

TENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 11, 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 / April 13, 2021
2. Approval of Minutes / April 27, 2021
3. Approval of Bills for \$1,571,277.76
4. Ratification of Chairman’s signature on the Jail Based Behavioral Health Services OBH Contract Amendment #2
5. Ratification of Chairman’s signature on the Pathfinder Park Community Center Avigation Easement
6. Ratification of Chairman’s signature on Agreement of Legal Services 2021 with Roger Larsen
7. Schedule Public Hearing: None.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
 - a. County Manager Report, Sunny Bryant, County Manager

County Manager Bryant gave the County Manager Report, which can be found in its entirety at www.fremontco.com.

b. County Clerk's Monthly Report

County Clerk & Recorder Justin Grantham said there was no County Clerk Report this month.

c. Public Health Update, Kayla Marler, Director

Director of Fremont County Public Health and Environment (FCDPHE) Kayla Marler gave the County Public Health Update as of the morning of May 11th and listed Fremont County Covid-19-related figures as follows: 90 active cases, 12 active hospitalizations, 56 total deaths, FCDPHE has administered 11,932 doses, Fremont County has provided a total of 25,940 total vaccinations. Director Marler also mentioned upcoming clinics as follows: Cañon City High School (CCHS) on May 26th, Florence High School on May 11th and June 1st, and Colorado Mobile Clinic on May 16th, 18th, and 19th located respectively at the Florence Fire Department, Fremont County Department of Human Services, and CCHS.

Commissioner McFall asked Director Marler if the Health Department can still be contacted for appointments.

Director Marler explained that they will need to go through the Centura Pop-up or to call FCDPHE for assistance and for the Colorado Mobile Clinic there will be a different registration which will be shown on the flyer.

Commissioner Bell asked Director Marler what phone number would be best to call.

Director Marler said the Health Department's main line at (719) 276-7450.

Commissioner Bell noted the goal is that everyone who wants the vaccine has full access to it.

Director Marler agreed and reiterated that they want the vaccine easily available to those who want it. She added that MAKO is still testing people Monday through Saturday outside of the Health Department.

Commissioner Bell asked Director Marler if people need to make an appointment for the MAKO testing.

Director Marler replied that people can pre-register but no appointment needs to be made.

Commissioner McFall commented on the more typical events going on at the Health Department.

Director Marler said they are having a blood drive, they do things like tobacco and opioid prevention, and talked about school vaccinations.

Geraldine Rimpley asked The Board of County Commissioners if they have considered providing transportation for those in need to vaccination clinics.

Director Marler explained their intention to have a mobile unit to provide transportation for home-bound residents.

Commissioner Bell reminded everyone that the Golden Age Transportation Shuttle can transit by appointment.

Commissioner McFall noted that it was temporarily down recently because they had a Covid exposure.

Commissioner Bell congratulated Florence High School seniors that were awarded scholarships at the recent Scholarship Awards Night

Commissioner Grantham encouraged citizens to contact the BOCC for any questions or concerns they may have regarding decisions that have been made by the Board.

Commissioner McFall mentioned that it will take the Board some time to figure out where and how to use the \$9 million that the County received through the American Recovery Plan Act. He also addressed the upcoming Car Show in Florence.

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

a. There were none.

OLD BUSINESS

1. Approval for Minor Subdivision #21-002 that will create a total of 3 lots. Property is located off of State Highway 115 and Telck Road
Representative: Matt Koch

Commissioner Grantham moved to move old business item 1 for the Approval for Minor Subdivision #21-002 to immediately follow the public hearings on this agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Matt Koch explained that they are requesting a subdivision to create three lots and mentioned that the houses on lots will be serviced by a well as approved by the Water District's Augmentation Plan.

Commissioner Grantham asked Mr. Koch whether the access for Lot 1 is on Telck Rd and asked about the access off of Highway 115.

Mr. Koch confirmed that it is and said that the easement off of 115 is already in place for some other properties and they will also be using it.

Planning & Zoning Director Garrett gave the staff report and said the application was complete, satisfied the Fremont County Subdivision Regulations, and the department has no concerns. He also mentioned there was one waiver request for the deferment of the drainage plan and no contingencies.

Commissioner Grantham asked for clarification on the existing well.

Mr. Koch said the well will supply lots two and three.

Commissioner Bell moved to approve Minor Subdivision #21-002 with the waiver of a drainage plan until further development. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

NEW BUSINESS

1. Foster Care Awareness Month Proclamation
Representative: Tony Carochi and Barry Acton

Tony Carochi discussed how May was first designated Foster Care Month in 1988 and how foster parents and foster families are needed in Fremont County. He said to qualify as a foster parent an individual must be at least 21, pass a background check, complete training, and receive a home-study. For more information, contact Fremont County Department of Human Services (DHS).

Barry Acton read aloud the Foster Care Awareness Month Proclamation.

Commissioner Bell touched on the importance of having local foster families to support local children in need of foster care so that they are not sent out-of-county. She urged those who are interested to contact DHS and thanked Tony and Barry.

Commissioner Grantham agreed with Commissioner Bell and also thanked them.

Commissioner McFall commented on a statement in the proclamation regarding the legal, economic, and social challenges involved in foster care and thanked them.

Commissioner Bell moved to approve the Foster Care Awareness Month Proclamation for May 2021. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. Review and discussion of Fremont County Local Disaster Emergency Declaration

Commissioner McFall explained how recent changes to orders and mandates may cause complications with the Local Disaster Emergency Declaration, like the change to the Mask Mandate.

Commissioner Grantham clarified that the Board is still interpreting the latest changes to orders and mandates and noted that the BOCC is not requiring or enforcing the wearing of masks.

Commissioner Bell reminded everyone to stay respectful and responsible. She noted that the Declaration is active for the County to receive necessary funds.

Commissioner McFall urged people to call the FCDPHE if they have any questions but added that they will likely be referred to the State.

3. Reappointment of Dave Boden to the Board of Zoning Adjustment for a term ending February 28, 2023

Commissioner Grantham moved to reappoint Dave Boden to the Board of Zoning Adjustment for a term ending February 28, 2023. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

4. Appointment of a new member to the Fremont County Fair Board to fill a vacancy for a term ending December 31, 2022

Commissioner Bell said the applicant Mia Cory showed interest and is highly qualified for the position.

Commissioner Bell moved to appoint Mia Cory as a new member to the Fremont County Fair Board to fill a vacancy for a term ending December 31, 2022. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. Deer Mountain Ambulance License
Representative: Mykel Kroll, Emergency & Recovery Manager

Mykel Kroll recommended approval for a BLS license for Deer Mountain Ambulance.

Commissioner McFall showed concern that they were running the ambulance after the license expired on April 30th.

Mykel Kroll confirmed that they had run it multiple times after the license expired as shown in call logs.

Commissioner McFall asked when they had a Medical Director back on board.

Mykel Kroll said Medical Director Dr. Numsen explained that his Medical Directorship had not ceased and so they were operating under him the whole time.

Commissioner Bell asked if there were any sanctions for them to run the service without a license.

Mykel Kroll conveyed that he has not asked the State yet and said Deer Mountain Fire Protection was told they could not run their ambulances on calls because they didn't have EMTs or medical personnel.

Commissioner McFall asked to speak with Chief Niblett who was in attendance. He asked him to explain why he ran the ambulance when he knew it couldn't run with an expired license.

Fire Chief JR Niblett explained the ambulance could not be licensed because there was not enough personnel to run it but they had a responsibility answer calls and a duty to act by law.

County Attorney Jackson asked Chief Niblett whether there had been any changes to the ambulance between the date of the inspection and the date he made the call and if it was fully equipped and ready for approval.

Chief Niblett said no changes had been made and mentioned that agencies had helped them get back in service.

Commissioner McFall discussed how the license is required for a reason but the people who live in the area should have the opportunity to have an ambulance show up if necessary.

Commissioner Bell thanked Chief Niblett for his explanation and all that he does.

Commissioner Grantham thanked Chief Niblett and said he is glad that things have been taken care of.

Chief Niblett noted that once they get the license this situation will not happen again.

Commissioner McFall commented that he hopes in the future they can advance the license to ALS.

Commissioner Grantham moved to approve Deer Mountain Ambulance License for BLS to expire April 30, 2022. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

PUBLIC HEARINGS

1. Zone Change I #ZC21-001 Self to change the zone district for property located at state Highway 115 and Telck Road from Agricultural Living to Agricultural Suburban
Representative: Matt Koch

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

Matt Koch said they are requesting approval to change the zone district of the property because it will allow them to subdivide the property into three lots.

Director Garrett gave a staff report and conveyed that the application is complete and true. He said the department determined that the zone change is justified, there are no contingencies, and they recommend approval.

Commissioner Bell commented on how the request is straightforward.

Commissioner Bell moved to accept Resolution #24 for a Zone Change I #ZC21-001 Self to change the zone district for property located at state Highway 115 and Telck Road from Agricultural Living to Agricultural Suburban. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Commissioner McFall closed the public hearing at 10:03 a.m.

2. TUP 21-002 VFW Post 2788 Loyalty Day Parade for issuance of a Temporary Use Permit for a parade to be held May 15, 2021 from Illinois Avenue to Fremont Avenue via Broadway Avenue
Representative: Geraldine Rimpley

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

Geraldine Rimpley introduced herself as the Department of Colorado Junior Vice Commander and the local VFW Post 2788 Quartermaster. She discussed the history of the Loyalty Day Parade and how it was held in Callahan, CO but they want to centralize it in Colorado so they are requesting approval for a Temporary Use Permit to hold the parade in Penrose. They were also requesting that half the application fee be waived since they are nonprofit.

Commissioner Bell asked Geraldine if there will be any vendors and who will participate in the parade.

Ms. Rimpley listed participants and said there will be no vendors.

Director Garrett reported that all zoning and development regulations would be satisfied. He elaborated on the waiver requests and said that they are requesting one on the Surety Bond and the other on half of the application fee.

Commissioner Grantham moved to approve TUP 21-002 VFW Post 2788 Loyalty Day Parade for issuance of a Temporary Use Permit for a parade to be held May 15, 2021 from Illinois Avenue to Fremont Avenue via Broadway Avenue. 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 10:09 a.m.

3. OPC 14-011 Pure Medical Modification of Premise to replace one existing building and construct another building that connects two existing buildings
Representative: James Marks

Commissioner McFall opened the public hearing at 10:11 a.m.

Karlie VanArnam said she was speaking in place of James Marks and explained that the modification is to 1) connect two existing buildings to create a room for contamination equipment, a trim room to comply with state standards, and a new employee breakroom and to 2) demolish existing buildings and build a new two-story building in their footprints.

Commissioner Bell asked Karlie what the square footage of the building will be.

Ms. VanArnam replied 60' by 40.'

Director Garrett gave the staff report and said the modification will reduce noise and odor. He mentioned there have been no complaints in the last year. His department recommends approval of the modification adding that with the modification they will have to adhere to fire safety and building codes.

Commissioner McFall asked Director Garrett if the provisions on the drawings and the ventilation were taken care of.

Director Garrett responded that they have been taken care of.

Commissioner Bell showed favor in the expected odor reduction and noted the agreement to not increase plant count or cultivation with this modification.

Commissioner Bell moved to accept OPC 14-011 Pure Medical Modification of Premise. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Commissioner McFall closed the public hearing at 10:21 a.m.

4. Request for approval of SRU 20-004 All Purpose Landscaping for a contractors yard for a landscaping business. The property is located on the Southside of Highway 115 between Ash & Willow streets
Representative: Justin Sandefur

Commissioner McFall opened the public hearing at 10:22 a.m.

Justin Sandefur said they are requesting this approval to use the property as a contractor's yard.

Commissioner McFall asked Mr. Sandefur where they currently operate.

Mr. Sandefur explained that they have been operating at the property for 13 years but do not currently meet zoning requirements. They starting taking the appropriate actions a couple years ago to get the request approved.

Commissioner Bell questioned whether the offsite offices will be moving onsite and where the offices are located.

Mr. Sandefur said they would be and detailed that the offsite offices are currently on North 7th Street.

Commissioner Bell asked Mr. Sandefur what exactly his plans with the property are.

Mr. Sandefur replied that they plan to build a 20' by 40' office and later a 50' by 100' shop.

Commissioner Grantham asked Mr. Sandefur how much traffic goes in and out.

Mr. Sandefur discussed that he has 25 field staff currently and moving the office to the property will bring in another three vehicles.

Director Garrett reported that the application is complete but the department has concerns regarding traffic and noted that they do have a CDOT access permit for 32 trips. He added the department's concerns about the narrow access, about how the neighborhood is mostly residential and agricultural use, and mentioned storage material being burned in the floodplain. The Planning Commission recommends approval with the following conditions 1) that the burn area is moved, 2) the sign is moved so as not to obscure line of site, and 3) fencing is improved to obscure views to the neighbors.

Gerald Ray revealed that he lives on a neighboring property. He addressed his concerns that the business does not follow necessary guidelines and also regarding animal safety. He mentioned that he lost two beehives, which he suspects has to do with chemicals that were sprayed by the business. Mr. Ray added that the business has many vehicles at a time without a permit to do so and mentioned cut limbs appearing on his property.

René Bröz said she lives across from the business and is apprehensive about increased traffic caused by the business.

Mr. Sandefur addressed Mr. Ray's and Ms. Bröz's complaints and said his employees have thus far never caused an accident on the road and added that CDOT permitted the traffic. He claimed that any tree limbs on Mr. Ray's property were not left by the business and regarding Mr. Ray's beehives, said the chemical sprayed was an herbicide, though he mentioned that they do store pesticides on site.

Commissioner Bell asked Mr. Sandefur to address Mr. Ray's concern that the business sprays too close to the property line.

Mr. Sandefur informed Commissioner Bell that the herbicide used does not harm bees.

Commissioner McFall explained that when the business contracts with somebody if they leave tree limbs around it is still the business's responsibility to clear them away. Expressed concern for the increased traffic and for the burning of the slash pile in the floodplain. He also asked whether there were plans to widen the narrow driveway.

Mr. Sandefur offered to store the slash pile elsewhere and said the street could be widened.

Commissioner Grantham questioned how the business handles winter driving along the driveway.

Mr. Sandefur mentioned the use of four-wheel drive and plowing of the road.

Commissioner Grantham noted that avoiding burning on the property is good idea for the neighbors and asked him to address the Planning Commission's recommendations about the fencing and sign.

Mr. Sandefur replied that moving the sign will not be an issue and considered using trees rather than fencing to provide privacy.

Commissioner Bell asked Director Garrett to clarify the meaning of trips regarding the CDOT access permit for 32 trips.

Director Garrett responded that it is for 32 vehicles during the peak hour volumes and a trip is defined as an entrance or an exit.

Mr. Sandefur clarified that it is 32 trips per hour based on the peak hour of the day and that CDOT was not concerned with trips outside of the peak hours of the day.

Director Garrett added that the traffic count on the original application was different, which was addressed in the deficiencies economist letter for the revision to have a more accurate count.

Commissioner Bell referred to item #19 regarding the peak hour volumes for 32 trips per hour. She asked Mr. Sandefur to clarify when employees come and go from the site.

Mr. Sandefur described that the 25 field staff arrive at 7:00 a.m. and office staff arrive around 8:00 a.m. and 9:00 a.m. His field staff both leave in their work vehicles and arrive back at the site at varying times.

Commissioner Bell noted that Special Review Uses are not to be used in agricultural rural zone district when the use is not automatically allowed. She questioned why the business continued to use the property without a Special Review Use.

Mr. Sandefur explained that applying with CDOT took longer than expected and noted that they have not developed further, just continued to operate.

Commissioner Bell asked Mr. Sandefur how many employees are Fremont County citizens.

Mr. Sandefur said all of them are.

Commissioner McFall asked if the septic system and the water tap have been set up.

Mr. Sandefur said they had been but the septic system may need to be upsized.

Commissioner McFall urged Mr. Sandefur to contact neighbors before spraying chemicals in the future.

Commissioner Bell conveyed the importance of bees.

Commissioner Grantham reiterated Commissioner Bell's concern that they had been operating without meeting the proper guidelines and also restated the traffic concern.

Commissioner Bell noted that the only reason she will vote to approve the request is because the employees are local residents and warned Mr. Sandefur that the business will be watched and revocation will always be an option in the future if necessary.

Commissioner Grantham moved to approve Resolution #25 for SRU 20-004 for All Purpose Landscaping with the following contingencies: offsite organic waste must not be placed or burned on the property, the sign must be moved as recommended by the Planning Commission, fencing must be improved as to obscure views to neighboring properties, and the road be widened from one lane to two. 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 10:37 a.m.

Commissioner McFall adjourned the meeting at 11:15 a.m.


Clerk to the Board of County Commissioners



RESOLUTION NO.24, SERIES OF 2021

**RESOLUTION ZONE CHANGE
DEPARTMENT OF PLANNING AND ZONING
FILE # 21-001 SELF**

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

THAT WHEREAS, Dale Self, (hereafter "applicant") has made application for an amendment of the zoning map of Fremont County to change from the ZONE CHANGE FROM THE AGRICULTURAL LIVING DISTRICT TO THE AGRICULTURAL SUBURBAN ZONE DISTRICT for certain described real property owned by Dale L. Self and Myrna C. Self;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its March 02, 2021 regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, 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 the appropriate reviewing agencies.

WHEREAS, a notice containing the specific request, proposed use, date, time, and 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 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 May 11, 2021 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

NOW THEREFORE, BE IT RESOLVED by the Board that:

The Board did make the following findings with respect to the application for Zone Change as follows:

1. A statement of justification for the rezoning, including at least one (1) of the following conditions
 - a. The property was not properly zoned when existing zoning was imposed.
 - b. Additional land is needed in the proposed zone district.
 - c. There has been a material change in the neighborhood which justifies the requested zone change.
 - d. The proposed zone change will be in conformance to the Comprehensive or Master Plan for the area.

NOW THEREFORE, BE IT RESOLVED that the above and foregoing application and request for change be and is hereby approved; that the zoning classification of the hereinafter described real property is changed from ZONE CHANGE FROM THE AGRICULTURAL LIVING DISTRICT TO THE AGRICULTURAL SUBURBAN ZONE DISTRICT and that the zoning map of Fremont County be and is hereby amended to show and record such change of classification and that the legal description of the real property so affected is described as follows:

Subd: M & B OR UNKNOWN TR-644 SEC 12-19-70 A TR OF LAND IN THE NW4SE4 AND NE4SW4 OF SEC 12-19-70, DESC AS FOLL: BEG AT THE C TR OF SD SEC 12 AND RUNNING TH N89-50-00E 812 FT; TH S3 6-35-00E 315 FT; TH S36-05-00W 78 FT; TH S51-35 -00E 248 FT; TH S35-22-00W 640 FT TO THE N BNDRY OF HW Y; TH N48-35-00W 1039.78 FT ALG SD HWY TO THE W LN OF SD 40 AC TR; N ON CTR SEC LN 301 FT TO POB. ALSO, THAT PT OF NE4SW4 LYING NELY OF HWY 115

The Real Property is commonly known as 3600 Telck Road, Canon City, CO 81212.

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

Commissioner Bell:

Aye / Nay / Abstain / Absent

Commissioner McFall:

Aye / Nay / Abstain / Absent

Commissioner Grantham:

Aye / Nay / Abstain / Absent

Date: May 1st, 2021

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: *DeWayne McFall*
Chairman

By: *[Signature]*
Clerk to the Board



RESOLUTION NO. 25
Series of 2021

RESOLUTION FOR SPECIAL REVIEW USE PERMIT
DEPARTMENT OF PLANNING AND ZONING
FILE # SRU 20-004 ALL PURPOSE LANDSCAPING

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

THAT WHEREAS, All Purpose Landscaping, (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 contractor's yard for a landscaping business, which application has been designated as file #SRU 20-004 All Purpose 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 April 6, 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 May 11, 2021, 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. 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.
- J. 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.

- K. 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).
- L. No organic material from offsite locations will be allowed to be placed or burned on site.
- M. The applicant shall widen the driveway whereas to allow two-way traffic
- N. The sign shall be relocated or removed
- O. Fencing and/or landscaping shall be installed to block views from neighboring properties along the side and rear property lines.

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

Commissioner Grantham	<input checked="" type="radio"/> Aye / <input type="radio"/> Nay / <input type="radio"/> Abstain / <input type="radio"/> Absent
Commissioner Bell:	<input checked="" type="radio"/> Aye / <input type="radio"/> Nay / <input type="radio"/> Abstain / <input type="radio"/> Absent
Commissioner McFall:	<input checked="" type="radio"/> Aye / <input type="radio"/> Nay / <input type="radio"/> Abstain / <input type="radio"/> Absent

The Resolution was declared to be duly adopted.

DATE: May 11th, 2021

Dwight McFall

CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

[Signature]

FREMONT COUNTY CLERK AND RECORDER

