

FIFTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 14, 2018, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman Tim Payne called the meeting to order at 9:30 a.m.

Tim Payne	Commissioner	Present
Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Dotty Gardunio, Chief Deputy for Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Matt Koch	Planning & Zoning Director	Present

Todd Luce, of Grandview Christian Church, gave the invocation.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Bell moved to approve the Agenda, rescheduling the Public Hearing on today's Agenda for SSA Inc., to the next meeting, scheduled on August, 28, 2018 at 10:00 a.m. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

CONSENT AGENDA

1. Approval of Minutes / July 24, 2018
2. Approval of Special Meeting Minutes / August 6, 2018
3. Approval of Bills for \$3,640,237,29
4. Schedule a Special Meeting at 9:30 a.m. on Tuesday, September 4, 2018, to appoint an interim sheriff
5. Assign Resolution #27 for CDP 18-003 Home Nation—originally approved on July 24, 2018
6. Schedule Public Hearing: None.

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

ADMINISTRATIVE/INFORMATIONAL

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

Chief Deputy Gardunio gave the County Clerk's Report for July 2018. She reported that the total Motor Vehicle fees, sales taxes and Recording fees were \$1,240,908.64. Fremont County's portion for disbursement was \$683,014.62, which was 55% of the total fees

collected and \$46,579.21 more than July of 2017. Year-to-date the office is up \$332,513.79.

b. County Manager Report, Sunny Bryant, County Manager

County Manger Bryant reported the following:

- On July 31st, she attended Agriculture in Disaster, put on by the Commissioners and Emergency Manager. She said it was a great event and a good turnout.
 - On August 7th, she attended the National Night Out in Florence. It was put on by the Sheriff's Department, Florence Police Department, and State Patrol. She said she appreciated all that these groups do for the community.
 - On August 13th, they met with the City of Florence for their monthly meeting. There are a lot of exciting things happening in Florence and it is always good to have an update.
 - They are starting the 2019 budget process. Templates have been sent out to all departments.
2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda

George Storey spoke about the 7th U.S.A. Military and that they need to get backing for funding from Congress. He said the Airforce came from the 6th U.S.A. Army. He believes we are sending a clear message to ISIS and Al-Qaeda not to mess with the United States of America.

OLD BUSINESS

1. OPC 14-011 Pure Medical, LLC (Modification of Premises)—FINDINGS FROM PUBLIC HEARING HELD ON JULY 24, 2018

Commissioner Bell read the fourteen findings, listed below, included in resolution #28.

1. The Pure Medical OPC premises is in the Agricultural Rural zone district, with an address of 440 8th Street, Penrose, CO 81240. The Agricultural Rural zone district is intended to promote a rural residential environment. Residential uses will be primarily in conjunction with agricultural activities such as the raising of crops and livestock. Commercial uses will be limited to defined home occupations of a professional nature and commercial uses related to agriculture. Fremont County Zoning Resolution (FCZR) 4.4.1.

2. The proposed modification is for construction of a new building, 90 feet by 60 feet, for an additional 5400 square footage, to be used for vegetation, propagation, flower, harvest, drying and storage. The building will contain a bathroom, wash station, and will allow for additional cultivation, harvest and storage space. The building, however, is two stories, which increases the square footage to as much as 10,800. The precise combined square footage of both floors is unknown. Pure Medical has only indicated there will be drying racks and an office upstairs.

3. Applicant states that "this building would not result in a true expansion" but also states that the present facility is an "outdoor seasonal grow" and the "building would simply reallocate plant count to months when the facility is usually inactive." From the Authority's perspective, construction of a new building and changing an "outdoor seasonal grow" to a year round grow facility with active use of the facility during times when the facility historically was inactive, is a "true expansion."

4. In May of 2016, the Authority approved a modification request from Pure Medical to allow expansion of the outdoor grow area for Pure Medical, and construction of a 1200 square foot harvest building, with an approved odor mitigation system.

5. On October 25, 2016, the Authority adopted Amended Fremont County Medical Marijuana Business Licensing Regulations in which it stated that the most desirable for licensing of a new OPC is in rural areas of Fremont County, on acreages of 10 acres or larger, and no closer than 1000' to any residences located in the general vicinity of the site. The Pure Medical facility, although existing and not new, does not meet the siting criteria policy in the amended regulations, nor does the anticipated expansion.

6. On May 15, 2018, Fremont County approved a request for the transfer of an OPC license from Pure Medical's Colorado Springs facility solely for the administrative process of curing and testing harvested marijuana from the Colorado Springs OPC.

7. Pure Medical received Authority approval for construction of canopy structures over a large portion of the outdoor cultivation area, but those structures are not yet constructed.

8. The maximum lot coverage allowed in the AR zone district is 15%. (FCZR 4.5.5.2) Lot coverage means the percentage of a lot that, when viewed directly from above, would be covered by structures or buildings or any part thereof, excluding projecting roof eaves, uncovered porches, terraces, decks, steps, sidewalks, and concrete slabs, but would include the canopy structures. Lot coverage is the same for a one-story and two-story building with the same "footprint", even though the potential impact of a two-story building could be significantly greater.

9. The addition of the proposed building would increase the total lot coverage to 15.5% to 15.6%, which exceeds the maximum allowed by the Fremont County Zoning Resolution. Pure Medical has offered to reduce the size of the canopy structures to avoid exceeding the maximum lot coverage. The anticipated maximum percentage of lot coverage demonstrates the intensity of the land use on this 7.4 acre parcel.

10. The surrounding properties in the Agricultural Rural Zone District consist of scattered homes, barns and outdoor agricultural and ranch uses. Exhibit 3.1 to Applicant's Modification request shows four single-family residences and irrigated land as the surrounding land uses within 1000 feet of the licensed premises. While Pure Medical may qualify as a commercial agricultural use, as anticipated in the zoning resolution, the addition of buildings, canopies and other structures to the point of exceeding the maximum lot coverage and adding significant space for indoor cultivation year-round transforms the property into a use more closely resembling an industrial operation, which is inconsistent with the surrounding properties.

11. The Authority is concerned about the apparent lack of candor by Pure Medical. Despite neighborhood opposition to marijuana cultivation facilities in general, the Authority has approved previous requests for modification for the construction of the 1200 sq. ft. building, expansion of grow area, construction of canopies, and transfer of the Colorado Springs OPC license. By way of example (and not a comprehensive list), the Authority still does not have a proposed floor plan showing the uses for either story of the proposed new building, nor does it have information about how many flowering plants in addition to the "mother" plants will be cultivated indoors on a year-round basis.

12. The Authority attaches no significance or correlation to Pure Medical's May 1, 2018 request for the transfer of the OPC license from Colorado Springs to Penrose for administrative purposes, and the May 1, 2018 submission of this Modification Application. The Licensing Regulations grant no entitlements to Applicants, and clearly state "no person shall have any entitlement or vested right to licensing under these Local Regulations."

13. There are nine OPC facilities in the Penrose area that began operations prior to the adoption of the Fremont County Medical Marijuana Business Licensing Regulations, which were allowed to continue, provided the owners/operators brought the

facilities into compliance with the Regulations. None of these facilities, nor any other in the unincorporated areas of Fremont County, have been granted any entitlement or vested rights for modification or expansion.

14. The local licensing authority may refuse issuance of a license, or modification of licensed premises, based on the number and type of optional premises cultivation operations located near the premises under consideration. §12-43.3-303, C.R.S. The Licensing Authority has previously found and continues to find that there is an undue concentration of OPC premises existing in the Penrose area and modifications for expansion need to be carefully scrutinized to avoid further adverse impacts and neighborhood incompatibility issues.

Commissioner Bell moved to approve resolution #28, denying OPC 14-001, the Modification of Premises for Pure Medical LLC. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

NEW BUSINESS

1. Proclamation for Suicide Prevention Month
Representative: Jessica Cobler

Jessica Cobler spoke of her son, Dalton, who committed suicide on June 18, 2014. She said he was the valedictorian for the graduating class of 2014 for Florence High School and there were no signs that he would do this. She wants to bring awareness to suicide and suicide prevention because it could happen to anyone. She said statistics are just pins on a board, but that they are someone's son, or daughter, or mother, or father. She also wanted everyone to know that this year's Out of the Darkness Walk will be held on Saturday, September 8, 2018. Registration begins at 9:00 a.m. and the Walk will begin at 10:00 a.m. You can register at afsp.org/Fremont.

Commissioner Bell read the proclamation for Suicide Prevention Month and noted that suicide touches not only you as a person, but as a community. She said that you don't necessarily have to know someone that committed suicide for it to touch your life and remembered attending Dalton's funeral, even though she had never met him.

Commissioner McFall moved to adopt September as Suicide Prevention Month for Fremont County. Commissioner Bell seconded the motion Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

2. Proclamation for Fremont Fall Heritage Festival September 4, 2018 through October 14, 2018
Representative: Fremont County Heritage Commission

Betsy Denney, a representative from the Fremont County Heritage Commission, said that they have been sponsoring the Fremont Fall Heritage Festival for the last 4-5 years. This year it will be held from September 4, 2018 through October 14, 2018. She said the event continues to get bigger and bigger. You can get an application for your event on their website at fremontheritage.com, or use the link on the County's website, fremontco.com. They currently have events scheduled such as Pioneer Day in Florence and Apple Day in Penrose. She also mentioned that their new books on fossils and rocks are ready and available. She then read the proclamation.

Commissioner Bell moved to adopt September 4, 2018 through October 14, 2018 as the Fremont Fall Heritage Festival. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

3. Introduction of the new CSU Extension County Director-Jeramy McNeely

Jeremy McNeely said that he is originally from Kit Carson County and was a music teacher there. He received his masters and was planning on becoming a superintendent, but later decided that extension fit him better. He worked in that field in Cheyenne County until becoming a professional musician after learning how to play the guitar. He did that until meeting his wife and deciding he needed a “real job”. They moved to Kiowa County where they started a ranch and eventually they ended up in Fremont County, where he accepted the position of the Director for the CSU Extension Office. He said that this year’s fair went really well and the quality of the animals was amazing. He also said there was a great amount of volunteers.

Commissioner McFall asked how he was liking the county so far and if he was fitting in with the community. McNeely said, yes, it has been good. He wants to get with producers in the area to get more involved and is looking at starting a blog this winter. He said their website receives around 650 views per month and he is working closely with Jill Filer in the Emergency Management Office.

The Commissioners all welcomed him to Fremont County and expressed their excitement to see new ideas and changes and the expansion of this amazing program.

4. Special Event Liquor Permit
Held at Red Barn Pavilion, 448 K St, Penrose
Starpoint
700 S 8th St
Canon City, CO 81212
Representatives: Ron Hinkle/Mary Yang

Ron Hinkle explained that Starpoint is the leading edge for children and adult services with disabilities and fund raising for that cause. He said on Saturday, September 8th, 2018, they will be holding a fund raising event at the Jenkins Family Farm. The area seats approximately 100 people and they are doing “farm to table”. So, they are using local orchards, farms and chefs to put on the event. He said it should be an interesting and tantalizing menu. The Abbey will be providing the wine and the Florence Brewing Company will provide the beer.

Mary Yang said that ticket prices are \$40 for a single ticket and \$75 for a double. The event will be posted on Facebook and you should be able to purchase your tickets directly from there. They are also working on a new website.

Commissioner Payne asked as to the type of security that would be present. Mr. Hinkle explained that they have hired D&D Security to cover the event. Due to the venue only seating 100 people, he is required to have one security guard present. They will be providing their own server for alcohol, which will be attending the Tips Training put on by the City of Canon City on August 30, 2018. He mentioned that there will be a guitarist and live auction and the event will be from 6:00 p.m. until 9:00-10:00 p.m.

Chief Deputy Gardunio reported that they have filed all paperwork necessary. Commissioner Bell noted that the Sheriff’s report said that no posting was in view when his inspection was completed. Deputy Gardunio said that proof of posting was provided by the applicant.

Commissioner Bell moved to approve the Special Event Liquor Permit for Starpoint. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

5. Hotel & Restaurant Liquor License Renewal
WHP Crossroads LLC
3925 Hill Circle
Colorado Springs, CO 80904
Representative: Billy Peetz

Angela Bellantoni, a representative for Billy Peetz, presented pictures to the Board, explaining that the hemp is gone from the premises of WHP Crossroads and he is no longer processing it there. She said this was only temporary. She said that all of the hemp processing equipment is gone and the basement is now full of restaurant equipment. She showed the Board a floor plan of the plans Mr. Peetz has for this property and that he will be moving forward with the restaurant side of things. She understands that since there was no written notice that the hemp was removed from the property, it would be confusing as to why he was trying to renew his liquor license. She said that Mr. Peetz is aware he will need to apply for a zone change with Planning and Zoning for the plans he has in mind for the event center and has already been in contact with that office. She said that Mr. Peetz gets distracted and the hemp was only temporary.

Commissioner Bell wanted to know if hemp being temporary was forever since he was granted a SRU which is not temporary use. Ms. Bellantoni stated that as far as she knew, yes.

Commissioner McFall also commented on the fact that he was unaware this was to be a temporary thing. Ms. Bellantoni said it was seasonal and done as needed.

Commissioner Payne said that Mr. Peetz will need to decide which SRU he wants to keep. The one for hemp or the one for the restaurant, they can't continue to put one license or the other in abeyance. Ms. Bellantoni said that considering the basement is full of restaurant equipment and all of the hemp materials have been removed, she would assume he would relinquish the SRU for the hemp. She asked if this matter could be continued until the meeting being held on September 11, 2018, so that she could get a definite answer.

County Attorney Jackson said that would be fine and that he would need the Board's approval to move the SRU for the restaurant out of abeyance. She said he will need to make an election and pick one. You can't have both hemp processing and a restaurant license and you can't have a liquor license without the restaurant license.

Commissioner Bell said it is her personal idea, if allowable, for him to withdraw one SRU or the other. Attorney Jackson said that could happen and the matter would be postponed until the September 11, 2018 meeting and would be put under Old Business.

Chief Deputy Gardunio asked Attorney Jackson if the food license would also need to be considered in approving his liquor license renewal, if he decides to keep the SRU for the restaurant. Ms. Jackson said she would research it more and would let the applicant know the status of the food license requirements.

Commissioner McFall moved to continue the Liquor License Renewal for WHP Crossroads LLC until September 11, 2018. Commissioner Bell seconded the motion Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

6. Resolution No. 29, A Resolution Establishing Fees Associated with Building Department and Environmental Health Services

Building Director Mike Cox explained that this resolution is just to clean up their fees. The last time fees were approved they had not established a charge for solar panel inspections, but that they had the authority to collect the fees through the code for these provisions. He also said that no fees were increasing or decreasing except they would be increasing the fees for manufactured home insignia, due to the fact the State increased their fees and they are simply passing that along to the customer. The only other fee increasing is the after-hours inspection fee. It would go from a 2 hour charge to a 3 hour charge rate to better compensate for the time that it takes their staff.

Commissioner Bell moved to approve resolution #29. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried.

7. Authorization for Fremont County to participate in opioid litigation against pharmaceutical companies

Commissioner McFall said that he was approached over a year ago about joining in on this cause. He said that pharmaceutical companies are enabling doctors to prescribe patients these opioid drugs and they are being used inappropriately and wrong. He said the Board asked the County Attorney, Brenda Jackson, to research this. Huerfano County has jumped in on this lawsuit and Fremont County is not as bad as they are but we do have a problem.

Attorney Jackson said that it was talked about during the County Attorney's Conference she attended. She said the impact to taxpayers could be large. She said she is speaking with Arapahoe County who is collaborating with a law firm out of Denver. She explained that choosing to go to State Court, rather than Federal Court has its advantages. You are on home turf so to speak and that can be a good thing. This will not cost the taxpayers anything and that it is completely contingent. While there is no financial impact, it will impact workload. She said this would authorize Fremont County to join those counties and municipalities on the State level, rather than the Federal level.

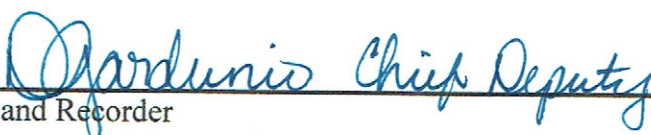
Commissioner McFall moved authorize Fremont County to participate in the State opioid litigation against pharmaceutical companies. Commissioner Bell seconded the motion Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

PUBLIC HEARING

1. Liquor License Modification of Premise
SSA INC
4218 CR 3A
Canon City, CO 81212
Representative: Paul Marcely, General Manager

Commissioner McFall moved to continue this hearing, as requested by the applicant, until the next scheduled meeting, on August 28, 2018, at 10:00 a.m. Commissioner Bell seconded the motion Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

Chairman Tim Payne adjourned the meeting at 10:34 a.m.


Clerk and Recorder

RESOLUTION NO. 27
Series of 2018

RESOLUTION FOR COMMERCIAL DEVELOPMENT PLAN
FREMONT COUNTY DEPARTMENT OF PLANNING AND ZONING FILE
#CDP 18-003 HOME NATION

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

THAT WHEREAS, Laura Comino, (hereafter "applicant") has made application for a Commercial Development Plan to allow displaying and selling manufactured homes. One unit will be use as the office and will be connected to water and septic system; and

WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its July 3, 2018 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 adjacent to the entire property owned by the applicant; and to the appropriate reviewing agencies; and

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 July 24, 2018 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 that the above and foregoing application and request for commercial development plan be and is hereby approved; and that the legal description of the real property so affected is described as follows:

LEGAL DESCRIPTION

Lot 3, Lone Cedar Subdivision, according to the recorded plat thereof, Fremont County, Colorado.

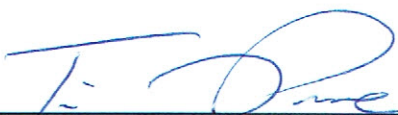
The Real Property or its address is commonly: 45 Werner Road, Penrose, CO 81240

Commissioner McFall moved the adoption of the foregoing Resolution, with a second by Commissioner Bell, and upon a vote of the Board as follows:

- Commissioner Bell: Aye / Nay / Abstain / Absent
- Commissioner McFall: Aye / Nay / Abstain / Absent
- Commissioner Payne: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: August 14, 2018



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: 
FREMONT COUNTY CLERK AND RECORDER

RESOLUTION NO. 28, SERIES OF 2018

**RESOLUTION DENYING MODIFICATION OF MEDICAL MARIJUANA
OPTIONAL PREMISES CULTIVATION LICENSE**

**OPC 14-011 PURE MEDICAL, LLC, MODIFICATION OF PREMISES (#2)
440 8TH STREET, PENROSE, CO**

WHEREAS, on October 25, 2016, the Board of County Commissioners adopted Resolution No. 22, Series of 2016, enacting Amended Fremont county Medical Marijuana Business Licensing Regulations within the unincorporated areas of Fremont County; and

WHEREAS, on May 1, 2018, Pure Medical, LLC submitted an application for modification of a Medical Marijuana Business License, requesting addition of a 90' X 60' building to the licensed premises, which presently contains various structures and an outdoor cultivation area; and

WHEREAS, following proper public notice, as required by the Business Licensing Regulations, the Board of County Commissioners, as the Local Licensing Authority for Medical Marijuana Business Licensing, held a public hearing on July 24, 2018, for consideration of the Modification Application; and

WHEREAS, James Marks, manager and representative for Pure Medical appeared at the hearing to present the application and answer questions from the Licensing Authority; and

WHEREAS, the Licensing Authority considered all written comments from the public on the Application, public comments made during the public hearing, recommendations from county staff and comments and responses from the Applicant; and

WHEREAS, following the July 24, 2018 hearing, the Licensing Authority voted to table the Application until August 14, 2018, at 9:30 a.m. to allow the Authority time to deliberate and formulate formal, written findings for consideration.

Findings of the Local Licensing Authority

1. The Pure Medical OPC premises is in the Agricultural Rural zone district, with an address of 440 8th Street, Penrose, CO 81240. The Agricultural Rural zone district is intended to promote a rural residential environment. Residential uses will be primarily in conjunction with agricultural activities such as the raising of crops and livestock. Commercial uses will be limited to defined home occupations of a professional nature and commercial uses related to agriculture. Fremont County Zoning Resolution (FCZR) 4.4.1.

2. The proposed modification is for construction of a new building, 90 feet by 60 feet, for an additional 5400 square footage, to be used for vegetation, propagation, flower, harvest, drying and storage. The building will contain a bathroom, wash station, and will allow for additional cultivation, harvest and storage space. The building, however, is two stories, which increases the square footage to as much as 10,800. The precise combined square footage of both floors is unknown. Pure Medical has only indicated there will be drying racks and an office upstairs.

3. Applicant states that “this building would not result in a true expansion” but also states that the present facility is an “outdoor seasonal grow” and the “building would simply reallocate plant count to months when the facility is usually inactive.” From the Authority’s perspective, construction of a new building and changing an “outdoor seasonal grow” to a year round grow facility with active use of the facility during times when the facility historically was inactive, is a “true expansion.”

4. In May of 2016, the Authority approved a modification request from Pure Medical to allow expansion of the outdoor grow area for Pure Medical, and construction of a 1200 square foot harvest building, with an approved odor mitigation system.

5. On October 25, 2016, the Authority adopted Amended Fremont County Medical Marijuana Business Licensing Regulations in which it stated that the most desirable for licensing of a new OPC is in rural areas of Fremont County, on acreages of 10 acres or larger, and no closer than 1000’ to any residences located in the general vicinity of the site. The Pure Medical facility, although existing and not new, does not meet the siting criteria policy in the amended regulations, nor does the anticipated expansion.

6. On May 15, 2018, Fremont County approved a request for the transfer of an OPC license from Pure Medical’s Colorado Springs facility solely for the administrative process of curing and testing harvested marijuana from the Colorado Springs OPC.

7. Pure Medical received Authority approval for construction of canopy structures over a large portion of the outdoor cultivation area, but those structures are not yet constructed.

8. The maximum lot coverage allowed in the AR zone district is 15%. (FCZR 4.5.5.2) Lot coverage means the percentage of a lot that, when viewed directly from above, would be covered by structures or buildings or any part thereof, excluding projecting roof eaves, uncovered porches, terraces, decks, steps, sidewalks, and concrete slabs, but would include the canopy structures. Lot coverage is the same for a one-story and two-story building with the same “footprint”, even though the potential impact of a two-story building could be significantly greater.

9. The addition of the proposed building would increase the total lot coverage to 15.5% to 15.6%, which exceeds the maximum allowed by the Fremont County Zoning Resolution. Pure Medical has offered to reduce the size of the canopy structures to avoid exceeding the maximum lot coverage. The anticipated maximum percentage of lot coverage demonstrates the intensity of the land use on this 7.4 acre parcel.

10. The surrounding properties in the Agricultural Rural Zone District consist of scattered homes, barns and outdoor agricultural and ranch uses. Exhibit 3.1 to Applicant’s Modification request shows four single-family residences and irrigated land as the surrounding land uses within 1000 feet of the licensed premises. While Pure Medical may qualify as a commercial agricultural use, as anticipated in the zoning resolution, the addition of buildings, canopies and other structures to the point of exceeding the maximum lot coverage and adding

significant space for indoor cultivation year-round transforms the property into a use more closely resembling an industrial operation, which is inconsistent with the surrounding properties.

11. The Authority is concerned about the apparent lack of candor by Pure Medical. Despite neighborhood opposition to marijuana cultivation facilities in general, the Authority has approved previous requests for modification for the construction of the 1200 sq. ft. building, expansion of grow area, construction of canopies, and transfer of the Colorado Springs OPC license. By way of example (and not a comprehensive list), the Authority still does not have a proposed floor plan showing the uses for either story of the proposed new building, nor does it have information about how many flowering plants in addition to the “mother” plants will be cultivated indoors on a year-round basis.

12. The Authority attaches no significance or correlation to Pure Medical’s May 1, 2018 request for the transfer of the OPC license from Colorado Springs to Penrose for administrative purposes, and the May 1, 2018 submission of this Modification Application. The Licensing Regulations grant no entitlements to Applicants, and clearly state “no person shall have any entitlement or vested right to licensing under these Local Regulations.”

13. There are nine OPC facilities in the Penrose area that began operations prior to the adoption of the Fremont County Medical Marijuana Business Licensing Regulations, which were allowed to continue, provided the owners/operators brought the facilities into compliance with the Regulations. None of these facilities, nor any other in the unincorporated areas of Fremont County, have been granted any entitlement or vested rights for modification or expansion.

14. The local licensing authority may refuse issuance of a license, or modification of licensed premises, based on the number and type of optional premises cultivation operations located near the premises under consideration. §12-43.3-303, C.R.S. The Licensing Authority has previously found and continues to find that there is an undue concentration of OPC premises existing in the Penrose area and modifications for expansion need to be carefully scrutinized to avoid further adverse impacts and neighborhood incompatibility issues.

Based upon the findings set forth above, the Board of County Commissioners, in its capacity as the Local Licensing Authority for medical marijuana businesses in Fremont County concludes as follows:

A. On October 25, 2016, the Amended Fremont County Medical Marijuana Business Licensing Regulations were duly adopted pursuant to Resolution #32, Series of 2016.

B. Article 3, Section c, of the Regulations provides that any person who is lawfully engaged in the business of selling, cultivating, or manufacturing medical marijuana as permitted by State law may continue in business if, on or before September 30, 2014, the person submits an application for local licensing.

C. Article 3, Section d, of the Regulations provides no person shall have any entitlement or vested right to licensing under these Local Regulations.

D. Section 12-43.3-303(1), C.R.S., provides that the local licensing authority may refuse to issue a license provided for in this section for good cause, subject to judicial review.

E. Section 12-43.3-303(1), C.R.S., provides that the local licensing authority may consider the facts and evidence adduced as a result of its investigation, as well as any other facts pertinent to the type of license for which application has been made, including any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

F. Final Agency action, for purposes of appeal, shall be the date of adoption of this Resolution by the Local Licensing Authority/Board of County Commissioners.

Based on the findings of the Local Licensing Authority set forth above, good cause exists for denial of the Application for Modification of OPC 14-011 (Second modification), Pure Medical, LLC, Optional Premises Cultivation License. The Application for Modification of OPC 14-011 is denied.

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

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

Date: 8/14/18

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: T. Bell
Chairman

by: Opardunis Chief Deputy
Clerk to the Board

RESOLUTION NO. 29, SERIES OF 2018

A RESOLUTION ESTABLISHING FEES ASSOCIATED WITH BUILDING DEPARTMENT AND ENVIRONMENTAL HEALTH SERVICES

WHEREAS, §30-28-201, C.R.S. authorizes the adoption of a building code by the Board of County Commissioners for all or part of the county; and

WHEREAS, on June 9, 2008, the Board of County Commissioners for Fremont County adopted the 2006 editions of the International Building Code, International Residential Code and International Energy Conservation Code as the Building Code of Fremont County; and

WHEREAS, §30-28-205, C.R.S., and §108.2 of the Building Code authorize the Board of County Commissioners to fix a reasonable schedule of fees for the issuance of building permits; and

WHEREAS, pursuant to §25-10-104, C.R.S., the Fremont County Board of Health is required to develop and adopt detailed rules for on-site wastewater treatment systems, which are presently in effect pursuant to Resolution 14, Series of 2018; and

WHEREAS, §25-10-107, C.R.S., authorizes the Board of Health to set fees for onsite wastewater treatment system permits, which are issued through the Fremont County Building Department; and

WHEREAS, pursuant to §25-1-508, C.R.S., the Board of County Commissioners has designated itself as the Fremont County Board of Health; and

WHEREAS, the Board of County Commissioners has determined that it is appropriate and necessary to consolidate, update and re-adopt the Fremont County fee schedule for Building Permits and Onsite Wastewater Treatment System Permits.

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fremont County, that the fees charged pursuant to the Building Code of Fremont County and the Fremont County Onsite Wastewater Treatment System Regulations be and hereby are established and fixed as attached hereto, effective August 15, 2018.

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

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

The Resolution was declared to be duly adopted.

Date: 8/14/18

[Signature]
Chairman

Attest: [Signature]
County Clerk/Deputy Clerk

Fremont County Building Department Fee Schedule

Total Valuation	Fee
\$1.00 to \$2,000.00	\$21.00 for the first \$500.00 plus \$2.75 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$62.25 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$349.75 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$574.75 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$887.25 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,887.25 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,000.00 and up	\$5,012.25 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00, or fraction thereof

Other Inspections and Fees

1 Inspections outside normal business hours (minimum 3 hours)	\$42.00 per hour*
2 Re-inspection fees- building or septic permits (minimum 1 hour)	\$42.00 per hour*
3 Plan review fees for multi-family, commercial or industrial applications	65% of required permit fee
4 Additional plan review fee required by revisions to plans (minimum ½ hour).....	\$42.00 per hour*
5 Use of third party consultants for plan review, inspections or both.....	Actual cost**
6 Manufactured home- county permit	\$204.00
7 Manufactured home- Colorado State MHIP inspection service	\$350.00
8 Installation certification insignia charge (MHIP)	\$60.00
9 Moved-in structure	\$360.00
10 Demolition permit	\$65.00
11 Flood damage prevention permit.....	\$75.00
12 Residential solar installation.....	\$172.00
13 Commercial solar installation.....	\$214.00
14 New septic system installation permit or major septic system repair permit	\$283.00
15 Minor septic system repair permit	\$142.00
16 Colorado State septic surcharge	\$23.00
17 Portable chemical toilet permit.....	\$30.00
18 Permit renewal (building permit or septic permit).....	\$48.00
19 Visual septic inspection.....	\$85.00
20 Partial inspection (building or septic).....	\$42.00
21 Replacement permit card.....	\$30.00
22 Building contractors license	See amended building code section 116.7
23 Septic installer or pumper license.....	\$50.00
24 Septic installer or pumper license renewal	\$25.00
25 Board of Appeals hearing	\$100.00

*Or the total hourly cost to the jurisdiction, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Actual costs include administrative and overhead costs.