

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
January 6, 2026, AT 3:00 P.M.**

MEMBERS' PRESENT

John Hamrick
Larry Brown
Rudl Mergelman
Dale McCullough
John Carper
Travis Payne

STAFF PRESENT

Dan Victoria, Planning Director
Joanne Kohl, Office Manager
Danielle Adamic, Senior Coordinator

1. CALL TO ORDER

Chairman Hamrick Called the meeting to order at 3:03 pm.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF THE JANUARY 6, 2026, PLANNING COMMISSION AGENDA

Chairman Hamrick asked if there were any changes, additions or corrections to the January 6, 2026, Fremont County Planning Commission Agenda.

MOTION

Mr. Carper motioned to accept the January 6, 2026, Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Payne second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (6 of 6)

4. APPROVAL OF THE DECEMBER 5, 2025, PLANNING COMMISSION MEETING MINUTES

Chairman Hamrick asked if there were any changes, additions or corrections to the December 2, 2025, Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Payne motioned for approval of the December 2, 2025, minutes.

SECOND

Mr. Carper second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed unanimously. (6 of 6)

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS:

A. Election of Chairman

MOTION

Mr. Payne motions to nominate Mr. John Hamrick for the position of Chairman of the Planning Commission.

SECOND

Mr. Carper second the motion.

Chairman Hamrick thanks the board for the nomination, accepted and called a roll call vote, the motion passed Unanimously. (6 of 6)

B. SRU 25-002 Diana's Pumpkin Patch

Diana's Pumpkin Patch & Corn Maze application is for the use of Agritainment and includes education on farming and animal care. This will be located at 1649 & 1629 (adjoining lots) on Poplar Ave., in Canon City. Owned and operated by Timothy & Susan Madone.

Applicants: Tim & Sue Madone

Chairman Hamrick asks staff for their report.

Director Victoria states that SRU 25-002 Diana's Pumpkin Patch application is for the use of Agritainment and includes education on farming and animal care. This will be located at 1649 & 1629 (adjoining lots) on Poplar Ave., in Canon City. Owned and operated by Timothy & Susan Madone. They will have a corn maze, skill building, pumpkin picking, tractor hayrides, hay slides, & reading journeys for students. They will allow for social gatherings, event parties, club meetings, potlucks, prayer meetings, photography, and weddings during their requested hours of operation.

Operation

Requested hours of operation:

- They will operate from September 20th to October 31st.
- This permit is for life of use.
- Monday – Thursday 9:30 a.m. to 12:00 p.m.
- Friday & Saturday 10:00 a.m. to 9:00 p.m.
- Sundays 10:00 a.m. to 6:00 p.m.
- Reservations allowed after hours on the weekdays but will always close at 9:00 p.m.

Employees:

- They will have 6 to 10 employees.
- Contracted security during the weekends (two security staff estimated).
- 3 to 4 volunteers as needed.

Expected Guests:

- Monday – Thursday 65 to 75 guests per day with the exception for school events that will bring in 250 to 275 guests.
- Friday – Sunday 800 to 1,000 guests per day.

Proposed Structures / Installation Timeline:

- Grain Silo – 15' radius – 2026 or 2027.
- Tent C – 12'x90' – 2027 or 2028

- Cow Barn (existing structure) – 10’x20’ – To be relocated on-site.
- Carport 1 (existing structure) – 18’x20’ – To be relocated to meet setbacks – 2026.
- Carport 2 (existing structure) – 18’x18’ – To be relocated to meet setbacks – 2026.
- 2 Shipping containers (existing) – 7.5’x20’ – To be relocated to meet setbacks – 2026.

Background / Associated Cases

Diana’s pumpkin patch has been operating for 25yrs at this location per the “about section” of their website. The Planning and Zoning department has Temporary Use permits dating back to 2015. In prior years, this project was permitted by Temporary Use Permit as for the *USE* of Agritainment, was not defined in the zoning regulations. During the FCZR rewrite, this use was defined and added to various zone districts.

Zone District / Land Use

Zoning: Residential One (R1)

North: Residential One (R1)- Residential

East: Residential One (R1)- Residential

South: Residential One (R1) / Manufactured Home Park (MHP)- Residential

West: Residential One (R1)- Residential

Estimated Traffic Count:

Trips per weekday: 1 to 2 buses every morning plus an additional 34 trips daily

Trips per weekend: 288 trips daily (91 cars every 4hrs)

Access Points:

Entire road frontage of Popular Avenue and Locust Street.

Fire Protection: Canon City Fire Protection District

Floodplain: N/A

Water: City of Canon City

Sanitation: Chemical Toilets (if approved)

Electric: Black Hills

Refuse: Apex/ Twin Enviro (8yd dumpster)

Natural gas/Propane: Blue Flame

Lighting: 2 PAL lights from Black Hills Energy, one by the Admission Barn and one in Parking Lot B. Solar lights will be used to light up walking paths and the chemical portable toilets.

Noxious Weed Control Plan: Plan not signed by Weed Management.

Proposed Parking:

9x18 Gravel parking spaces – 66

9x18 Grass surfaced parking spaces - 103

9’x18’w 4’aisle ADA parking space - 6

Public Comments/Concerns: None Received

AGENCY COMMENTS

Staff requested comments from various review agencies. Staff has incorporated comments received to date either in their entirety or in part of this staff report.

FCDPHE:

The dumpster shall be placed on a nonabsorbent, smooth surface such as concrete or asphalt. Yes, the dumpster is required to be on a nonabsorbent surface, however since this event lasts for 6 weeks, FCDPHE is not overly concerned with this requirement until a time that food service goes beyond the Special Event License and is offered on a consistent basis.

FCDOT:

- Applicant is to ensure on-site parking only – no parking in the County r-o-w.
- Applicant will be responsible for trash/debris removal and disposal from SRU activities.
- Applicant cannot block roadways or interfere with the line of sight for the traveling public.
- Applicant will be responsible for partial maintenance material of approximate 34 tons of $\frac{3}{4}$ gravel, approximate 28 tons of $\frac{1}{2}$ gravel, and approximate 1,600 gallons of oil at current market prices, at the frequency determination of the DOT.
- Applicant will need to maintain the county rights-of-way along applicant property lines as needed and/or when maintenance is required as determined by the DOT.
- We are agreeable with waiving the traffic count and engineering items as long as the agreement to help cover the cost of material is signed.

Fremont County Engineer:

The revised drainage is acceptable and has my recommendation for approval.

Fremont County Building and Environmental Health Department:

Although this department recommends a more permanent type of sanitation facility such as a vault privy. The number of attendees as stated in the application would require more than one vault privy or a restroom facility with an OWTS. The applicant also stated that the event is seasonal from mid-September to the end of October, therefore the use of chemical toilets (with the approval of the Board) would be in compliance with the Fremont County OWTS Regulations.

- A permit for the use of portable chemical toilets will be required. The applicant shall contact this office for the application and permitting process information. This review is based on the seasonal event time provided in the application. If the event increases the operation hours this department reserves the right to re-review this SRU application.

A portable chemical toilet may be used by permit from the Fremont County Board of Health.

- Use of a portable chemical toilet in permanently occupied buildings is prohibited except during construction or under emergency circumstances as determined by the Fremont County Board of Health. Proper ventilation of a chemical toilet used inside must be required.

Canon City Fire Protection District:

No questions or comments from us.

Code Enforcement:

Upon inspection of the property, we found stacks of building materials including brick, Lumber, and plywood. There was a section of the storage area that was used wheels and tires, along with old tractor pieces. There was a large amount of scaffold and 4 Cement mixers consistent with a masonry company. We located a skid steer, back-hoe and forklift that did not have current SMM registration.

REQUESTED WAIVERS:

1. FCDPHE requirement of a hard surfaced dumpster pad. (Supported per FCDPHE recommendation)
2. Surfacing requirements for standard parking spaces located in agricultural areas. (Supported by staff to preserve agricultural land)
3. Surfacing requirements for ADA parking, road base instead of hard surfacing. (Not Supported per FCZR 5.05.ii.3.c.)
4. Applicant has requested a 24-month timeline to correct any Code violations that exist on the property. (Not Supported, staff finds it reasonable to have violations correct prior to the 2026 season)

DEPARTMENTS RECOMMENDATION

Staff recommends **APPROVAL** of the Special Review Use Permit with the following Waivers, Contingencies & Conditions:

Waivers (supported):

- #1. Hard surfaced dumpster pad
- #2. Surfacing requirement for standard parking spaces located in agricultural areas. (103 spaces)
- #4. Code compliance with violations prior to the 2026 season.

CONTINGENCIES:

In addition, the following contingencies shall be provided to the Department within six (6) months (**no extensions**) after final approval by the Board:

- 1) Signed FCDOT Roadway Maintenance Agreement
- 2) Minor redlines corrected on site plan.

CONDITIONS:

- 1) Carport 1 (existing structure) – 18’x20’ – To be relocated to meet setbacks – 2026 season.
- 2) Carport 2 (existing structure) – 18’x18’ – To be relocated to meet setbacks – 2026 season.
- 3) Shipping containers (existing) – 7.5’x20’ – To be relocated to meet setbacks – 2026 season.
- 4) Chemical Toilet permits renewed annually and submitted to Planning and Zoning by the applicant.
- 5) Hard surface 6 ADA parking spaces prior to the 2026 season.
 - o Per FCZR 5.05.ii.3.c, hard surfacing is asphalt or concrete.
- 6) Compliance with FCDOT roadway requirements.

Chairman Hamrick states that he would like to commend Director Victoria and staff for working with the applicant, working with them and showing flexibility to help them achieve their commercial goals.

Mr. Carper asks Director Victoria what the period of time on the Temporary Use Permit was.

Director Victoria states staff has been flexible with how the Temporary Use Permits were being issued, normally the permit is not to exceed 30 days. Often, it’s for individual events or a weekend event. For temporary use, this has been going on for 20 plus years and 15 that it’s been permitted, it’s seasonal, not really

temporary. Staff feel that if they could do this Agritainment permit, now that this use formally exists, it is a one and done with a yearly inspection. This is for the life of the use.

Chairman Hamrick asks the applicant to speak.

Sue Madone states that the conditions are not fine with her. She has run a temporary permit since they started, because the county decided to change her zone to R1, knowing the 10 acres were there, and farm ground, she now must fall into the new rules. She states that there are no problems if she has a TUP, now being switched to a Special Review Use permit, there are all kinds of problems. One of the problems is the road chip and seal that FCDOT wants her to sign, she doesn't feel she should fix the road. Especially because she is only open 6 weekends. She has 2 driveway permits and people are parking on the sides of the street. She has even put signs stating for people to not park on the county right-of-way. She states that the building Department mentioned it would be good to have a restroom facility, she wrote them back and stated you can't have a restroom out there, kids are there and would fill toilets with corn cobs and pop cans. This is a farm 12 months out of the year. 6 weeks is allowed to have people on it. She has called in professionals regarding the ADA parking, not one of them said that ADA parking has to be concrete. It says in ADA regulations, firm, stable and slip resistant accessible parking spaces. It does not say concrete anywhere.

Mr. Madone states that they are working to thin out the masonry and building equipment on the lot. It is past the corn field and no kids or people go back there.

Director Victoria states that code enforcement did an inspection and noticed equipment that was not SMM and the applicant explained that it was for agriculture use. However, not everything along their back fence line is for agricultural use. It appears there's a masonry business being operated back there illegally, numerous items of junk, trash and debris that do not have any current use on the property. Per regulations, that is a code violation.

Mr. Payne states that they are not going to litigate whether anything is a code enforcement violation, that is between the applicant and code enforcement, not the Board.

Chairman Hamrick states that basically there are two types of code violations and issues with setbacks, which the applicant has agreed to move the buildings and junk trash and equipment.

Director Victoria states that on the back fence line there are code violations and you can clearly see what is not agricultural and would need to be stored differently. The volume of masonry equipment there leads you to believe it is used for a business purpose. He states that Code violations do not go away just because they are hidden.

Chairman Hamrick states that the other issue is the compliance with FCDOT requirements with the parking.

Director Victoria states that it is for the wear and tear on the county roadways. Staff tried to be creative with this application and tried to be accommodating. Since there are two access points, the solution that was presented was to allow all their attendees to pull off a county road and have the entire road frontage suitable for parking. Typically, all the parking would have to be internal. He states that 3,500 attendees a week for 6 weeks, he would argue, is not agricultural in the sense of farming, this is business use. These people would not be coming if this business use did not exist. This will eventually cause damage to the roadway. FCDOT worked with the applicant and said that if they covered the materials, they would do the labor. He states that they can work on adding to the agreement that this is only valid during the life of this permit.

Mr. Mergelman states that he does agree with the farm, but 6 weeks out of the year this isn't a farm, this is entertainment. The applicant has changed her land use voluntarily. When you change your land use, the rules change too.

Chairman Hamrick asks if there are any other questions from the commissioners and if not, states he is open to a motion.

MOTION:

Mr. Payne motioned to approve SRU 25-002 Diana's Pumpkin Patch with the recommended staff contingencies, conditions and waivers #1 & #2 and moving #4 into a contingency. Also to add agreement valid for the life of the business.

SECOND:

Mr. McCullough second the motion.

Chairman Hamrick called for a roll call vote, and the motion passed. (6 of 6)

C. SP 25-001 Royal Gorge Ranch & Resort

Chairman Hamrick states that they will be scheduling a Pre-Application Conference based on their review of a Sketch Plan.

Director Victoria states that they are scheduling a work session for a Sketch Plan, which is an overview of a Preliminary Plan, with the Planning Commission, Staff and the Applicant to provide feedback.

Applicant, Mr. Ty Seuffer states that he just wanted to give the Board a quick overview of the entire project, stating that he has been a lifetime resident in Fremont County, his goal is to always have a premier destination, he is putting together the Royal Gorge Ranch & Resort at the old Buckskin Joe property. His vision is for it to be 772 acres of amazing landscape designed to be an outdoor adventure private gated community. There will be 152 three acre lots. All small eco friendly homes under 1,300 sqft. He is asking for guidance to schedule a full work session to bring his vision to life

Chairman Hamrick asks the commissioners to check their schedules to agree on a time for the Pre-Application Conference to be held in room 208.

Mr. Payne asks if they can request the county attorney to be there.

Director Victoria will inquire into that.

Commissioners have agreed to a scheduled Pre-Application Conference set for Wednesday, February 4th, 2026 at 10:00am in the County Administration building in room 208.

7. ADJOURNMENT

Chairman Hamrick adjourned the meeting at 4:39 p.m.



CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

11-7-2026

DATE