

MAY 11, 2010

1

NINETH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 11, 2010, 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.

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

Also present Bill Giordano, Planning and Zoning Director; and Tina Taylor, Deputy Clerk.

Steve Schwarz from Seventh Day Adventist gave the Morning Prayer.

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

APPROVAL OF AGENDA

Commissioner Lasha moved to approve the Agenda as presented. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

CONSENT AGENDA

Commissioner Stiehl moved to approve the Consent Agenda as presented. Commissioner Lasha seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Clerk and Recorder Hatfield submitted the Clerk's report for the month of April. Total monies collected for the County Treasurer was \$352,115.11 which was \$15,547.05 less than a year ago. Fremont County Sales and Use Tax collected was \$53,055.18 which is \$4,311.47 more than a year ago. The total collected in the Clerk's Office was \$790,770.79 which was \$165, 242.78 more than a year ago. That does not go all to the county we are still short from what we earned a year ago. The Road Safety Surcharge collected was \$100,679.00 and the Bridge Safety Surcharge was \$40,021.50. Late Registration Fees collected was \$26,075.00. The county does receive the first \$10.00 of the \$25.00 Late Fee. Commissioner Norden stated that the Road Safety and Bridge Safety Surcharges go into the Highway Users Tax Fund and hopefully a small percentage of that will flow back to the county. That is what is intended by statute.

Commissioner Lasha moved to accept the Clerk's Report for the month of April. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Lasha said that Holcim had a successful tire collection year with 3,800 tires being brought in and there was about one hundred and seventy (170) volunteers participating.

Commissioner Norden stated as part of the reorganization of the Fremont County Road and Bridge Dept. Tony Adamic has been hired as Director of the Road and Bridge Dept. He will be in charge of all the departments. The other road foreman will have specific assigned supervisory duties in various areas (culverts, road access permits, grading roads, etc.) county wide. Commissioner Stiehl said they will not be closing any of the existing four (4) shops and the crews will be continued to be marshalled from those areas.

Commissioner Norden said the contract has been approved for the Ennovate Corporation to begin our energy audit work. There was a meeting last week with staff members and

MAY 11, 2010

2

Ennovate to coordinate the scope of work. There will be a lot of work not only in this building but also the various county facilities will be getting upgrades as part of the contract. The work will be timed throughout the calendar year. We will be replacing the boilers in Administration Building in the summer months and work on the air conditioning units during the winter.

2. Citizens Not Scheduled - None

NEW BUSINESS

RE-APPOINTMENT OF PLANNING & ZONING DIRECTOR BILL GIORDANO TO REPRESENT FREMONT COUNTY ON THE GOVERNING BOARD OF THE FREMONT COUNTY REGIONAL GIS AUTHORITY FOR A TWO YEAR TERM CONCLUDING ON APRIL 30, 2012

Commissioner Norden said that they appreciated Director Bill Giordano volunteering to be their representative on the board along with the County Assessor. Commissioner Lasha stated that Bill is the Chairman. Bill has been very active on the board and gave his appreciation to him for participating in it. Our GIS Authority has become a great tool for everybody in the county. Director Bill Giordano stated that it has come a long way and is still evolving and appreciated that the Board has re-appointed him.

Commissioner Lasha moved to re-appoint Bill Giordano for Fremont County seat to the regional GIS Authority for the next two (2) years. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Norden closed the Regular Session and opened the Public Hearing at 10:00 A.M.

PUBLIC HEARING

REQUEST: SDP 09-002 ALL ABOUT STORAGE SITE DEVELOPMENT PLAN

Request approval of a **Site Development Plan, Department file #SDP 09-002 All About Storage Site Development Plan, to allow a one-hundred and thirty (130) unit mini storage facility**, by Eagle Peaks Investments LLC, for their property which is *located on the west side of Werner Road, south of 7th Street, on the west side of Colorado State Highway 115, in the Penrose Area.* The property contains two framed garages which will be removed when the 5th phase is developed. The property is zoned Business and contains 1.94 acres. (A Site Development Plan application is required due to the fact that the property is undeveloped and is zoned Business, which is one of the criteria that requires the approval of a site development plan.)

REPRESENTATIVE: *Cornerstone Land Surveying, Matt Koch*

Matt Koch stated that they are requesting approval of the Site Development Plan for All About Storage located in Penrose. It is one hundred and thirty (130) storage units along with a watchman's quarters located just off of Werner Drive next to Bonnies Salvage Yard. We have gone through all of the criteria. We have taken care of all the Contingencies except for Number 6 for documentation from the Colorado Registered Engineer for site drainage improvements that the required improvements were constructed to the approved design standards. Typically this comes at the Building Permit time. We need to get the Site Development Plan approved so we can apply for the Building Permit. We would like to have it placed at the Building Permit stage rather than on the Site Development Plan. The other issues are a quitclaim deed for the maintenance facilities which we will provide that after approval and also the utility requirement. All the other issues were basically plat notes which have been taken care of. The developer Mike Schuster and the engineer Amanda Atencio are here if you have any questions of them.

Commissioner Stiehl asked Mr. Koch to restate what he wanted deferred regarding Contingency #6. Mr. Koch said they wanted to defer the requirement for the documentation that all was built to the design. Right now we are not going to build it as part of the design site development. It will be built as part of the first phase of the

building permit. To get that done we will not be able to get our Site Development Plan approved and recorded without getting it all done because they would not be typically done until the first phase of the Building Permit. We would rather put that under the Building Permit phase than the Site Development phase.

Planning and Zoning Director Giordano stated that this being a Site Development Plan it was required to send notifications out to property owners within five hundred (500) feet which Matt did. There were some additional notifications that have been taken care of. The publication has been done and we have received proof of publication. The posting of the property is also completed. At the first meeting with the Planning Commission this was tabled because there were some problems with the drainage that needed to be resolved. At the second meeting on April 6th there was a list of twenty-five (25) items and as Matt has noted most have been completed. After reading the county engineers letter Recommended Contingencies #1 and #2 can be eliminated because they will not need an access permit because the access that is there is adequate. As far as Contingence #6, I have no problem with what Matt has talked about. One criteria of the Building Permit is that they are going to have to have it certified by the engineer anyway before at Certificate of Occupancy can be done so it should take care of itself. The Planning Commission also waived the Buffering and Landscaping. The reason for that is all the property surrounding is a business type of use so they didn't think that it needed to buffer another type of business. It is business zoned on all three (3) sides. The Surfacing, Lighting and Landscaping are for the parking area. The Commission did recommend a waiver of the hard surfacing on the parking area and the driveway. They waived the Lighting and Landscaping. Most of the parking is along the fronts of the units, watchman's quarters and the office. Regarding the lighting they will have building lighting which will take care of the lighting of the drives. Director Giordano stated this will require a resolution. At the Planning Commission meeting there was a 4-1 vote with Mr. Doxey voting no against it. His concerns were non compatibility of the use to the neighborhood and drainage issue of drainage running into the buildings.

Commissioner Lasha inquired about the buildings that are going to be removed. Is it in timing with Phase V? What time line would you be looking at for Phase V? Mr. Schuster stated that it depends on the economy. As soon as we get a phase filled up we will move to the next one. Director Giordano said that there is a statement on the plat that the buildings would be removed when it gets to Phase V so that is why there is not a specific condition to it because it exists on the plat. Commissioner Lasha also inquired about the number of parking spaces. Director Giordano stated that there are four (4).

Commissioner Stiehl inquired why the Planning Commission waived the lighting requirement. Director Giordano stated it is actually the lighting of the parking area and it is only four (4) spaces. They don't have any lighting restriction in the regulations. Obviously under Site Development you have the authority to go ahead and request lighting. The Surfacing, Lighting and Landscaping are specifically to the parking area itself. There were some issues about the surfacing if it should be paved or not because you are talking about all the drives between each one of the units, so there is a large area of gravel and that did come up with some discussion but not the lighting. Most of the lighting will be security lighting. We do state that it will not shine toward other properties. Commissioner Norden inquired about the surfacing requirements. Director Giordano said it is basically gravel based. Commissioner Norden stated then it does not require a waiving of surfacing. Director Giordano said that it would be the Buffering, Surfacing, Lighting and Landscaping.

Commissioner Norden inquired if anyone wanted to speak for or against the site development plan. There were none.

Commissioner Norden closed the Public Hearing and returned to Regular Session.

Commissioner Lasha moved for **Resolution #27, Series 2010** for approval of SDP 09-002 All About Storage Units development plan for one hundred and thirty (130) unit mini storage facility with three (3) Contingencies #6, #9 and #13 and the changing of the wording to add on to Contingence #6 to be deferred to Building Permit time prior to final Certificate of Occupancy. Waiving the Buffering and Landscaping of the units in the business corridor on HWY 115. Waiving the Surfacing, Lighting and Landscaping in the parking area. Commissioner Stiehl seconded the motion. Commissioner Stiehl stated that

MAY 11, 2010

4

he knew that there were lengthy discussions at the Planning Commission and that they value the discussions. We have extensive minutes and the objections that were raised and the solutions that were worked out really help the Board in their deliberations.

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

RECOMMENDED CONTINGENCIES:

#6. Documentation from the Colorado Registered Engineer who designed the drainage improvements that the required improvements were constructed to the approved design standards. **CHANGED TO:**

#1. Documentation from the Colorado Registered Engineer who designed the drainage improvements that the required improvements were constructed to the approved design standards **be deferred to Building Permit time prior to final Certificate of Occupancy.**

#9. An executed quitclaim deed with a deed restriction addressing the maintenance of all drainage facilities, drainage easements, rights-of-way, etcetera. **CHANGED TO: #2.**

#13. Copy of utility plan signed and approved by appropriate representatives. **CHANGED TO: #3**

WAIVER REQUESTS: WAIVED

1. **5.2.6 Buffering & Landscaping Requirements**
2. **Surfacing**
3. **Lighting**
4. **landscaping**

Commissioner Norden adjourned the meeting at 10:15 A.M.

County Clerk