

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
June 5, 2018 AT 3:00 P.M.**

MEMBERS PRESENT

Byron Alsup (Chairman)
Mark Masar
Gardner Fey
Dennis Wied
Keith Ore
Michael Pullen

STAFF PRESENT

Matt Koch, Planning Director
Brenda Jackson, County Attorney
Tanya Fleming, Planning Assistant

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

May 1, 2018 Planning Commission Meeting

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. 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 for 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

REQUEST: SRU 18-002 Deer Mountain Fire Protection (Fire Station No.4)

Request approval of a Special Review Use, Department file #SRU 17-002 Deer Mountain Fire Protection District (Fire Station No.4). The site is located at the *southwest corner of the intersection of "P" path and C.R. 27 (Copper Gulch Road) in the Colorado Acres area*. The site is 2.24 acres. The site will consist of a new apparatus garage.

REPRESENTATIVE: Karen McKee

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 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

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.*

REPRESENTATIVE: Ray Lemons, North Fork Trust

8. ADJOURNMENT

1. CALL TO ORDER

Chairman Byron Alsup called the meeting to order at 3:01 p.m.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

Chairman Alsup asked if there were any changes, additions or corrections to the June 5, 2018 Fremont County Planning Commission Meeting Agenda.

MOTION

Mr. Gardner Fey moved to accept the June 5, 2018 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Dennis Wied seconded the motion.

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

4. APPROVAL OF THE MAY 1, 2018 PLANNING COMMISSION MEETING MINUTES

Chairman Alsup asked if there were any changes, additions or corrections to the May 1, 2018 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Mark Masar moved to approve the May 1, 2018 Fremont County Planning Commission Meeting Minutes.

SECOND

Mr. Wied seconded the motion.

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

5. UNFINISHED BUSINESS

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 for 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

Chairman Alsup calls Tony Adamic up.

Mr. Adamic stated the Fremont County Department of transportation is looking for a new source of gravel for the west end gravel roads. The property that they are going to be using is owned by the BLM and they have an agreement in place with them. The property is 8.269 acres and is surrounded by BLM property. They also have their 110 permit in place with the state and everything is fine with that and all of the additional permitting with the APENS and stormwater and all of those things are in place too. Mr. Adamic stated that they would like to get the permits from the county to get it moving forward.

Chairman Alsup stated that it was now time for Mr. Matt Koch's presentation.

Mr. Koch stated that a full complete application had been submitted. The property is Zoned AF (Agricultural Forestry) approximately and this is a permitted use through a Conditional Use Permit. They have gone through all of the state applications and received the OK from the state regarding their mining permit. Mr. Koch stated that in the review the Department of Transportation is requesting waivers on the landscaping and buffering plan, the lighting plan, and hard surfacing. The applicant also stated that there is no designated parking plan and employees will park in the areas where the work is occurring on site so a designated parking plan is also being requested to be waived. Additional notifications to be required are to the Arkansas Headwaters, Colorado Division of Wildlife, Fremont Historical Society, Fremont County Sheriff, BLM, and City of Canon City Water Department. Mr. Koch stated that as of yet we have not had any comments from any of the neighboring property owners or any other in the area. As stated the property is owned by the BLM and the surrounding areas are BLM. The access is through the old railroad grade that comes up through that area along Highway 69. Mr. Koch stated that Don Moore, the county Engineer reviewed this and didn't have any concerns. Originally there were some concerns with the stormwater management however that was dealt with through the State and BLM.

Chairman Alsup asked Mr. Adamic if this is out of sight of public view.

Mr. Adamic responded that the access road is a couple thousand feet long and the mining takes place on the back side of the hill.

Mr. Fey asked if this were a totally new operation.

Mr. Adamic replied that yes this is all new. He also stated that the County has 2 gravel pits that are close to being exhausted on the west end and so they are in need of a new source.

Mr. Masar inquired about the access to Hwy. 69 is there a good view in both directions on entering the Highway.

Mr. Adamic stated that yes they do and that the State Highway Department has asked that they put temporary signage out when they are hauling out of there stating trucks entering the roadway.

Mr. Fey asked about how many trucks per day they are expecting when they are hauling out of the pit.

Mr. Adamic answered between 10 and 15 loads per day, 15 would be the busiest.

Mr. Fey asked if that were an 8 or 10 hour day.

Mr. Adamic replied a 10 hour day.

Mr. Weid asked if that were Monday through Thursday and how frequently do you actually use these types of pits.

Mr. Adamic replied that this pit they have restrictions with the BLM that the pit will be used August through December.

Mr. Weid asked if it would be every day during those times.

Mr. Adamic replied no it's not every day.

Mr. Keith Ore asked if there will be somewhere that this will be stockpiled.

Mr. Adamic stated it will be stockpiled on site and it will be hauled from there to the worksite.

Mr. Michael Pullen asked if the state or BLM requires a reclamation plan.

Mr. Adamic stated yes we do, that they have a reclamation plan with the state.

Mr. Fey asked what the anticipated life of the pit is.

Mr. Adamic responded at least 15 years.

Mr. Fey asked if this were a dry operation.

Mr. Adamic stated yes.

MOTION

Mr. Masar moved to approve Conditional Use Permit, Department file #CUP 18-001 SH69 Gravel Pit, as written with all recommended waivers and subject to meeting the criteria for the Conditional Use Permit.

SECOND

Mr. Fey seconded the motion.

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

REQUEST: SRU 18-002 Deer Mountain Fire Protection (Fire Station No.4)

Request approval of a Special Review Use, Department file #SRU 17-002 Deer Mountain Fire Protection District (Fire Station No.4). The site is located at the *southwest corner of the intersection of "P" path and C.R. 27 (Copper Gulch Road) in the Colorado Acres area*. The site is 2.24 acres. The site will consist of a new apparatus garage.

REPRESENTATIVE: Karen McKee

Chairman Alsup called up Karen McKee.

Ms. McKee stated that the Deer Mountain Fire Protection District is requesting to put a new fire station at the south end of their district. Right now they have about 4 EMT's that actually drive by the proposed location to get to Station 1 and this will help to cut down on response times. The DMFPD will be keeping an ambulance and a fire truck at the proposed new fire station.

Chairman Alsup asked for Matt to present the staff report.

Mr. Koch presented a photo presentation of the proposed site. Mr. Koch then stated that they did submit a complete application. The property is zoned Agricultural Estates, the property is approximately 2.2 acres, it is an allowed use in this zone with an SRU for a fire station. Mr. Koch stated that after review there are 2 contingency items. The first one is compliance with requirements as stated in the Fremont County Department of Transportation letter dated 4/25/2018 and in that they are requesting a driveway access permit. Second are any requirements stated by the Fremont County Engineer upon review of the drainage report? Mr. Koch stated he did speak with Don Moore, the Fremont County Engineer, and he is still working with the engineer on the project and they are hashing out and finalizing all of that. DMFPD is requesting waivers of buffering and landscaping, hard surfacing, hard surfacing handicapped parking, and the lighting plan. The additional notifications required will be to the Colorado Parks and Wildlife, Fremont County Historical Society, Fremont County Sheriff, City of Canon City Water Department. Mr. Koch stated that after review the application has met all the requirements of that zone district as well as the use.

Chairman Alsup called up Nancy Reed for public comment.

Ms. Nancy Reed spoke, please see attached document for the full comment given.

Chairman Alsup called Karen McKee back up to respond to Ms. Reed.

Ms. McKee stated that her first thought is that Ms. Reed stated that Mr. Mike Cox and Mr. Koch had discussed awarding a variance and DMFPD was not aware of that. Ms. McKee stated that there was a meeting with the DMFPD Board Chairman J.R. Nibblet, Indian Springs Board Chairman Scott Fallyce, several others and Ms. McKee attended by phone and at that time she stated she specifically asked Mr. Koch if there were any way that they could get there with the current station and Mr. Koch told her no because it doesn't even meet the side setbacks. Ms. McKee stated that secondly the DMFPD Board has not voted to pay to correct the drainage issue. She stated that they have volunteers that are hoping to do the work themselves if the

building gets moved to P Path (the proposed new location). However these volunteers will not go up to Indian Springs and help remedy the situation there. Nor will they help to take down the building and put it back up in Indian Springs. The volunteers are willing to take the building down and move it from Indian Springs to the new location but they are not willing to go up there and assist with the building there. Therefore it is going to cost the DMFPD a lot more money to move that building at the Indian Springs because we would have to hire it all out as we have no volunteers to help at the Indian Springs location. Ms. McKee then stated that secondly when Deer Mountain decided to put up this new building in Indian Springs they had a number of volunteer fireman in the area and at this point they only have one qualified volunteer firefighter and another in the process of getting qualified and the one that is qualified is moving out of district. That means that at this point we will only have one partially qualified firefighter in Indian Springs so there is no way that we could respond to an incident in Indian Springs with just one firefighter. Ms. McKee stated that when they get more qualified people DMFPD is willing to keep a truck in the old building and when there are more qualified people in Indian Springs DMFPD will revisit putting a new station in Indian Springs.

Chairman Alsup asked why the decision was made to move the building 35 miles away.

Ms. McKee responded that they have to move it according to what she was told by Mr. Koch.

Chairman Alsup addressed Mr. Koch and stated that it sounds like the County has figured out a way to make this work if they tear down the old building.

Mr. Koch stated that when this first came about they had reviewed the information that was provided to them and at that time the information they were provided showed it would meet the side yard setback. Also at that time they had talked to the Fire Chief that was in position at that time and they had agreed that they would tear down the existing building and that would bring everything into compliance. Mr. Koch stated that when they had the meeting on March 27, 2018 DMFPD had already decided to move the building and so at that time there was no questions about bringing the property back into compliance. At that time Mr. Koch stated that they also discussed that they would have to fix the grading because of the issue with the grading that DMFPD had created on that site. Mr. Koch stated is was a matter of the discussions that were happening at that time and how it was laid out to the County at the time. If they were removing the building there was no issue but if they were leaving the building they would have to tear down the old building to come into compliance. Mr. Koch also stated that when all of this took place over a year ago there was a different fire chief in place and they had agreed to tear down the old building at that time.

Ms. McKee commented that it is not feasible to access the new building in the position that it is in from the other road which is why they would have to tear down the old building. She stated it is a big hill and the doors are on the wrong side. She stated at this time the building is not useable to access from the other road.

Chairman Alsup stated that he has been by the Indian Springs site and did not understand why it wouldn't be accessible as long as the set back is allowed.

Chairman Alsup then opened up to comment and question from the Commission.

Mr. Fey asked who erected the building in question in the first place.

Ms. McKee replied that there was a Board member that is no longer with DMFPD that over saw the project.

Mr. Fey asked so this person personally approved it and it was Deer Mountain funds that went into the building.

Ms. McKee replied it was Deer Mountain funds and the money that they did get from the sale of the lot that was donated to Deer Mountain did go towards the new building. She also stated that there was a volunteer that was supposed to help with the grading to save us a lot of money and at the last minute that person bailed and they had to hire out the excavating work which they had originally thought was going to be contributed by volunteers and since that didn't happen the project went over budget and the building was put in the wrong spot.

Mr. Fey then asked at the time it was approved to be built you anticipated you had enough local volunteers to staff it.

Ms. McKee replied that at the time they had 2 qualified volunteer fireman and then 1 resigned and the other is moving out of district. Also when they agreed to put the building up the Fire Chief went to Indian Springs summer meeting and at that point thought he had 4 people from Indian Springs joining the Fire Department and then that didn't happen.

Mr. Masar stated that he assume that there was a CUP for this when it was put up 2 years ago.

Ms. McKee stated it was last summer.

Mr. Koch stated it was an SRU and not a CUP.

Mr. Masar asked Mr. Koch if part of the contingencies on that approval were to tear down the old building.

Mr. Koch stated not at that time. He stated what happened is it was the building was put in the wrong place when they built it. They tried to work through leaving the foundation where it was and part of that final agreement was that they would tear down the old building to make everything compliant.

Ms. McKee responded that then they had researched and found that it is not even 15 feet away from the road and when they found that out they had the meeting in March and Deer Mountain was told that it had to be moved because it doesn't meet the side setback, it is only 9 or 10 feet it had to be moved.

Mr. Ore asked Mr. Koch is there any way as the building sits right now that it could be workable with the grading and everything else.

Mr. Koch responded that he can't say about the grading. It is his understanding that they built it by design 2 feet to low based on the design that was done. Which creates a lot of drainage issues and concerns for the site. Leaving it in that position would take an engineer to tell you if that could work. As far as setbacks Ms. McKee is correct that they resurveyed it and the setback is not what was shown to the County in the beginning and so the 10 foot would create an issue. He stated he does not know if the Board of Zoning Adjustment could review that and approve that.

Mr. Fey asked how much money was put into this building.

Ms. McKee responded to date approximately \$55,000 and that leaving the building where it is is going to require concrete walls and retaining walls.

Mr. Fey stated so it's like it is in a bowl.

Ms. McKee stated that it is close to 3 feet to low.

Mr. Masar asked what is housed up there now. What fire equipment is housed in which building?

Ms. McKee replied that right now there is nothing in the new building as they never got around to it and the old building has a small brush truck and it houses one of Indian Springs trucks.

Mr. Fey asked what kind of truck is the Indian Springs truck.

Ms. McKee stated it's a road plow truck.

Mr. Ore asked if you take this building down the concrete pad that is there is just wasted.

Ms. McKee replied it is. It's wasted whether you move the building on site or off site because we can't keep it that low.

Mr. Fey asked if the building is structural steel or wood post construction.

Ms. McKee replied that it is a stick built building.

Mr. Masar asked if they move the new building is the old building going to stay there.

Ms. McKee replied yes. The short term plan is if they have at least 2 qualified firefighters they will keep a brush truck there in the old building as they have done for years. If they can get more qualified firefighters in that area the district hopes to revisit a new station there in the future.

Mr. Fey posed the question to the group from Indian Springs is there any hope in getting more qualified volunteers from the Indian Springs area.

Ms. Reed responded absolutely. She stated there are a lot of new people moving in. One of the in training fire fighters is in attendance at the meeting and the wife of another is in attendance. She also stated that she is Board member at Indian Springs that assists in recruiting the firefighters and she hasn't been interested. She stated they have repeatedly been told things that are not true and that construction was halted on it without telling the community why.

Mr. Fey stated that now you know why.

Ms. Reed responded no.

Mr. Fey replied it's not useable correct.

Chairman Alsup then asked Mr. Fey if he had visited the site.

Mr. Fey responded no he hadn't.

Ms. Reed stated that in talking to Mr. Koch and Mr. Cox she has been told there is no reason they cannot use the building. She stated where the large fire truck doors are is where the variance is needed. They need to tear down the old building which she stated is not useable. It's falling down and when Commissioner Norden was out there several years ago she stated that he said he thought it needed replaced then. She stated the Mr. Cox said there is no problem entering through the side door. If the old building is torn down then that becomes the front and the side doors can hold the trucks and they can still be used that way. She stated that her understanding from Mr. Koch and Mr. Cox is that there is no reason they cannot use the new building as long as they tear down the old building and do a drainage study. There was a drainage study done in August of 2017, that cost under \$2,000.00 in the April Deer Mountain meeting minutes the original stormwater engineer said that he would redo that study at no cost. How can redoing that not be cheaper than moving the building but most importantly it is our agreement. The agreement doesn't state that it has anything to do with the number of firefighters, in fact Deer Mountain came to Indian Springs and said that firefighters not having to drive a heavy truck all the way there could respond more quickly. In addition Ms. Reed stated that she guarantees that they will get more firefighters.

Chairman Alsup stated that he rarely does this but as someone involved in fire protection for over 25 years and on the Planning Commission for 8 he has never seen a proposal come before him that makes less sense than this one does. It makes no sense at all from his perspective. He

thought maybe it made sense logistically to move the firehouse over 35 miles away. If they do this move then they are taking this away from the most vulnerable part of the Deer Mountain Fire Protection District. The Indian Springs area is the farthest from all of the resources and according to the County wildfire plan it is one of the most vulnerable areas in the whole county. If they remove this building and the truck that is supposed to go in it they are logistically leaving that area unprotected and moving it to an area that is only a few miles from where they already have a lot of resources. That makes no sense logistically. He stated he looked at it from a financial perspective of maybe Deer Mountain trying to save some money. However if truly they can tear down the old building and fix the drainage problems that must be cheaper than deconstructing and moving a building they just built over 35 miles away. Finally he stated he looked at it from an ethical standpoint and Deer Mountain is obligated to provide fire protection to these people. Indian Springs joined them with the understanding that they would build this building and they would put trucks up there. They are obligated because these people are paying taxes to them and have also have given them cash and land and now Deer Mountain is taking away the one thing that they need to start a decent fire department there. Chairman Alsup stated that he cannot in good conscience support this proposal at all.

Mr. Ore stated that he agrees with Chairman Alsup and believes it is a real waste of resources. There must be a way to fix the drainage on a brand new building like that rather than tear it all down and leave the brand new concrete pad. What a waste, there must be a way to drainage somehow.

Mr. Masar stated he agrees as well. He stated it's unfortunate that the building was built to low but that he believes that they should honor their obligation to put that building up there where it was planned to go. It's unfortunate but that money has to be spent where it was meant to be spent.

Ms. McKee inquired of Mr. Koch if there is any chance of a variance to keep the building where it is.

Mr. Koch replied that they would need to make application to the Board of Zoning Adjustment for that.

Ms. McKee stated that she wished that she would have been told that during that meeting in March.

Mr. Koch responded that in that March meeting what was presented to them was that Deer Mountain had already decided to move the building off the property.

Ms. McKee stated it was just an idea at that point.

Mr. Koch responded that at that time a variance wasn't part of the discussion at the time.

Mr. Fey asked if this should be tabled and let the parties involved try to get together.

Chairman Alsup responded he would like to see them get together but they haven't been working well together so far and that he is willing to make the motion to deny the application.

Chairman Alsup also stated that he believes the people of Indian Springs should seek litigation.

MOTION

Chairman Alsup moved to deny Special Review Use Permit, Department file #CUP 18-002 Deer Mountain Fire Station #4.

SECOND

Mr. Ore seconded the motion.

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

Ms. Reed then asked what the next steps were.

Attorney Brenda Jackson responded that this matter will be referred to the Board of County Commissioners with the recommendation for denial from the Fremont County Planning Commission. However the final decision on approval or denial belongs with the Board of County Commissioners.

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 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

Chairman Alsup called up Dr. Angela Bellantoni.

Dr. Angela Bellantoni stated that this afternoon she is here with Mr. George Clark. Mr. Clark is retiring to our community from Elizabeth, CO. He purchased a piece of property, the subject piece of property, in March of 2018 that has a building on it that was built in 1996. Mr. Clark particularly liked this property because of the handicap accessibility and the interior walls and hallways are exceptionally wide since his wife is a stroke victim. Mr. Clark is the caregiver for his wife. His vision for the future as someone who is a caregiver for a stroke victim is that there are 2 doors that have ramps and the watchmans quarters in the south portion of the property will allow his wife to have access and be able to be mobile. It will also allow Mr. Clark to be able to have hobbies when he isn't care giving. There are 3 proposed uses in this building. One is the watchman's quarters, in the south 1/3 of the building. Mr. Clark has two hobbies one is auto repair and restoration and he is proposing a small workshop with one door, no drains, and no employees. Also rather than keeping the cars that he repairs he would put them in the parking lot there and make them available for resell. Mr. Clark is aware that if he sells more than 3 cars in one year he would need to have a license and he will pursue that. The other thing is that Mr. Clark is a retired attorney. So that is the other beautiful thing about this building. In the office portion of the building he can set aside office space where if he decides to take on an issue to help a friend or a colleague as a hobby he can do that there too. This is a very versatile piece of property. It's relatively new construction, wheelchair accessible, and all of the available concrete parking.

Chairman Alsup stated that it was now time for Mr. Koch's staff report.

Mr. Koch presented a photo presentation. Mr. Koch stated that the property is zoned business and is approximately 2 acres. It is part of subdivision that was created in the 1980's and has existing storm water management that was built into the subdivision. Don Moore, the County Engineer, did review that and found that that structure was still in place, needing a little maintenance but since they were not adding any major structures or water to it that would suffice for what the proposal is. The one contingency items is compliance with the letter from the Fremont County Department of Transportation dated April 16, 2018 which is primarily just a driveway access permit. They are requesting waivers of the parking/landscaping. Based upon the review the department recommends approval of this application.

Mr. Weid asked if the driveway access was onto 3rd Street.
Dr. Bellantoni stated yes.

Dr. Bellantoni asked if Mr. Clark could come up and speak.
Chairman Alsup stated yes.

Mr. Clark stated that he was looking for something that was zoned business because he does want to fix and sell cars. He may get a dealer's license as he has had them in the past and to do that you have to have a business zoning and the property to do that. He stated he is not looking to run a big car lot or something but he does understand that he may need to do that in the future. The building that will be built is a small shop about 1200 sq. feet. The thing that appealed to him the most is that the building is adaptable to his use.

Chairman Alsup asked what it was used for in the past.
Mr. Clark responded that it was an oil Services Company for the people in Penrose and that is who he purchased it from.

Mr. Masar asked if you have to have the property in the correct zoning before you can get the dealer's license.

Mr. Clark responded that technically if you sell any cars at a profit you have to have a license. However to have the license you have to have adequate facilities on a property zoned properly. Without that you can't get the license in the state of Colorado. You can't sell out of your house, but since this is an office building with a watchmen's quarters it will work great for him.

Chairman Alsup asked if the new building will be built to the left of the current building as you pull into the property.

Mr. Clark responded that yes it will be built where there is currently an open gravel area. Approximately 10 feet from where the current parking lot is.

Chairman Alsup asked what kinds of cars he will be working on.

Mr. Clark responded that he works on older cars, mostly just as a hobby.

Mr. Fey asked what do you consider old.

Mr. Clark responded right now he has a 1965 Ford pickup, a 1970 Pontiac, things of that nature.

Mr. Ore asked Mr. Koch since this will be a business and residential does it have to have the zoning changed on it.

Mr. Koch responded that no a watchmen's quarters are an allowed use in the Business Zone district.

MOTION

Mr. Fey moved to approve Commercial Development Plan, Department file #CDP 18-002 George Clark Auto, as written with all recommended waivers and subject to meeting the contingency items and criteria for the Conditional Use Permit.

SECOND

Mr. Pullen seconded the motion.

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

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.*

REPRESENTATIVE: Ray Lemons, North Fork Trust

Chairman Alsup called Allison Brown to speak. He asked her to explain why she was back again.

Ms. Allison Brown explained that after the last meeting she was contacted by Nick who is a neighbor of the original proposed location of the kennels and even though she had previously talked with him he had stated that he was going to object to the kennel being placed in the original location. So Ms. Brown met with him personally to see if they could come to a middle ground solution. She had intended on buying the property next to the original location that is owned by Erik Fisher and already had a contingent offer on that property as well. She walked the property with the complainant and suggested a location that would address his concerns. He agreed and she agreed to resubmit the plans with moving the kennels behind the house instead of in line of site of the neighboring property. She understands that he may still have some objections but she is trying to be completely upfront with everyone in regards to the kennel. She stated she has spoken to several other neighbors who have stated that they have not had any issues with the sounds or such from the hounds being on the property. Ms. Brown stated that she was also forwarded an objection from Mrs. Glen Everett. She did have the chance to speak with Mrs. Everett prior to the meeting and believes that there were some crossed wires as she was under the understanding that it was Mrs. Everett's son, Casey Everett who is managing the grazing up there along with Brady Everett. She was corrected by Mrs. Everett that Brady Everett actually owns half of the Everett land company and the other half is owned by Mrs. Everett. Ms. Brown had sent a response to Mrs. Everett in regards to her concerns. Ms. Brown stated she had been neighbors with the Everett's, Casey and Brady, for over 4 years and there has never been an issue until this point.

Chairman Alsup stated that it was now time for Mr. Koch's staff report.

Mr. Koch stated that not too much has changed since the original application was submitted. The property is zoned Agricultural Forestry with a total acreage of 21.2 acres. Ms. Brown is requesting to have 26 hounds on the property. What this application does is adds the portion to the east of the originally approved parcel and moving the kennels. Mr. Koch stated that based on all of the information in the application the only contingency item is from the Fremont County Department of Transportation of a driveway access permit, which Mr. Koch believed may have already been taken care of. Waiver requests for parking area, landscaping, lighting, hard surfacing and a waiver was requested of the stormwater drainage report and that was approved by the County Engineer. Additional notifications are to the Colorado Division of Wildlife, Fremont Historical Society, Fremont County Sheriff, BLM, and the Fremont County Heritage Commission.

Chairman Alsup stated that they had heard pretty much the same application last month for this SRU with a few minor changes.

Mr. Koch stated that he did have the Code Enforcement Officers go out to the site. There are currently dogs on the property, the officers stood on the roadway just to the North West, and the dogs were barking and howling but you could barely hear the dogs.

Mr. Fey asked if the dogs bark a lot and howl a lot.

Ms. Brown replied that no they do not bark a lot.

Mr. Fey asked what distance the kennel will be from closest neighbor.

Ms. Brown responded that it is pretty far away.

Mr. Fey asked about the fence mentioned in the paperwork. At one point it was 5 foot and another it was 6. Is that a wire mesh type of fence?

Ms. Brown responded it is welded wire fencing.

Mr. Fey asked if the dogs were jumpers.

Ms. Brown responded that she puts a hot wire along the top of the fencing. None of hers are jumpers but she isn't worried about hers being jumpers.

Mr. Pullen stated that he was confused by the new application wording. It states "The foxhounds are used for hunting in the national forest. The applicant owns the hounds and uses them personally for hunting." Mr. Pullen asked if that is correct.

Ms. Brown responded yes.

Mr. Pullen asked if this was a business to that people come and you take them out hunting or furnish them dogs for hunting. Do you use all 26 at once.

Ms. Brown stated that she does not use all 26 of them at once. She usually goes out with a pack of about 10 to 14.

Mr. Pullen asked is this for a business.

Ms. Brown stated she does run a business under an LLC called and that is just for accounting for expenses and because she is required to for insurance. So the business is registered with the Master of Foxhounds Association so that she is provided insurance through a company that insures all of the registered hounds.

Mr. Pullen stated for further clarification for his edification this is for personal use only.

Ms. Brown stated that she has friends that come out and ride with her and they go as a group. But it is all personal, a personal hobby.

Mr. Pullen stated let me just put this in plain words, this is not a hunting camp.

Ms. Brown replied no.

Chairman Alsup called up Charlie Bearden for public comment.

Mr. Charlie Bearden stated that he lives near where the property Ms. Brown is currently purchasing. He stated that he understands that there were some concerns voiced about the impact on the cattle and wildlife of the hounds at Ms. Brown's property. Mr. Bearden stated that he owns 4 foxhounds personally and he has elk in his yard daily and the cows mingle freely with his dogs. He then showed the commissioners some photos of his dogs mingling with the wildlife. He stated that as far as the dogs barking he hears the cows mooing and moaning more than he ever hears the dogs. He believes they have more issues with the cattle up there than there are from the dogs. He stated if there is an ATV going down the road the dogs bark but that is nothing excessive.

Chairman Alsup then called Ms. Katie Parker to speak.

Ms. Katie Parker stated that she too owns several foxhounds and a Newfoundland. Her land is also a land lease for ranchers. Ms. Parker stated the hounds are great for keeping away the coyotes and the ranchers have expressed that they appreciate what the dogs do in keeping the coyotes away and the protection that they provide. She stated it is her ethical responsibility to keep those cattle safe. She stated she hears more cow sounds and elk sounds and the turkey noises than she ever does with the foxhounds. The only threat is the foxhounds to the coyotes.

Ms. Brown came back up to the podium.

Chairman Alsup asked Ms. Brown to clarify that she does not hunt foxes.

Ms. Brown stated no she does not.

Chairman Alsup stated that she should make that more clear in her paperwork.

Ms. Brown stated that it is called fox hunting but she has to declare what she can hunt through the Foxhound Association. She has only declared coyote and jack rabbit. Ms. Brown stated the reason she declares both is that there aren't that many coyotes, since the ranchers shoot them. She stated that her hounds will get frustrated if they don't get to go out and hunt something. She stated her animals are trained to ignore deer, antelope, and any kind of livestock but if they get on a jack rabbit the dogs get a really fun run. The purpose of hunting the coyotes is just to drive them off the range land.

Chairman Alsup asked about the information that was in the original application that he did not see in this application about the handling of the feces.

Ms. Brown stated that it will be the same as last time which will be the composting system. It's an approved system by the US Dept. of Agriculture. You can't usually compost dog poop if you have your own individual dog however with a larger number of animals with a study done at the University of Fairbanks in Alaska with the sled dogs. If you have 15 or more and you mix it

MOTION

Mr. Masar moved to approve Special Review Use Permit, Department file #SRU 18-003 Whitehorn Kennels, as written with all recommended waivers and subject to meeting the contingency items and criteria for the Conditional Use Permit.

SECOND

Mr. Weid seconded the motion.

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

Chairman Alsup asked if Mr. Koch had anything for them.

Mr. Koch replied there will be a meeting next month for a Commercial Development Plan in Penrose.

ADJOURNMENT

Chairman Alsup adjourned the meeting at 4:22 p.m.



CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION



DATE