

EIGHTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 24, 2007, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward H. Norden called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Larry Lasha	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Brenda Jackson	County Attorney	Present
Norma Hatfield	Clerk and Recorder	Present

Also present Finance Director, Dana Angel and Bill Giordano, Planning and Zoning Director. Deputy Clerk, Kris Lang was absent.

Pastor Larry Chell of the Christian Family Fellowship gave the Morning Prayer.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

APPROVAL OF AGENDA

Commissioner Lasha made a motion to approve the agenda as presented. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

Commissioner Stiehl moved to approve the consent agenda.

1. Approval of Minutes April 10, 2007
2. Approval of Bills, April 24, 2007/\$555,068.84
3. LIQUOR LICENSES
 - Kwik Start Inc.
 - Kwik Stop #6
 - 916 Hwy 115
 - Penrose, CO 81240
 - Percent Beer Retail License Renewal

 - Bernie's Place
 - 1419 S. 9th Street
 - Cañon City, CO 81212
 - Tavern Modification of Premise
4. Adoption of Resolution #25, Series of 2007, file #CUP 06-004 Beedle Quarry
5. Scheduling of Public Hearing for May 8, 2007
 - REQUEST: 24TH ADMENDMENT TO FREMONT COUNTY ZONING RESOLUTION
 - Request approval of various amendments to the Fremont County Zoning Resolution including amendments to the definitions of GROUP HOME and JUNK; extending the time frame for Board action after Public Hearing for Zone Changes, Conditional Use Permits, Special Review Use Permits, and Site Development Plans; adding a definition for ASSISTED LIVING RESIDENCE or RESIDENCE; adding Assisted Living Residence or Residence as a Special Review Use in certain zone districts.

The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Pat McFarland, Fremont County Treasurer & Public Trustee, submitted the Quarterly Report of the Public Trustee for January 1, 2007 through March 31, 2007. She reported they did 848 Releases, and the total money collected was \$29,693.30. They commenced 79 foreclosures. The beginning balance as of January 1, 2007 was \$5,465.73 and the balance as of March 31, 2007 was \$32,088.80. She remarked the Treasury Department has received \$521,168.79 for the 1,905 senior taxpayers participating in the homestead exemption offered by the State. These funds were distributed among the entities. Ms. McFarland announced April 30th is the final date for the full amount payment of property taxes. **Commissioner Lasha** moved to approve the Public Trustees' Quarterly Report. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Lasha remarked that over 270 trash vouchers were turned in at the land fill. He stated the Tire Recycling Day on April 14th at Holcim was successful and commented that Florence completed their clean-up week on April 20th.

Commissioner Norden stated he had received an e-mail from Steve Rabe at City Hall regarding the April 14th household hazardous waste recycling program. Of the 665 participants, 643 were surveyed revealing disposals of paints, oil, solvents and batteries. The same survey indicated over 74% of the citizens would pay for household hazardous waste disposal in the future.

Commissioner Stiehl advised he is a local and state level member of the Workman's Investment Board. He outlined the Governors Summer Job Hunt program designed to assist 14 to 21 year olds seeking summer jobs in Fremont, Chaffee, Custer and Park Counties. He remarked additional information could be obtained by contacting the Work Force Center at 275-7408 or the Commissioners Office. Commissioner Stiehl also outlined a program for existing employees that offered four (4) sessions of customer service and conflict resolution training. He stated the training will be sponsored and paid for by the Workforce Investment Act and will be help at the Pueblo Community College on May 9th, 11th and June 4th, 11th from 8am to 4pm. The training sessions are available for local businesses as well as the county and city work force. He remarked additional information could be obtained by contacting the Chamber of Commerce or the Commissioners Office. He announced a second phase would be available in July after the close of the fiscal year.

2. Citizens Not Scheduled / None

NEW BUSINESS:**BOARD OF HEALTH-TEMPORARY SEPTIC INSTALLATION/REDUCTION OF SYSTEM REQUEST**

Commissioner Norden adjourned as the *Fremont County Board of Commissioners* and resumed as the *Fremont County Board of Health*.

Rick Byrd stated he was requesting approval for the installation of a septic system with a reduction in leach bed size of 2/3 the original design. He advised the property at 1245 Lawrence Avenue is in the proposed LID Sewer Extension project in North Canon. He said they would like to live in their new home without the encumbrance of the full cost of a leach bed that would only be used for approximately 18 months. He remarked that was the estimated time the LID Sewer Extension project would reach his property and that he intends to attach to the sewer extension when available.

Commissioner Lasha referenced the letter of April 12, 2007 from Dan Brixey, Environmental Health Technician/Building Inspector quoting the concerns: (a) Should the property be placed on the market for sale or foreclosed upon, the leach bed size would have to be upgraded to meet the design criteria of 1,465 square feet. (b) Should the LID fail and not go forward within three (3) years time of the date the request is granted, the system would be required to be installed as designed at 1,465 square feet. (c) Should the system fail at any time during the three (3) year period, the upgrade to 1,465 square feet would be required. (d) A letter of intent to attach to the sewer extension should be signed by the property owners. Mr. Byrd responded that he was in agreement with the requirements.

Commissioner Stiehl made a motion to grant the request for the Temporary Septic Installation/Reduction of System with the a - d requirements as outlined in the letter of April 12, 2007 from Environmental Health Technician, Dan Brixey. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden adjourned as the *Fremont County Board of Health* and resumed the meeting as the *Fremont County Board of Commissioners*.

PENROSE COMMUNITY LIBRARY APPOINTMENTS

Commissioner Norden reference a letter from Kristina A. Lindsey, Director of the Penrose Community Library requesting the appointment of Esther Brunette to the Board of Trustees and approval of Judy Lazor, Board President; Gypsy Kelso, Vice President; Karen Olmen, Treasurer and Tami Mundy, Secretary.

Commissioner Lasha made a motion to approve the appointments as stated. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

FREMONT COUNTY PROMOTIONAL EFFORTS – FORT CARSON EXPANSION REPORT

Flo Orona, Committee Chairperson advised the Committee was formed following an informational meeting at the Council Chambers in September 2006. She complimented the dedication and motivation of the committee members and emphasized the committee is on-going and will continue to represent Fremont County. Ms. Orono shared their website “Come Home to Fremont County” at: pcsFremontCounty.com. She announced the Royal Gorge Association of Realtors and FEDC each donated \$5,000 towards the promotional efforts.

Ron Hinkle gave a slide presentation and reported the Mountain Post Welcome in Fort Hood, Texas on February 26, 27, 28 of 2007 was successful. He commented they were able to make personal contact with approximately 80% of the 1500 soldiers in attendance. Mr. Hinkle stated the soldiers were enthusiastic and motivated over the relocation to the Fort Carson Mountain Post.

Catherine Petersen reported she and **Flo Orona** attended the town meeting in Pueblo, CO. hosted by Fort Carson on April 17, 2007. Major General Robert W. Mixon, Jr. the Commander at Fort Carson reported in the year 2005 the soldier population was 14,000 and this figure would be increased to the mid 20,000 range by the year 2009. Brian Binn, Military Affairs President of the Colorado Springs Chamber of Commerce reported the growth rate in southern Colorado will approximately double in the next four to five years with the increase of soldiers at Fort Carson. Ms. Petersen stated Chairman of the Colorado Defense Mission Coalition, Tony Koren reported a \$600,000 grant from the Federal Government. Their main concerns and issues are transportation, schools and affordable housing for the soldiers and their families. Ms. Petersen reported that Fort Carson will provide 25% of the troop housing on base and the remaining 75% will reside off the Mountain Post base. She explained that once the soldiers, their families, and support personnel arrival in the area, it will bring an impact of another 32,000 people.

Commissioner Norden thanked the Committee for attending the breakout sessions and meetings since the Board of Commissioners had experienced scheduling conflicts and requested a written report for further review by the Board.

REQUEST: EXTENSION OF MS 06-006 J.G. MCLANE MINOR SUBDIVISION

Planning and Zoning Director, Bill Giordano stated they were requesting approval of a **six (6) month extension** to allow completion of the required contingencies (**ratification, consent and release form and Colorado Department of Transportation letter**), for a two (2) lot minor subdivision located approximately *1200 feet west of the intersection of U.S. Highway 50 & County Road #101A, on the north side of U.S. Highway 50, in the Howard Area.*

Commissioner Lasha made a motion to approve the Extension of MS 06-006 J.G. McLane Minor Subdivision for a six (6) month period. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

REQUEST: EXTENSION OF LLA 06-016 MEADOWBROOKE SUBDIVISION FILING NO. 2

Planning and Zoning Director, Bill Giordano stated they were requesting approval of a **six (6) month extension** to allow completion of the requirements (**ratification, consent and release form and setting of pins**), for a lot line adjustment for property which is located *west of the intersection of Smith Street and Ranchitos Drive in the North Cañon Area.*

Commissioner Stiehl made a motion to approve the Extension of LLA 06-016 Meadowbrooke Subdivision Filing No. 2 for a six (6) month period. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

REQUEST: TUP 07-002 ROCKY MOUNTAIN TRIALS

Clifford Tucker, Rocky Mountain Trials Association stated they were requesting approval of a **Temporary Use Permit** to allow a **Nationally Observed Motorcycle Trials Event** by the Rocky Mountain Trials Association. The event will take place at *0775 Brigadew Springs Trail which is approximately 4.5 miles north of Cotopaxi along County Road 12 and approximately one (1) mile east of the intersection of County Road 12 and Brigadew Springs Trail.* The fourth-year event will run May 25, 26, 27 of 2007, from 7am to 7pm. He said they are anticipating 125 competitive riders and 250 spectators.

Bill Giordano, Planning and Zoning Director stated all the minimum requirements have been met. They are requesting acceptance of the general liability insurance and waiver of the clean-up fee.

Commissioner Lasha made a motion to approve TUP 07-002 Rocky Mountain Trial Event with acceptance of the general liability insurance and waiver of the clean-up fee. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

REQUEST: TUP 07-004 CAÑON CITY CHAMBER OF COMMERCE CIRCUS

Gloria Stultz, President, Cañon City Chamber of Commerce stated they were requesting approval of a **Temporary Use Permit** to allow a **Circus** by Cañon City Chamber of Commerce. The fourth-year event will take place *on the south side of Elm Avenue between 9th Street and Oak Creek Grade Road, in Cañon City.* The Circus will run on Tuesday, May 29, 2007, from 4:30pm until 7:30pm. The subject property is located in the Business Zone District. She advised they were in direct contact with Environmental Health Officer, Sid Darden for the inspection of the retail food establishment license before or on the date of the event.

Commissioner Stiehl made a motion to approve TUP 07-004 Cañon City Chamber of Commerce Circus with acceptance of the general liability insurance and waiver of the

clean-up fee. The Colorado Retail Food Establishment License must be provided to the Planning and Zoning Department prior to or on the date of the event. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

REQUEST: TUP 07-9005 CAÑON CITY MUSIC & BLOSSOM CARNIVAL

Michael Fry, Cañon City Music and Blossom Festival, Inc. stated they were requesting approval of a **Temporary Use Permit** to allow a **Carnival** by Cañon City Music and Blossom Festival. The event will take place *on the south side of Elm Avenue between 9th Street and Oak Creek Grade Road, in Cañon City*. The Carnival will take place Tuesday, May 1st to Monday, May 7th of 2007, from 8am until Midnight. The subject property is located in the Business Zone District. Mr. Fry stated this was the sixty-ninth year for the event. He advised they were in direct contact with Environmental Health Officer, Sid Darden for the inspection of the retail food establishment license before or on the date of the event.

Bill Giordano, Planning and Zoning Director stated all the minimum requirements have been met. They are requesting acceptance of the general liability insurance and waiver of the application and clean-up fee.

Commissioner Lasha made a motion to approve TUP 07-005 Cañon City Music and Blossom Carnival with the acceptance of the general liability insurance and waiver of the application and clean-up fees. The Colorado Retail Food Establishment License must be provided to the Planning and Zoning Department prior to or on the date of the event. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

REQUEST: MS 07-001 L&B RICHARDS SUBDIVISION

Chuck Rupp, Ponderosa Engineering stated they were requesting approval of a **two (2) lot subdivision, Department file #MS 07-001 L&B Richards Subdivision**, by Lee Roy & Bonnie Jo Richards, for their property *which is located approximately 800 feet north of the intersection of County Road #95 and Moore Drive on the east side of Moore Drive, south of the City of Florence*. Proposed lot 1 will consist of 2.70 acres and contains a frame constructed single-family dwelling and a shed. Proposed lot 2 will consist of 2.134 acres and is vacant. The property is being used for residential/agricultural uses. The property consists of approximately 4.834 acres and is located in the Agricultural Estates Zone District. Mr. Rupp stated the requirements have been met with the exception of the oversight on both parties regarding the compliance of the minimum lot width requirement.

Bill Giordano, Director of Planning and Zoning stated this is a pretty straight forward application. The applicant has met all the requirements with the exception of the minimum lot width. He explained with public sewer and water, the minimum lot width is one-hundred (100) feet. With public water and individual sewage, the minimum lot width is one-hundred and fifty (150) feet. Mr. Rupp responded one-hundred and fifty (150) feet width will be provided.

Commissioner Lasha made a motion to approve MS 07-001 L&B Richards Subdivision with the three (3) Contingencies.

RECOMMENDED CONTINGENCIES:

The following items shall be provided to the Department of Planning and Zoning, within six (6) months (*with no exception*) after final approval by the Board of County Commissioners:

1. Final plat and copies (*copies to be provided after recordation of the plat*) as required by the Fremont County Subdivision Regulations.
2. An updated title commitment issued within thirty (30) days of recording of the final plat. An updated title commitment may result in additional requirements.
3. All lots shall contain a minimum one-hundred and fifty (150) foot lot width as per requirement of the Agricultural Estates Zone District.

The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

REQUEST: FP 07-002 TOP RAIL RANCH ESTATES, FILING NO. 6

Matt Koch, Cornerstone Land Surveying stated they were requesting approval of a **thirty-three (33) lot (three (3) out lot) final plat, Department file #FP 07-002 Top Rail Ranch Estates, Filing No.6** by Top Rail Ranch Estates LLC, for their property which is located at the northeast corner of U.S. Highway 50 and R Street, on the east side of R Street, in the Beaver Park Area. The lots will vary in size from 2.2875 to 5.075 acres. Outlot A is the remaining portion which will be subdivided in a future filing and it contains 92.89 acres. Outlots B & C are to be used for open space and drainage purposes and contain 1.514 and 27.1844 acres respectively. All proposed lots are vacant. The property is zoned Agricultural Suburban. He stated they had met with the County Engineer, Jack Effinger and resolved the minor drainage issues. He advised they were in agreement with the contingencies proposed but opened discussion on contingency #11 requiring the additional five (5) feet of right-of-way along R Street. Mr. Koch expressed concerns since previous filings did not required the five (5) feet right-of-way and the fences are already built along R Street, therefore, they were asking a waiver.

Bill Giordano, Director of Planning and Zoning explained the Final Plat does not go before the Planning Commission, however, the Planning Department recommended seventeen (17) contingencies. He stated the County Engineer was in agreement with contingency #5. Mr. Giordano explained contingency #6 required a 3 inch asphalt surface matte and explained the old regulations only required a 2 inch asphalt surface matte. He proposed contingencies #11 and #12 be revised to address the concern shared by the applicant since the subdivision was approved in the previous master plan. He addressed contingency #15 regarding the maintenance of the drainage facilities and stated that needed to be addressed in the quitclaim deed rather than the covenants as proposed by the applicant.

Commissioner Stiehl referenced a letter received from Holcim, Inc. inquiring about the notification of property owners and it was determined their property was not continuous to any of the platted land in this file. He expressed concern regard the no-build-zone area and requested identification on the plat. Following a brief discussion contingency #18 was added requiring the identification of the no-build and no-fault-zone on the plat.

Commissioner Stiehl made a motion to approve FP 07-002 Top Rail Ranch Estates Filing No. 6 with the contingencies as presented modifying #11 and #12 and adding #18.

RECOMMENDED CONTINGENCIES

The following contingencies shall be submitted to the Department of Planning and Zoning prior to recording and within twelve (12) months (*no extensions*) after final approval by the Board of County Commissioners.

1. Final plat (*mylars for recording*) and copies (copies to be provided after recordation of the plat) as required by the Fremont County Subdivision Regulations (FCSR).
2. Title Commitment dated within thirty (30) days of recording of the final plat. (*Note: This item may necessitate further requirements of the applicant, by the Department, prior to recording of the final plat.*)
3. A copy of a recorded Release of Deed of Trust or an executed Ratification, Consent and Release form for documents found at Reception Numbers 800237, 830454, 840455, and 830456 of the Fremont County Clerk and Recorder's records.
4. Documentation as to compliance with any requirements of the County Engineer concerning drainage as per his letter dated March 7, 2007.
5. Drainage plans and profiles for all drainage facilities shall be prepared signed and sealed by a Professional Engineer. Approval by the County Engineer will be required.

6. All streets within the subdivision shall be constructed to County Specifications for a paved street (*minimum 3 inch asphalt surface matte*).
7. Construction of all required drainage facilities prior to recording of the final plat.
8. If all required improvements (*road construction, street signs, fire hydrants and drainage facilities, etc.*) are not completed prior to recording of the final plat, an improvement and escrow agreement shall be provided.
9. A Colorado Professional Registered Engineers estimate for; road construction, drainage facilities, fire hydrants, street signs, and for any other required improvements. Approval by the County Engineer will be required.
10. A letter from a Colorado Registered Engineer who designed the improvements will be required stating the specified improvements were constructed to the above standards and his design, prior to recording of the final plat and/or release of escrow funds.
11. An addition five (5) foot easement along R Street which is designated as a collector shall be provided along the lots fronting R Street.
12. Quitclaim deed to the County for 25 feet of right-of-way from the centerline of R Street along the lots fronting R Street.
13. A copy of as built water plans and profiles.
14. The utility plan shall contain approval signatures as required in the FCSR Section V111., H., 1. d.
15. An executed quitclaim deed with a deed restriction addressing the maintenance of any drainage facilities, drainage easements, rights-of-way, etc.
16. The detention easement contained on Lots 15 & 16 of Block 8 shall be shown in a "detail drawing" or by other means so that dimensions, bearings and exact location can be determined.
17. Notice by certified mail, return receipt requested shall be provided to evidence notification of Colorado Interstate Gas.
18. Identification of the no-build-zone and fault-zone will be required on the plat.

The motion was seconded by Commissioner Lasha. Upon vote: Commission Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried

Commissioner Lasha commented that Mr. Walker initially started an outstanding development and it has continued to be a source of pride for the County. **Commissioner Stiehl** commented the application was complete and well prepared. He applauded the efforts of the applicant and their representatives. **Commissioner Norden** commended developer Chris Jenkins for the good job he has done since taking over the remaining development of Top Rail Ranch.

Commissioner Norden adjourned the meeting at 10:45AM

County Clerk