National Museum of the United States Air Force (NMUSAF) Static Display Loan Program Loan Agreement, SDA0044
4. Ratification of Chairman's signature on the Stormwater Discharge Annual Report for the Airport
5. Ratification of Chairman's signature on Task Order E, Attachment to Professional Services Agreement with Armstrong Consultants, Inc.
6. Approval of an amendment to the Intergovernmental Agreement with GIS Authority
7. Schedule Public Hearings: None.

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:

- a. County Treasurer's Semi-Annual Report and Public Trustee's Quarterly Report, Kathy Elliott, County Treasurer

Chief Deputy Janis gave the Treasurer's Semi-Annual Report and Public Trustee's Quarterly Report.

Commissioner McFall moved to accept the Treasurer's Semi-Annual Report and Public Trustee's Quarterly Report. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

- b. County Manager Report, Sunny Bryant, County Manager

County Manager Bryant gave her report, which can be found on the county website, www.fremontco.com.

- c. Sales & Use Tax Report, Sunny Bryant, County Manager

County Manager Bryant gave the Sales & Use Tax Reports, which can be found on the county website, www.fremontco.com.

County Clerk Grantham said the new 24 hour ballot drop box, located on the west side of the Fremont County Administration Building, is now open for use.

Commissioner Bell said that the three commissioners, the county attorney and county manager conducted their annual goal setting and review meeting.

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

There were none.

OLD BUSINESS

1. Request: CUP 12-003 Dawson Gold Major Modification (Resolution #13 requested)
Requesting approval for a Major Modification to CUP 12-003 to expand the boundary area of the existing CUP granted for exploration. The expansion will add acreage to the west of the current boundary of the CUP.

Commissioner Bell explained that this was tabled from the last meeting for findings. She gave a list of findings that included, the application is for exploring, not mining and that there is no obligation, promise, commitment or duty for the County to approve any mining operations in the future, regardless of what the applicant may learn during their exploration activities. She also said that the financial security or insecurity of the applicant is a self-limiting circumstance. The applicant may not drill without a source of water and the applicant has been made aware of the methods of which they may obtain such water. She said that the impact of the total affected area or surface disturbance will

Commissioner Payne said that the Colorado Land Trust has been involved in the whole process and is aware of what is going on with this section of land.

Commissioner McFall said that everything was taken into consideration while reviewing this application and that all of the information was looked at.

Commissioner Payne moved to approve Resolution #13. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

NEW BUSINESS

1. 2020 Census Proclamation
Representative: Beth Lenz, UAACOG

Judy Lohnes with UAACOG explained that Census will take place this year and they are looking for support from local government.

Commissioner Bell read a portion of the proclamation expressing the County's support and urging Fremont County residents to participate and the importance of getting a complete count.

Commissioner McFall said that one of the easiest ways to participate is online, but for those who do not participate online, there will be people on foot visiting houses that have not yet completed their Census. He also said the Census is important because it can effect things such as federal aid monies and district boundary lines.

Commissioner Payne moved to adopt the 2020 Census Proclamation. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

2. 2020 participation agreement with the Upper Arkansas Area Council of Governments for the Upper Arkansas Recycling Program
Representative: Beth Lenz, UAACOG Regional Recycling Program

Judy Lohnes with UAACOG said that they are asking the County to partner in the annual recycling events that will be happening in various locations throughout this year.

Commissioner McFall moved to approve the 2020 participation agreement with UAACOG. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

3. Grant Agreement with Electronic Recording Technology Board for the Clerk and Recorder

County Clerk Grantham explained this is a second ERTB Grant to the first one that was received in 2019. This grant will cover additional costs found while carrying out the first grant.

Commissioner Payne moved to approve the Grant Agreement with the Electronic Recording Technology Board. Commissioner McFall seconded the motion. Upon Vote:

Commissioner Bell said this mirrors the other agreements that they have at the airport.

Commissioner McFall moved to approve the one-year lease for Hangar #18 at the Fremont County Airport with Gordon Grosslight. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

5. Resolution No. 14, Appropriating additional sums of money to defray expenses in excess of amounts budgeted for and appropriated by Fremont County, Colorado for the budget year ending December 31, 2019

County Manager Bryant said that this is a normal process they do every year, to appropriately balance all of the accounts.

Commissioner McFall moved to approve Resolution #14. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

6. Resolution No. 15, Authorizing the transfer of appropriated funds between the various funds of Fremont County, Colorado for the budget year ending December 31, 2019

County Manager Bryant said this is a normal process they do every year and they need a resolution to transfer the money.

Commissioner Payne moved to approve Resolution #15. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Commissioner Bell opened the Public Hearing at 10:01 a.m.

PUBLIC HEARING

1. Request: SRU 19-001: Royal Gorge Karting (Resolution # requested)
Requesting approval for Department File # SRU19-002 Royal Gorge Karting a Special Review Use for a Rural Recreational Facility. Use includes the installation of two go kart tracks. One track's primary use will be short term rental/use. The other track use is designed for event racing consisting of various heats and classes. The property is located off of U.S. Hwy 50 at 45760 US Highway 50, Canon City
Representative: Angela Bellantoni

Angela Bellantoni said the proposed track is engineered to code and will be paved. It will be fenced in for safety and the utilities onsite are a septic tank and the well will be changed to a commercial well, in the event of approval. A cistern will be added due to the unreliability of ground water. There will be restrooms, a customer service building, a kart building and a kart owner/storage building to be built onsite. She explained that the lighting system to be installed would be for summertime only due to safety issues and would allow extended business hours on Fridays and Saturdays. Substances onsite would be gasoline. The only concessions allowed would be prepackaged items.

Commissioner McFall asked what the protocol would be for oil leaks/spills.

Jim Keesling said that would be dictated as per the fire marshal.

Garrett Potter, a Motorsports Design and Facility Consultant, explained that there will not be any servicing or changing of oil on the premises, only tuning and adjustments will be taking place. He said that oil changes and services will be performed for the recreational karts, but those will only be allowed in the building that have concrete floors. An outside company will be hired to properly dispose of all chemicals.

Angela Bellantoni explained that parking lot has 190 pit spots, however, depending on the size of participant, one participant could take up to 10 spots, or more. It is not meant to house 190 people. She also confirmed that no one will be camping on the premises, they are only using RV's during the day and to haul in their equipment.

Planning and Zoning Director Garrett said that the application is in order and that all zoning requirements will be met. He said there are two waiver requests, one for hard surfacing for parking and the other for landscaping of the area. He said there are four recommended conditions, complying with CDOT regarding access, kart maintenance during business hours, no overnight stays or camping and no nighttime operations without further review, which would require a major modification. He explained that the lighting plan that has been presented was not a part of the application as presented to the Planning Commission.

Sebastian Nieitkiewicz, of Summit County, Colorado, was in favor of SRU19-002.

Beverly Kane, of Canon City, Colorado, was against SRU19-002 for reasons due to location, noise, property values, traffic, dust and fire hazards.

Helene Blake, of Canon City, Colorado, was against SRU19-002 for reasons due to traffic concerns.

Diane Alvies, of Canon City, Colorado, was against SRU19-002 for reasons due to zoning and various concerns that she feels were not addressed at the Planning Commission Meeting.

Jeffrey Buckner, of Canon City, Colorado, was against SRU19-002 for reasons due to traffic concerns, noise and wildlife concerns. He also expressed concerns for his business that neighbors the proposed area and would share a driveway.

Kareen Buckner, of Canon City, Colorado, was against SRU19-002 for reasons due to the surrounding businesses. She feels this will have a negative impact to businesses, including her own that neighbors the property. She listed conditions she would like to see, if approved.

Dorothy Twellman, of Canon City, Colorado, was against SRU19-002 for reasons due to traffic concerns, fire hazards and noise issues pertaining to the effect it will have on animals.

Debra Dockendorf, of Canon City, Colorado, was against SRU19-002 for reasons due to the easement that is shared by neighboring property owners being insufficient for the amount of traffic. She is concerned for the quality of life for herself and...

Mike Bandera, of the Canon City Chamber of Commerce, was in favor of SRU19-002 and the economic impact it may have for the region.

Darren Holmes, of Canon City, Colorado, was against SRU19-002 for reasons due to the lack of environmental impact studies, animal welfare studies and safety studies completed by an independent company. He is also concerned about traffic issues.

Diana von Holdt, of Canon City, Colorado, was against SRU19-002 for reasons due to location concerns, alcohol and drugs, fireworks, music and other noise.

Larry Finney, of Fremont County, Colorado, was in favor of SRU19-002.

Lisa Marcy, of Canon City, Colorado, was against SRU19-002 for reasons due to location concerns.

Commissioner Bell closed the Public Hearing at 11:32 a.m.

Angela Bellantoni addressed the location issues, stating that it is the 8-Mile tourism area and there are many businesses already there with similar accesses that CDOT has already approved. There are already music and lights during the summer months from other businesses. She also addressed the animal concerns showing in slides that dogs are at the tracks during racing events with no issues.

Garrett Potter explained that they are wanting to work with the traffic that already exists and not add to it. He also addressed the 190 parking spots and that 190 semi-trucks will not be occupying them. He feels this will be a positive impact on local businesses. He said the karts do not need to have spark arrestors. The larger karts that will be racing do have spark arrestors built in.

Jim Keesling said that noise has nothing to do with their business, only the perception of noise does. He said the impact on animals is zero. He feels traffic will not be an issue at all.

Josh Weir said that the lighting is not set in stone and can be moved to accommodate.

Garrett Potter said that they are adding the lighting to be able to extend racing time, depending on the months, by several hours. He explained that he did not complete the application, which says their hours will be from 9:00 a.m. to dusk. He just knows that by adding the lights it can potentially extend racing hours when it gets dark.

Gordon Dofney, one of the partners of the business, said that the lighting was not part of the original application because it was brought up later by existing local businesses so that they would not be competing for customers during the same times of the day. He said it was a side discussion at the Planning Commission Meeting.

Commissioner Bell said that Exhibit 1.1 says the track will be open from 9:00 a.m. to 9:00 p.m. once lighting is installed, but that other areas of the application say 9:00 a.m. to dusk.

Gordon Gofney said that their intention was to be open until midnight.

Commissioner McFall addressed his concerns with the traffic and blind spots that may

Garrett Potter said that the dust won't be as much in a parking lot as on a road and that the surrounding businesses have similar setups. He said they will have about 10-12 events per year.

Commissioner Payne said that there may need to be separate SRU's for events, separate from the rental business.

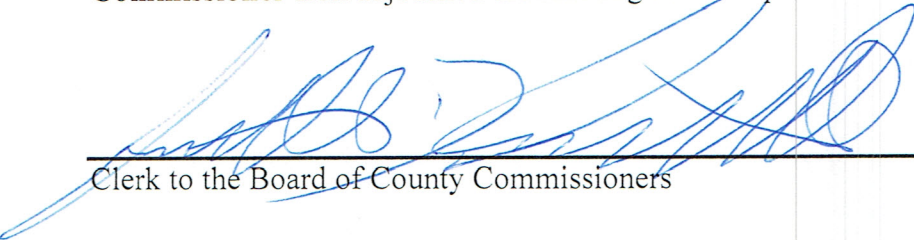
Gordon Gofney said that they advised to put whatever needs they would have in the plan in the beginning so that things were not being added later. He said the drainage engineer needed to know every exact detail so they could design a drainage plan suitable for the project, which is how the 190 parking spots can about.

Garrett Potter said that if need be, they can have the 190 pit spot area graveled and not considered pit spots. They are 2-4 years away from that anyway. He also explained that they would not be selling any fuel onsite.

Angela Bellantoni said the applicants would be more than willing to work with CDOT for improving the access to the property when things change and progress.

Commissioner Payne moved to table SRU19-001 until March 10, 2020 for findings. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Commissioner Bell adjourned the meeting at 12:07 p.m.


Clerk to the Board of County Commissioners



RESOLUTION NO. 13 SERIES OF 2020

**RESOLUTION APPROVING MODIFICATION OF CONDITIONAL USE PERMIT
FILE NUMBER CUP 12-003
ZEPHYR GOLD USA, LTD. DAWSON GOLD PROJECT**

WHEREAS, on June 17, 2019, Zephyr Gold USA, Ltd. (hereafter "Applicant" or "Zephyr") made application for approval of a major modification of a Conditional Use Permit: C.U.P. 12-003 Dawson Gold Project pursuant to Chapter 8 of the Zoning Resolution of Fremont County to expand the area of exploration for minerals, to include certain property located primarily on federal lands managed by the Bureau of Land Management and on Colorado State Section 16. Said application has been designated as file #CUP 12-003, Dawson Gold Project Modification; and

WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its December 3, 2019 regular meeting and recommended the approval of such application; and

WHEREAS, a notice containing the specific request, proposed use, location of the public hearing, telephone number of the Department of Planning and Zoning (hereafter "Department") and a site plan and vicinity map were mailed at least 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 agencies, in accordance with regulations; and

WHEREAS, a notice containing the specific request, proposed use, location of the public hearing, 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 in a newspaper of general circulation in Fremont County, a minimum of 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 11, 2020, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the county's file concerning the application; and

WHEREAS, the Board received and considered additional written public comments, through the date of the public hearing on February 11, 2020; and

WHEREAS, the Board has received and considered written input and comments from various agencies including the Colorado State Land Board and Bureau of Land Management; and

WHEREAS, the Board believes that the approval of the application for a modification of CUP 12-003, to include additional properties as proposed by the Applicant, is appropriate and sufficiently supported by the evidence before the Board.

FINDINGS OF THE BOARD OF COUNTY COMMISSIONERS

1. This Application is for exploration and not mining. While exploration/prospecting may lead to mining if mineral deposits are discovered, the Board cannot presume that mining will occur and must consider the Application on its merits without speculation about what might or might not happen in the future. A considerable number of public comments received were inapplicable to an exploration operation. There is no obligation, promise, commitment or duty for the County to approve any mining operation in the future, regardless of what the Applicant learns from the exploration activities.
2. The financial security or insecurity of Applicant is a self-limiting circumstance. If the required reclamation bond is posted with the State of Colorado as required by law, further financial considerations are irrelevant. If Zephyr is unable to finance the exploration operations, then the operations will likely not occur.
3. The Applicant cannot conduct drilling operations without a source of water to use in the drilling process. While the water may be reused, the depth of the drilling will require the use of a tank to hold water. Applicant is aware that the logistics required to get water to the drill site may require the use of a helicopter, pump and hoses, or other means without the use of roadways and vehicular traffic and the Board finds that this is an operational issue for Applicant to resolve.
4. The acreage included in the exploration expansion request increases the total exploration area from 603 acres to 3,172 acres. The Board notes that the total affected area or surface disturbance in the original 603 acres was 7.8 acres and the proposed disturbance in the expansion area is 3 acres, a very minimal impact considering the size of the permitted area.
5. With respect to disruption of the wildlife in the area, the Colorado Division of Parks and Wildlife and the Bureau of Land Management have expertise regarding this issue and are tasked by law with the protection of the native wildlife. Applicant is required to adhere and comply with all recommendations from both of these agencies.
6. The lighting proposed for the drill site is minimal and does not exceed the amount that is necessary for the operation. The lighting will be removed with all other temporary drilling equipment and structure when the drilling activity is completed.
7. This approval of the conditional use permit is specifically contingent upon conditions and contingencies imposed by the Board and the findings are based upon the compliance by Zephyr with all conditions of the CUP. The conditions of the permit are responsive to the concerns expressed by individual members of the Fremont County Planning Commission and also the concerns expressed by citizens, organizations and governmental agencies.

8. The procedural requirements of the Fremont County Zoning Resolution (FCZR or Zoning Resolution) have been met and the application is complete. The property is zoned in the Agricultural Forestry Zone District which allows mining, subject to the issuance of a Conditional Use Permit. FCZR 4.1.3.2.

9. The present application was appropriately submitted and processed as a major modification of CUP 12-003, pursuant to Chapter 8 of the Zoning Resolution of Fremont County.

10. The proposed use is in accordance with the provisions of the Zoning Resolution. The requested use is gold and other minerals exploration. FCZR 1.5.103 defines mining to include exploring for or recovering minerals, sand and gravel, whether above or below ground. The property is zoned in the Agricultural Forestry Zone District which allows mining, subject to the issuance of a Conditional Use Permit. FCZR 4.1.3.2.

11. The proposed use is in accordance with the provisions of the 2015 Fremont County Master Plan (FCMP or Master Plan). Mining is a permitted activity in the Master Plan Southern Mountain District and exploration and mining operation have historically occurred near and within the proposed boundary. The proposed area is remote with rugged terrain that is a natural limitation on visual impacts.

12. The location of the proposed use is compatible and harmonious with the surrounding neighborhood. There are no residences in the vicinity of the proposed use. The proposed use is temporary in nature and complete surface reclamation will be performed on all areas where exploration/drilling occurs.

13. The proposed use will not have detrimental effects on property values. There is no credible evidence in the record to the contrary.

14. The proposed use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions. Applicant shall obtain approval from the Fremont County Board of Health for the use of portable toilets, and shall strictly adhere to a "carry in, carry out" for all materials and solid waste. The Board is satisfied that there will be no overburdening of utilities or other adverse environmental influences of this type.

15. The site is served by 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. The number of employees is small and Zephyr has indicated that transporting drilling rigs will not be a regular, daily occurrence throughout the duration of the project. The use of Fremont County Road #20X is appropriate. Should the County be required to perform maintenance or improvements to the roadway due to the increased traffic of this operation, Zephyr shall pay the costs of such work required to restore the original condition of the roadway prior to commencement of operations.

16. The site is clearly of sufficient size to accommodate the proposed use and no credible evidence or comment to the contrary has been presented.

17. 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.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT THAT THE FOLLOWING CONDITIONS ARE HEREBY APPROVED AND ADOPTED AND SHALL BE IMPOSED AS CONDITIONS APPLICABLE TO ZEPHYR GOLD USA, LTD. DAWSON GOLD PROJECT UNDER CUP 12-003:

- A. The term of the Conditional Use Permit shall be for a ten (10) year term.
- B. The Department of Planning and Zoning (“Department”) shall review the permit annually, or more frequently if required or appropriate, to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations.
- C. 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. 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. Applicant shall comply with all requirements of the Colorado State Board of Land Commissioners, as set forth in the Mining Lease No 112413, dated June 1, 2019.
- F. Applicant shall comply with all BLM requirements as set forth in its final approval documents, copies of which shall be provided to the County upon Applicant’s receipt of the same.
- G. Applicant shall comply with all requirements of the Colorado Division of Reclamation, Mining, and Safety, or such agency as may lawfully succeed to the powers and duties if DRMS.
- H. The following requirements of the Colorado State Board of Land Commissioners Mining Lease No 112413 shall also be requirements of the entire land area included in this Conditional Use Permit, unless inconsistent with requirements of the Bureau of Land Management, in which case the BLM requirements shall override the requirements set forth herein:
 - 1. Obtain prior written approval from the for any exploration activities;
 - 2. No surface disturbance is allowed within five hundred feet of Grape Creek;

3. No construction of new roads or access on existing roads is permitted, except for access to the staging area at the terminus of County Road 20X;
4. All plans for surface disturbance must be pre-approved by the appropriate state agencies;
5. No disposal of mining wastes may occur on the site, including tailings and drill bore wastes;
6. Ensure protection of rare plant species in areas of surface disturbance to avoid negative impacts;
7. Consult and comply with Colorado Parks and Wildlife restrictions to protect sensitive species during breeding, spawning, and nesting seasons, including restricting exploration activities to July 1 through October 1 only;
8. Develop and comply with mitigation plans for any discovered cultural, archeological, historic, and paleontological resources in any surface disturbance areas;
9. Reseed disturbed areas with only native seed mixes;
10. Develop a weed control plan including preparation and implementation of a plan.

I. Applicant shall obtain and keep in effect all other necessary permits, licenses or the like required by any other governmental agency and as otherwise may be required by Fremont County. The revocation, suspension or expiration of any such other necessary permits, licenses or the like may in the discretion of the Board result in the revocation, suspension or termination of the permit authorized hereunder, as the case may be.

J. The applicant shall be entitled to conduct operations pursuant to this permit from July 1 through October 1 only and during that time, Applicant may conduct operations seven days a week, 24 hours a day in accordance with the mining exploration plan.

K. Total surface disturbance from exploration at any given time shall not exceed two acres. Applicant shall submit an annual report to the Department detailing the locations of all areas of surface disturbance.

L. If a conditional 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 conditional 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 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. So long as applicant continues with exploration activities related to the land covered by this permit, including such activities as exploration drilling, baseline studies, water monitoring operations or reclamation activities under this permit, it shall not be deemed to be abandoned, discontinued, terminated or in a state of cessation.

M. The applicant shall maintain legal water rights or other lawful, adequate source of water, for the duration of any exploration drilling activities or consumptive use under this permit. During times it intends to conduct drilling activities or consumptive use of water, the applicant shall keep in effect and provide copies of the following documents to the Department:

1. Documentation as to the water source and right of use of any on-site or off-site water rights to be used in the exploration drilling operation;
2. Written notice of any changes to the water source and documentation as to right of use;
3. All updated leases or newly acquired leases for any water to be used in the exploration drilling operation;
4. If water is not drawn out of Grape Creek within the CUP boundary as detailed in the Application and as stated at the Public Hearing, applicant will give written notice to the Department as to the location of where water will be drawn from the source or hauled from off-site.

N. Applicant shall comply with all requirements of the Fremont County Department of Transportation in its review letters dated November 20, 2019 and December 4, 2019, including routes, access permits, traffic plan, and dust mitigation, among other requirements.

O. Access to drill sites shall be by helicopter to areas not accessible by road or restrictions on road use. No new roads or reconstruction of existing roads, other than existing and identified county maintained and non-maintained roads shall be used. Applicant shall provide the name and license information to the Department for any helicopter services used in the operation.

P. Applicant shall obtain approval from the Fremont County Board of Health for the use of portable toilets or “sanitation closets” prior to commencing any exploration activities in the expansion area.

Q. Applicant shall develop and implement a noxious weed plan to treat and mitigate the spread of noxious weeds in disturbed lands, such plan to be coordinated through the Fremont County Weed Management Department, before commencing operations and remain in full compliance with the Plan throughout operations.

R. The conditions contained in the initial permit CUP 12-003, are hereby incorporated by reference into this Modification permit. Any such provisions that may be inconsistent with the provisions contained herein shall be deemed superseded by this Resolution.

S. If applicable under current state regulations, Applicant shall conform its Storm Water Management Plan (“SWMP”) to the requirements of Colorado Department of Public Health and Environment, which has jurisdiction over SWMP.

T. If applicant intends to transfer this conditional use permit to a third party or transfer any other Federal, State or county permits or licenses held by applicant to operate on the lands included in this permit, such transfers shall be in compliance with applicable Federal, State and Fremont County laws and regulations. All persons, entities or others requesting Board approval to operate

under this Conditional Use Permit, or as a transferee of applicant, must agree to abide by all terms and conditions of this Conditional Use Permit and shall be required to be named on this Conditional Use Permit as additional parties or the transferee who are bound by the terms and conditions of this Conditional Use Permit.

U. The County to the extent allowed by its Zoning Resolution shall retain the right to modify any condition of the permit, if the actual exploration drilling operation demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modifications 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. Any modifications from the original representations and any changes may result in additional conditions being imposed.

V. The applicant shall be considered the operator under this permit. Only the applicant or contractors or agents authorized by applicant shall be allowed to conduct activities pursuant to this Conditional Use Permit. Applicant shall be responsible for all activities conducted by its contractors or agents.

W. Applicant shall provide a copy of the fire safety plan for operations on site to the Cañon City Area Fire Protection District, the Fremont County Sheriff, the Colorado State Forest Service and the Bureau of Land Management.

X. Any documentation submitted by Applicant that is designated as confidential by Applicant and which is required to be held as confidential pursuant to state law and/or regulations implemented by DRMS, shall be held as a confidential document by Fremont County and shall not be considered or treated as a public record absent the express written consent of Applicant.

WAIVER REQUESTS: Waivers of the following have been requested and are granted:

5.3.2 Surfacing: Surfacing for all business, commercial or industrial off-street parking areas shall be graded and surfaced to control dust and provide proper drainage. Spaces shall be asphalt or concrete surface unless waived by the Board. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed to prevent parking vehicles from extending over any lot lines.

5.3.3 Lighting: All off-street business, commercial or industrial parking spaces may be required to be adequately lighted to protect the safety of the individual using the area. Said lighting shall not cast any glare on the surrounding properties.

5.3.4 Landscaping: All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

CONTINGENCY ITEMS TO BE COMPLETED PRIOR TO COMMENCING OPERATIONS:

1. Apply for and be issued an access permit for County 20X from the Fremont County Department of Transportation.

2. Obtain all necessary approvals and permits for the mining exploration operation from the Bureau of Land Management.

3. Obtain all necessary approvals and permits for the mining exploration operation from the Colorado Division of Reclamation, Mining and Safety.

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 Payne moved the adoption of the foregoing Resolution with a second by Commissioner McFall.

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Dwayne McFall	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: February 25th, 2020

Debbie Bell
Chairman

Attest: [Signature]
Clerk to the Board



**RESOLUTION NO. 14 2020
 RESOLUTION FOR SUPPLEMENTARY 2019 BUDGET**

A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR AND APPROPRIATED BY FREMONT COUNTY, COLORADO, FOR THE BUDGET YEAR ENDING DECEMBER 31, 2019.

WHEREAS, various expenditures have occurred during the current budget year that were not planned or anticipated at the time of the adoption of the 2019 budget, and

WHEREAS, unanticipated revenues and available Fund Balance Reserves, not assured at the time of the adoption of the 2019 budget, are the providing resource for the various additional expenditures, by Fund, as follows:

GENERAL FUND	\$ 200,000
LODGING TAX FUND	\$ 40,000
SALES & USE TAX FUND	\$ 11,000
SELF FUNDED INSURANCE	\$ 400,000
MARIJUANA ENFORCEMENT FUND	\$ 20,000
RESTRICTED FUND	<u>\$ 160,000</u>
 TOTAL	 <u>\$ 831,000</u>

NOW, THEREFORE BE IT RESOLVED, by the Fremont Board of County Commissioners that 2019 Appropriations for the following Funds are hereby increased from the Original adopted budget to the Supplemental budget as follows:

	TOTAL ORIGINAL BUDGET	TOTAL SUPPLEMENTAL BUDGET	INCREASE
GENERAL FUND	\$ 12,399,560	\$ 12,599,560	\$ 200,000
LODGING TAX FUND	\$ 299,854	\$ 339,854	\$ 40,000
SALES & USE TAX FUND	\$ 1,466,619	\$ 1,477,619	\$ 11,000
SELF FUNDED INSURANCE	\$ 3,875,066	\$ 4,275,066	\$ 400,000
MARIJUANA ENFORCEMENT FUND	\$ 0	\$ 20,000	\$ 20,000
RESTRICTED FUND	\$ 169,500	\$ 326,500	<u>\$ 160,000</u>
 TOTAL SUPPLEMENTAL APPROPRIATION			 <u>\$ 831,000</u>

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

Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain
Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain

The Resolution was declared to be duly adopted.

Date: February 25th, 2020

Debbie Bell
Chairman

Attest:

[Signature]
County Clerk and Recorder



RESOLUTION NO. 15, SERIES OF 2020

A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATED FUNDS BETWEEN THE VARIOUS FUNDS OF FREMONT COUNTY, COLORADO, FOR THE BUDGET YEAR ENDING DECEMBER 31, 2019

WHEREAS, the Fremont County Board of Commissioners did approve the 2019 Budget for the various funds of Fremont County, Colorado, by Resolution No. 41, Series 2018, on December 18, 2018, and

WHEREAS, such approved budget did include certain Transfers and In-Direct Costs between the various Funds.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Fremont County, Colorado, that the following transfers and in-direct costs between the various Funds of Fremont County, Colorado, are hereby approved, and The County Treasurer is authorized to perform such Transfers for the 2019 Budget Year:

TRANSFERS TO:

GENERAL FUND	\$ 704,157
SHERIFF FUND	3,939,852
DEPARTMENT OF TRANSPORTATION	250,000
DEPARTMENT OF HEALTH	157,252
CAPITAL EXPENDITURE FUND	31,403
PUBLIC BUILDING & MAINTENANCE FUND	75,000
SALES & USE TAX FUND	209,364
WEED FUND	<u>20,000</u>
<u>TOTAL TRANSFERS TO</u>	\$ <u>5,387,028</u>

TRANSFERS FROM:

GENERAL FUND	\$ 4,351,561
DEPARTMENT OF TRANSPORTATION	4,793
WASTE DISPOSAL FUND	36,000
COUNTY LODGING TAX FUND	2,191
AIRPORT FUND	11,517
PILT FUND	950,000
SELF-FUNDED INSURANCE	<u>30,966</u>
<u>TOTAL TRANSFERS FROM</u>	\$ <u>5,387,028</u>

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

Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Dwayne McFall	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

The Resolution was declared to be duly adopted.

Date: February 25th, 2020

Debbie Bell
Chairman

Attest:

[Signature]
County Clerk and Recorder

