

May 13, 2008

1

NINETH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 13, 2008, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Lasha called the meeting to order at 9:30 A.M.

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

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

Larry Chell from Christian Family Fellowship gave the Morning Prayer.

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

APPROVAL OF AGENDA

Commissioner Norden removed Item #3 Special Event Permit, Fremont Fairs & Shows Association. The public posting for the site was not completed. It will be placed on the June 9, 2008 Agenda. Commissioner Norden also moved Item #2 A Resolution Imposing the Fire Ban for Fremont County to after Citizens Not Scheduled. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA

Commissioner Stiehl moved to approve the Consent Agenda as presented.

1. Approval of Minutes April 22, 2008
2. Approval of Bills May 13, 2008 / \$858,098.15
3. LIQUOR LICENSE
Transfer of Ownership
Western Omelette Restaurant
895 State Highway 115 North
Penrose, CO 81240
4. Adoption of Resolution #29, Series of 2008, Conditional Use Permit File Number CUP 08-002 Cherokee Clay Mine.
5. SCHEDULING PUBLIC HEARING FOR JUNE 9, 2008:
 1. **REQUEST: SRU 07-002 ALLTEL COMMUNICATIONS INC. WIRELESS TOWER (Colon-Emerson Trust Property)**
Request approval of a special review use permit, Department file #SRU 07-002 Alltell Communications Inc. Wireless Tower, to allow for the installation of a one-hundred (100) foot tall galvanized steel monopole tower with antennas and lightning rod, a prefabricated concrete equipment shelter and a six (6) foot tall security fence, by Alltel Communications Inc., for property owned by the Jean Colon - Ann M. Emerson Trust. The property is located approximately 600 feet south of US Highway 50 and approximately 1/2 mile east of McKenzie Avenue in the Fourmile Area.
 2. **REQUEST: SDP 08-001 PENROSE COMMUNITY LIBRARY SITE DEVELOPMENT PLAN**
Request approval of a Site Development Plan, Department file #SDP 08-001 Penrose Community Library Site Development Plan, to allow a community library and a future 2,000 square foot expansion along with a similar use designation, by Penrose Community Library District, for its property which is located at

May 13, 2008

2

the northwest corner of Dawson Street and Seventh Avenue, in the downtown Penrose Area. The applicant is requesting a similar use designation to a Community Building (a permitted use in the Business Zone District) as allowed by Section 2.2.2.2 of the Zoning Resolution.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff /Elected Officials

Norma Hatfield, Fremont County Clerk & Recorder, submitted the Clerk's Report for the month of April. She stated that the total revenues earned was \$739,934.78 which was an overall gain from a year ago of \$27,692.22. The sales tax collected was \$70,497.56 which was lower than what was collected a year ago being \$1,478.16 less. Revenues going to the County for distribution to the various entities were \$431,179.24 which is up \$20,718.36. **Commissioner Lasha** stated there was a successful election for the Special Fire Protection District. Mrs. Hatfield stated on May 6th they conducted a mail ballot election for the fire district in Cotopaxi. **Commissioner Norden** moved to approve the County Clerk's Report. Commissioner Stiehl seconded the motion. Upon vote: Commission Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Stiehl stated Gold Belt Byway Association had a successful workshop last Wednesday evening May 7th, with about 20 landowners attending. There is a renewed interest in conservation easements and the ability to preserve the working ranch and water for future generations with some tax credits. More meetings are planned.

2. Citizens Not Scheduled - None

A RESOLUTION IMPOSING THE FIRE BAN FOR FREMONT COUTY IN ACCORDANCE WITH ORDINANCE NUMBER 1, SERIES OF 2006 AND ORDINANCE NUMBER 1, SERIES OF 2007

Fremont County Sheriff Jim Beicker requested imposing the fire ban and enact this resolution. Sheriff Beicker stated with the recent fire that we are currently involved in exemplifies why the band is needed. Going to a county wide ban is extremely hard because certain areas of the county have different conditions and are extremely dry. **Commissioner Lasha** stated that conditions certainly do vary in our county. We have areas of six foot snowdrifts and other areas that are drying up. We have many fire protection districts in our county even though the county takes the lead because we are the largest part. Each of the special fire protection districts are able to put their own fire ban on depending on circumstances. Sheriff Beicker stated they do like to share with all the entities in fire suppression before we go into a county wide ban. The ban under the different levels will allow us to limit the activities. **Commissioner Norden** stated that the resolution the Board enacts gives the Sheriff's Department the authority to set Stage 1, 2 or 3 fire restrictions and Stage 1 fire restrictions are going to be enacted. The complete list of Prohibitions and Allowed Activities will be posted on the Fremont County website at fremontco.com.

Commissioner Stiehl moved to approve **Resolution 30 of 2008** Imposing the Fire Ban for Fremont County in Accordance with Ordinance Number 1, Series 2006 and Ordinance Number 1, Series 2007. The motion was seconded by Commission Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

FERGUSON FOREST FIRE

John Greg submitted a document for signatures by the Commissioners for the coordination of fire fighting efforts at the Ferguson Forest Fire. The document is a delegation of authority transferring authority for the Ferguson Fire from Fremont County to the Colorado State Forest Service. Mr. Greg stated a request was made and approved to

activate the emergency fire fund for the fire. The authority officially was transferred May 12th at 6 P.M.

OLD BUSINESS

PAULA COULTER - EXTENSION OF CUP 98-3 ENERGY FUELS COAL, INC. 9SOUTHFIELD MINE)

Paula Coulter requested if the CUP extension be an extension for five (5) years, that it would run concurrent with the existing reclamation plan which expires in 2013. The ten (10) year reclamation period ends in the year 2013 and the extension that was granted for the CUP runs thru 2017 which go beyond the reclamation period. **Commissioner Stiehl** stated that their property is tied up in the lease which is clouded by the reclamation. It was the Boards understanding that at such time the DRMS certifies the reclamation has been completed, at that time you could apply to us, ask to be exempted and have either that portion of the property excluded from the CUP or have the CUP terminated. Until then it appears that your options were limited. **Commissioner Lasha** stated the CUP use is only for reclamation. **Commissioner Stiehl** asked if her questions were answered. Ms. Coulter stated their request is to have the CUP extension be for only 5 years and not 10 so that it is concurrent with the existing reclamation deadline. **Linda Saunders** stated if you are going to use the State regulations for the Division of Mining Reclamation then following their ten (10) year period it would end in the year 2013. Any county can enact stricter regulations in the State of Colorado but we also need the ordinances regulations to implement. If Fremont County is going into the reclamation mining business then extending it to the year 2017 makes sense but if you are following state regulations. **Commissioner Lasha** stated that they anticipated being done before 2013 and asked how much property they owned. Ms. Coulter stated over 400 acres. **Planning and Zoning Director, Bill Giordano** commented that Fremont County is independent with our own regulations. It does not make any difference as to when our permit is issued. When reclamation is complete in this state we resend off from it. So if the reclamation is completed 4 years early, then once we are put on notice, the permit can be terminated. **Ted Coulter** asked that when the state process has ended do they have to come back and ask for an ending or is it over. **County Attorney Jackson** stated that the State notifies the County and the County will terminated the CUP upon the bond release. Mr. Coulter stated that this is an emotional issue and we would like to build on the land. Is there anything currently in the actions that have been done that involve the land would stop us from building a cabin on the property under the CUP. **County Attorney Jackson** stated she would need more information to answer the question. **Commissioner Lasha** requested for the Coulters to submit a proposal with their intentions. This would start the process going and be helpful for the Commissioners to communicate the right information to share back. Linda Saunders wanted an answer if the CUP precludes them from using the property. **County Attorney Jackson** stated that there would have to be notice to Energy Fuels and they would be entitled to provide some input with respect to that. Ms. Saunders stated they had to ask Energy Fuels. **County Attorney Jackson** stated the CUP was issued to Energy Fuels, they have the lease. Ms. Saunders stated they have access, there is no lease. The lease expired in 2002. **Commissioner Norden** stated some questions needed to be answered. 1. If they wanted to make some use of your property, could you do that if it was not in the reclamation area? 2. Would it be an option, if they wanted to assume reclamation responsibilities if building was in that particular area? Mr. Coulter understands what has been said today, they need to simply propose the question to the County and give a time for response. **Commissioner Stiehl** stated we are talking about some time in the future that DMRS will certify the reclamation as completed and then we will terminate the CUP. It is Mr. Coulter's responsibility to make sure that the County is performing as said. Ms. Saunder stated that they would be meeting with the State following the meeting for further discussion. **Commissioner Norden** asked if they have had this conversation with Energy Fuels. Ms. Saunder said they have talked with George Patterson at Energy Fuels and he is working on it. Commissioner Norden stated that this would be a place to reach an agreement before you come back to the County. **County Attorney Jackson** stated that in the meeting with the State they might want to explore the issue of a partial release of portions of the property. The County can do partial releases under the CUP as well.

May 13, 2008

4

PROCLAMATION – MAY 2008 AS FOSTER CARE MONTH IN FREMONT COUNTY

Commissioner Lasha read the proclamation announcing May 2008 as Foster Care Month in Fremont County. **Commissioner Norden** moved to adopt the proclamation. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha aye. The motion carried.

FREMONT COUNTY ASSESSOR / ABATEMENTS

Fremont County Assessor, Stacey Seifert stated these abatements are subject to interest payments from the Treasurers Office. The Treasurers Office will need to transfer funds from the General Funds so that it does not come out of the Treasurer Budget. Ms. Seifert stated she had four (4) properties. **Greg and Judy Tabuteau**, Schedule #999-24-132. Mr. Tabuteau had been leasing the land for grazing and purchased it in 2003. The property became vacant land status and should have remained agricultural property. Some responsibility has to be accepted by the owner because they did not follow through with their appeal rights. For the years 2003, 2004 and 2005 the property carried the \$10,000.00 tax bill on this property. The tax was adjusted in 2007. 2006 no protest was filled and no appeals, so the property can be abated to agricultural value. The tax abatement is \$10,178.55.

Castle Concrete Schedule #730-01-390W property was double assessed under different file flags due to a discrepancy in spelling for 2007. The tax abatement is \$6,098.54.

Dawson Ranch, Schedule #984-05-042 value reduction did not merge to the administrative side of our software and was double assessed. Tax abatement is \$2,553.19.

Dawson Ranch, Schedule #994-04-363 was also double assessed. Tax abatement is \$1,681.52.

Commission Norden moved approval abatement refund of taxes: **Resolution 31** for Schedule #999-24-132; **Resolution 32** for Schedule #730-01-390; **Resolution 33** for Schedule #984-05-042 and **Resolution 34** for Schedule #994-04-363. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Lasha closed the regular session and opened the Public Hearing.

PUBLIC HEARING

BIGHORN LIQUOR LLC, 20180 HIGHWAY 50, SUITE B, COTOPAXI, CO
RETAIL LIQUOR STORE LICENSE

Mark Warsewa stated the store would be primarily the endeavor of Linda Joseph. There was an existing liquor store there a year and half ago. This is a new license and not a transfer. The store will be open as soon as state approval. Linda Joseph submitted the petitions, publication and a picture of the notice on the store door. **Commissioner Norden** inquired as to what building the store was located. Mr. Warsewa stated it was just west of the Cotopaxi General Store on the west side of CR 1A. Commissioner Norden inquired if that building was targeted for a medical clinic. Mr. Warsewa stated the clinic is taking over Suite C and they are around the corner of the building that shares a common wall. A ten (10) year lease has been signed on the property.

Commissioner Lasha closed the Public Hearing and returned to regular session.

Commissioner Norden moved for approval of the retail store liquor license for Mark Warsewa and Linda Joseph, Bighorn Liquor LLC. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Lasha closed the regular session and opened the Public Hearing.

PUBLIC HEARING

REQUEST: SRU 08-001 CROSSROADS EVENT CENTER

James Pickart, Agent for Crossroads Land & Cattle, LLC stated the operating will use the existing indoor 150' X 300' and outdoor stockman's arena, with the existing

concession stands, steak house restaurant with bar. We will comply with all building codes and regulation for stockman's events such as but not exclusive limited to rodeo, roping, team penning, cattle siding, 4-H activities, Little Britches Rodeo etc. We intend to add veterinary premises within the indoor arena at the northeast corner of the building which include a receiving area, examination area, treatment area, and surgery and recovery area. Over the counter sales will pertain to preventative medicine and nutrition. Both the indoor and outdoor arena will also be used for a veterinary associated education, seminars and clinics. We intend to establish a parking area for patrons who arrive more than one day prior to their appointment or public event. These will be for self contained RV's or trailers. No dumping stations or hookups will be provided. Initially we expect to employ 10 to 15 full time and part time employees and hopefully in the future 30 to 40 employees. The operation will have to be open 24 hours a day, 7 days a week to allow for deliveries of livestock, food and veterinary supplies. The operation is on a 40 acre tract located at 13760 HWY 115. The existing structures have been used for similar use for the past six years.

Planning and Zoning Director Bill Giordano stated most of the uses are permitted in the zone district. The overnight parking is not. The reason for the updated renewal of the SRU is the combination of more than one permitted use on the property; the veterinary premise, the rodeo, and the restaurant. The notifications have been sent to all property owners within 500 feet, the signs have been posted, there was publication in the paper prior to the 14 days. The Planning Commission did unanimously approve the SRU. Most of the Conditions are standard conditions. The SRU will require a resolution number. The resolution will be prepared for the next Commissioners meeting.

Commissioner Lasha asked for input from the public either for or against.

Duke Holtz a resident of the Penrose area and a real estate broker. He stated that he had seen the buildings and grounds not put to good use for a long period of time. This will have a very favorable impact on the area, providing employment and activities without adverse impacts.

Dan Chrysler who lives just east of the arena since 2000 and had several concerns about the arena re-opening. He had been told by the previous owners that no one would come on their property; however someone came in and put a cistern within 90 feet of their well. He also stated that the road was never put in properly and there is no winter maintenance. Mr. Chrysler and his wife were concerned about the noise coming from events at night at the arena plus unloading of livestock at 2 A.M. **Planning and Zoning Director**

Giordano stated that the property that we are dealing with the SRU is directly off HWY 115, it is limited to that access only. The original Beaver Park Plat stopped at the SRU property. There are no legal county rights any further than this property.

Rod Ham lives in Penrose exactly east from the arena inquired about the road access easement. **Commissioner Lasha** stated that the easement is on their property. Mr. Ham asked if the county would come and cut an access if they decide to close them out?

Commissioner Lasha stated that was not what the county would do in that situation. The county was not responsible for the road because the developer had an opportunity to bring the roads up to standard, but never did. The county just doesn't go out and build roads in developments.

Mike Lee who lives in Penrose stated he has the same access problem. His other concern was if the other road is closed off fire truck and ambulances would not have access to their homes.

Mr. Pickart stated that the owners will work with the neighbors to fix the roads and fence line issues because of insurance purposes. They didn't plan to be open until 2 A.M. Also, if possible he would have the truckers deliver the cattle during the daytime.

Commissioner Norden questioned in regard to the waiver of lighting, what light exist in the area. Mr. Pickart stated there is a lighting diagram in the SRU. **Planning and Zoning Director Giordano** stated the lighting is for the parking lot. There is no lighting provision at this time. Mr. Pickart stated there are six mercury vapors along the front of the building, three on the north end, and two on the south end and three in the back by the cattle pens. Commission Norden inquired if there was lighting off the access of HWY 115. Mr. Pickart stated there is lighting on one of the signs but no flood lights.

Commissioner Lasha closed the Public Hearing and returned into regular session.

Commissioner Lasha inquired about the well drilled for fire protection. Mr. Pickart stated the well was drilled by Pueblo Bank & Trust. It was permitted and registered for commercial use which may include fire abatement. We are trying to have the well re-permitted for livestock and fire abatement.

Commissioner Stiehl inquired about the acceptable chemical dust suppressant on the parking area as needed. Mr. Pickart stated that it was suggested at the Planning and Zoning meeting they use magnesium chloride.

Commissioner Norden inquired what they envision is going to make this profitable. Mr. Pickart stated that it is all the components. The rodeo arena brings in high caliber equestrian horses. My partner Mike Hoge and I are veterinarians that specialize in lameness. The rodeo arena is an attraction for our services. The bar and restaurant make this place unique and give people other entertainment.

Commissioner Norden moved for approval of SRU 08-002 Crossroad Event Center with Condition spelled out by the Planning Commissioner of A thru N and grants the waiver request for Surfacing, Light and Landscaping.

Commissioner Stiehl seconded the motion and commented on the lighting. He stated that lights should not spill off the property and to be careful of lighting so it doesn't change the nature of the area. He read Condition L and stated that if noise becomes an issue to inform the commissioners but to first talk with the applicant to resolve the issue.

Commissioner Lasha stated he felt this will be an outstanding opportunity for the facility to be used in the proper way. There have been problems with past owners who have not been cooperative with their neighbors, and likes the communication he has had so far, which is important. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

RECOMMENDED CONDITIONS

- A. Special Review Use Permit shall be issued for life of use.
- 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.
- C. Applicants 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. Applicants 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 and keep in effect all other permits, licenses or the like required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits, licenses or the like 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 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 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 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 shall not be limited.
- I. Documentation from Fremont County Environmental Health Officer that there is adequate sewage disposal, including veterinary premises, prior to operation.

- J. Documentation from Fremont County Reviewing Engineer that the following have been provided or adequately addressed, prior to operation.
 - 1. A copy of a valid wastewater discharge permit (sewage disposal) from the Colorado Department of Public Health and Environment.
 - 2. Site grading is required to return the site to its original drainage condition and flows should be directed to the existing detention pond east of the outdoor arena.
 - 3. The driveway culvert at the northwest corner of the building must be cleaned, and the outlet located.
 - 4. A copy of a valid public water supply ID transfer.
 - 5. A copy of a valid building sprinkler system certification from the Colorado Division of Safety.
- K. Provide a copy of the following permits or licenses, prior to operation, if applicable:
 - 1. State Veterinary Premises License
 - 2. Food Service License
- L. 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.
- M. 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.
- N. **Applicant shall apply an acceptable chemical dust suppressant on the parking area and on other portions of the site as needed.**

WAIVER REQUESTS:

- 1. **5.3.2. Surfacing – waived**
- 2. **5.3.3. Lighting – waived**
- 3. **5.3.4 Landscaping - waived**

The Planning Commission also recommended adding the following additional notifications:

ADDITIONAL NOTIFICATIONS

In addition to the required notifications, the following shall also be notified, by certified mail, return receipt requested, in accordance with regulations, at least fourteen (14) days prior to the public hearing by the Board of County Commissioners:

- 1. City of Florence, Planning Department
- 2. Penrose Fire Protection District
- 3. Fremont County Environmental Health Office
- 4. Fremont County Sheriff's Department

Commissioner Lasha closed regular session and opened Public Hearing.

PUBLIC HEARING
REQUEST: ZC 08-001 WISH ZONE CHANGE
RESOLUTION 36

Matt Koch, Cornerstone Land Surveying, stated they are requesting a zone change for property located in Coaldale. The property is currently zoned business. The request is to rezone the property Agricultural Estates. The owners removed the beauty salon/barber shop and house located on the property. They are planning on building a single family house with a garage on the property for themselves. Mr. Koch stated they would like to request a waiver of Contingency 1. Documentation from Colorado Resources. The well permit already states that it is for household and commercial use. Commercial use will not be allowed after the

May 13, 2008

8

rezoning. Mr. Koch stated they would like to acquire the building permit today after approval and file the zone change.

Planning and Zoning Director Bill Giordano stated there was posting of the property, notification of property owners within 500 feet and publication in the newspaper were all completed. The zone change history on the property is a CUP was issued to allow a beauty shop and barber. When the overall countywide rezoning; this property was listed in the Assessors Office as a commercial property and that is how it was given the business zone. This would be a down zone and is a request by the applicants and is not a legal issue or problem. The surrounding area is basically residential and this property is an island by itself in this particular instance. Regarding the contingency for the documentation of the Division of Water Resources, it would be in the best interest of the client to probably take that back to Water Resources because they maybe eligible for a domestic well permit which would allow them to do agricultural watering. They do have authorization to use it for household use only. He stated he did not have a problem with granting a waiver regarding the water. The County Reviewing Engineer is asking for a copy of the Flood Prevention Permit and he is deferring this to the individual sewage disposal planning stage which is the building permit stage. Documentation is needed from the Colorado Department of Transportation that the proposed access is acceptable. He stated he didn't see a problem for these documents. It makes them aware that the use has been changed. The addition notifications have been completed adequately with the notifications of property owners. The office did go ahead a prepare a resolution at this time to enable the owner to go ahead to meet their permit requirement. These issues will have to be addressed adequately before we approve the building permit. There does need to be a statement of justification for the zone change.

Commissioner Lasha closed the Public Hearing and returned to regular session.

Commissioner Norden stated that he had looked at this site and it certainly makes more sense to have a residence on the property instead of a business. I think it is appropriate that the zone change be made and help them expedite the process.

Commissioner Stiehl stated that there are no conditions. The County Engineers letter refers to significant earth work performed at the site. If the earth work exceeds one acre of disturbed area would require a storm water program permit.

Commissioner Norden moved for approval of **Resolution #36** Wish ZC 08-001 with the findings of:

1. A statement of justification for the rezoning.
 1. 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:
 1. The granting of the zone change request will tend to preserve and promote property values in the neighborhood.
 2. There will not be any effect on existing traffic.
 3. There will be no effect on adjacent uses.
 4. The proposed development will be in harmony and compatible with the surrounding land uses and development in the area.

Commissioner Stiehl seconded the motion.

Commissioner Norden inquired if the flood prevention permit and the septic issue are the only items standing in the way of the building permit. Mr. Koch stated that they are waiting also on CDOT. There was previous access and there is verbal approval.

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

RECOMMENDED CONTINGENCIES:

If approval of this application is considered by the Planning Commission the Department would suggest that the approval recommendation be made contingent upon, at a minimum, the following items being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval of the application by the Board of County Commissioners:

May 13, 2008

9

1. Documentation from the Colorado Division of Water Resources that the existing well permit is adequate to serve the proposed residence.
2. A copy of a sewage disposal permit or documentation as to adequate sewage disposal from the Fremont County Environmental Health Office.
3. Documentation as to compliance with the following requirements as per the County Engineer's review letter dated March 25, 2008:
 - a. Copy of a Flood Prevention Permit at the Individual Sewage Disposal planning stage.
 - b. Documentation from the Colorado Department of Transportation that proposed access is acceptable.

RECOMMENDED ADDITIONAL NOTIFICATIONS:

In addition to the notifications required by the Zoning Resolution for public hearings the Department suggests that the Planning Commission require notification, by the applicant, to the following entities in accordance with the requirements of the Resolution:

1. Fremont County Road Foreman, District 3
2. Fremont County Sheriff's Office
3. Colorado Department of Transportation (Region 5)
4. Arkansas Headwaters Recreation Area

Commissioner Lasha closed regular session and opened the Public Hearing.

PUBLIC HEARING

ISSUANCE OF FREMONT COUNTY, REFUNDING REVENUE BOND (SANGRE DE CRISTO HOSPICE & PALLIATIVE CARE PROJECT) SERIES 2008

Finance Director, Dana Angel stated that Fremont County becomes the issuer of the revenue bonds which will provide some refinancing for Sangre De Cristo Hospice and Palliative Care a non-profit organization. The purpose is to allow the financing to be tax exempt for whoever provides the bonds. No assets are being pledged by Fremont County and there is no liability. We are named the issuer of the bonds only. **Commissioner Lasha** stated that it is an opportunity to help some of the non-profit organizations. **County Attorney Jackson** explained that the statues authorize counties around the state to issue no more than 10 million dollars in revenue bonds each year for certain designated purposes and medical clinics is in this category and that is why hospice qualifies. The county basically sponsors them and they become tax free. This allows these types of facilities, which are quasi governmental functions to finance capital facilities and services at a low interest rate to provide better services to the community. With respect to one of the facilities that they are interested in refinancing is located in Pueblo County and originally the Pueblo County Commissioners was going to be a co-sponsor and delegate some of their revenue bond authority to Fremont County, so that the full project can be funded in two difference counties. The county commissioners in Pueblo have already committed their ten million for the year so it looks like we will be partnering either with the City of Pueblo or the Pueblo Housing Authority to do the second part of the bond issue.

Commissioner Lasha closed the Public Hearing and returned to regular session.

Commissioner Lasha stated this will be **Resolution 37**. Commissioner Lasha moved to approved **Resolution 37 Series 2008**, a resolution authorizing the issuance and sale of Fremont County, Colorado Refunding Revenue Bond (Sangre De Cristo Hopice Project) Series 2008, for the total principle amount not exceed \$2,600,000; making determinations as to sufficiency of revenues and as to other matters related to the project and approving the form and authorizing the execution of certain documents relating thereto. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Lasha closed regular session and opened the Public Hearing

PUBLIC HEARING
REQUEST: TUP 08-003 ROYAL GORGE ATV JAMBOREE

Ronald J. Faulkner, President, Penrose ATB Club stated they have addressed everything that Planning and Zoning had concerns with. They have hired Dane Samento who has been a police officer in Canon City Police Department for 25 years will be the head of security. There will also be two retired security guards that will assist him. Since there will not be a rodeo this year, there will be plenty of volunteers for trash and parking. We have notified the neighbors within 500 feet of the property by written mail. The property has been mowed. There are three fire hydrants on the property. The property will be watered down for dust and for a precaution against fire. Mr. Faulkner stated they have applied for a permit for the entire day but since there will be no rodeo and time span will probably be only from 5 P.M. to 10:00 P.M. The music be directed to the southwest of the 80 acre property and there are no dwellings out that way. **Commissioner Stiehl** stated that this was originally slated for a much larger activity including an ATV rodeo in the BLM. The remaining event will only be the concert.

Planning and Zoning Director, Bill Giordano stated this event was referred to the Planning Commission and in this particular case normally they do not have a Planning Commission minutes for a TPU. Basically it was magnitude of the event, and as already noted it is only for the concert. In going through some of the conditions and contingencies that happened at the meeting, please keep in mind the event is a lot smaller than originally submitted. The Planning Commission did approve the event from 9 A.M. to 11 P.M. on June 7th. Amend the time to 5 P.M. to 10:00 P.M. The commission asked to have no signs posted along the road advertising the event. The Road Foreman recommended a sign be posted about 200 feet from the gate. No on street parking is allowed. Compliance with regulations and other permits. The contingencies have been adequately addressed. The applicant has requested a waiver of the application fee of \$250.00. The department does not feel this is appropriate since the event is for profit. A waiver of the cleanup fee has also been requested. The department did have a concern regarding the insurance. Normally the policies are for \$1,000,000. These policies are for \$500,000 for each occurrence of personal property damage, general aggregate and products. A requirement of the TPU is that the Board set the amount. **Commissioner Lasha** inquired if they had checked into a one day event for insurance for \$500,000 verses \$1,000,000. Mr. Faulkner stated that he had not checked into the insurance further was because the TPU only states proof of insurance, it does not give an exact amount. Commissioner Lasha inquired about the clean up fee waiver. **Planning and Zoning Director Giordano** stated there was not an exact amount. A cleanup fee may be imposed if cleanup was not done sufficiently for a prior event.

Commissioner Stiehl moved to approve the application for a TUP 08-003 Royal Gorge ATV Jamboree with the existing Conditions as stated, changing Condition #2, accept the \$500,000 Liability Insurance, not waive the application fee, waive the cleanup fee and the hours of operation be 5 P.M. to 10:00 P.M. Commissioner Norden seconded the motion. **Commissioner Stiehl** stated the reason the event was referred to the Planning Commission was the disparity in the application and the different things that showed up on your website. Mr. Faulkner stated the event initially was for members only and then they decided to open it up to the public. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

RECOMMENDED CONDITIONS:

If it is decided that approval of this request is appropriate, the Department would recommend the following be made conditions of approval that the applicant must adhere to:

1. The event shall be from 9:00 am to 11:00 pm on June 7th, 2008.

AMENDED TO:

The even shall be from 5 P.M. to 10:00 P.M.

2. There shall be no signs posted along State Highways or County Roads advertising the event or providing direction to the event.

AMENDED TO:

Signage advertising event in progress shall be according to directions from the District 2 Road Foreman.

3. No on-street parking will be allowed.
4. Applicants 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.
5. Applicants 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.
6. Applicant shall obtain and keep in effect all other permits, licenses or the like required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits, licenses or the like shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.

Commissioner Lasha adjourned the meeting at 11:00 A.M.

County Clerk