

February 10, 2015

THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 10th, 2015, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward Norden called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director and Jody Blauser, Chief Deputy Clerk.

The Invocation was given by Tom Killgore, First Southern Baptist Church.

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 Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

1. Approval of Minutes / January 27, 2015
2. Approval of Bills for February 10, 2015 / \$724,420.89
3. Adoption of Resolution #5 Series of 2015, ZC 14-003 Kerr-Ritter Zone Change
4. Adoption of Resolution #8, Series of 2015, SRU 14-004 Royal Gorge Paintball (Recreational & Outdoor Amusements or Amusement Facility)
5. Schedule Public Hearing for February 24, 2015 at 10:00 a.m.
 - a. Post Award Hearing for North Park II project
The purpose of the hearing is to allow citizens to review and comment on the performance of Fremont County in carrying out the North Park II project, which was financed with Federal Community Development Block Grant funds provided by the State of Colorado.
6. Schedule Public Hearing for March 10, 2015 at 10:00 a.m.
 - a. Request: SRU 14-004 Thressor Special Review Use (SRU) Permit. Request approval of a Special Review Use (SRU) Permit, Department file SRU 14-004 Thressor LLC Medical Marijuana Infused Product Manufacturing and possibly a Marijuana Optional Premises Cultivation grow facility, which is an allowed use in the Business Zone District, by Chris Haight, for property owned by Ali Abrahamia, to allow for marijuana infused product manufacturing. The property is located on the east side of State Highway 115 and east of Fremont Street, bounded by 7th Street on the north side, 4th Avenue on the south side and Grant Street on the east side, in the Penrose Area. The SRU permit property contains 9.82 acres and is zoned Business.

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Commissioner Norden noted the scheduling of two Public Hearings on the Consent Agenda. The Public Hearing for a Special Review Use for Thressor LLC Medical Marijuana Infused Product Manufacturing will be a combined Public Hearing for the SRU Permit and the two Medical Marijuana licenses. Citizens will be allowed to comment on both the SRU Permit and the Medical Marijuana Licenses during the hearing.

Commissioner Payne moved to approve the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried. Resolution #5 and Resolution #8 are attached.

ADMINISTRATIVE/INFORMATIONAL

1. Staff and Elected Officials

- a. County Clerks' Monthly Report, Katie Barr, County Clerk and Recorder

County Clerk Barr presented her report for January 2015. Total motor vehicle fees and sales taxes collected were \$465,052.20. This is \$57,081.67 more than January of 2014.

Commissioner Payne moved to accept the County Clerk's Report for January 2015. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

- b. Planning and Zoning Code Enforcement Annual Review – Robert Sapp and Ronald Zenisky

Robert Sapp reviewed the Department's accomplishments for 2014. There were 652 site visits with 114 violations resolved. There are still 60 active violations. He explained the Helping Hand Project was successful in helping property owners who are in violation and need financial assistance to resolve the violation.

Ronald Zenisky presented before and after pictures of several properties that were in violation and have been cleaned up in Penrose and Colorado Acres. Their Department issued 71 new addresses, 46 changes of addresses, and 31 verification of addresses. Total SMM Revenues collected were \$493,588.32 compared to \$359,324.06 collected in 2013.

Robert Sapp reported to the Commissioners that legal action is now being taken against the property owner in Glen Vista that has been in violation for over a year for tire dumping.

2. Citizens Not Scheduled:

Becky Girdler of Texas Creek thanked the Commissioners for putting up the recycling bins. She asked how the fees are determined for marijuana licensing and if the amount of income that owner produces has a bearing on the permit fee.

Commissioner Norden explained it is a flat fee for the initial application and a yearly fee for the license. Neither fee is based on the income from the property.

Becky Girdler asked what the total revenue the County received from marijuana taxes in 2014.

Commissioner Norden said the County Finance Officer, Sunny Bryant, gave a report on marijuana taxes a few weeks back and he believes it was around \$100,000 for 2014. She will present the final numbers at the next Commissioners Meeting.

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OLD BUSINESS

None.

NEW BUSINESS

1. In consideration of a Resolution honoring Larry Wagner for his years of service to our community.

Commissioner Bell said she was honored to know Larry Wagner and his wife for many years. Commissioner Bell read the Resolution into the record.

Commissioner Bell moved to approve the Resolution honoring Larry Wagner. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

Delores Comstock presented Larry Wagner with a plaque from the Fremont County 4H and CSU Extension Office.

Mr. Wagner said this was a real honor and complimented the Extension Office for having such a wonderful crew.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. REQUEST: CDP 14-002 The Outpost at Texas Creek Commercial Development Plan – (Retail Stores, Mini-Storage Facility, Personal Services (Barber Shop, Clinic), Feed Store, Restaurant, Bar/Lounge, Automobile Sales, Carwash and a Watchman’s Quarters) Request approval of a Commercial Development Plan, Department file #CDP 14-002 The Outpost at Texas Creek Retail Stores (9,600 sq. ft.), Mini-Storage Facility (49 storage units), Personal Services (Barber Shop, Clinic), Feed Store, Restaurant, Bar/ Lounge, Automobile sales, Carwash and a Watchman’s Quarters and any other allowed uses and all allowed Business uses, by Phillip & Teresa Poindexter, for their property which is located on the South side of U.S. Highway 50, 0.17 miles east of Fremont County Road #37, aka McCoy Gulch Road in the Texas Creek Area. The property contains a 264 sq. ft. office, 2 sheds and a 924 sq. ft. watchman’s quarters. An 800 sq. ft. carwash, 49 mini-storage units, a 9600 sq. ft. retail sales office area, a 7,260 sq. ft. covered storage area and an 912 sq. ft. addition to the watchman’s quarters are all proposed. The property is zoned Business and contains 6.67 acres. Representative: Phillip & Teresa Poindexter/Matt Koch, Cornerstone Land Surveying.

Chairman Norden opened the Public Hearing at 10:03 A.M.

Matt Koch said they are requesting a Commercial Development Plan for a property located between Texas Creek and Cotopaxi located on about 6 acres. They are planning RV Storage and storage units. There is a retail building as well. The applicants have reduced the square footage of the retail space considerably from what had first been presented to the Planning Commission.

Planning & Zoning Director Giordano said the notifications, additional notifications and publication in the newspaper have all been completed per regulations. The Planning Commission did recommend approval of this request at their January 6th meeting. He explained the retail space is less than what the Planning Commission had approved.

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Matt Koch said the retail space is now around 1400 square feet compared to the 9600 square feet that were originally approved.

Bill Giordano explained with the reduction in the amount of retail space this would be a minor modification instead of a major modification.

Phillip Poindexter explained they hope to grow the business over the next few years. They would like to be allowed the six year phasing in period just in case it does not fill up as fast as he would like.

Bill Giordano wanted to be sure they are aware it is normally a three year phasing period instead of the six that is being requested. He asked the Board to make it a contingency to require the applicant to submit a phasing plan. He discussed the recommended contingencies and conditions of the Planning Commission. He noted that fencing is not required.

Commissioner Bell asked if the Department has proposed language regarding the phasing plan contingency.

Bill Giordano said it can be simply stated “Applicant to provide a phasing plan as part of the application”. He also recommends adding language “Requiring documentation as to compliance with the County Engineer”.

Public Comments: None.

Chairman Norden closed the Public Hearing at 10:16 A.M.

Matt Koch said they plan to fence off the storage area so it will be secure. They will meet the fencing requirement.

Commissioner Bell asked if the lighting plan will have lights shining off the property and if the lights will be on a timer.

Matt Koch said the lights will shine downward onto the property. The intent is to keep the glare off the highway. They plan to use automatic lights that will go on at dusk and off at dawn.

Phillip Poindexter said he has talked with a few people who are interested in utilizing the retail space. The primary focus is the indoor RV storage.

Commissioner Bell moved to approve CDP 14-002, The Outpost at Texas Creek with the recommended contingencies: #1 – Documentation as to compliance with any requirements of the Colorado Division of Water Resources; #2 – Documentation as to compliance with any requirements of the Fremont County Engineer; #3 – Documentation from the Colorado Registered Engineer who designed the drainage improvements, if any, that the required improvements were constructed to the approved design standards; #4 – Property owner shall execute a Quit-Claim deed with a deed restriction addressing the maintenance of any required drainage facilities, easements, rights-of-way, related structures and/or facilities. Such deed shall be recorded at the time of recording of the development plan. Fremont County will not accept maintenance of these facilities; #5 - Documentation as to compliance with any requirements of the Fremont County Environmental Health Office; #6 - Applicant shall provide a phasing plan for project development; also granting the waiver requests for buffering, lighting, landscaping and surfacing with the exception of the hard surfacing of the parking area for ADA requirements; and granting the waiver requests for lighting and landscaping as Resolution #10.

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Commissioner Payne seconded the motion. Commissioner Bell noted as the applicant is doing less with the property than what was approved by the Planning Commission, she feels comfortable approving this application without going back to them for a second review. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

NEW BUSINESS CONTINUED

2. Cripple Creek & Victor Gold Mining Company update on 2014 activities and 2015 plans. Representative: Jane Mannon, Manager, Community Affairs.

Jane Mannon gave a power-point presentation highlighting all of the accomplishments at the mine for 2014. They employ 556 employees of which 113 are from Fremont County. They hope to have 600 employees by the end of 2015. She said there were 210,921 ounces of gold and 110,383 ounces of silver in 2014.

3. OPC 14-003, The Organic Seed, LLC dba/ Cannasseur Request for Reconsideration.

Commissioner Norden stated the Board of Commissioners received a written statement from Mr. Corsentino requesting a reconsideration of the Board's decision to deny the medical marijuana cultivation permit. The applicant and Mr. Corsentino are present if the Board has any questions for them. If a reconsideration is granted the request would be heard at a future Board Meeting.

Commissioner Payne moved to deny the Request for Reconsideration for OPC 14-003, the Organic Seed, LLC dba Cannasseur. Commissioner Bell seconded the motion. Commissioner Norden noted the next procedure for the applicant would be to take this to court to appeal the decision by the Board of Commissioners. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

4. In consideration of appointment of Joseph Whelan to the John C. Fremont Library Board of Trustees for a 5 year term expiring December 31, 2019.

Commissioner Norden said they have received a letter from the Director of the John C. Fremont Library recommending these appointments.

Commissioner Bell moved to appoint Joseph Whelan for a vacant seat on the John C. Fremont Library Board of Trustees for a 5 year term expiring December 31, 2019. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

5. In consideration to re-appoint Russell Helm to the John C. Fremont Library Board of Trustees for a 5 year term expiring December 31, 2019.

Commissioner Bell moved to re-appoint Russell Helm to the John C. Fremont Library Board of Trustees for a 5 year term expiring December 31, 2019. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

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6. In consideration to re-appoint Sandy Johnston to the Penrose Community Library District Board of Trustees for a 5 year term expiring December 31, 2019.

Commissioner Norden noted they have a letter from Kristina Lindsey, Director of the Library Board recommending Sandy Johnston for the appointment.

Commissioner Payne moved to re-appoint Sandy Johnston to the Penrose Community Library District Board of Trustees for a 5 year term expiring December 31, 2019.

Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

7. In consideration of Canon City Recreation and Park District's request of \$3,000 in grant match funding and a letter of support for the Rouse Park Project.

Commissioner Payne explained the Recreation District is requesting money to repair the tennis courts at Rouse Park. The tennis courts have been closed for a few years due to their poor condition. A group of citizens have requested the Recreation District change these courts into "Pickleball Courts". The cost to re-surface the courts is \$110,000. They are requesting a GOCO grant. They need a letter of support from the County and a \$3,000 contribution from the CTF funds for the matching grant dollars.

Commissioner Payne moved to approve the \$3000 expenditure in grant match funds for the Canon City Recreation District for the Rouse Park Project. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

8. In consideration of Phase II for Atkins Engineering Consultants to prepare documents for a Chandler Creek Letter of Map Revision Submittal to FEMA. Representative: George Sugars, County Manager.

County Manager Sugars explained Atkins Engineering began analyzing the hydrology of Chandler Creek in June 2014. They have established peak flow rates for Chandler Creek and delineated a flood plain in that area which affects Pathfinder Park. This is the next step to formalize the flood plain with FEMA. The expenditure to accomplish this task is \$13,900. This money will come from Conservation Trust Funds (CTF). This step will take approximately six months to complete.

Commissioner Bell moved to approve the expenditure for \$13,900 for Atkins Engineering Consultants to prepare the letter of Map Revision for FEMA. She noted this work needs to be completed prior to any more buildings being built at Pathfinder Park. Commissioner Payne seconded the motion. Commissioner Norden stated this was for both the flood way and flood plain next to the river at Pathfinder Park. This will also help with future plans to develop crossing Chandler Creek. County Attorney Jackson noted the six month time table for completion will be awaiting FEMA's response to the request. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner Norden, aye. The motion carried.

9. In consideration of a Resolution authorizing Transfer of Appropriated Funds between the Various Funds of Fremont County, Colorado for the Budget Year ending December 31, 2014. Representative: Sunny Bryant, Budget & Finance Officer.

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Sunny Bryant said she received the information for the final transfer numbers last Thursday. These are transfers that occurred in 2014 for the 2014 budget year. The total transfer between funds was \$6,488,322. These show up as an expense or revenue to these funds, but is not actually money coming into or going out of the County.

Commissioner Payne moved to approve Resolution #11 authorizing the Transfer of Appropriated Funds between the Various Funds of Fremont County for the 2014 Budget Year. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried. Resolution #11 is attached.

Chairman Norden recognized additional citizens who wished to speak who had come in late and offered them the opportunity to address the Board at this time.

Dave Bunker said cattle are being killed by cars along High Park Road. Last year he lost six cows that were hit by cars. This is a serious safety issue.

Virginia Green was told by CDOT that unless Fremont County is willing to pay for the survey, they are not willing to go with her proposal. She is willing to deed the land to the County if it will help the problem.

Commissioner Payne explained the grant funding comes from a safety program through the Gold Belt Board. As the money is federal money it can't be used on private property. Therefore the County would need to own the right of way. CDOT would not accept the proposal from Ms. Green to fence 30 feet off the road.

Virginia Green said the survey would be about two to four miles of fencing along both sides of the roadway. The BLM has already committed to their portion of the road.

Commissioner Norden explained the County has never taken on the obligation to fence out livestock due to open range law. If ranchers are concerned, they should fence in. The County would have to take money out of Road and Bridge funds to pay for a survey, which is not feasible.

Dave Bunker plans to increase the amount of cattle grazing in this pasture from 197 last year to 500 this year. He has had to change his liability insurance and is afraid someone will be killed.

Sheriff Beicker said they have done enforcement in the area and issued tickets. This only helps for a short time. He is currently considering re-instating a traffic enforcement officer that could work in that area. Most of the people who hit the cattle are not local residents. It is up to the Colorado State Patrol to investigate accidents on County Roads. He will be discussing this issue with the State Patrol next week.

Commissioner Norden suggested the Board get a cost estimate from the County Surveyor as a starting point. Even though there is grant money available, funding would still be needed from Fremont County for their portion.

Chairman Norden adjourned the meeting at 11:13 A.M.

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Commissioner Bell moved the adoption of the following Resolution:

RESOLUTION NO. 5
Series of 2015

RESOLUTION FOR ZONE CHANGE
DEPARTMENT OF PLANNING AND ZONING
FILE #ZC 14-003 KERR-RITTER ZONE CHANGE

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

THAT WHEREAS, William & Claire Kerr and Timothy & Margaret Ritter (hereafter "applicant") has made application for an amendment of the zoning map of Fremont County to change from the AGRICULTURAL RURAL ZONE DISTRICT to the AGRICULTURAL SUBURBAN ZONE for certain described real property owned by William & Claire Kerr and Timothy & Margaret Ritter;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its December 2, 2014 regular 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 within five-hundred (500) feet of the boundaries of the subject parcel; and to the appropriate reviewing agencies.

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 January 13, 2015 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

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NOW THEREFORE, BE IT RESOLVED by the Board that:

The Board did make the following findings with respect to the application for Zone Change as follows:

1. A statement of justification for the rezoning, including at least one (1) of the following conditions
 - a. The property was not properly zoned when existing zoning was imposed.
 - b. Additional land is needed in the proposed zone district.
 - c. There has been a material change in the neighborhood which justifies the requested zone change.
 - d. The proposed zone change will be in conformance to the Comprehensive or Master Plan for the area.
2. And the following list of other criteria to be considered in the review of the application:
 - a. There is a public need and there will be a County or neighborhood benefit.
 - b. The granting of the zone change request will tend to preserve and promote property values in the neighborhood.
 - c. There will not be any effect on existing traffic.
 - d. There will be no effect on adjacent uses.
 - e. The proposed development will be in harmony and compatible with the surrounding land uses and development in the area.

NOW THEREFORE, BE IT RESOLVED that the above and foregoing application and request for change be and is hereby approved; that the zoning classification of the hereinafter described real property is changed from the AGRICULTURAL RURAL ZONE DISTRICT to the AGRICULTURAL SUBURBAN ZONE and that the zoning map of Fremont County be and is hereby amended to show and record such change of classification and that the legal description of the real property so affected is described as follows:

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LEGAL DESCRIPTION

Lots 1 and 2, J. & K. Smith Subdivision

County of Fremont,
State of Colorado

Commissioner Payne seconded the adoption of the foregoing Resolution and upon a vote of the Board as follows:

Commissioner Payne: Aye / Nay / Abstain / Absent

Commissioner Bell: Aye / Nay / Abstain / Absent

Commissioner Norden: Aye / Nay / Abstain / Absent

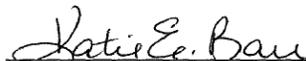
The Resolution was declared to be duly adopted.

DATE: January 13, 2015



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:



FREMONT COUNTY CLERK AND RECORDER

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Commissioner Payne moved the adoption of the following Resolution:

RESOLUTION NO. 8
Series of 2015

RESOLUTION FOR SPECIAL REVIEW USE PERMIT
DEPARTMENT OF PLANNING AND ZONING
FILE #SRU 14-004 ROYAL GORGE PAINTBALL (RECREATIONAL & OUTDOOR
AMUSEMENTS OR AMUSEMENT FACILITY)

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

THAT WHEREAS, Cary Michael Pond, (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 a paintball course, which is an allowed use and an existing heli-port which is a nonconforming use, which application has been designated as file #SRU 14-004 Royal Gorge Paintball (Recreational & Outdoor Amusements or Amusement Facility), 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 **December 2, 2014**, 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

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WHEREAS, the Board held a public hearing concerning said application on January 27, 2015, 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. (30 years estimated)

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- 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

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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 for both businesses shall be limited to Sunday through Saturday, sunrise to sunset, May 1st through September 7th and Sunday through Saturday, sunrise to sunset September 8th through April 30th by appointment only.
- I. The use will be limited to 3 employees, 6 heliport customers and 10 paintball customers at any one time, during conditioned hours of operation.
- J. The County shall retain the right to required buffering and landscaping for the properties to the north and east of the paintball property, if it remains zoned for residential purposes.
- K. The County will retain the right to require mitigation measures for noise, if in the future it becomes an issue.
- L. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, and further the applicant shall implement and maintain the plan, if required.
- M. 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.
- N. 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.
- O. 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).

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Commissioner Bell seconded the adoption of the foregoing Resolution and upon a vote of the Board as follows:

Commissioner Bell: Aye / Nay / Abstain / Absent

Commissioner Norden: Aye / Nay / Abstain / Absent

Commissioner Payne: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: February 10, 2015

Edward H. Norden
CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: *Katie E. Bau*
FREMONT COUNTY CLERK AND RECORDER

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RESOLUTION NO. 11, SERIES OF 2015

**A RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATED FUNDS
BETWEEN THE VARIOUS FUNDS OF FREMONT COUNTY, COLORADO, FOR THE
BUDGET YEAR ENDING DECEMBER 31, 2014**

WHEREAS, the Fremont County Board of Commissioners did approve the 2014 Budget for the various funds of Fremont County, Colorado, by Resolution No. 50, Series 2014, on December 9, 2013, and

WHEREAS, such approved budget did include certain Transfers and In-Direct Costs between the various Funds.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Fremont County, Colorado, that the following transfers and in-direct costs between the various Funds of Fremont County, Colorado, are hereby approved, and The County Treasurer is authorized to perform such Transfers for the 2014 Budget Year:

TRANSFERS TO:

GENERAL FUND	\$ 1,217,022
SHERIFFS FUND	3,939,852
DEPT OF TRANSPORTATION	72,553
DEPT OF HEALTH	140,364
CAPITAL EXPENDITURES FUND	312,102
SALES & USE TAX CAP IMP FUND	471,581
SELF-FUNDED INSURANCE FUND	300,000
WEED FUND	33,848
RESTRICTED FUND	<u>1,000</u>
<u>TOTAL TRANSFERS TO</u>	\$ <u>6,488,322</u>

TRANSFERS FROM:

GENERAL FUND	\$ 4,446,020
SHERIFFS FUND	394,713
DEPT OF TRANSPORTATION	266,096
WASTE DISPOSAL FUND	36,000
LODGING TAX FUND	932
AIRPORT FUND	45,474
PILT FUND	1,000,000
SALES & USE TAX CAP IMP FUND	225,500
DEPARTMENT OF HUMAN SERVICES	34,372
CONSERVATION TRUST FUND	12,000
SELF-FUNDED HEALTH INS FUND	20,115
WEED FUND	<u>7,100</u>
<u>TOTAL TRANSFERS FROM</u>	\$ <u>6,488,322</u>

February 10, 2015

Commissioner Payne 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	Absent	Abstain
Edward H. Norden	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

The Resolution was declared to be duly adopted.

Date: February 10, 2015

E. H. Norden
Chairman

Attest:

Kati E. Ban
County Clerk and Recorder