

TWENTY-SECOND MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 9, 2021, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman Dwayne McFall called the meeting to order at 9:30 a.m.

Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Kevin Grantham	Commissioner	Present
Talia Smith	Recording Technician	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Mica Simpleman	Planning & Zoning Director	Present

INVOCATION

Joe Garkovich, Mercy Today Ministries

PLEDGE OF ALLEGIANCE

Those present cited the Pledge of Allegiance to the flag of the United States of America.

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes / October 26, 2021
2. Approval of Bills for \$ 1,588,163.09
3. Resolution No. 41 Amending Resolution No. 19 Series 2020, a Resolution for Special Review Use Permit Department of Planning and Zoning File #SRU20-001 Phantom Canyon Estates
4. Schedule Public Hearing: None.

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

ADMINISTRATIVE/INFORMATIONAL

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

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

- b. Public Health Report, Kayla Marler, Public Health Director

Director of Fremont County Public Health and Environment (FCDPHE) Kayla Marler gave the Public Health Report Update and referred to the Covid-19 Case Data 2020 VS. 2021 slideshow, which can be found at www.fremontco.com. She noted they plan to update the slideshow weekly for public viewing. She also discussed their cooperation with Mako regarding increased testing for Covid-19 and mentioned that

Colorado Vaccine Mobile is available in Fremont County until the end of December on Sundays at the Royal Gorge train from 10:00 a.m. to 6:00 p.m., Mondays at Fremont County DHS, and Tuesdays at Florence Medical Center. Director Marler also discussed the implementation of monoclonal antibody therapy.

Commissioner Grantham asked Director Marler whether there was any good news.

Director Marler repeated her point on Vaccine Mobile as well as the prospective use of antibody therapy.

Commissioner Grantham clarified to the public that the Vaccine Mobile is at the Royal Gorge Train Station, not at the Royal Gorge Bridge.

Commissioner McFall talked about county residents having the personal responsibility to help keep the rate of positive Covid-19 cases low.

Commissioner Bell agreed with Commissioner McFall and thanked Director Marler and her staff.

Commissioner McFall noted his appreciation for the new presentation of data.

c. Code Enforcement Cleanup Report, Danielle Adamic, Code Enforcement Officer

Code Enforcement Officer Danielle Adamic reported on a property located in Cotopaxi that violated various codes. She talked about the developments that occurred on the property since June 2019 and mentioned the 28 on-site inspections that Code Enforcement carried out. She said the property cost the County \$47,426.48 in total.

Commissioner McFall explained that resolving code enforcement cases doesn't happen overnight. He thanked Code Enforcement Officer Adamic and her team.

Commissioner Bell stressed that the job took over two years to complete and explained the purpose in employing the Helping Hands program in some cases.

Commissioner Grantham noted that the lengthy timetable is meant to give due process and protection to all land owners from the potentially heavy hand of government.

Commissioner McFall announced that Item 2 of Administrative/Informational and Item 1 of New Business will proceed before the Public Hearing scheduled for 10:00 a.m. He also invited two employees from DHS to speak about National Adoption Day.

Tonia Sutton, Family Services Program Administrator for the Fremont County Department of Human Services said National Adoption Day is on November 20th and spoke more about National Adoption Day in Fremont County. She then thanked the Board for their proclamation.

Commissioner McFall thanked them for their work and congratulated them on the upcoming adoption day.

Commissioner Bell thanked those who voted in the recent election, congratulated those who won and ran, and mentioned that Penrose should now have enough funding for emergency medical services.

Commissioner Grantham reiterated Commissioner Bell's thanks and spoke about updates on the Congressional redistricting and Legislative reapportionment. He also mentioned the brick-dedication Veteran's memorial at the County Airport at 3:30 p.m. today November 9, 2021.

Commissioner McFall thanked veterans for their service. He also notified the public about fire restrictions.

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

- a. Monica Burgess

Monica Burgess brought up her concern about the Administration Building being only accessible by the front entrance.

Commissioner Bell told Ms. Burgess that the north entrances to the building are hazardous to the public and the west entrance was closed for Covid-19 and to ensure employee protection.

OLD BUSINESS

1. None.

NEW BUSINESS

1. Veterans Day Proclamation

Commissioner Grantham read the proclamation, which included the names of all current Fremont County employees who are veterans. Those in attendance were asked to stand.

Commissioner Bell spoke about her family who served in the Armed Forces and also about her experience as a mother of someone in the military. She then thanked the veterans who were standing.

Commissioner Grantham added that he also had family in the military and thanked the veterans for their service.

Commissioner McFall conveyed that signing the proclamation is an honor. He also thanked the veterans for the freedoms they fought for.

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

Commissioner McFall announced that the remaining items on New Business will proceed before the Public Hearing scheduled for 10:00 a.m.

2. Approval of Malt, Vinous, and Spirituous Liquor Special Event Permit for CASA event to be held on 11/19/2021 from 1:00 PM to 7:00 PM at 807 Cyanide Ave. in Canon City, CO 81212.
Representative: Kari Telck

Kari Telck explained that Court Appointed Special Advocates (CASA) speaks for children in need. She said the event through Arcanum Spa is meant to reach out to the public for volunteers.

Commissioner McFall asked if the event is open to the public or by invitation only.

Ms. Telck replied that the event is open to the public and noted that Arcanum will also be hosting a hat and glove drive for CASA kids.

Commissioner Bell asked how they will control age limits at the event.

Ms. Telck said there will be checks in place for age identification.

Commissioner Bell asked Ms. Telck about the training process for those checking IDs and serving alcohol.

Ms. Telck said the Arcanum Spa is fully trained.

Commissioner Grantham asked if there will be a single entry.

Ms. Telck confirmed there would be one entry.

Recording Technician Smith reported that the application did not meet the County's 45-day guideline, but it was still able to be reviewed by the County Attorney and the business inspected by the Health Department and Sheriff's Office. She noted that if approved today, the applicant will meet the State's 10-day notification period.

Commissioner McFall noted his appreciation for advocating for local children and reaching out to help more children in the community.

Commissioner Bell moved to approve a Special Event Permit for CASA for an event to be held on 11/19/2021 from 1:00 PM to 7:00 PM at 807 Cyanide Avenue in Cañon City, CO 81212. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Recording Access and Government to Government

County Manager Bryant explained that the Clerk and Recorder wants to purchase a license with the current recording software provider Tyler Technologies, allowing government entities to submit items electronically and directly to be recorded. She said the initial cost is \$17,000 plus \$1,000 for the first year of use and \$1,500 per year after that.

Commissioner McFall said Clerk Grantham will speak more on the subject once it goes live.

Commissioner Grantham moved to approve Recording Access and Government to Government contracts. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

4. Resolution for Support for the Pike National Historic Trail

Jim Nelson shared the historic background of Pike's Trail in 1806 and 1807 as it pertains to Fremont County. He then read aloud Resolution #42.

Commissioner McFall thanked Mr. Nelson for the exciting and interesting story.

Mr. Nelson said Pike's camp in Cañon City was one of his most significant.

Commissioner McFall considered travel in the area before roads were built.

Commissioner Bell recognized and thanked Mr. Nelson's enthusiasm for history.

Commissioner Grantham also thanked Mr. Nelson and described how Pike's journey took place four decades before Fremont County was established. He also mentioned that he and Representative Wilson passed something that gives Commissioners the authority to designate certain roads as parts of Pike's Trail.

Commissioner Bell moved to approve Resolution #42 for support for the Pike National Historic Trail. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. Resolution Imposing A Moratorium on Enforcement of Certain Provisions of the Fremont County Zoning Resolution Regarding Minimum Acreage for Fire and Police Stations Platted as Outlots

Commissioner McFall discussed how Arkansas Valley Ambulance Service has purchased a lot for an ambulance garage to cut down service response times and then read Resolution #43.

Commissioner Bell thanked County Attorney Jackson for coming up with a way to allow the service to happen.

Commissioner Grantham moved to approve Resolution #43 Imposing a Moratorium on Enforcement of Certain Provisions of the Fremont County Zoning Resolution Regarding Minimum Acreage for Fire and Police Stations Platted as Outlots. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

6. Reappointment of Michael Pullen to the Planning Commission for a term ending December 31, 2024

Commissioner Bell said Michael Pullen has done an excellent job on the Planning Commission.

Commissioner Bell moved to reappointment Michael Pullen to the Planning Commission for a term ending December 31, 2024. 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. Proposed 2022 Fremont County Budget

Commissioner McFall opened the public hearing at 10:45 a.m.

County Manager Bryant spoke about the 2022 Budget Strategy, gave an overview of the 2022 revenues, discussed Fremont County's portion of the ARPA Funds, 2022 Capital Projects, and tax revenues. She said budget adoption is scheduled for a special meeting on December 20, 2021 and noted that the 2022 Draft Budget can be found at www.fremontco.com and in Room 106 in the Administration Department at 615 Macon Avenue.

Commissioner Grantham Asked for clarification on the inclusion of the ARPA Funds within county Manager Bryant's overview. He asked if the spending of ARPA Funds would be about \$400,000.

County Manager Bryant agreed with Commissioner Grantham.

Grace Ann Pittner asked whether County Manager Bryant's projections were consistent with what was passed in the recent election.

County Manager Bryant said the budget will be updated as more information from the election comes in resulting in the final adopted budget and that if all the information does not come in on time, they will amend the final budget in 2022.

Commissioner Grantham spoke about balancing the budget.

Commissioner Bell thanked County Manager Bryant and her crew.

County Manager Bryant thanked the department heads and elected officials for operating economically the last couple of years.

Commissioner McFall closed the public hearing at 11:00 a.m. with no further public input.
Board action was not required.

Commissioner McFall adjourned the meeting at 11:00 a.m.



Clerk to the Board of County Commissioners



RESOLUTION NO. 41
Series of 2021

AMENDED RESOLUTION to correct errors in Resolution No. 19 Series 2020
Recorded at Reception R-2020-019
Corrections noted in ***BOLD ITALICS***

RESOLUTION FOR SPECIAL REVIEW USE PERMIT
DEPARTMENT OF PLANNING AND ZONING
FILE # SRU 20-001 PHANTOM CANYON ESTATES

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

THAT WHEREAS, ***Phantom Canyon Estates, Royal Gorge Karting Circuit, LLC***, (hereafter "applicant") has made application for issuance of a Special Review Use Permit pursuant to 8.14 of the Zoning Resolution of Fremont County for a Permit to allow for a Travel Trailer & RV Park, which application has been designated as file #SRU 20-001 Phantom Canyon Estates to be located on certain real property that the applicant owns; and

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **March 3, 2020**, regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on March 10, 2020, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

WHEREAS, it appears that issuance of a Special Review Use Permit is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use Permit to Applicant as follows:
 - a. The procedural requirements of Section 8.14 of the Fremont County Zoning Resolution have been met.
 - b. The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
 - c. The proposed use will not have detrimental effects on property values.
 - d. The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
 - e. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
 - f. The site is sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
 - g. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.
2. A Special Review Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions that must be met within six (6) months, if applicable, since the use was previously in operation prior to approval by the Board:
 - A. Special Review Use Permit shall be issued for life of the use.

- B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and / or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.
- C. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- D. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
- E. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- F. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department of Planning and Zoning prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.
- G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.

- H. Days and hours of operation shall not be limited
- I. Applicant shall install ~~permeant~~ **permanent** restrooms within 24 months from the date of approval
- J. Applicant shall obtain approval from the Fremont County Board of Health for the use of portable toilets or “sanitation closets” prior to commencing any **exploration** activities ~~in the expansion area.~~
- K. Applicant shall submit receipts or other documentation that the dump station is being serviced on an annual basis.
- L. Applicant shall comply with all requirements of the Fremont County Department of Transportation regarding access permits, and any additional requirements regarding traffic impacts.
- M. Only self-contained units will be allowed at the travel trailer park
- N. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- O. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
- P. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.14 of the Fremont County Zoning Resolution (complete reapplication).

WAIVER REQUESTS: Waivers of the following have been requested and are granted:

5.3.2 Surfacing: Surfacing for all business, commercial or industrial off-street parking areas shall be graded and surfaced to control dust and provide proper drainage. Spaces shall be asphalt or concrete surface unless waived by the Board. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed to prevent parking vehicles from extending over any lot lines.

5.3.4 Landscaping: All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

CONTINGENCY ITEMS TO BE COMPLETED PRIOR TO COMMENCING OPERATIONS:

1. Apply for and be issued an access permit for County Road 67 from the Fremont County Department of Transportation.
2. Obtain all necessary approvals from the Fremont County Engineer regarding the drainage plan
3. Obtain all necessary approvals and permits for dump station.

BE IT FURTHER RESOLVED that all applicable provisions of the Fremont County Zoning Resolution, particularly Chapter 8, shall apply to all activities conducted pursuant to this permit and shall govern the process for enforcement, violations and other issues arising under the permit.

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

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

The Resolution was declared to be duly adopted.

DATE: October 26th, 2021

[Signature]
CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: [Signature]
FREMONT COUNTY CLERK AND RECORDER



RESOLUTION NO. 42, SERIES OF 2021

A RESOLUTION FOR THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS, FREMONT COUNTY, COLORADO, CONCERNING SUPPORT FOR THE PIKE NATIONAL HISTORIC TRAIL

WHEREAS, the establishment of the Pike National Historic Trail will promote investigation to embellish historical, geographical and the unique cultural heritage of Fremont County, and

WHEREAS, the Pike Expedition was in and explored Fremont County from December 1 to 11, December 26 to 31, 1806 and January 1 to 16, 1807, and

WHEREAS, educational opportunities would be beneficial to the children and adults residing in Fremont County as well as visitors to our beautiful landscape, and.

WHEREAS, the providing of education materials for educators, tourists and parents would further embellish the historical significance of the Pike Expedition and knowledge of General Zebulon Montgomery Pike himself, and

WHEREAS, the route of the Pike Expedition of 1806-7, which passes through Fremont County, more than satisfies the three qualifications of the National Trails system Act (P.L. 90-543) Section 5 (b) (11), and

WHEREAS, the Pike National Historic Trail has national significance with respect to exploration and eventual migration and settlement, trade and commerce on the Santa Fe Trail, and the gathering of information used in the Mexican American War, and

WHEREAS, the route of the Pike 1806-7 Expedition had a far reaching effect on the fulfillment of the doctrine of Manifest Destiny, and

WHEREAS, the lure of the tourist to Fremont County is significant, and

WHEREAS, the expansion of the National Trails System will benefit all American people by honoring a historic expedition;

NOW, THEREFORE, BE IT RESOLVED, THAT THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO, supports the legislation necessary to designate the Pike National Historic Trail as a National Historic Trail including resolutions, final designation, other appropriate measures, and

FINALLY, BE IT RESOLVED, that we, the Fremont County Board of Commissioners, support and encourage the efforts of the Pike National Historic Trail Association in its

attempts to gain support for national designation in the seven states which the Pike Expedition explored.

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

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

The Resolution was declared to be duly adopted.

Date: November 9th, 2021

D. McFall

Chairman

Attest: *[Signature]*

Clerk to the Board



RESOLUTION NO. 43, SERIES OF 2021

RESOLUTION IMPOSING A MORATORIUM ON ENFORCEMENT OF CERTAIN PROVISIONS OF THE FREMONT COUNTY ZONING RESOLUTION REGARDING MINIMUM ACREAGE FOR FIRE AND POLICE STATIONS PLATTED AS OUTLOTS

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 allows deviation from minimum lot size in various zone districts for siting of fire stations, police stations and by interpretation, emergency medical services facilities for housing ambulance and other emergency equipment and supplies; and

WHEREAS, the FCZR requires a minimum lot size acreage of 4-1/2 acres for siting of fire, police and EMS stations, provided such facilities are platted as an outlot and specifically limited to the intended purpose through language on the plat; and

WHEREAS, areas of Fremont County are underserved by emergency services providers, particularly in the more rural, outlying parts of unincorporated Fremont County; and

WHEREAS, the Board of Commissioners is aware that availability of emergency services and response times could be improved by allowing the placement and siting of emergency services facilities on lots that are smaller than 4-1/2 acres, provided that any building or development complies with minimum setback requirements and minimum distance separations for water wells and Onsite Wastewater Treatment Systems (OWTS); and

WHEREAS, the Board is of the opinion that the FCZR should be revised and amended to allow more flexibility on lot size for siting emergency services facilities, which could require several months to complete; 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 lot size for emergency services facilities platted as an outlot with the use restricted to the specific purpose through language on the plat; and

WHEREAS, the Board believes it to be appropriate and necessary to place a moratorium on the enforcement of the FCZR regarding the minimum lot size for fire, police and EMS facilities, effectively eliminating the 4-1/2 acre minimum lot size requirement and providing guidance for county staff in future interpretations under this moratorium.

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 lot size for fire, police and EMS stations in the following zone districts:
 - A. Agricultural Forestry;
 - B. Agricultural Farming & Ranching;
 - C. Agricultural Living.
2. Fire, Police and EMS station lot size may deviate from the minimum lot width development requirement for the zone district.
3. A Special Review Use Permit shall be required for these uses, as currently provided in the FCZR.
4. The lot size for fire, police and EMS facilities shall be large enough to meet all development and building setback requirements set out in the FCZR.
5. The lot size for fire, police and EMS facilities shall be large enough to accommodate minimum separation distances for placement of a water well and OWTS, regardless of whether a well and OWTS are actually constructed or installed on the lot at the time of development for fire, police and EMS facilities.
6. If the lot is intended to be developed for fire, police or EMS facilities, the lot shall be platted as an outlot with language included on the plat to specifically limit use of the lot for the emergency services facility in perpetuity.
7. The purpose and intent of this moratorium shall be to provide opportunities for emergency services providers to construct facilities that better serve the intended community receiving such services.
8. 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: November 9th, 2021

Dwayne McFall
Chairman

Attest: [Signature]
Clerk

