

SIXTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on March 9, 2021 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
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

INVOCATION

Todd Luce, Grandview Christian Church

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 / February 23, 2021
2. Approval of Bills for \$2,109,602.34
3. Ratification of Chairman's signature on Property Access Agreement with Lawrence Tilley for EPA Brownfields Assessment
4. Approval of the 2021 contract with the Humane Society of Fremont County, Inc. for Impound Services
5. Schedule Public Hearing: March 23, 2021 at 10:00 a.m.
 - a. Hearing on renewal of liquor license for PS Camping, Inc

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

County Clerk Grantham gave the monthly report for February, 2021. The report, in its entirety, can be found on the County's website www.fremontco.com.

Commissioner Bell noted the increase in Auto Sale Revenue compared to the much lower numbers in 2020.

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. **County Manager Report, Sunny Bryant, County Manager**

County Manager Bryant gave the County Manager Report and said that the construction at the courthouse is in progress and is expected to be completed in April. She also mentioned that the County will receive the 95% design of Pathfinder Park Community Center and that construction will be completed in October. **County Manager Bryant** said that the Noxious Weed Department and Emergency Management Department will be moving to 1901 E Main Street in Cañon City.

c. **Public Health Update, Kayla Marler, Director**

Director of Fremont County Public Health and Environment (FCPHE) Kayla Marler gave the County Public Health Update as of March 10, 2021. She listed Fremont County Covid-19-related figures as follows: 34 active cases, no new Department of Corrections (DOC) cases, 33 active hospitalizations, 52 total deaths, and FCPHE has administered 5,390 vaccines. She also broke down figures from the community, DOC, and from long-term care facilities. Per **Director Marler**, Mako has tested 13,490 people and their contract has been extended until June 30th, 2021. She also noted that the County has received an Epidemiology and Laboratory Capacity (ELC) fund of \$598,659.

Commissioner McFall asked **Director Marler** if she has continued having issues receiving vaccines.

Director Marler said that they have continued to receive fewer vaccines than what was ordered and said that large amounts are necessary because people from out of Fremont County are being vaccinated at Fremont County clinics.

Commissioner McFall recognized the FCPHE for their hard work.

Director Marler added that there are vaccination clinics exclusively for Fremont County residents.

Commissioner Bell thanked **Director Marler** for those exclusive clinics and mentioned that the issue of out-of-county resident vaccinations has been addressed at the state and federal levels.

Director Marler mentioned that the equity clinics that are to be set up in Pueblo will help to decrease the amount of out-of-county individuals at local vaccination clinics.

Commissioner Bell mentioned that Fremont County will be receiving stimulus relief. She added that the Board has been persistently discussing concerns with the State and Federal legislatures.

Commissioner McFall drew attention to fire danger in Fremont County.

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. Review and discussion of Fremont County Local Disaster Emergency Declaration

Commissioner McFall explained that the Fremont County Local Disaster Emergency Declaration is in place and will automatically renew until the State of Colorado no longer declares a Disaster Emergency.

2. Resolution recognizing the many past and current contributions of Fremont Cattlemen's Association, Fremont Cattlewomen's Association, and other meat producers and supporting the local ranching industry

Commissioner Bell said that Governor Polis declared March 20th, 2021 as Meat-Out Day, a boycott on meat. She said that those in the ranching industry and related trades have voiced their thoughts on the declaration. Commissioner Bell quoted all of Resolution #14 recognizing the many past and current contributions of Fremont Cattlemen's Association, Fremont Cattlewomen's Association, and other meat producers and supporting the local ranching industry. The resolution in its entirety can be found on public record in the Fremont County Clerk & Recorder's Office.

Commissioner McFall mentioned that this is the second time the State has declared a boycott on meat.

Commissioner Grantham referred to Governor Polis' proclamation and indicated that rural Colorado communities are experiencing a lack of support from the state.

Commissioner Bell stated that she does not need her government to tell her what or how to eat.

Commissioner McFall mentioned plant-based meat substitutes.

Commissioner Grantham said that Fremont County intends to defend the industry.

Commissioner McFall invited people to support local restaurants on March 20th.

Commissioner Bell moved to approve Resolution #14 recognizing the many past and current contributions of Fremont Cattlemen's Association, Fremont Cattlewomen's Association, and other meat producers and supporting the local ranching industry. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Grantham, aye. The motion carried by unanimous consent.

3. Resolution opposing proposed legislation now pending in the 117th Congress of the United States

Commissioner McFall quoted parts of Resolution #18 opposing proposed legislation now pending in the 117th Congress of the United States regarding the Sabika Sheikh Firearm Licensing & Registration Act H.R. 127. The resolution in its entirety can be found on public record in the Fremont County Clerk & Recorder's Office.

Commissioner Grantham said that H.R. 127 identifies a system for firearm registration along with an ammunition database. He added that the bill calls for licensure of antique firearms and mentioned that those seeking registration would need a psychological evaluation. Commissioner Grantham also said that the bill prohibits certain ammunitions and mentioned the bill's proposed penalties for violation of this and other aspects of the bill. He said that Resolution #18 is meant to support local law enforcement in not enforcing any Federal legislation that might disregard the Second Amendment of the Constitution.

Commissioner Bell said that many of those harmed by guns still support the Second Amendment.

Commissioner McFall asked those watching and listening to reach out to legislature with their concerns.

Commissioner McFall moved to approve Resolution #18 opposing proposed legislation now pending in the 117th Congress of the United States. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

4. Assignment and Assumption of Lease for Hangar 11 at the Fremont County Airport from Greg Tabuteau to Michael L. Katchmar

Attorney Brenda Jackson said that the transfer has not closed yet, so the approval would be subject to the closing.

Commissioner Bell moved to approve the Assignment and Assumption of Lease for Hangar 11 at the Fremont County Airport from Greg Tabuteau to Michael L. Katchmar subject to the transfer closing. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

1. Appoint a new member to the Fremont County Heritage Commission with a term expiring December 31, 2023

Commissioner McFall said that Cinde McPhail submitted a letter of interest to join the committee.

Commissioner Grantham moved to approve Cinde McPhail to become a member of the Fremont County Heritage Commission with a term expiring December 31, 2023. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

6. Abatement hearing for Michelle & Brian Tate (Jewel of the Canyons)

Michelle Tate explained that her business closed in March of 2020 due to the effects of Covid-19 and is requesting an abatement of taxes from April 2020 through December 2020.

Commissioner McFall asked Michelle if she had applied for any Covid-relief funds.

Michelle Tate said that she had not.

Commissioner McFall said that the Assessor classified the properties in January 2020.

Michelle Tate said that they changed it to residential in June 2020.

County Assessor Stacy Seifert said that the classification of the property was not changed until January 2021 because her assessments are only made annually on January 1st. She said that the State has the authority to change classifications when granting exemptions.

Commissioner Grantham said that the Board of County Commissioners may not be able to change a classification. He said that if something were to be done through the County, others in similar circumstances may approach the Board in the future.

Commissioner McFall mentioned that the Lodging Tax was very high last year.

Commissioner Bell said that the Board is unable to override state statute.

Commissioner Bell moved to deny the Petition of Abatement for Michelle & Brian Tate (Jewel of the Canyons). Commissioner Grantham seconded the motion. Upon Vote:

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

PUBLIC HEARINGS

1. Request: CDP 20-001 Yard Crafters

Requesting approval of a Commercial Development Plan, Department File # CDP 20-001 Yard Crafters for a Contractor's yard for a lawn care and landscaping business. The site is located at the corner of Red Canyon Road and High Street and is zoned Industrial. (Resolution # requested)

Representative: Matt Koch

Commissioner McFall opened the public hearing at 10:00 a.m.

Matt Koch explained that all requirements with the Planning & Zoning Department have been met and that there are no contingencies.

Planning & Zoning Director Sean Garret said that all requirements have been met and that there are no contingencies for the proposal. He said that the applicant has requested 1) hard-surfacing of the parking area, 2) landscaping of the parking area, and 3) not buffering all remaining boundaries. He added there are three conditions as follows: a fire hydrant must be installed, fencing must be installed at an angle to avoid traffic interference, and an easement must be established for a drainage channel.

Commissioner McFall closed the public hearing at 10:05 a.m.

Commissioner Grantham moved to approve Resolution #15 a Commercial Development Plan, Department File #CDP 20-001 Yard Crafters for a Contractor's yard for a lawn care and landscaping business with the waiver requests along with the conditions to install a fire hydrant, install fencing at an angle, and establish an easement for a drainage channel. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. Request: SRU 20-011 Howard Creek Farm

Requesting approval of a Special Review Use, Department File # SRU 20-011 for a Rural Recreational Facility to host wedding events. The property is located at 356 County Road 4 in Howard Colorado and is zoned Agricultural Rural. (Resolution # requested)

Representative: Orlin & Alyson Camerlo

Commissioner McFall opened the public hearing at 10:07a.m.

Orlin Camerlo explained that Howard Creek Farm has been under Temporary Review Use for three years and is a wedding venue.

Commissioner Bell mentioned that the venue is already pretty booked for 2021.

Alyson Camerlo said that they have 15 weddings booked for 2021 and 5 for 2022.

Director Garret said that the application is complete and the County has received no complaints or violations. He said that the applicant is requesting three waivers as follows: 1) hard-surfacing of the parking area, 2) parking area landscaping, 3) and use of a restroom trailer and chemical toilet sanitation. He added that the Planning & Zoning Department has recommended two conditions as follows: the applicants provide proof of proper waste disposal and parking along County Rd 4 is prohibited.

Commissioner McFall closed the public hearing at 10:12 a.m.

Commissioner Bell thanked Howard Creek Farm and mentioned that they have supported local tourism.

Commissioner Bell moved to approve Resolution #16 a Special Review Use, Department File #SRU 20-011 for a Rural Recreational Facility to host wedding events, including three waivers and two conditions as discussed. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. SRU 20-010 Desert Reef Hot Spring Modification

Requesting approval of a major modification to an existing CUP 90-012 to include conversion of the existing CUP to a Special Review Use. The original approval of the CUP occurred prior to regulation changes. The current use and proposed modification are uses that fall within the SRU category. Due to this the Department has converted it to an SRU. The property is zoned Agricultural Forestry. (Resolution # requested)

Representative: Chris McLaughlin

Commissioner McFall opened the public hearing at 10:14 a.m.

Chris McLaughlin explained that Desert Reef Hot Spring is a 35 year old business and they want to add in a small-scale RV Park and Campground.

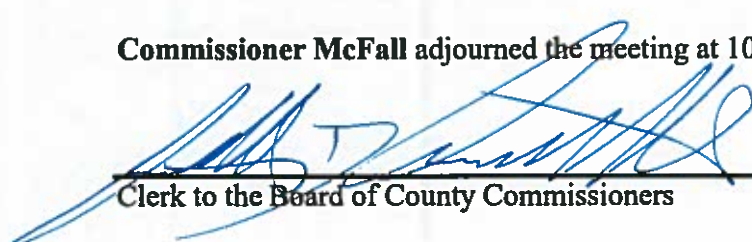
Director Garret said that there is one waiver request to hard-surface the parking areas excluding the ADA spots. He said that there is one contingency, which is to provide documentation regarding additional traffic on the bridge over the Minnequa Canal. He added that the Planning & Zoning Department recommends that FCDOT requirements are upheld, and that the applicants provide proof of approval of additional conversions, that guidelines and regulations regarding the pool are upheld, that signs be posted for bridge restrictions, and that bridge repairs be complete.

Chris McLaughlin said that they have a verbal approval regarding increased traffic and are working on an agreement to update the bridge.

Commissioner Grantham moved to approve Resolution #17 a major modification to Desert Reef Hot Spring to include conversion of the existing CUP to SRU 20-010 including the waiver request, contingency, and conditions. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Commissioner McFall closed the public hearing at 10:17 a.m.

Commissioner McFall adjourned the meeting at 10:46 a.m.


Clerk to the Board of County Commissioners



RESOLUTION NO. 14 SERIES OF 2021

**RECOGNIZING THE MANY PAST AND CURRENT CONTRIBUTIONS OF
FREMONT CATTLEMEN'S ASSOCIATION, FREMONT CATTLEWOMEN'S
ASSOCIATION, AND OTHER MEAT PRODUCERS
AND SUPPORTING THE LOCAL RANCHING INDUSTRY**

WHEREAS, The Governor of Colorado has proclaimed a boycott of meat products, referred to as a "MeatOut," in order to promote meatless diets as promoted by the Farm Animal Rights Movement (FARM), to be observed by Coloradans on March 20, 2021; and

WHEREAS, beef and other meat production has historically been, and continues to be, one of the key economic drivers in Fremont County; and

WHEREAS, Fremont Cattlemen's Association, the Fremont Cattlewomen's Association and our ranching families are part of a \$3.4 billion state industry with a \$40 billion economic impact and accounts for 10 percent of the states total export sales; and

WHEREAS, employment in the agriculture sector and related industries provides jobs to more than 1,400 Fremont County citizens, the majority of which are involved in ranching and livestock production; and

WHEREAS, beef and other meat production is an abundant agricultural powerhouse with 38,900 farms spread across 31.8 million acres in Colorado, with our farmers and ranchers working tirelessly 365 days a year to produce commodities for both the state and the entire nation; and

WHEREAS, the 2020-2025 Dietary Guidelines issued by the U.S. Food and Drug Administration recognizes that a variety of animal and plant proteins is important to a healthy diet; and

WHEREAS, Fremont County is a declared "Right to Farm and Ranch" county and has taken regulatory steps to protect our active farms and ranches; and

WHEREAS, the Colorado General Assembly is considering passage of Senate Bill 21-079 which concerns deregulation of direct to customer meat sales in support of ranch to table private enterprise.

NOW, THEREFORE, BE IT RESOLVED, THAT THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO declares its support for our cattlemen and other meat producers and proclaims March 20, 2021 as Fremont County Cattlemen's Day.

BE IT FURTHER RESOLVED, that the Commission express their concern that the Governor of Colorado would call for a boycott, even of one-day duration, of an industry that is key and essential to both our local and state economy.

BE IT FURTHER RESOLVED, that this Commission supports Senate Bill 21-079 concerning deregulation of direct to customer meat sales in support of ranch to table private enterprise and all other legislative actions that support strengthening Colorado agriculture.

Commissioner Bell moved the adoption of the foregoing Resolution with a second by Commissioner McFall. The roll call vote of the Board was as follows:

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Kevin Grantham	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Dwayne McFall	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: March 9th, 2021

Dwayne McFall

Chairman

Attest: [Signature]

Clerk to the Board



RESOLUTION NO. 15

Series of 2021

RESOLUTION FOR COMMERCIAL DEVELOPMENT PLAN

DEPARTMENT OF PLANNING AND ZONING

FILE # CDP 20-001 YARD CRAFTERS

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

THAT WHEREAS, SHANE GIFFORD & RYAN CORNELLA (hereafter "applicant") has made application for issuance of a Conditional Use Permit pursuant to 8.14 of the Zoning Resolution of Fremont County for a Permit to allow for a Rural Recreational Facility, which application has been designated as file #CDP 20-001-Yard Crafters 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 February 2, 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 October 13, 2020, 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 the above and foregoing application and request for commercial development plan be and is hereby approved with the following conditions and that the legal description of the real property so affected is described as follows:

- A. Installation of a hydrant as requested by the Canon City Fire District
- B. The fencing be installed at an angle at the intersection of Red Canyon Road & High Street to not interfere with visual aspects for traffic
- C. An easement be established for the drainage channel located along the eastern boundary

LEGAL DESCRIPTION

Subd: PHELPS SUB LOT 9 BLK 6 PHELPS SUB REF FROM 190-02-240

The Real Property or its address is commonly known as 1098 red Canyon Road, Canon City.

WAIVER REQUESTS: Waivers of the following have been requested and 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.

5.3.4 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.

5.2.4 Buffering: The applicant shall be required to provide screening or a buffering strip, which will act as an opaque visual barrier, unless waived by the Board.

Commissioner Grantham moved the adoption of the foregoing Resolution, seconded by Commissioner Bell 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

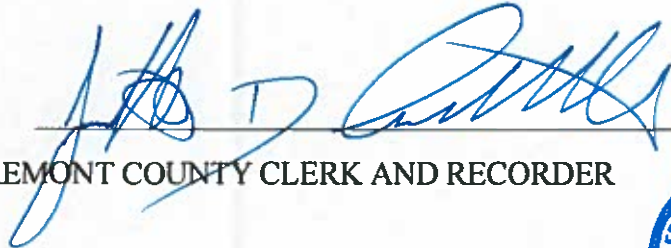
The Resolution was declared to be duly adopted.

DATE: 03/23/2021



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:



FREMONT COUNTY CLERK AND RECORDER





RESOLUTION NO. 16

Series of 2021

RESOLUTION FOR SPECIAL REVIEW USE PERMIT

DEPARTMENT OF PLANNING AND ZONING

FILE # SRU 20-011 HOWARD CREEK FARMS

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

THAT WHEREAS, HOWARD CREEK FARMS (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 a Rural Recreational Facility, which application has been designated as file #SRU 20-011 HOWARD CREEK FARMS 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 **February 2, 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 March 9, 2020, 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 be 9 a.m. to 12 a.m.
- 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).
- M. Applicant shall provide proof of proper disposal/pumping of restroom facilities annually to the Dept.
- N. Temporary cessation will be allowed from November through May.
- O. Parking along County Road 4 is prohibited.

WAIVER REQUESTS: Waivers of the following have been requested and 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.

Commissioner Bell moved the adoption of the foregoing Resolution, seconded by Commissioner Grantham 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: 03/23/2021



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:



FREMONT COUNTY CLERK AND RECORDER



RESOLUTION NO. 17

Series of 2021

RESOLUTION FOR SPECIAL REVIEW USE PERMIT

DEPARTMENT OF PLANNING AND ZONING

FILE # SRU 20-010 DESERT REEF

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

THAT WHEREAS, DESERT REEF 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 a Rural Recreational Facility, which application has been designated as file #SRU 20-010 DESERT REEF 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 February 2, 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 March 9, 2020, 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).
- M. Applicant shall provide documents regarding the additional well at time of installation.
- N. Applicant shall provide proof that 5 CCR 100-35 SWIMMING POOLS AND MINERAL BATHS is adhered to upon request to include inspection reports
- O. Post Signs at the bridge indicating one (1) vehicle at a time and the weight restriction
- P. Placement of additional speed limit signs on County Road 110
- Q. In the event that considerable dust is generated and documented applicant shall spray Magnesium Chloride to the section of County Road 110 leading up to the access easement.
- R. Storage of trash on the site is prohibited

WAIVER REQUESTS: Waivers of the following have been requested and 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.

CONTINGENCY ITEMS TO BE COMPLETED PRIOR TO COMMENCING OPERATIONS:

1. Provide comments and documents from Evraz that the additional traffic over the bridge that spans the Minnequa Canal, that they find that acceptable and don't have any concerns with the additional traffic over the bridge.

Commissioner Grantham moved the adoption of the foregoing Resolution, seconded by Commissioner Bell 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: 03/23/2021



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:



FREMONT COUNTY CLERK AND RECORDER



RESOLUTION NO. 18, SERIES OF 2021

**A RESOLUTION FOR THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS,
FREEMONT COUNTY, COLORADO, OPPOSING PROPOSED LEGISLATION NOW
PENDING IN THE 117TH CONGRESS OF THE UNITED STATES**

WHEREAS, §30-11-101, C.R.S. provides that Counties have the authority to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues; and

WHEREAS, §30-11-103, C.R.S provides that the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

WHEREAS, the U.S. Supreme Court in the *District of Columbia v. Heller*, 554 U.S. 570 (2008), decision affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and,

WHEREAS, the U.S. Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and,

WHEREAS, the U.S. Supreme Court, in *United States v. Miller*, 307 U.S. 174 (1939), ruled that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense, are protected by the Second Amendment; and,

WHEREAS, Article II, Section 3 of the Constitution of Colorado provides that all "persons have certain inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness"; and

WHEREAS, Article II, Section 13 of the Constitution of Colorado provides that the "right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question"; and

WHEREAS, Article II, Section 7 of the Constitution of Colorado provides that the "people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures"; and

WHEREAS, Article II, Section 15 of the Constitution of Colorado provides that "[P]rivate property shall not be taken or damaged, for public or private use, without just compensation," which the Colorado Supreme Court has indicated includes a legal interference with the physical use, possession, disposition, or enjoyment of the property, including temporarily; and

WHEREAS, it is the desire of the Board to declare its support of the Second Amendment to the United States Constitution and the Colorado Constitution protecting citizens' inalienable and individual right to keep and bear arms; and

WHEREAS, the members of this Board took an oath to support and defend the United States Constitution, the Constitution of the State of Colorado and the laws of the State of Colorado, insofar as they are constitutional; and

WHEREAS, the Board of County Commissioners for Fremont County, a political subdivision of the State of Colorado, is aware that legislation is now pending in the 117th Congress of the United States of America, commonly referred to as the Sabika Sheikh Firearm Licensing and Registration Act, (H.R. 127); and

WHEREAS, it is the unanimous opinion of the Board that H.R. 127, as proposed, reflects a clear violation of the constitutional principles reflected herein and that if the proposed legislation is passed, the provisions should not be enforced in Fremont County until such time as a court of competent jurisdiction has ruled on its constitutionality.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Fremont by the authority granted the Board by the laws of the State of Colorado and people of Fremont County, Colorado to stand and defend their rights and liberties, which are guaranteed by the United States and Colorado Constitutions, we hereby declare and reject the Proposed H.R. 127, Sabika Sheikh Firearm Licensing and Registration Act and declare it as an unconstitutional violation of the right of the citizens of Fremont County to keep and bear arms.

BE IT FURTHER RESOLVED that this Board affirms its support for the duly elected Sheriff of Fremont County, Colorado in the exercise of his sound discretion and affirms its resolve to support decisions by our Sheriff to not enforce any unconstitutional firearms law against any citizen.

BE IT FURTHER RESOLVED that this Board will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing any law that unconstitutionally infringes on the right of the people to keep and bear arms.

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

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Kevin J Grantham	<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: March 9th, 2021

Dwayne McFall
Chairman

Attest: [Signature]
Clerk

