

February 28, 2012

FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 28th, 2012, 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
Michael J. Stiehl	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 Terry Douglass of Lincoln Park Nazarene 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 Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

CONSENT AGENDA

Commissioner Stiehl moved to approve the consent agenda, adding February 14th, 2012 to the approval of minutes. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #12 is attached.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Clerk Barr stated that there is no deadline for unaffiliated voters to affiliate for the Primary Election. They can affiliate up to and including Election Day. A voter who is already affiliated and would like to change affiliations has until May 29th, 2012 to do so. Commissioner Norden asked if May 29th is also the deadline to register to vote for the Primary. Clerk Barr said yes that is also the last day to register to vote in the Primary. June 4th is when the mail ballots will be mailed out and Primary Election Day is June 26th.

Commissioner Norden noted that there is a vacancy on the Fremont County Board of Zoning Adjustment. The deadline for letters of interest is Wednesday, March 7th at 4:30 to be turned in to the Commissioner's Office at the Administration Building. The Board will be appointing a full member or an alternate member depending on what kind of letters of interest they receive.

2. Citizens Not Scheduled:

None.

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OLD BUSINESS

1. TUP 11-008 Over the River

Commissioner Bell stated that this is an application for the Over the River Project by the Over the River Corporation that was continued from the Board of County Commissioners public hearing that was held on February 1st and 2nd. That public hearing was closed on February 2nd, 2012. The Board did accept public comment that closed February 9th, 2012. Commissioner Bell stated that the Board has not come up with a Resolution yet and are not prepared to do so.

Commissioner Norden made a motion that TUP 11-008 be tabled to the next regular meeting on March 13th. Commissioner Stiehl seconded the motion.

Commissioner Norden stated that they have been working very hard on the language. They may be ready to make a decision on the 13th and they may not. The Board might take action or they may table it yet again. Commissioner Norden also stated that since Christo has pushed the project to 2015, the Board of Commissioners does not intend to postpone their decision by another year, but in fact this Board will most likely make their decision sooner than later, probably within the month of March. Commissioner Bell reiterated that the Over the River Corporation has formally asked Fremont County to change the date of display to August, 2015. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

Commissioner Bell also made note to the public that they will let everyone know ahead of time if they are going to take action at the next meeting concerning Over the River or if they are going to once again table the decision. Commissioner Norden stated that the Planning and Zoning Department continues to receive written comment about Over the River, but anything received after 4:30pm on February 9th will not be received as part of the public record. County Attorney Jackson stated that anything received after the deadline is not being forwarded to the County Commissioners.

NEW BUSINESS

1. Special Event Liquor License – Canon City Rodeo Assoc. – Boyd Canterbury

Boyd Canterbury stated that this rodeo will take place over Blossom Weekend, May 4th & 5th. Last year's event drew in 5600 spectators which was the largest turnout in the rodeo's history and they hope to have even more this year.

Commissioner Stiehl moved to approve the special event liquor license. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

2. Presentation to Harold Serven for 12 years of dedicated service on the Board of Zoning Adjustment.

Commissioner Bell stated that Harold Serven is the reason there is a vacancy on the Board of Zoning Adjustment. He served on that board for 12 years and because of that the Board presented him with a certificate of thanks as well as a globe.

3. Request: Adoption of a resolution amending the Fremont County Zoning fees.

Bill Giordano stated that we recently approved the 4th amendment to the Zoning Resolution. There are now fees for zone change 1 and zone change 2. Zone change 1 was simply reduced by \$50. Zone change 1 went from \$1550 to \$1500. One of the new fees added is a TUP where the applicant does not have to come before the Board of Commissioners for approval. The fee for this type of application is \$175. Zone change 2 is \$1750. Zone change 2 – use designation is \$1500. Zone change 2 – final is \$750. Total for the two step process is \$2250 plus \$500 for any major modifications. Commissioner Stiehl stated that having the different options might work to the customer's advantage time wise.

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Commissioner Norden stated that the Board is not increasing fees they are simply attaching fees to categories that didn't have any.

Commissioner Norden moved to approve Resolution #16 adopting the amended Fremont County Zoning Fees. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried. Resolution #16 is attached.

4. PuebloCARE's presentation on Radon – Sid Darden

Kathy Howe-Kerr from PuebloCAREs gave a brief presentation on radon. She stated that radon is completely odorless, colorless, & tasteless. It is naturally released from soil and rocks. The only way to know that radon is present is to test for it. Radon is dangerous because it's radioactive therefore its cancer causing. They distributed free radon kits in the atrium through 12:00.

5. Consideration of Revisions to the Fremont County Pathfinder Regional Park Facility Usage Policy and Agreement – Tommy Covington

Tommy Covington presented the Board with a new fee schedule. Tommy stated that when the usage of the facilities increases, the fee schedules need to be revised. He spoke with various entities across the state and received copies of their fee schedules and that's how he came up with the fees being presented to the Board. Commissioner Bell asked that Tommy talk a little bit about the new camp sites that are available. Tommy stated that in the master plan of Pathfinder Park there were places for campsites with hook-ups. In the mean time there have been requests from those attending or entering events to bring a camper or trailer and spend the night without hook-ups. There are fees listed in his proposed fee schedule for that as well. Commissioner Bell mentioned that we are not in competition with the local campgrounds; this is just a convenience for those attending events at the Park. Commissioner Norden stated that the primary push for a new fee schedule stemmed from inquiries last fall of people wanting to use the grounds outside of the arena and there were no fees in place for that usage.

Commissioner Norden moved to approve the Fremont County Pathfinder Regional Park Facility Usage Policy and Agreement. Commissioner Stiehl Seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

6. Consideration of re-appointment of Margaret Stiles Storm and Kay Ellison to the Fremont County Heritage Commission

Commissioner Bell stated that both ladies would be re-appointed to three year terms. Their terms would end January 1, 2015. Both ladies have expressed interest in being re-appointed. Margaret Stiles Storm represents the Florence area, and Kay Ellison represents the museums on that board.

Commissioner Stiehl moved to approve the re-appointment of Margaret Stiles Storm and Kay Ellison to the Heritage Commission. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

7. Consideration of Purchase Order DHS Systems, LLC for Incident Command Post Trailer – Steve Morrisey

Steve Morrisey stated that he found that there was a great need in Fremont County for an incident command post. Steve then put in for a grant that covers \$45,000. The cost that the County would have to cover is \$384.75. Commissioner Norden asked what the Sheriff's Office currently uses. Ty Martin from the Sheriff's Office stated that they currently use a converted ambulance and the incident command post trailer that Steve found is very much needed.

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Commissioner Norden moved to approve the purchase order for the DHS Systems, LLC incident command post trailer in the amount of \$45,384.75. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

8. Agreement for Inmate Health Care Services at Fremont County

Ty Martin stated that not only is inmate health care one of the most expensive bills at the Sheriff's Office, but it's also their biggest liability. The Sheriff's Office is in support of keeping their contract with Inmate Health Care Services. In the past the Sheriff's Office has tried to handle this on their own but found that liability wise it's much better to let Inmate Health Care Services handle everything.

Commissioner Norden moved to approve the Inmate Health Care Services agreement for the Fremont County Jail. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

9. Medicare Enrollment Application – Carla Dionne

Carla Dionne stated that this Medicare enrollment application is a Part B application. The application is new and for only Part B and immunizations. Carla is asking for both approval of this application with Trail Blazer Health Enterprises as well as signatory on the letter.

Commissioner Stiehl moved to approve the Medicare enrollment application with Trail Blazer Health Enterprises and authorize the Chair to sign the letter. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

10. Consideration of Rescission of Resolution #35 Series 2011 which placed a Temporary Moratorium on New Lease Agreements for Airport-related operations on Airport Property, pending completion of the update to the Airport Master Plan and approval of final Airport Rules and Regulations

County Attorney Jackson explained that in November of 2011, the Board put in place a moratorium on new lease agreements for airport related operations on airport property until an updated master plan could be produced. In going through the process of updating the new master plan it was determined that even when the master plan is complete the Board will still make the ultimate decisions on new lease agreements on airport property and in fact the Board's decisions on new leases won't play any part with the updated master plan that is set for Public Hearing in April.

Richard Baker stated that the airport board and management staff recently had a workshop concerning the moratorium. It is the recommendation of the airport board that the Board of County Commissioners lift the moratorium and that the Board should remain the ultimate authority on new lease agreements on airport property. Commissioner Norden asked Mr. Baker if any future concerns on new leases could be addressed in the language of the lease itself. Mr. Baker stated that each lease will be looked over by the Board and any language that the Board wants to add they will have the authority to do so.

Commissioner Norden moved to approve Resolution #17, the rescission of Resolution #35 Series 2011 removing the temporary moratorium on new lease agreements for airport related operations on airport property. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, nay; Commissioner Bell, aye. The motion carried. Resolution #17 is attached.

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11. Consideration of West Tech Communications proposal for telephone and switch replacement at the Sheriff's Office and District Attorney's Office – Lisa Ring

Lisa Ring stated that she and Jody have been looking over three bids for telephone systems to replace the phones at the Sheriff's Office. They also wanted to upgrade to an IP phone system which requires new switches for the system.

After reviewing the bids the system they prefer the most was the bid with West Tech Communications, the same system that is in the administration building. Once the system is in place the District Attorney's office will be on the same system as the Sheriff's office and the Judicial Building will be on a completely separate system all together. Ty Martin expressed his thanks to Lisa and Jody for all the hard work they do.

Commissioner Norden moved to approve the bid to West Tech Communications in the amount of \$64,165, for telephone and switch replacement at the Sheriff's Office and the District Attorney's Office. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

None.

Public Comments:

None.

Chairman Bell adjourned the meeting at 10:44 A.M.

Clerk and Recorder

February 28, 2012

Mr. Commissioner Norden moved the adoption of the following Resolution:

RESOLUTION NO.12
Series of 2010

RESOLUTION FOR CONDITIONAL USE PERMIT
FILE NUMBER CUP 11-001 CAÑON DOLOMITE QUARRY

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

THAT WHEREAS, Rocky Mountain Landscape Materials, (hereafter "Applicant") has made application for issuance of a Conditional Use Permit pursuant to Section 8.2 of the Zoning Resolution of Fremont County to allow for mining of dolomite and rock and gravel, which may include drilling, blasting, on-site crushing and screening and hauling rock from the site. Said application has been designated as file #CUP 11-001 CAÑON DOLOMITE QUARRY; and

WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its January 4, 2012 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 14, 2012, 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

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WHEREAS, it appears that the issuance of a Conditional Use Permit is appropriate;
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 8.2 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. The term of the Conditional Use Permit shall be for life of the mine (*estimated as 70 years*).
 - 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

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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 special review 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.
- 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. All loads of material transported from the site shall comply with applicable Colorado Revised Statutes.
- I. The applicant shall provide the Department with a copy of the updated lease when renewed.

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- J. Days of operation will be limited to Monday through Friday from 7a.m. to 7p.m.
- K. The number of haul truck trips shall not exceed forty-eight (48) trips per day and ten (10) employee trips. **(A trip is considered as a single or one direction vehicle movement with either the origin or the destination (exiting or entering) inside the subject property.)**
- L. Prior to operation the applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, further the applicant shall implement and maintain the plan.
- M. Provide a copy of the following approved permits, licenses or the like, prior to mining and any approved future changes to such: *(If not required provide documentation from the listed entity that the following is not required, prior to mining.)*
1. Approved copy of the Colorado Department of Public Health and Environment, Air Quality Control Division, Fugitive Dust Permit and Plan and APEN permit(s).
 2. Approved copy of the Colorado Department of Public Health and Environment, Water Quality Control Division, Storm Water Management Plan and Discharge Permit.
 3. Approved copy of the Colorado Department of Transportation Access permit for the proposed use.
 4. A copy of the approved Colorado Department of Natural Resources, Division of Reclamation, Mining and Safety Reclamation Permit.
 5. United States Department of Labor, Mine Safety and Health Administration MSHA number.
 6. Valid license to store and use explosives and a copy of any inspections from the State Office of Labor.
- N. Dust suppressant may be required, by Fremont County, on any portion of the operation in the future if determined to be needed.
- O. 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.
- P. Only the named party on the permit shall be allowed to operate this Conditional Use Permit.

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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.

Q. 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 8.2 of the Fremont County Zoning Resolution (*complete reapplication*).

Mr. Commissioner Stiehl seconded the adoption of the foregoing Resolution and upon a vote of the Board as follows:

Mrs. Commissioner Bell: Aye / Nay / Abstain / Absent

Mr. Commissioner Norden: Aye / Nay / Abstain / Absent

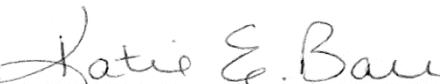
Mr. Commissioner Stiehl: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: February 14, 2012



CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST: 

FREMONT COUNTY CLERK AND RECORDER

February 28, 2012

Mr. Commissioner Norden moved for the adoption of the following Resolution:

RESOLUTION NO. 16
Series of 2012

THAT WHEREAS, the Fremont County Zoning Resolution, as adopted on February 14, 2012 provides that fees associated with said regulations shall be established by Resolution of the Fremont County Board of County Commissioners (hereafter Board); and

WHEREAS, the Board held a public meeting concerning certain zoning fees on February 28, 2012, at which time comments and evidence were considered;

NOW, THEREFORE, BE IT RESOLVED by the Board on February 28, 2012, that the fee charged pursuant to the Fremont County Zoning Resolution be and hereby are established and fixed as set forth below and become effective **March 1, 2012**.

TYPE OF APPLICATION	FEE
Amendment to Contingencies or Conditions of Approval	\$175.00
Board of Zoning Adjustment	\$750.00 +
Certificate of Designation	\$750.00 +
Collocation of Antenna on Existing Tower	\$250.00
Commercial Development Plan (CDP)	\$1,750.00 +
CDP Major Modification	\$500.00
Conditional Use Permit (CUP)	\$1,750.00 +
CUP Renewal	\$1,550.00 +
CUP Transfer	\$300.00
CUP Cessation	\$150.00
CUP Annual Report (<i>penalty if delinquent</i>)	\$150.00 *
CUP Change of Operator	\$250.00
CUP Major Modification	\$500.00
Development Plan Review for MHP and TTP&CG	\$525.00
Home Occupation	\$205.00
Kennel License Inspection	\$200.00
Manufactured Home Storage Permit (MHSP)	\$125.00
Manufactured Home Storage Permit Renewal	\$75.00
Master Plan Amendment	\$300.00
Non-Conforming Use Status	\$350.00
Planned Unit Development (PUD)	\$1,800.00 +
Planned Unit Development Modification	\$275.00
Rebuild Letter	\$125.00
Rebuild Letter w/Non-Conforming Use Status	\$300.00
Review of a Proposed Medical Marijuana Dispensary	\$250.00
Similar Use Designation	\$325.00
Special Review Use Permit (SRU)	\$1,800.00 +
SRU Annual Review (<i>penalty if delinquent</i>)	\$150.00 *
SRU Cessation	\$150.00
SRU Change of Operator	\$250.00
SRU Major Modification	\$500.00

RECEPTION#: 893910,
02/28/2012 at 03:17:35 PM, 1 OF 3,

KATIE E. BARR, CLERK AND RECORDER
FREMONT COUNTY, CO

February 28, 2012

SRU Transfer	\$350.00
Surfacing and Buffering Waivers	\$125.00
Temporary Use Permit w/meeting	\$250.00
Temporary Use Permit w/o meeting	\$175.00
Temporary Use Permit – Temporary Tower	\$800.00
Waste Treatment Sites	\$1,500.00 +
Zone Change – 1 (ZC)	\$1,500.00 +
ZC Major Modification	\$500.00
Zone Change – 2 (ZC)	\$1,750.00 +
ZC-2 – Use Designation	\$1,500.00
ZC-2 – Final	\$750.00
ZC Major Modification	\$500.00
Zone Change MFH or TTP&CG Zone Districts	\$2,150.00+
Zoning Compliance Letter	\$300.00
Zoning Resolution Amendment	\$300.00

+ This symbol means that the applicant shall be responsible for payment of all associated publication fees.

* This fee will only be charged if the holder of a Conditional Use Permit (CUP) or Special Revue Permit (SRU) does not submit documents required as a condition of the approval of the permit [i.e. copies of current leases, a (*prior to expiration*), copies of Annual Mining Reports to the Colorado Division of Reclamation, Mining and Safety; Renewed Stormwater Permits; Air Pollution Permits; Technical Revisions; etc.] to the Department of Planning and Zoning on an annual basis or as otherwise required. If the Department has to notify the permit holder that such documents have not been submitted then the fee will be charged. If the fee and required documents are not submitted to the Department within twenty (20) days of the Department notification to the permit holder, violation procedures will be commence.

A full application fee will be charged to the applicant, if all deficiencies as per the initial application review letter are not adequately addressed or provided. Each subsequent deficiency review letter will result in another full application fee. All such fees shall be paid along with the deficiency submittal, prior to any further review of the application.

The applicant shall be responsible for payment, at hourly rae for each employee, at that employee's hourly wage rate, for any hours which exceed the initial application review hours.

Any application for a use permit or change of zoning that has been initiated after the use requiring a permit or change has been established o the property shall be subject to a penalty fee in addition to the set application fee for such permit or change. The penalty fee will be the same amount as the application fee set for such permit or change. In effect a double application fee shall be charged at the time of application in such circumstances. (Example: *The application fee for a Special Review Use Permit is \$1,800.00; the penalty fee will be \$1,800.00, and therefore the application fee for a permit to house the proposed use would be \$3,600.00.*). For these purposes an application for Home occupation shall not be considered as a use permit application. As with all land use applications, payment of application fees do not insure approval of the application.

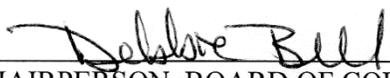
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Mr. Commissioner Stiehl seconded the adoption of the foregoing Resolution and upon a vote of the Commissioners as follows:

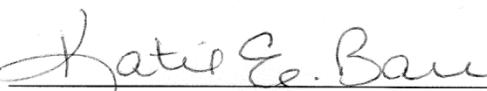
Commissioner Bell: Aye / Nay / Absent
Commissioner Norden: Aye / Nay / Absent
Commissioner Stiehl: Aye / Nay / Absent

The Resolution was declared to be duly adopted.

DATE: February 28, 2012



CHAIRPERSON, BOARD OF COUNTY COMMISSIONERS

ATTEST: 

FREMONT COUNTY CLERK AND RECORDER

February 28, 2012

RESOLUTION NO. 17, SERIES 2012

**A RESOLUTION REMOVING THE TEMPORARY MORATORIUM ON
NEW LEASE AGREEMENTS FOR
AIRPORT-RELATED OPERATIONS ON AIRPORT PROPERTY**

WHEREAS, §30-11-107(1)(j), C.R.S. authorizes the board of county commissioners in each county in the state to acquire land for, lay out, construct, maintain and repair airports and landing strips for aircraft, to enter into leases, and to fix and collect charges or fees for the use of such airports and landing strips; and

WHEREAS, the Fremont County Board of County Commissioners has established the Fremont County Airport and has entered into leases for the use of the Fremont County Airport property; and

WHEREAS, on November 8, 2011, the Board of Commissioners for Fremont County adopted Resolution No. 35, Series of 2011, which imposed a temporary moratorium on new lease agreements at the Fremont County Airport, pending receipt of the update for the master plan for the airport; and

WHEREAS, the Fremont County Airport Advisory Board has been engaged in the process of establishing rules and regulations, which if adopted by the Board of County Commissioners, will govern the activities and operations at the Fremont County Airport; and

WHEREAS, the Board of County Commissioners has recently received requests from interested persons for lease agreements of Fremont County Airport property; and

WHEREAS, the Fremont County Airport Advisory Board has recommended that the Board of County Commissioners consider lifting the moratorium to allow for consideration of new lease applications for Fremont County Airport property; and

WHEREAS, it appears to the Board of Commissioners that the update to the airport master plan will not be a document that plans for the types of aeronautical uses to allow at the Fremont County Airport, which will remain within the purview and control of the Board of Commissioners and not be governed by the updated master plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, that the moratorium on new lease agreements of airport property, imposed pursuant to Resolution No. 35, Series of 2011 is hereby removed and lifted. The removal of the moratorium shall be effective as of the date of adoption of this Resolution. Any new lease applications may be presented to the Board of County Commissioners for consideration of the same on a case by case basis.

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

Debbie Bell	<u>Aye</u>	Nay	Abstain	Absent
Edward H. Norden	<u>Aye</u>	Nay	Abstain	Absent
Michael J. Stiehl	<u>Aye</u>	<u>Nay</u>	Abstain	Absent

Date: 2/28/12

**BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY**

ATTEST:

By: Debbie Bell
Chairman

By: Katie E. Bain
Clerk to the Board