

TWELFTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 26, 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

Tom Kilgore, of First Southern Baptist 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. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The Motion Carried.

CONSENT AGENDA

1. Amendment of Minutes / May 8, 2018
2. Approval of Minutes / June 12, 2018
3. Approval of Bills for \$3,511,042.87
4. Approval of Amendment Number 8 and Number 9 to the Food Service Contract at the Fremont County Detention Center.
5. Schedule Public Hearings: None

ADMINISTRATIVE/INFORMATIONAL

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

County Manager Sunny Bryant reported on the following:

The Administration Roof project has started. They will complete the west portion of the building.

The engineering has started on the Phantom Canyon Tunnel Project. Construction will be completed sometime this fall.

The Department of Transportation Crews are finishing up the Chip Seal Projects, which should be completed this week.

There will be a brick dedication at the Colonel Leo Sidney Boston War Memorial park on Saturday, June 30th at 10:00 a.m. There are 46 bricks being dedicated.

Florence Frontier Senior Pro Rodeo will be Saturday June 30th and Sunday July 1st at Pathfinder Park. There are other events throughout the community this weekend to celebrate the 4th of July.

Remember that we are on a Stage II Fire Ban. For more information, log on to the County Website or the County Facebook Page.

The Fremont County Offices will be closed on Wednesday, July 4th, to celebrate Independence Day. Have a safe holiday!

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

Manager Bryant reported that the Retail Sales Tax collected for April 2018 was \$389,261 which is up \$20,435 from last year. The Auto Use Tax Collection for May of 2018 was \$112,645 which is up \$27,801 from last year. The Construction Use Tax Collection for May 2018 were \$10,498 which is down \$3,924 from 2017. The Lodging Tax from April 2018 was \$7,910 which is up \$6,725 from 2017. The Sheriff Retail Sales Tax Collection for April 2018 was \$259,507 up \$13,623 from 2017. The Sheriff Auto Use Tax Collection for May 2018 was \$75,097 up \$18,535 from 2017. The Sheriff's Construction Use Tax Collections for May 2018 was \$6,999 which is down \$5,802 from 2017.

Commissioner McFall gave a reminder on the Stage II Fire Ban. No open fires, no fireworks and asked to be diligent during the extreme dryness and heat. He also reminded everyone of the Rodeo at Pathfinder Park.

Commissioner Payne also gave reminder on Stage II Fire Ban, and a reminder of no fireworks.

Commissioner Bell mentioned that they will be adding more names to the War Memorial at Memorial Park on Saturday at 10:00 a.m.

She also thanked the Canon City Chamber and the Fremont Community Foundation for another amazing White Water Festival.

Commissioner Bell mentioned that she was able to attend the dedication of a sculpture at the Child Montessori Pre-School. The sculpture was dedicated to Carol Ann Gentry and Judy Weyenburg who taught there for many years.

Also, she said that they were able to work with The Fremont Center for the Arts in a children's summer mural program. All of the kids who participated in the program were able to be a part of painting a mural on the back of the Garden Park Building.

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

George Storey wished everyone a fun and safe 4th of July. He reminded everyone to be careful of all construction.

OLD BUSINESS

None.

NEW BUSINESS

1. Unveiling of the New Fremont County Website

Lisa Hall stated that the new website will be up and running this weekend. She said that the old website was designed in 2005-2006 by some high school students. She said that Jon Grayson has been working on the new one and has put a lot of work in to it.

Jon Grayson presented the new website to the Board. He demonstrated all the new functionality, how much more user friendly it is and that it looks much cleaner than the old version.

2. Adoption of the Community Wildfire Protection Plan for Chandler Heights subdivision
Representative: Jill Filer, Emergency Manager

Jill Filer stated that this project will build a plan to help community with response, training, etc. Once this plan is completed and signed, it allows them to apply for grants for mitigations, etc.

Commissioner Bell moved to adopt the Protection Plan. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The Motion Carried.

3. Liquor License Transfer
Pester Marketing Company
DBA Alta Convenience 6326 (Currently Kwik Stop #6)
3.2% Retail Beer License
3095 E US Hwy 50
Canon City, Co 81212
Representative: Gabriel Gardner, Area Sales Manager

Gabriel Gardner stated that they have reviewed the training program that has been implemented. They are using a training company and all new and current employees are receiving mandatory 4-8 hours of training. They also have a 3rd party program come out to test compliance.

Chief Deputy Dotty Gardunio also stated that everything is in order in her office regarding the Liquor License.

Commissioner McFall moved to approve the Liquor License Transfer. Commissioner Bell seconded the motion. Upon vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The Motion Carried.

4. Resolution Authorizing Assignment of a Private Activity Bond Allocation for the 2018 Allocation Year to the Housing Authority of the City of Fort Collins, DBA Housing Catalyst

Manager Bryant explained that once the County determines that they do not have any projects to use these bonds towards, they reach out to the Council of Governments to see if they have any housing projects. If they don't and individuals from outside the community approach them, they can sign these bonds over to other individuals.

Patrick Stoffregen, the developer for 2 housing projects that they are working on in Colorado, said they are asking Fremont County to transfer their bonds once again. These are the same two projects that they were working on last year and building costs have increased significantly. These will be low income housing apartments.

County Attorney Jackson asked how many units they are looking at.

Stoffregen replied that they will have 180 apartments in one community and the second project will have 338.

Commissioner Bell wanted to mention that Fremont County is not missing out on any money that they normally would have received, nor is this costing the County any money.

Commissioner Bell moved to approve Resolution #21. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The Motion Carried.

5. Resolution Authorizing Assignment of a Private Activity Bond Allocation for the 2018 Allocation Year to the Housing Authority of the County of Adams, State of Colorado

Commissioner Payne explained that this is the same as item #4.

Commissioner McFall moved to approve Resolution #22. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The Motion Carried.

6. Holcim (US), Inc. Hearing on Petitions for Abatement or Refund of Real Property Taxes for tax years 2015, 2016, and 2017. Assessor Schedule Numbers: 99920372; 98405019

County Attorney Jackson explained that earlier this year Holcim submitted two petitions for abatement and refund on real property taxes. She said the Assessor has reviewed them and recommends denial. Holcim has not submitted any documentation, and upon speaking with their attorney, no one would be making an appearance. Once the Assessor makes her determination, it is submitted to the Board for final decision. Holcim and their attorney are aware of the decision and will appeal to BAA in Denver, which is where most tax issues get resolved.

Commissioner McFall moved to deny the Abatement or Refund of Real Property Taxes. Commissioner Bell seconded the motion. Upon vote: Commissioner McFall, aye; Commissioner Bell, aye; Commissioner Payne, aye. The Motion Carried.

Public Hearing Scheduled for 10:00 a.m.:

1. REQUEST: CUP 18-001 SH69 Gravel Pit
Request approval of a Conditional Use Permit, Department file #CUP 18-001 SH69 Gravel Pit, by Fremont County Department of Transportation, Tony Adamic. BLM is the owner of the property, which is located 2.5 miles south of Texas Creek, on the east side of Colorado State Highway 69. The pit will be a surface mine, producing material for road maintenance. Operation times will be Monday through Thursday 6 a.m. to 4:30 p.m. The site is for Fremont County use only; no public use will be allowed.
Representative: Tony Adamic FCDOT

Tony Adamic, FCDOT, spoke regarding permit for gravel pit located SW end of Fremont County. He said there will be no blasting at this site, it will be a screening and/or crushing site. He said that all of the other required state permits are in place.

Planning and Zoning Director Koch said that all the postings and publications have been made. All of the paperwork with his department is in order and it was approved at the Planning Commission meeting on June 5th. The pit will be for County use only, it will not be used commercially. His department recommends approval of this permit.

Commissioner Bell asked if since this is another branch or department within the County, that they were treated like any other applicant and had to go through the entire process, paperwork, etc. that anyone else would have had to do. She also wanted to know if the waiver of the parking plan was pretty typical for a gravel pit.

Director Koch replied yes to both questions.

Commissioner Bell questioned the verbiage to usage and abandonment and wanted to make sure that since it would not be used 7 months out of the year, did this make it abandoned.

Director Koch explained that there is further verbiage to cover this and it is more of a seasonal operation.

There were no public comments.

Commissioner Bell moved to approve Resolution #23, CUP 18-001. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The Motion Carried.

2. REQUEST: CDP 18-002 George Clark Auto

Request approval of a Commercial Development Plan, Department file #CDP 18-002 George Clark Auto by George Clark, for the property which is located on the south side of 3rd Street, approximately 320 feet east of the intersection of Colorado State Highway 115 and 3rd Street in Penrose. The property has been used for professional business uses and a church. The proposed use will be an auto repair garage, auto sales lot and professional office space. A watchmen's quarters will be located within the office building.

Representative: Angela Bellantoni, Environmental Alternatives

Angela Bellantoni explained that Mr. Clark is retiring in Fremont County and has found a building in Penrose that he would like to use to fix up and repair vehicles. The offices will remain as offices in the building. This would mainly be used as a hobby to keep him busy. He likes this building in particular due to all of the accessibility it has for his disabled wife.

Planning and Zoning Director Koch said all posting and publications have been made and the Planning Commission did approve this on June 5th. His department did find that this application met the requirements and recommends approval.

Commissioner McFall asked if this addressed fluids in the vehicles that he would be restoring.

Mr. Clark explained that they are contained and recycled off site.

There were no public comments.

Commissioner McFall moved to approve Resolution #24, CDP 18-002. 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 11:32 a.m.

3. REQUEST: SRU 18-003 Whitehorn Kennels

Request approval of a Special Review Use Permit, Department file #SRU 18-001 Whitehorn Kennels, by Allison Brown, for the property which is located on the south side of Fremont County Road 2, 2.2 miles east of the Chaffee / Fremont County line. The proposed kennels will house up to 26 Foxhounds. The Foxhounds are used for hunting in the National Forest. The applicant owns the hounds and uses them personally for hunting. The site contains 4.15 acres.

Representatives: Ray Lemons, North Fork Trust; Allison Brown, Whitehorn Kennels

Allison Brown, of Whitehorn Kennels, explained that she is looking at a remote area in Fremont County to house her 26 hounds. She gave a brief explanation of what fox hunting is. She stated that they hunt on public lands and some private ranches. Due to the number of dogs that Chaffee County will allow her to have on her land she purchased there, she is looking at this property to move them to so they can all be together. She said the dogs

don't actually kill any animals. They mostly hunt coyotes, but do not kill them. She said that her dogs are trained and will not harm cattle, deer, etc.

Commissioner McFall stated that no matter how much they've been trained, it is in their genetics and could deviate from their training and potentially harm cattle or wildlife.

Commissioner Payne asked if there were any complaints, would they go to the Department of Agriculture or Planning and Zoning. Director Koch said Planning and Zoning.

Commissioner Bell asked as to what kind of noise the dogs made, barking, baying, howling, etc. She also asked if the dogs would be housed at this location year round. Ms. Brown indicated that depending on what activity the dogs are engaged in. They make all of the above noises but it's not an all-day thing. Her intent of housing the dogs depends on what happens with her location in Chaffee County. She would like to house them in Chaffee County in the winter and Fremont County in the summer.

Planning and Zoning Director Koch said that all the paperwork is in order for this application, postings and publications were made and the Planning Commission did approve it both times they presented it to them. His department said this meets all requirements per their regulations and they do recommend approval.

Commissioner Bell asked Koch as to a date on item J under conditions. He stated he believed this to be a typo and it should read 2018, not 2011, but would verify.

Commissioner McFall wanted to know why Fremont County Cattlemen were not notified. Director Koch said they are not usually one of the agencies they notify for something like this. He also noted this would come up for an annual review.

Katie Parker spoke in favor of Whitehorn Kennels, explaining that she also enjoys Fox Hunting.

Sandra Hobbs spoke in favor of Whitehorn Kennels, this is her 3rd year of Fox Hunting.

Jeanie Everett spoke against Whitehorn Kennels, she stated there are discrepancies in the application, that it is misleading and incomplete. She is concerned about the threat the dogs pose to cattle and wildlife. She does not believe that Ms. Brown is helping to reduce the coyote population since she does not actually kill any animals, but simply relocates them to another property.

Elliot Jackson spoke in favor of Whitehorn Kennels, he currently lives in Custer County and is considering relocating to Fremont County to Whitehorn Kennels, if approved.

Lori Cammerino spoke in favor of Whitehorn Kennels, she is a neighbor and the dogs do not bother her. She likes to help with the dogs and they are quiet most of the day.

Charley Bearden spoke in favor of Whitehorn Kennels, he is also a neighbor to the northeast and the dogs do not bother him either. He lives at his location year round and has recently purchased blood hounds to protect his livestock. He has more issues with the cattle damaging his fences.

Ray Lemons spoke in favor of Whitehorn Kennels, he is a property owner and has personally witnessed cattle being more of a problem with damaging fences.

Tony Martinez spoke against Whitehorn Kennels, he said the Everett's have done a lot for the area and he is grateful. He thinks someone coming from out of Colorado will in fact effect and have an impact on wildlife with her dogs.

Commissioner Payne asked how often she takes the dogs out to hunt. Ms. Brown replied once a week starting in September but would like to retire and possibly take them out 2-3 times a week which would last until the end of March.

Commissioner McFall wanted to know if this was a private pack or a subscription pack. Ms. Brown said that she changed it from a subscription pack where someone had to pay a fee to a private pack where no fees are required, due to the death threats and harassment. She couldn't make it publically known where she was going to be for safety reasons.

Commissioner Payne asked if they were to limit the number of dogs she housed to 21 or less in order to get it approved, would she be opposed to this. Ms. Brown said if that is what absolutely had to happen to get it approved then yes, she would make it work, but she did not want to get rid of any of her dogs.

Commissioner Bell moved to table the decision and approval of findings to July 10th at 9:30 a.m. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The Motion Carried.

Clerk and Recorder

Gardner's Chief Deputy

Resolution No. 21, Series of 2018

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY AUTHORIZING THE ASSIGNMENT OF A PORTION OF FREMONT COUNTY'S PRIVATE ACTIVITY BOND ALLOCATION FOR 2018 TO THE HOUSING AUTHORITY OF THE CITY OF FORT COLLINS, DBA HOUSING CATALYST; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Colorado Private Activity Bond Ceiling Allocation Act, constituting Title 24, Article 32, Part 17, Colorado Revised Statutes (the "Allocation Act"), Fremont County, Colorado (the "County") has received a direct allocation of the State of Colorado's Private Activity Bond Ceiling for the year 2018 (the "2018 Allocation"); and

WHEREAS, the Housing Authority of the City of Fort Collins, dba Housing Catalyst (the "Authority") has requested that the County assign a portion of the 2018 Allocation in an amount equal to \$1,499,546 (the "Assigned Allocation") to the Authority pursuant to Section 24-32-1706 of the Allocation Act for the purpose of assisting in the financing of the construction of a 180-unit rental housing project to be known as Lakeview on the Rise located at 6740 South College Avenue, in the City of Fort Collins, Larimer County, Colorado; and

WHEREAS, the County desires to assign the Assigned Allocation to the Authority; and

WHEREAS, there has been presented to Board of County Commissioners of the County (the "Board") the form of an Assignment of Allocation (the "Assignment").

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

Section 1. Authorization of Assignment. The Board hereby authorizes the assignment of the Assigned Allocation to the Authority for use as described above.

Section 2. Approval of Assignment of Allocation. The form, terms and provisions of the Assignment hereby are approved and the officers of the County hereby are authorized and directed to execute and deliver the Assignment, with such changes therein as are approved by the officers of the County executing the Assignment. The execution of the Assignment shall be conclusive evidence of the approval by the Board of such document in accordance with the terms hereof.

Section 3. Further Action. The officers of the County shall take such other steps or actions necessary or reasonably required to carry out the terms and intent of this resolution and the Assignment.

Section 4. Ratification. All action not inconsistent with the provisions of this resolution heretofore taken by the Board and the officers of the County directed toward the

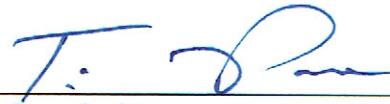
assignment of the Assigned Allocation and the authorization of the Assignment hereby are ratified, approved and confirmed.

Section 5. Severability. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution, the intent being that the same are severable.

Section 6. Repealer. All orders, resolutions, bylaws, ordinances or regulations of the County, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

Section 7. Effective Date. This resolution shall be in full force and effect upon its passage and approval.

APPROVED AND ADOPTED this June 26, 2018.



Chair, Board of County Commissioners

ATTEST:



County Clerk & Recorder

Resolution No. 22, Series of 2018

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF FREMONT, STATE OF COLORADO ASSIGNING AND TRANSFERRING TO THE HOUSING AUTHORITY OF THE COUNTY OF ADAMS, STATE OF COLORADO \$993,522 OF THE COUNTY'S 2018 PRIVATE ACTIVITY BOND VOLUME CAP ALLOCATION FROM THE STATE CEILING FOR PRIVATE ACTIVITY BONDS; AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ASSIGNMENT AND OTHER DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, the County of Fremont, State of Colorado (the "County") has been awarded \$2,493,068 (the "2018 Allocation") of the bond ceiling for the State of Colorado (the "State") and its issuing authorities pursuant to the Colorado Private Activity Bond Ceiling Allocation Act, constituting Part 17, Article 32, Title 24 of the Colorado Revised Statutes, as amended (the "Allocation Act"), for use in the issuance of private activity bonds to finance projects under the County and Municipality Development Revenue Bond Act, constituting Article 3, Title 29 of the Colorado Revised Statutes, as amended; and

WHEREAS, the Allocation Act provides for the assignment of bond allocations between issuing authorities of the State; and

WHEREAS, The Housing Authority of the County of Adams, State of Colorado (the "Assignee") is authorized by Part 5, Article 4, Title 29 of the Colorado Revised Statutes, as amended (the "Act"), and the Supplemental Public Securities Act, constituting Part 2, Article 57, Title 11 of the Colorado Revised Statutes, as amended (the "Supplemental Act"), to finance projects as defined in the Act, including residential rental housing that substantially benefits persons of low income as determined by the Assignee; and

WHEREAS, the County desires to assign and transfer to the Assignee \$993,522 of the County's 2018 Allocation, which the County and the Assignee will commit and reserve for the issuance of such private activity bonds to finance "projects" under the Act; and

WHEREAS, it is necessary to evidence such assignment and transfer and the acceptance thereof by the execution and delivery by the County of an Assignment of Allocation, dated as of July 1, 2018 (the "Assignment"), by and between the County and the Assignee; and

WHEREAS, the Assignee proposes to issue its housing revenue bonds pursuant to the Act and the Supplemental Act (the "Bonds") to finance "projects" under the Act (the "Project");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF FREMONT, STATE OF COLORADO:

Section 1. In order to finance the Project, the County hereby (i) assigns and transfers to the Assignee an amount equal to \$993,522 of the County's 2018 Allocation and (ii) approves, authorizes and directs the Chair of the Board of County Commissioners of the County (the "Board") to sign and deliver and the County Clerk and Recorder to attest and deliver the Assignment in substantially the form presented to the Board. A copy of the proposed

Assignment is on file in the office of the County Clerk and Recorder and is available for inspection by the public.

Section 2. The Chair of the Board is hereby authorized and directed to execute and deliver and the County Clerk and Recorder is hereby authorized and directed to attest and deliver such other agreements and certificates and to take such other actions as may be necessary or convenient to carry out and give effect to the Assignment and this Resolution.

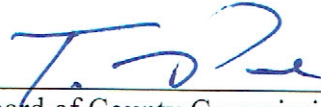
Section 3. Nothing contained in this Resolution or the Assignment shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the County within the meaning of the Constitution or statutes of the State or any political subdivision thereof, nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

Section 4. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. This Resolution shall be in full force and effect upon its passage and approval.

Adopted this 26th day of June, 2018.

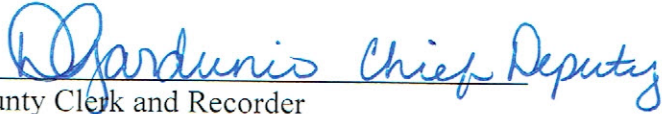
COUNTY OF FREMONT, STATE OF
COLORADO



Chair, Board of County Commissioners

[SEAL]

ATTEST:



County Clerk and Recorder

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RESOLUTION NO. 23
Series of 2018

RESOLUTION FOR CONDITIONAL USE PERMIT
DEPARTMENT OF PLANNING AND ZONING
FILE # CUP 18-001 SH69 GRAVEL PIT

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

THAT WHEREAS, Fremont County Department of Transportation, (hereafter "applicant") has made application for issuance of a Conditional Use Permit pursuant to 8.14 of the Zoning Resolution of Fremont County for a Permit to allow a to allow for a surface mine producing material for road maintenance, which application has been designated as file #CUP 18-001 SH69 Gravel Pit, to be located on certain real property that the BLM owns; and

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its June 5, 2018, 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 June 26, 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

WHEREAS, it appears that issuance of a Conditional 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 Conditional 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 Conditional 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. Conditional Use Permit is for the Life of Use.
- B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward is to the Board for their review as required by regulations.
- C. Applicants 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. Applicants shall comply with all the laws and regulations of the State of Colorado, its agencies or departments, the Board of County Commissioners of Fremont County, 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 and keep in effect all other permits required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension, or expiration of any such other permits shall revoke, suspend or terminate the permit authorized here under, as the case may be.
- F. All loads of material transported from the site shall comply with applicable Colorado Revised Statutes.
- G. Notwithstanding, the term for which this permit will be issued, the permit shall be subject to additional review by the Board of County Commissioner at its discretion and during any such review the Board may consider, if warranted in the judgement of the Board, the impact of the use upon traffic patterns and volume in the area to include setting additional or different conditions regarding access to the area and to the designate routes which trucks and traffic to and from the site are to use.

- H. Notwithstanding, the term for which this permit will be issued, the permit shall be subject to additional review by the Board of County Commissioner at its discretion during any such review the Board may consider, if warranted in the judgment of the Board, imposition of the requirement of fencing and/or screening the site.
- I. No materials may be stored on the property which are not associated with the approved use.
- J. Hours of operation are 6:00 a.m. to 4:30 p.m.
- K. Days of operation will be limited to Monday through Thursday.
- L. If a conditional use is abandoned, discontinued or terminated, for a period of six (6) months, the approval thereof shall be deemed withdrawn and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to, or does temporarily cease the conditional use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Planning Department prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit application a statement that the use would continue for less than (6) months in each year, and such fact is noted in the permit. In no case, however, shall a temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.
- M. If it is found by judicial action or it is determined by any other proper authority that the easement for access into the subject property is not valid then the termination of the Conditional Use Permit will not result.
- N. If a Conditional Use Permit is to be transferred it shall comply with all applicable Federal, State and Local regulations regarding such transfer.

- O. Upon receipt of a valid written complaint, a dust suppressant (calcium chloride or any other suppressant acceptable to the County) shall be applied when requested by the County.
- P. Fremont 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.
- Q. Only the named party on the permit shall be allowed to operate this Conditional 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 Conditional Use permit must agree to abide by all terms and conditions of this Conditional Use Permit and shall be required to be named on this Conditional Use Permit as additional parties who are bound by the terms and conditions of this Conditional Use Permit.

Commissioner moved the adoption of the foregoing Resolution, seconded by Commissioner and approved by roll call vote 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: June 26, 2018

CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

FREMONT COUNTY CLERK AND RECORDER



RESOLUTION NO. 24
Series of 2018

RESOLUTION FOR COMMERCIAL DEVELOPMENT PLAN

FREMONT COUNTY DEPARTMENT OF PLANNING AND ZONING FILE
#CDP 18-002 GEORGE CLARK AUTO COMMERCIAL DEVELOPMENT PLAN

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

THAT WHEREAS, George Clark, (hereafter "applicant") has made application for a Commercial Development Plan to allow an auto repair garage, auto sales lot and professional office space, and watchmen's quarters will be located within the office building; and

WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its June 5, 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 June 26, 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

Subd: Beaver Creek Corners Lot 2 Beaver Creek Corners Subdivision

The Real Property or its address is commonly known as 646 3rd St, Penrose.

Commissioner _____ moved the adoption of the foregoing Resolution, with a second by Commissioner _____, 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: June 26, 2018



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:



FREMONT COUNTY CLERK AND RECORDER