

THIRTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 22, 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

INVOCATION

Tom Kilgore, Connect 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 Bills for \$2,511,490.90
2. Schedule Public Hearings: 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 and noted that the Pathfinder Park calendar is available to the public. Both her report in its entirety and the calendar can be found at www.fremontco.com.

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

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

Commissioner McFall thanked County Manager Bryant and touched on his interest in comparing the figures to those of other years.

- c. Public Health Update, Kayla Marler, Director

Fremont County Public Health and Environment Communicable Disease and Emergency Preparedness Response Program Coordinator, Sarah Miller gave the County Public Health Update and listed Fremont County Covid-19-related figures as

follows: 13 active cases, 3 active hospitalizations, 63 deaths, FCDPHE has administered 12,529 doses, and MAKO's contract has been extended through the end of October. She noted that the Colorado Mobile Unit was in Fremont County June 8th through the 10th, and are scheduled to return June 30th and July 1st.

Commissioner McFall asked Program Coordinator Miller whether the amount of people getting tested has decreased.

Program Coordinator, Sarah Miller said there are fewer people and estimated that they probably test about 100 people per week.

Commissioner McFall addressed how normal illnesses like the common cold are returning.

Commissioner Bell thanked the Health Department and noted the good numbers, especially the decreasing incidents rate.

Commissioner Grantham discussed the Supreme Court's denial of the PAUSE Act.

Commissioner Bell said the initiative will return and noted the importance of public awareness concerning the matter.

Commissioner McFall talked about how the PAUSE Act excrates common animal husbandry practices. He also touched on the importance of fire diligence as well as the County's recent lack of gasoline. He explained that there are not enough drivers to transport gas currently, and asked locals to stop buying in excess.

Commissioner Bell said per the Colorado Counties Incorporated Legislative Recap more than 500 bills have been passed in Denver this session. She mentioned the passing of a transportation bill that increases state fees at the DMV. Commissioner Bell reminded the community that the next BOCC meeting is scheduled for Wednesday July 14th, 2021 at 9:30 a.m. She noted that there is no active fire ban for unincorporated areas of Fremont County but to stay aware of any changes for the Fourth of July.

Clerk & Recorder Grantham elaborated on Commissioner Bell's statement concerning the Transportation Bill for county fees. He also mentioned the implementation of the Opt-Out bill for Parks & Wildlife that will automatically apply a State Parks Pass when you register your vehicle in 2024. He noted that the bill will increase state fees during annual vehicle registration. Clerk & Recorder Grantham invited the community to contact the State Legislators regarding concerns about bills that have been passed. Pointed out that an elections bill that was passed is not great, but is better than what it had been previously.

Commissioner McFall mentioned that the State couldn't get anything passed by voters so they passed it as fees.

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

OLD BUSINESS

1. Requesting approval of a Modification of a Special Review Use, Department File # SRU 98-007 Twin Enviro Major Modification to allow for a vertical and lateral expansion of the landfill. The expansion includes expanding the limits of waste by approximately 100 feet along the current waste limit Southern boundary, and includes raising the final waste/cover grades along the southern portion of the landfill. The 77.82 acres site is located off of County Road 67 in Penrose and is within the Agriculture Forestry Zone District.

Commissioner McFall talked about the information and testimonies that were disclosed in previous meetings.

Commissioner Bell explained the necessity of findings so that the Board can communicate their motivations to the community. She referred the list of findings, which can be found in its entirety at www.fremontco.com.

Commissioner McFall thanked everyone who came to the public hearings and noted that in the future, the County will be holding Twin Enviro to the necessary requirements. He thanked Twin Enviro for their hard work and continued efforts.

Commissioner Grantham agreed that the County will be more diligent in the enforcement of the SRU. He thanked those who attended the public hearings and noted that most complaints made were based upon the existence of the landfill, rather than its proposed expansion.

Commissioner Bell moved to approve Resolution #27 for a Modification of a Special Review Use Permit and Certificate of Designation for Department File #SRU 98-007 Twin Enviro Services Major Modification. 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. Special Event Permit
Canon City Rodeo Association
1595 S 9th St, Cañon City CO 81212
Representative: Andy Phillips

Commissioner McFall opened the public hearing at 10:08 a.m.

Andy Phillips explained they will have two beer trailers and four qualified bartenders, one of which is TIP-certified.

Commissioner McFall noticed that there is a perimeter fence.

Mr. Phillips said there will also be security to verify that all beverages will be distributed by the event.

Commissioner Bell asked how employees will be TIP-trained and whether there will be age-checking.

Mr. Phillips said upon entrance, all parties will receive wristbands and those over 21 will receive a second one. Beer tokens would be obtained upon the checking of ID. The TIP-trained employees will know protocols such as how to respond to excessive drinking.

Commissioner Bell asked if security is contracted out.

Mr. Phillips confirmed and said he is working with a military group for security and checking with the Sheriff's Office to see what assistance they can provide.

Commissioner Grantham asked about the purpose of the tokens.

Mr. Phillips explained that the purpose of the tokens is to reduce theft and increase security at the event.

Tom Kilgore asked Mr. Phillips why there are two trailers at the event.

Commissioner McFall touched on the location of the trailers.

Mr. Phillips added to Commissioner McFall's point and said the trailers are at their locations for accessibility and efficiency.

Commissioner Bell noted that an inspection by the sheriff's office had been done.

Commissioner McFall inquired about vendors.

Mr. Phillips said they are working to get a list of vendors for the Health Department.

Commissioner McFall asked when the event will be.

Mr. Phillips explained that it will be July 16th and 17th.

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

Commissioner Grantham moved to approve the Special Event Permit for Canon City Rodeo Association for July 16th and 17th. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. Request for New Liquor License
DKRB LLC dba Sugarbush Campground
9229 Hwy 50
Howard, CO 81233
Representative: Dara Kort

Commissioner McFall opened the public hearing at 10:13 a.m.

Dara Kort purchased the campground in April and wants to open a liquor store since one across the street closed down.

Commissioner Bell asked about staff-training.

Ms. Kort said her staff of three would be completing online vendor training.

Commissioner McFall asked Ms. Kort if they would be adding onto the office.

Ms. Kort said they will not and added that the Sheriff's office did an inspection.

Recording Clerk Talia Smith gave the staff report and said the applicant had provided all necessary documentation and submitted proof of publication at least ten days before the public hearing.

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

Commissioner Bell commented on how straightforward the application is.

Commissioner Bell moved to approve a 6% Retail Liquor License for DKRB LLC dba Sugarbush Campground. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Request approval of OPC 21-001 Rocky Mountain Bud Company to operate an Optional Premise Cultivation license to cultivate medical marijuana on property located at 2911 CR 103
Representative: Nathan Lehn

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

Nathan Lehn introduced himself as the caregiver of the operation and said that all inspections have resulted in no violations. He added that the company is located in an ideal location and it is not viewable from the road.

Commissioner McFall said there are 500 plants and agreed that it is located in an ideal location.

Commissioner Bell noted that in the past the Board has pushed for marijuana cultivation to occur outside of populated areas.

Mr. Lehn repeated his high regard for the location.

Commissioner McFall added that there is a waiver requiring association with the license to a medical marijuana center based on the State changing their requirements.

Commissioner Grantham discussed how the state regulations and variances change and the County has to stay in accordance.

Code Enforcement Officer Daniel Victoria affirmed that the site is clean and accommodating.

Bill Gauroutt asked the board to consider how the transportation of water might impact the road. He also mentioned the lack of emergency access in the event of a fire. He said Mr. Lehn had already invested \$12,000 in the road and would like to see it maintained. He added that he has been a great neighbor.

Mr. Lehn replied to Mr. Gauroutt and said so far transportation has had a low impact on the road, but traffic may increase on it in the future and he does want to keep the road maintained.

Commissioner McFall mentioned a well on the property that cannot be used commercially. He added that the Road Department will periodically assess the road on County Road 103.

Commissioner Bell asked Mr. Lehn if he was aware that dated logs of water loads must be submitted to the Department of Transportation.

Mr. Lehn was not aware.

Commissioner McFall asked if Mr. Lehn had ever considered fire-danger.

Mr. Lehn said they have a pre-evacuation plan in place.

Commissioner McFall asked if he had reached out to the Emergency Manager to have an assessment done.

Mr. Lehn said he had taken fire mitigation measures to qualify for insurance.

Commissioner McFall inquired about whether the whole property is mitigated.

Mr. Lehn affirmed that it is.

Commissioner Bell asked Mr. Lehn if he plans to use chemical toilets and whether he knows he must appear before the Fremont County Board of Health to have that approved.

Mr. Lehn was not aware.

Commissioner McFall added that he can go through the Building Department for a septic system.

Commissioner McFall closed the public hearing at 10:27 a.m.

Commissioner Grantham moved to approve Optional Premise Cultivations license 21-001 for Rocky Mountain Bud Company to cultivate medical marijuana on property located at 2911 County Road 103, with the approval of the waiver requiring association with a licensed medical marijuana dispensary, maximum of 500 plants, the approval from the Board of Health prior to use of chemical toilets, and the submission of water transportation logs to the Department of Transportation. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

NEW BUSINESS

1. Elder Abuse Awareness Proclamation
Representative: Amanda Whitt-Wright, Department of Human Services

Mick Stumph, DHS, talked about social isolation due to Covid-19 and noted creative ways those in Fremont County used to limit this.

Amanda Whitt-Wright read the first portion of Elder Abuse Awareness Proclamation, which can be found in its entirety at www.fremontco.com.

Commissioner Bell read the rest of Elder Abuse Awareness Proclamation.

Commissioner Grantham noted the import of elder abuse awareness and recognition and thanked the Department of Human Services for their work.

Commissioner McFall thanked the Department of Human Services for their work.

Commissioner Bell moved to approve a proclamation to make June 2021 Elder Abuse Awareness Month in Fremont County. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. Approval of Retail Liquor License Renewal for Fun Country LLC dba Royal Gorge KOA

Commissioner McFall explained that the renewal application was turned in late and they are requesting a waiver of the late fee and the renewal of the license.

Commissioner Bell noted that the late fee is \$100 and they turned in their application just two days after it was due.

Commissioner Grantham moved to approve the Retail Liquor License Renewal for Fun Country LLC dba Royal Gorge KOA, including the waiver of the \$100 late fee. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Approval of MS 21-003 Powell to divide one parent parcel into two lots located in the Howard area
Representative: Dr. Angela Bellantoni

Dr. Angela Bellantoni explained that Mr. Powell is the property owner and Mr. Garcia is the applicant. The subdivision will divide the original parcel into two lots; one for a residence and the other for an existing workshop. She said the neighborhood is mainly single-family residential, agricultural land, and open space.

Commissioner McFall noted a contingency of a closure sheet and a request for a drainage waiver.

Commissioner Bell added that the Department of Planning & Zoning has reviewed the application and found it to be complete and true, and it has met all necessary requirements.

Commissioner Bell moved to approve MS 21-003 Powell to divide one parent parcel into two lots, including the contingency of closure sheets, a waiver request for drainage plan and features. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

4. Approval of MS 21-004 SS Subdivision to divide one parent parcel into two lots located in Penrose off of K Street south of U.S. Highway 50
Representative: Matt Koch

Matt Koch explained that the subdivision will divide the original parcel into two lots and that it had been done before and at one time someone deed them back together. They are asking for a waiver of the drainage report. Lot one has an existing house and lot two is vacant, but it is planned to be built on.

Commissioner McFall listed contingencies as follows: access permit for Lot 1, onsite water treatment, soil analysis, design and copy permit for existing system, executed ratification of consent and release form, minor changes to the site plan, addition of notes in a new vicinity map, and the drainage plan, which was accepted by the engineer.

Commissioner Bell referred to the staff report by Planning & Zoning, which said the application was found to be good and complete.

Commissioner McFall asked if there is an access required for Lot 2.

Matt Koch replied that there is not an access for Lot 2 but that there will be in the future when they build.

Commissioner Grantham moved to approve MS 21-004 SS Subdivision to divide one parent parcel into two lots including the following contingencies access permit for Lot 1, onsite water treatment, soil analysis, design and copy permit for existing system, executed ratification of consent and release form, minor changes to the site plan, addition of notes in a new vicinity map, and the drainage plan waiver. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. Agreement for Professional Services with McCool Development Solutions, LLC for Planning and Zoning

County Manager Bryant explained that they are requesting to contract out temporarily with McCool Development Solutions to assist the Planning & Zoning Department while the vacancies are open.

Commissioner McFall said there are two vacancies in the Planning & Zoning Department.

Commissioner Bell thanked County Manager Bryant and Tammy Childs for their work.

Commissioner Bell moved to approve the agreement for Professional Services with McCool Development Solutions, LLC for the Planning & Zoning Department. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

6. Resolution imposing a moratorium prohibiting and staying enforcement of certain provisions of the Fremont County Zoning Resolution regarding manufactured homes-single wide in certain zone districts

Commissioner McFall said all homes must meet current International Building Codes (IBC), Housing and Urban Development (HUD) regulations, or International Residential

Code (IRC). Because of those factors, single-wides cannot go in some zoning districts. He also read from the moratorium.

Commissioner Bell analogized modular homes to stick-built homes. She thanked the Planning & Zoning Director and County Attorney Jackson for their work on the matter.

Attorney Jackson said the resolution is meant to fix the immediate problem, before amendments are put in place to fix the problem for good.

Commissioner Grantham noted that the code has needed to be updated for the good of the citizens and landowners of the County.

Commissioner Bell noted that the resolution is immediate upon approval.

Marina Weir thanked the Board for listening and making their decision to approve the moratorium.

Commissioner McFall mentioned how resolutions make sense when they are first made and until a conflict occurs, they often fall through the cracks.

Commissioner Bell congratulated Ms. Weir on her new home.

Commissioner Grantham moved to approve Resolution #28 imposing a moratorium prohibiting and staying enforcement of certain provisions of the Fremont County Zoning Resolution regarding manufactured homes-single wide in certain zone districts. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

Commissioner McFall adjourned the meeting at 11:02 a.m.

Commissioner Grantham mentioned that he is going to post information about the PAUSE Act on his social media.



Clerk to the Board of County Commissioners



RESPECT YOUR ELDERS
REPORT ABUSE



Elder Abuse Awareness Month

A PROCLAMATION

Whereas, Fremont County includes a community of older Americans who have worked their entire lives to create and contribute to the vibrant, thriving communities we live in and they deserve our care and respect.

Whereas, Fremont County recognizes that as members of our community we have a responsibility to ensure seniors are protected from abuse, neglect and exploitation; and

Whereas, Fremont County is committed to raising awareness about the abuse and neglect of our seniors and encourage citizens to report any concerns to the Fremont County Department of Human Services or to 1-844-264-5437.

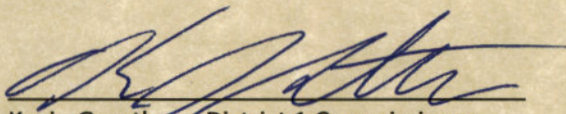
Whereas: Fremont County's seniors should be treated with respect and dignity to ensure they can continue to serve as leaders, mentors and important active members of this community.

Whereas, our community can provide opportunities to educate the community by understanding that:

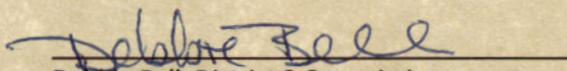
- Elder abuse can happen to anyone – parents, grandparents, neighbors and friends
- Elder abuse affects seniors across all socio-economic groups, cultures, and races.
- Elder abuse can occur anywhere: a person's home, in nursing homes, assisted living facilities, hospitals, etc.

Whereas: We can all work together to end elderly abuse and celebrate the value older people bring to our families, lived and communities.

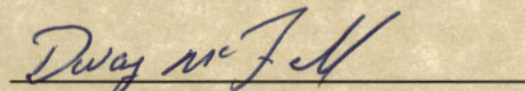
NOW, THEREFORE, we, the Fremont County Commissioners, by virtue of the authority vested in this Board, do hereby proclaim June 2021, Elder Abuse Awareness Month and in so doing, urge all citizens to join in a world wide effort to Speak up, Speak out and let our elderly know we care.



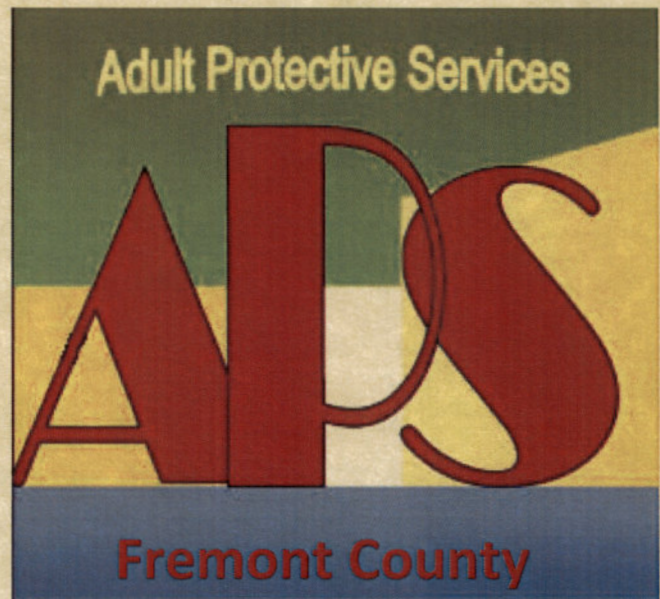
Kevin Grantham, District 1 Commissioner



Debbie Bell, District 2 Commissioner



Dwayne McFall, District 3 Commissioner



RESOLUTION NO. 27 Series of 2021

RESOLUTION FOR MODIFICATION OF SPECIAL REVIEW USE PERMIT AND
CERTIFICATE OF DESIGNATION
DEPARTMENT OF PLANNING AND ZONING FILE # SRU 98-007
TWIN ENVIRO SERVICES

WHEREAS, Twin Enviro Services, (hereafter "Applicant") has made application for modification of a Special Review Use Permit (SRU 98-007) and Certificate of Designation pursuant to §6.7 and §8.14 of the Zoning Resolution of Fremont County to allow for vertical and lateral expansion of the solid waste disposal site, which is expected to increase the useful life of the landfill by approximately ten years; and

WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its January 5, 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 February 9, 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, the Board continued the matter for a second public hearing, which was held on June 10, 2021, at which time additional comments and evidence were considered; and

WHEREAS, a notice of the June 10, 2021 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 June 10, 2021 public hearing was announced at the February 23, 2021, and April 13, 2021 formal Board of County Commissioners' meetings; and

WHEREAS, it appears that modification of Special Review Use Permit 98-007 is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Fremont County:

1. The Board makes the following findings with respect to the modification of Special Review Use Permit 98-007 and the accompanying Certificate of Designation issued to Applicant as follows:
 - a. Twin Enviro Services owns and operates the only landfill sited in Fremont County to serve the citizens by providing a municipal solid wastes disposal site. The landfill is used by commercial waste haulers and private citizens seeking to dispose of solid waste and is necessary for the continued management of the waste stream generated within the county.
 - b. Twin Enviro Services has operated the landfill at this site since the issuance of the original Special Review Use Permit and Certificate of Designation since its inception more than 20 years ago.
 - c. Although some issues have arisen from time to time over blowing trash, tracking mud onto County Road 67, vegetation along the boundaries and berms surrounding the landfill, dust and exterior drainage, the Applicant has generally remained in compliance with the conditions of the SRU and CD and the Department of Planning and Zoning. The Department notes no unresolved complaints or areas of non-compliance in the Staff Report.
 - d. While there were objections posed by members of the public during the two public hearings, they were primarily focused on the general existence and location of the landfill, and were not specific to the issue of vertical and lateral expansion. The Board acknowledges that the expansion will likely extend the useful life of the landfill operations by an additional ten years (approximate).
 - e. The Applicant acknowledged little or no efforts to plant vegetation to mitigate the barren berms forming the exterior boundaries of the landfill and during the time between the first and second public hearings began concerted efforts to remedy this issue and expressed future plans to continue attempts to vegetate the areas.

- f. There is no anticipated increase in traffic from the proposed expansion, which is primarily intended to extend the useful life, rather than attract additional customers and users.
 - g. The procedural requirements of Sections 6.7 and 8.14 of the Fremont County Zoning Resolution have been met.
 - h. The proposed SRU and CD modification will not have additional or increased detrimental effects on property values.
 - i. The proposed modification will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
 - j. The site will continue to be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed modification will not result in undue traffic congestion or traffic hazards.
 - k. The proposed modification, if it continues to comply with all previous conditions imposed since the initial approval, 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. The Application for modification of Special Review Use Permit 98-007 and accompanying Certificate of Designation is approved subject to the continued acceptance and observance by the Applicant of the conditions in effect as of the date of this approval, including the following conditions:
- A. Applicant shall complete construction of the 8' trash containment fencing and shall maintain the same in good condition to prevent waste from escaping from the landfill site. Applicant may also use additional measures to prevent waste from escaping the site, as deemed appropriate.
 - B. Applicant shall continue to make efforts to vegetate the exterior perimeter of the landfill site, including application of water, provided however, that no water shall be used or applied in such a manner that is not permitted by the state and federal regulations applicable to the operation of a solid waste disposal site. Applicant shall provide statements reporting vegetation efforts made to the Department of Planning & Zoning on an annual basis.
 - C. Applicant shall maintain the mud tracking mat at the entrance to the landfill in a manner that mitigates mud and other debris from being tracked onto County Road 67.
 - D. Applicant shall immediately begin providing copies of all water quality reports produced from sampling the landfill monitoring wells to the Fremont County Department of Planning & Zoning AND to the Fremont County Department of Public Health and Environment.

E. Applicant shall continue to be responsible for contribution to improvement and maintenance costs of County Road 67 from U.S. Highway 50 to the landfill entrance, subject to reasonable notice and invoicing from the Fremont County Department of Transportation.

F. The south and west berms providing visual screening for the landfill shall increase in height in coordination with and prior to the actual landfill expansion to provide ongoing visual screening of the working area of the landfill.

G. All existing conditions of operation imposed under SRU 98-007, as modified and amended from time to time since the date of initial approval, shall remain in full force and effect and shall continue to govern the operations.

Commissioner Bell 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: June 22nd, 2021

By: [Signature]
Chairman

Attest: [Signature]
Clerk





RESOLUTION NO. 28, SERIES OF 2021

RESOLUTION IMPOSING A MORATORIUM ON ENFORCEMENT OF CERTAIN PROVISIONS OF THE FREMONT COUNTY ZONING RESOLUTION REGARDING MANUFACTURED HOMES SINGLE-WIDE

WHEREAS, pursuant to §30-28-111 and 30-28-112, C.R.S., the Board of County Commissioners (“Board”) and the Planning Commission for Fremont County have authority to make and adopt a zoning plan for zoning all or any part of the unincorporated territory within the county; and

WHEREAS, on or about November 22, 1994, County duly adopted Resolution No. 54, Series of 1994, which enacted the Fremont County Zoning Resolution (FCZR), to serve the best interests of the inhabitants of Fremont County. The regulations became effective January 1, 1995, in accordance with the resolution. On or about January 13, 2009, the County readopted the Zoning Resolution, incorporating all amendments into a revised edition of the Fremont County Zoning Resolution; and

WHEREAS, the FCZR includes certain definitions of Dwelling Unit, to include Factory Built, Manufactured, and Manufactured Single-Wide; and

WHEREAS, the definitions for Factory Built and Manufactured homes require that the Dwelling be a minimum width of 24 feet; and

WHEREAS, the FCZR provides in Section 5.1 that the minimum gross area for single-family dwellings, factory built and manufactured homes be 400 square feet; and

WHEREAS, the FCZR does not impose a minimum width on site-built single-family dwellings; and

WHEREAS, both factory built and manufactured homes are required to be constructed to International Building Code (IBC), International Residential Code (IRC) or HUD standards and may be secured on an engineered permanent foundation or “set” on the manufacturer’s recommended foundation; and

WHEREAS, all single-family dwellings are required to be constructed on an engineered permanent foundation, but are constructed on site, rather than in a factory off-site; and

WHEREAS, the Board has been advised that the requirement for a minimum width of 24 feet is not reasonably related to the quality of construction of factory built or manufactured homes; and

WHEREAS, the Board has been advised that a single-family dwelling constructed on site may be less than 24 feet in width; and

WHEREAS, the Board believes the discrepancy in the width requirement between single-family dwellings and IBC, IRC or HUD factory built or manufactured homes secured on an engineered permanent foundation is not reasonably related to a legitimate governmental purpose; and

WHEREAS, the Board is of the opinion that the FCZR should be revised and amended to correct this discrepancy, but notes that such amendment may take several months, particularly when considering the staff vacancies presently existing; and

WHEREAS, the Board has the power to impose a moratorium on a temporary basis to allow time to consider, draft, study, present and potentially adopt an amendment to the FCZR to address the issue of width of dwelling units of any type; and

WHEREAS, the Board believes it to be appropriate and necessary to place a moratorium on the enforcement of the FCZR regarding the minimum width requirement for factory built and manufactured homes, effectively eliminating the width distinction between factory built, manufactured home, manufactured home single-wide and single-family dwelling.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY:

1. A Moratorium is hereby imposed, pending creation and drafting of an amendment to the Fremont County Zoning Resolution, on enforcement of such provisions of the FCZR that require a minimum width for factory-built and manufactured homes, provided that the factory-built and manufactured homes are constructed to International Building Code, International Residential Code, or HUD standards and are permanently affixed to an engineered foundation, in the same or similar manner as a site-built home.
2. A manufactured or factory-built home that is not constructed to IBC, IRC, or HUD standards, or which is "set" in accordance with manufacturer's instructions, rather than permanently affixed to an engineered foundation shall not be included in this moratorium.
3. The purpose and intent of this moratorium shall be to provide similar treatment under similar circumstances to homes constructed on-site on engineered permanent foundations and homes constructed off-site to the same building standards and placed on engineered permanent foundations at the home site.
4. This moratorium shall expire one year from the date of this Resolution, unless terminated earlier by Board of Commissioners action or by adoption of an amendment to the Fremont County Zoning Resolution addressing this issue.

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

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

The Resolution was declared to be duly adopted.

Date: June 22nd, 2021

D. McFall
Chairman

Attest: [Signature]
Clerk

