

February 26, 2013

FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 26, 2013, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 A.M.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Edward H. Norden	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, Deputy Clerk.

The Morning Prayer was given by Pastor Dan Kletke of the St. John Lutheran Church.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Commissioner Bell noted the scheduling of a Show Cause Hearing for March 12, 2013 at 10:00 a.m. for a Liquor License Renewal for Marv's Place in Penrose.

County Manager Sugars said the Water Lease Agreement with the Upper Arkansas Water Conservancy District is an annual lease. This is for well water used to water the lawn at the Administration Building and the well at the Airport.

Commissioner Payne moved to approve the consent agenda. Commissioner Norden seconded the motion. Upon vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #13 is attached.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials: None.

2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

February 26, 2013

NEW BUSINESS

1. Consideration of Agreement for the Participation with the Upper Arkansas Recycling Program.

County Manager Sugars said this is the annual agreement with the Upper Arkansas Area Council of Governments. This allows the County to participate in the recycling program. The cost will be \$23,000 for the year.

Commissioner Norden moved to approve the Agreement for Participation with the Upper Arkansas Recycling Program. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

2. Consideration of a Grant Agreement with Colorado Department of Transportation, Division of Aeronautics. Representative: Richard Baker, Airport Manager.

Richard Baker explained in January Commissioner Payne had gone to a grant hearing in Denver for this project. This project is for a parallel taxi way to extend from the existing taxi way to the west end. The Federal funding is \$3,000,000. The State funding is \$166,666. The County portion is \$166,666 which represents a 5% match. The total cost of the project is \$3,333,332. The grant is contingent upon federal approval and participation. An Engineer has been selected for the project. Bids have not yet been obtained for the proposed project.

Commissioner Norden moved to authorize the chair to sign the Grant Agreement with the Colorado Department of Transportation Division of Aeronautics for completion of a parallel taxi way at the Fremont County Airport. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell recessed the meeting at 9:45 A.M.

Chairman Bell called the meeting back to order at 10:00 A.M.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

Request: Amendment to Fremont County Subdivision Regulations. Request approval of a proposed amendment to the Preliminary Plan Section of the Fremont County Subdivision Regulations. Representative: Department of Planning & Zoning.

Chairman Bell opened the Public Hearing at 10:00 A.M.

Planning and Zoning Director Giordano said the proposed amendment was published and has been on the website. Giordano discussed the proposed changes to the Preliminary Plan Section of the Fremont County Subdivision Regulations. Commissioner Norden asked for clarification for the word "initial" in Section A-4 and Section D. Giordano said the word could be removed for clarification purposes. The goal is to make the process and procedures as consistent as possible. The Planning Commission did approve this amendment unanimously.

Public Comments: None.

February 26, 2013

Chairman Bell closed the Public Hearing at 10:15 A.M.

Commissioner Norden moved to approve Resolution #15 the Amendment to the Fremont County Subdivision Regulations Preliminary Plan Section, removing the word “initial” in sections A-4 and D. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

NEW BUSINESS CONTINUED

1. Canon City Rodeo Association
1595 S. 9th Street
Canon City, CO 81212
Application for a Special Events Permit – Malt, Vinous and Spirituous Liquor
Blossom Weekend Rodeo – May 3, 2013 from 11:00 A.M. to Midnight
May 4, 2013 from 9:00 A.M. to Midnight
Representative: Julie Lang, Canon City Rodeo Association.

Julie Lang said this is the 146th Royal Gorge Rodeo and there will be nine events. She said they ask for proof of age from anyone purchasing beer at the event. Commissioner Bell asked if anyone in the Rodeo Association has undergone the Liquor Training Class. Lang said none of the members have completed the training.

County Clerk Barr said the Rodeo Association has complied with all regulations in previous years. The property was posted properly and the application was submitted in a timely manner.

Commissioner Payne moved to approve the Special Events Permit for the Canon City Rodeo Association on May 3, 2013 from 11:00 a.m. to midnight, and May 4, 2013 from 9:00 a.m. to midnight. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

2. Canon City Rodeo Association
1595 S. 9th Street
Canon City, CO 81212
Application for a Special Events Permit – Malt, Vinous and Spirituous Liquor
Bad Boys Bull Riding Series – June 1, 2013, June 8, 2013, June 22, 2013, June 29, 2013 from 1:00 P.M. to Midnight
Representative: Boyd Canterbury, President of the Canon City Rodeo Association.

Boyd Canterbury said this is the third year for the event. Participants come from all over the United States. Last year the winner was from Pueblo.

Commissioner Norden moved to approve the Special Events Permit for the Canon City Rodeo Association for June 1, 2013, June 8, 2013, June 22, 2013 and June 29, 2013 from 1:00 p.m. to midnight. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell adjourned the meeting at 10:25 A.M.

February 26, 2013

905028 Pages: 1 of 5
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 Katie E. Barr, Clerk and Recorder, Fremont County, CO


Commissioner Payne moved the adoption of the following Resolution:

RESOLUTION NO. 13
Series of 2013

RESOLUTION FOR CONDITIONAL USE PERMIT
FILE NUMBER CUP 12-003 DAWSON GOLD PROJECT (EXPLORATION)

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

THAT WHEREAS, Zephyr Gold USA, Ltd., (hereafter "Applicant") has made application for issuance of a Conditional Use Permit pursuant to Section 8.14 of the Zoning Resolution of Fremont County **to allow for surface excavation and drilling exploration for precious metals**. Said application has been designated as file **#CUP 12-003 Dawson Gold Project (Exploration)**; and

WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **January 2, 2013** regular meeting and the Planning Commission recommended **APPROVAL**; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location of the public hearing, telephone number of the 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 agencies, in accordance with regulations; and

WHEREAS, a notice containing the specific request, proposed use, date, time, 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 **February 12, 2013**, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the County's file concerning the application; and

WHEREAS, it appears that the issuance of a Conditional Use Permit is appropriate;

February 26, 2013

905028 02/26/2013 11:08 AM
Page 2 of 5

NOW THEREFORE, BE IT RESOLVED by the Board that:

1. The Board did make the following findings with respect to the application for a Conditional Use Permit 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 effect 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 of 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 this approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the county, and will not cause significant air, water, noise or other pollution.
2. A Conditional Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions:
 - A. Conditional Use Permit shall be issued for one (1) year.
 - 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

February 26, 2013

905028 02/26/2013 11:08 AM
Page 3 of 5

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 Conditional Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the 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 prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.
- G. If a Conditional Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days and hours of operation shall not be limited.
- I. Total surface disturbance shall not exceed two (2) acres.
- J. Applicant shall provide the Department with documentation (deed of record), that Zephyr Gold USA Ltd is the owner of record, prior to commencing operation.

February 26, 2013

905028 02/26/2013 11:08 AM
Page 4 of 5

- K. Applicant shall provide the Department with documentation of an acceptable means for sewage disposal, for the employees, from the Fremont County Department of Environmental Health prior to commencing operation.
- L. The applicant shall provide the Department with documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, and that it will be implemented and maintained, if required, prior to commencing operation.
- M. Applicant shall provide the Department with documentation from the Fremont County Reviewing Engineer regarding the following as noted in his letter dated November 28, 2012:
 - 1. If the drilling and testing is successful and any traffic expansion is proposed at a later date, changes to the drive location may be needed.
 - 2. Any new travel paths, as well as the drill pads and test pits must be graded to minimize runoff to adjacent areas. Best management practices, as shown in CDOT publications, or other recognized authorities, must be implemented at the disturbed sites to mitigate silt transport and stormwater run-off, prior to commencing operation.
- N. Applicant shall provide the department with documentation from the Fremont County Department of Transportation as to compliance with the requirements as noted in a letter dated November 20, 2012 prior to commencing operation.
- O. Applicant shall provide a copy of the following:
 - 1. Notice of Intent to Explore – Division of Reclamation, Mining and Safety.
 - 2. The 15 day notice – US Department of Interior, Bureau of Land Management.
 - 3. Stormwater management plan (permit) approved by the Colorado Department of Public Health and Environment (CDPH&E) or documentation from CDPH&E that such a plan is not required.
- P. 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.

February 26, 2013

905028 02/26/2013 11:08 AM
Page 5 of 5

- Q. Only the named party on the permit shall be allowed to operate this Conditional Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Conditional Use Permit must agree to abide by all terms and conditions of this Permit and shall be required to be named on this Permit as additional parties who are bound by the terms and conditions of this Conditional Review Use Permit.
- R. A Conditional 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*).

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

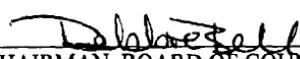
Commissioner Bell: Aye / Nay / Abstain / Absent

Commissioner Norden: Aye / Nay / Abstain / Absent

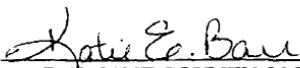
Commissioner Payne: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: February 12, 2013



CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST: 

FREMONT COUNTY CLERK AND RECORDER