

May 27, 2014

TENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 27th, 2014, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Tim Payne called the meeting to order at 9:30 A.M.

Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Marshall Butler, Planning and Zoning Representative and Jody Blausner, Chief Deputy Clerk.

The Invocation was given by Tom Killgore, First Southern Baptist 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 Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

CONSENT AGENDA

1. Approval of Minutes / May 13, 2014.
2. Approval of Bills May 27, 2014 / \$950,779.39.
3. Adoption of Resolution #17, Series of 2014, 6th Amendment to the Fremont County Zoning Resolution. Resolution #17 is attached.
4. Adoption of Resolution #18, Series of 2014, ZC 14-001 Crossroads Business Center Zone Change. Resolution #18 is attached.

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

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials
 - a. Sales & Use Tax Report, Sunny Bryant

Sunny Bryant gave a report on Sales & Use Tax. The Retail Sales Tax collected in March is up \$23,277 from last year, the total collected was \$325,739. The Auto Use Tax collected in March was \$75,620 which is up \$13,408 from last year. The Construction Use Tax collected in April was \$23,718 which is down \$2,739 from last April. The Lodging Tax collected in April is down \$10,454 from last April. The Sheriff's Retail Sales Tax collected in March was \$217,159 and is \$567,764 year to date. The Sheriff's Auto Use Tax collected in April was \$50,413 and is \$101,952 year to date. The Sheriff's Construction Use Tax collected in April was \$15,704 and year to date is \$53,768.

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Commissioner Bell said the First Create Canon City Balloon Festival was held at the Abbey this past weekend and was well attended.

Commissioner Norden said Estes Industries was giving away free rockets to all of the kids at the Balloon Festival as well. The Denver Post had published a business article about tourism this summer in Canon City.

Commissioner Payne spent time at the Veterans Home in Florence yesterday for Memorial Day and encourages others to visit the Veterans who live there.

2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

NEW BUSINESS

1. Presentation of an award of achievement to Cadet Daniel Turner. Representative: Bryce Nelson, Major Commander Fremont Starfire Cadet Squadron.

Bryce Nelson said this is to honor Daniel's achievement as a Cadet Officer 2nd Lieutenant in the Civil Air Patrol. Lieutenant Turner is the current Cadet Commander. The Civil Air Patrol was chartered December 1st 1941. The main goal of the Civil Air Patrol was to fly over the borders and help keep them secure. The award is signed by General Charles Carr, the National Commander of The Civil Air Patrol. The Commissioners presented the Award of Achievement to Cadet Daniel Turner.

2. Proclamation for Children and Youth Leadership Commission on Human Trafficking. Representative: Steve Clifton, Department of Human Services, Director and Tonia Sutton, Department of Human Services, Permanency & Support Supervisor.

Steve Clifton said this is becoming more of an issue in our nation and locally. There were five bills submitted on the Federal level regarding human trafficking. The Department of Human Services has been working on this issue with Pastor Jim Thulson and Jo-Ann O'Neil.

Jo-Ann O'Neil is the Clinical Director of Southern Peaks Treatment Center. She has worked on several programs across the state and is on the statewide task force. They have partnered with The Evangelical Free Church to work on this initiative here in Canon City.

Jim Thulson said there are more people in slavery today than ever before in history. He said it is shocking to think this can be such a big problem in the United States. He is grateful to the Commissioners for making the Proclamation today.

Tonia Sutton read the Proclamation into the record.

Commissioner Norden moved to adopt the Proclamation for Children and Youth Leadership Commission on Human Trafficking. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried.

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3. Request: CDP 13-001 Pikes Peak Motor Company (Auto Graveyard) Extension of Contingency Deadline. Request approval of a six (6) month extension of the deadline for submittal of contingency items in conjunction with CDP 13-001 Pikes Peak Motor Company (Auto Graveyard). The Commercial Development Plan was approved on November 12, 2013, contingent upon the submission of the contingencies to the Department of Planning and Zoning by May 12, 2014. The property is located on the north side of U.S. Highway 50, approximately 1.4 miles west of the intersection of U.S. Highway 50 and Colorado State Highway 115, west of the Town of Penrose. Representative: Matt Koch, Cornerstone Land Surveying, Inc.

Matt Koch is requesting a six month extension to be able to complete all of the contingencies. The majority of the contingencies have been finished, but more time is needed to complete the drainage issues.

Marshall Butler said the Department is in agreement with the extension as more time is needed to complete the contingencies.

Commissioner Bell moved to approve the six month extension of the contingency deadline for CDP 13-001 Pikes Peak Motor Company. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

4. Consideration of a Resolution granting an exemption from the subdivision regulations for two parcels of land in Fremont County.

County Attorney Jackson said the owners of the properties have gone through the Quiet Title Action process to adjust a boundary line between the two parcels. Notice was not given to the County of the Quiet Title Action; therefore it requires Board action to approve the new boundary line as decreed by the court.

Commissioner Norden moved to adopt Resolution #19 to grant an exemption from the subdivision regulations for two parcels of land in Fremont County. Commissioner Bell seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye, Commissioner Payne, aye. The motion carried. Resolution #19 is attached.

5. Consideration of a Resolution extending the Moratorium imposed by Resolution #9, series of 2014, upon all future use, construction, alteration or reconstruction of any building, structure of property for medical marijuana businesses in the unincorporated areas of Fremont County, until August 1, 2014.

Commissioner Norden explained there will be a Public Hearing on the proposed regulations and these regulations will be published. Should the regulations get approved once the Public Hearing is conducted, it will take some time to get the regulation process put into place. This will allow the Department of Planning and Zoning time to prepare for the application process.

Beth Blonder said she was in the process of trying to establish a medical marijuana retail license last year when the Moratorium went into place. If she is not able to get the license submitted to the state prior to August 1st, she will not be able to get her green house ordered and built until next year. Ms. Blonder has invested a lot of money on this project and she asked the Commissioners not to approve the extension of the Moratorium.

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Commissioner Norden moved to approve Resolution #20 extending the Moratorium until August 1, 2014. Commissioner Bell seconded the motion. Commissioner Norden noted the Resolution states: if the regulations are approved they would become effective on July 1st, and applications for licensing would be accepted on August 1st.

Upon Vote: Commissioner Norden, aye; Commissioner Bell, aye; Commissioner Payne, aye. The motion carried. Resolution #20 is attached.

6. Schedule a Special Meeting of the Board of Commissioners to conduct a Public Hearing on proposed Fremont County Medical Marijuana Business Licensing Regulations for June 26, 2014 at 3:30 p.m.

Commissioner Bell said the Board has been working on these regulations for a long time and it has been a lengthy process. Some of the issues they will be addressing are the odors from marijuana facilities, licensing fees, and the licensing structure.

Commissioner Bell moved to approve the scheduling a Special Meeting of the Board of Commissioners to conduct a Public Hearing on the proposed Medical Marijuana Business Licensing Regulations for June 26, 2014 at 3:30 p.m. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

None.

Chairman Payne adjourned the meeting at 10:07 A.M.

Clerk and Recorder

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Katie E Barr, Clerk and Recorder, Fremont County, CO

Commissioner Norden moved the adoption of the following Resolution:

RESOLUTION NO. 17
Series of 2014
6th Amendment to the Fremont County Zoning Resolution

BE IT RESOLVED by the Board of County Commissioners of Fremont County:

THAT WHEREAS, effective **January 15, 2009**, the Board of County Commissioners re-adopted the Fremont County Zoning Resolution; and

WHEREAS, certain amendments to said Resolution have been proposed; and

WHEREAS, the Fremont County Planning Commission has promulgated and recommended approval of the proposed 6th Amendment to the Fremont County Zoning Resolution; and

WHEREAS, the Board of County Commissioners has conducted a public hearing on the proposed amendment on **May 13, 2014**, pursuant to such publication and notice as may be provided by law; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the Fremont County Zoning Resolution be and hereby is amended as set forth in Exhibit A attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that such amendment shall apply to all new submittals from **May 27, 2014**.

Commissioner Bell seconded the adoption of the foregoing Resolution and upon a vote of the Fremont County Board of County Commissioners as follows:

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

The Resolution was declared to be duly adopted.

DATE: May 27, 2014



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: 

FREMONT COUNTY CLERK AND RECORDER

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**EXHIBIT A – 6TH AMENDMENT
TO THE FREMONT COUNTY ZONING RESOLUTION**

ADDED

~~DELETED~~

In many circumstances due to insertions and deletions, numbering and lettering in the final document may change. In addition, there are a number of clerical changes that standardize language but do not change the content or meaning that are not shown in the amendment but will be changed in the final recorded document.

1.5 DEFINITIONS:

1.5.2 ACCESSORY BUILDING OR USE:

1.5.2.5 Single-family dwelling accessory use examples, not limited to the following personal uses such as garages, storage sheds, greenhouses (*non-commercial*), gardens, trees, swimming pools, pets, home occupation (*refer to 5.2.1 through 5.2.5 of this Resolution for requirements*), towers and antennas, (*non-commercial*) that do not exceed ~~one hundred (100)~~ **fifty (50)** feet in height, Small Wind Energy System that does not exceed ~~one hundred (100)~~ **fifty (50)** feet in height (*refer to 5.2.7 of this Resolution for requirements*).

4. DISTRICT REGULATIONS & PRINCIPAL PERMITTED USES

4.1 Districts 4.1 thru 4.9 (AF, AL, AR, AE, AS, LDR, MDR HDR), & 4.11 thru 4.18 (TTP & CG, NB, RHB, B, IP, AP, I)

4.1.4 SPECIAL REVIEW USES: Subject to the issuance of a Special Review Use Permit

~~4.1.4.26 Tower and antenna used for commercial purposes. Towers and antennas used for non-commercial purposes that exceed one hundred (100) feet.~~

4.1.4.26 Towers that exceed fifty (50 feet);

4.16 AP – AIRPORT ZONE DISTRICT

~~**4.16.10 PERFORMANCE STANDARDS:**~~

~~4.16.10.1 Noise, smoke, dust, dirt, fly ash, or vibrations emitted shall comply with applicable Colorado Department of Public Health and Environment Regulations~~

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and/or Colorado Revised Statutes:

- 4.16.10.2 No electromagnetic or microwave radiation shall be permitted at or beyond the boundaries of the property or that may create interference with the electronic communications;
- 4.16.10.3 No activity shall be conducted nor shall any material of hazardous characteristics be stored, deposited, or transmitted from the property which is objectionable, or which creates a public nuisance for surrounding properties;
- 4.16.10.4 Industrial uses that cause adverse impacts to the environment, street, utility and drainage systems, adjoining neighborhoods, or the utility company's ability to provide adequate levels of service shall be prohibited;
- 4.16.10.5 There shall be no advertising signs other than two (2) flush wall signs or window signs. The flush wall sign or window sign shall not exceed one (1) square foot in area per one (1) linear foot of exterior wall upon which the sign will be placed. Any lighted or electronic signs must have prior approval of appropriate airport management. For purposes of this section, 4.16.10.5, "sign" shall not include insignia, logo, or commercial references displayed on vehicles, or attachments to vehicles that are used by the owner or occupant of the property in the business conducted on the property;
- 4.16.10.6 Landscaping of area around buildings shall consist of, but not be limited to, shrubs, vines, trees, lawn areas, fences, walls, and non living materials such as gravel, brick, rock, and ornamental features. Dry landscaping is encouraged as a water conservation measure;
- 4.16.10.7 All landscaping shall be adequately maintained;
- 4.16.10.8 Outdoor storage shall be permitted only in accordance with a storage plan approved by the Board. All outdoor storage areas must be maintained in a neat, orderly manner and shall include only materials, vehicles, items, and products used in the business conducted on the property. The Board may require buffering and landscaping as per Section 5.2.6;
- 4.16.10.9 No weeds shall be allowed to grow in excess of twelve (12) inches in height;
- 4.16.10.10 No trash shall be stored on the site unless it is stored in trash containers and then only for time frames between reasonable trash pickups or disposal;
- 4.16.10.11 Surfacing for all business, commercial, or industrial off street parking areas, spaces, and driveways shall be asphalt or concrete surface unless waived by the Board. If the off street parking areas, spaces, and driveways are not asphalt or concrete surface then they shall be graded and surfaced to County gravel road standards, so as to control dust and to provide appropriate drainage. If asphalt or

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concrete, all spaces shall be clearly marked. Curbs or barriers shall be installed so as to prevent parking vehicle from extending over any lot lines;

4.16.10.12 No activity shall create any safety hazard or nuisance to surrounding areas or cause water and/or air pollution.

4.16.10.13 No activity or uses will be allowed that emit glaring light or employ highly reflective surfaces which may impair the visibility of aviators.

4.16.10.14 No activity or uses will be allowed that may have the potential of attracting birds or other wildlife species which may pose a hazard to flight operations.

5 GENERAL REQUIREMENTS

5.2.7 WIND ENERGY SYSTEM, SMALL – REQUIREMENTS:

5.2.7.1.3 The height of the System generator, including blades, shall not exceed ~~one hundred (100)~~ **fifty (50)** feet. Any System that will exceed ~~one hundred (100)~~ **fifty (50)** feet in height shall only be allowed through the issuance of a Special Review Use Permit.

5.3 OFF STREET PARKING:

5.3.1 **General** Vehicular parking shall comply with the following minimum requirements. For the purposes of this regulation, accessory off-street parking is considered a support function of the principal activity on a lot **property**. If, for any reason, the required minimum parking spaces cannot be accommodated on the same lot **property** as the principal activity, then the B.O.Z.A. may entertain a variance request to permit off-site parking provided such site is not more than five-hundred (500) feet removed from the lot **property** on which the principal activity is conducted. ~~Each parking space shall be no less than nine (9) feet by eighteen (18) feet for standard vehicles and no less than seven (7) feet by fifteen (15) feet for compact cars, if so marked.~~ **Each parking space shall meet the requirements of Section 5.4.** No more than twenty-five percent (25%) of the parking may be for compact car spaces, ~~if so marked.~~

When an activity **or facility** is composed of two (2) or more separate uses, the parking ratios for each separate activity shall be calculated and applied in the aggregate to the entire tract.

When a use requires separate shifts for employees, employee parking shall be based on the shift with the maximum number of employees. Overlapping shifts will require one-third additional spaces of the maximum shift.

It is important to remember that these are minimums and therefore may not be adequate for a particular proposed activity.

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Uses not specifically listed shall require the same number of parking spaces, as required by a similar use, as determined by the Planning Director or authorized Department representative.

The following are the minimum required parking spaces for the described activity:

<u>Facility</u>	<u>Parking Spaces</u>
<u>Residential</u>	
Dwelling, single-family	2 spaces per unit
Dwelling, two-family	2 spaces per unit
Dwelling, multi-family	1.5 spaces per unit
Dwelling, single-family with one (1) bedroom	1.5 spaces per unit
Dwelling, efficiency unit	1 space per unit
Manufactured home park & subdivision	2 spaces per unit
<u>Commercial Residential</u>	
Dwelling, watchman's quarters	2 spaces per unit
Management headquarters	2 spaces per unit
Dwelling, multi-family	1.5 spaces per unit
Dwelling, single-family with one (1) bedroom	1.5 spaces per unit
Dwelling, efficiency unit	1 space per unit
Hotels and motels (rooming house/boardhouse)	1 space per unit, plus 1 space per employee
Dormitories, student	1 space per first 10 beds, 1 per 2 beds thereafter
<u>Institutions</u>	
Family care home, group home, nursing home, rest home, for the aged	1 space per 2 beds

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<u>Business</u>	
Child care centers, preschool, nursery	2 spaces per employee
Elementary school, kindergarten	3 spaces per classroom, plus 1 space per administrative employee or one space per 3 seats in auditorium or gymnasium, whichever is greater
Post elementary school	3 spaces per classroom, plus 1 space per administrative employee or 1 space per 3 seats in auditorium or gymnasium, whichever is greater
Colleges, universities, junior colleges	10 spaces per classroom
Trade, training, vocational or commercial	1 space per 3 seats in classroom plus 1 space per staff, or 1 space per 50 square feet, whichever is greater
Community building, auditorium, conference.....	1 space per 3 fixed seats or 1 per center's 50 square feet if seats are not fixed
Religious institutions, funeral home	1 space per 3 seats
Library	1 space per 500 square feet
Museum	1 space per 1,000 square feet
Park community, stadium arena, theater..... (not drive-in), recreational facilities	1 space per 4 seats, plus 1 per employee
Amusements, recreational indoor bowling, alley, billiard and pinball arcades, membership clubs and lodges, skating rinks, etc., entertain- ment establishments	1 space per 150 square feet, plus 1 per employee
Lounge	1 space per 75 square feet
Restaurant	1 space per 125 square feet
Restaurant, fast food	1 space per 75 square feet

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Golf course	4 spaces per hole
Golf driving range	1 space per tee
Miniature golf	1 space per hole
Tennis/handball/racquetball court	3 spaces per court
Amusements, recreational outdoor	30 spaces per developed acre
Travel trailer park and campgrounds	1 space per campsite/trailer
Retail, general	1 space per 250 square feet
Retail, low density (sale of boats, vehicles, equipment, furniture, appliances, etc., often with showroom sales)	1 space per 500 square feet
Personal services (laundry and dry cleaners, beauty shop, travel agency, shoe repair, etc.)	1 space per 200 square feet
Office, professional, administrative, insurance, banks, savings and loan, financial institutions	1 space per 250 square feet
Automobile service and repair,	1 space per 200 square feet, or 3 spaces per service bay door
Ambulance and taxi service	1 space per vehicle plus 1 space per employee principle shift
Convenience store	1.5 spaces per 200 square feet
<u>Medical</u>	
Medical and dental office/clinic	1 space per 200 square feet
Veterinary premises	1 space per 200 square feet
Hospital	1 space per each bed, plus loading and emergency access
<u>Industrial</u>	
Manufacturing and industry (one 8-hour shift)	1 space per employee, including supervisory and administrative personnel, plus 1 visitor space per 10 employees

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Two or three 8-hour shifts	2 spaces per 3 employees, including supervisory and administrative personnel, plus 1 visitor space per 10 employees
Mini storage building	1 space per 3 units
Warehouses, storage buildings, yards, public utility building, contractor's equipment yards and lumber yards, research labs, business service establishment such as blueprinting, printing, engraving, binding, publishing, using newspapers or other reading matter, soft drink bottling establishments, laundry and dry cleaning plants, fabricating, plants and all other structures devoted to similar mercantile or industrial pursuits.	1 space per each employee or 1 per 500 square feet, whichever is greater

The following are the minimum required parking spaces by use:

<u>Use type</u>	<u>Minimum Number of Parking Spaces</u>
<u>Adult Care, Group or Convalescent Home</u>	
<u>Adult (for persons under 60)</u>	<u>1 space / bed + 1 space / caregiver</u>
<u>Adult (only for persons over 60)</u>	<u>½ space / bedroom + 1 space / caregiver</u>
<u>Amusements / Recreation Centers</u>	
<u>Amphitheater</u>	<u>1 space / 4 seats</u>
<u>Amusement Park</u>	<u>30 spaces / acre</u>
<u>Arcade or Game Room</u>	<u>1 space / 300 sq. ft. of floor area</u>
<u>Billiard Room</u>	<u>2 spaces / table</u>
<u>Bowling Alley</u>	<u>4 spaces / lane</u>
<u>Commercial Stable</u>	<u>1 space / 5 stalls</u>
<u>Exercise Facility, Indoor</u>	<u>1 space / 150 sq. ft. of floor area</u>
<u>Exercise Facility, Outdoor</u>	<u>1 space / 300 sq. ft. of use area</u>
<u>Golf Course</u>	<u>4 spaces / hole</u>
<u>Golf Driving Range</u>	<u>1 space / tee position</u>
<u>Ice or Roller Skating Rink</u>	<u>1 space / 150 sq. ft. of floor area</u>
<u>Miniature Golf Course</u>	<u>1 space / hole</u>
<u>Movie Theater</u>	<u>1 space / 4 seats</u>
<u>Race Track</u>	<u>1 space / 4 seats</u>
<u>Rafting Office</u>	<u>1 space / 200 sq. ft. of floor area + estimated number of customers</u>

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<u>Recreation Activity Office</u> -----	<u>1 space / 100 sq. ft. of floor area</u>
<u>Recreation Camp</u> -----	<u>1 space / housing unit & ½ space / employee</u>
<u>Recreation Facility, Rural</u> -----	<u>cumulative of the uses contained</u>
<u>Recreation Facility, Urban</u> -----	<u>cumulative of the uses contained</u>
<u>Riding Academy</u> -----	<u>1space / 500 sq. ft. of arena area</u>
<u>Rodeo Grounds</u> -----	<u>1 space / 4 seats</u>
<u>Shooting Facility</u> -----	<u>1 space / platform</u>
<u>(Archery-Skeet-Rifle-Gun)</u>	
<u>Spectator Event, Carnival, Circus,</u> -----	<u>1 space / 4 anticipated attendees / event</u>
<u>Bazaar, Fairs & Tent Meetings</u>	
<u>Sports Field Complex, Local</u> -----	<u>22 spaces / field or court</u>
<u>Stadium or Sports Arena</u> -----	<u>1 space / 4 seats</u>
<u>Swimming Pool</u> -----	<u>1 space / 150 sq. ft. of pool area</u>
<u>Tennis, Handball, Racquetball</u> -----	<u>3 spaces / court</u>
<u>Facility</u>	
<u>Zip Lines</u> -----	<u>1 space / line & ½ space / employee</u>
<u>Auditorium or similar place of Public assembly</u>	<u>The greater of 1 space / 4 fixed seats or 1 space / 100 sq. ft. of floor area</u>
<u>Automobile, Motorcycle, Truck, Recreational Vehicle & Boat Sales</u>	<u>1 space/ 1,000 sq. ft. of display area, + 1 space / 450 sq. ft. of office space</u>
<u>Automobile Service Station, Repair, Body Shop</u>	<u>1 space / employee on maximum shift + 3 spaces / bay or stall</u>
<u>Automobile Service Station-Self Service / Convenience Store</u>	<u>1 space / employee on maximum shift + 1 space / 250 sq. ft. of convenience store area + 2 spaces / pump island</u>
<u>Beauty Parlor / Barber Shop or other personal services</u>	<u>1 space / 200 sq. ft.</u>
<u>Bed and Breakfast Inn</u>	<u>1 space / guest room + 1 space for residence</u>
<u>Boarding House, Group Home, Dormitory, Fraternity, Sorority, Emergency Shelter or other Communal Living (i.e. common kitchen facilities service for the occupants)</u>	<u>0.5 spaces / bed + ½ space / employee</u>
<u>Bus Terminal or Train Depot</u>	<u>1 space / 250 sq. ft. of waiting area</u>
<u>Car Wash / Detail shop, Lube / oil change</u>	<u>1 space / bay or stall</u>

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<u>Child Care Center (24 hour)</u>	<u>1 space / employee on maximum shift + 1 space / 8 beds</u>
<u>Club-membership, Community building</u>	<u>1 space / 150 sq. ft. of floor area</u>
<u>Educational Institutions</u>	
<u>Elementary or Junior High</u>	<u>2 spaces / classroom</u>
<u>Senior High</u>	<u>1 space / 4 students</u>
<u>College or University</u>	<u>½ space / faculty member and employee, + 1 space / 6 students</u>
<u>Trade / Training School</u>	<u>1 space / 100 sq. ft. plus 1 space / employee</u>
<u>Family Child Care Home, (day care-less than 24 hour) Pre-school, Nursery</u>	<u>1 space / 400 sq. ft., plus 1 10' x 20' loading area / 8 children licensed. Loading area shall have an unobstructed view.</u>
<u>Financial Institution</u>	<u>1 space / 100 sq. ft. of floor area, + 6 stacking / drive-up window</u>
<u>Fire, Police Station and Emergency Services</u>	<u>1 space / employee + 1 visitor space / 10 employees</u>
<u>Funeral Home/Mortuary</u>	<u>1 space / 100 sq. ft. of floor area open for public use, + 1 space / 400 sq. ft. of office area</u>
<u>Hospital</u>	<u>2 spaces / bed</u>
<u>Hotel / Motel</u>	<u>1 space / guest room or suite, + ¼ space / 100 sq. ft. of restaurant space & ½ space per 4 seats of meeting space</u>
<u>Industrial Use (e.g. Construction, Batch plant, Contractors Yard, or outdoor industrial use, etc.)</u>	<u>1 space / 750 sq. ft. of used space + 1 space / piece of construction equipment used + 1 space / company vehicle</u>
<u>Industrial Use (e.g. laboratory, manufacturing, refining, processing, fabricating, assembly, bottling, etc.)</u>	<u>The greater of 1 space / 300 sq. ft. of floor area up to 100,000 sq. ft. or 1 space / employee on maximum shift, whichever is greater, if larger than 100,000 sq. ft., also include 6 spaces / employee over 300 employees</u>

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<u>Lounge, Bar, Night Club or similar</u>	<u>1 space / 3 seats, + 1 space / employee on maximum shift</u>
<u>Lumber Yard</u>	<u>1 space / 300 sq. ft. of floor area + 1 space / 1000 sq. ft. of outdoor display area</u>
<u>Manufactured Home Park</u>	<u>2 spaces / manufactured home, + 1 guest parking space / 4 manufactured home spaces</u>
<u>Manufactured Home Sales</u>	<u>1 space / 1000 sq. ft. of display area</u>
<u>Medical Clinic, Dental Offices Veterinary Premises</u>	<u>1 space / 200 sq. ft.</u>
<u>Mini-Storage Facility</u>	<u>1 space / 100 units + 1 space / employee</u>
<u>Museum, Library, Gallery</u>	<u>1 space / 400 sq. ft. of floor area</u>
<u>Nursery / Greenhouse, Commercial</u>	<u>5 spaces, + 1 space / acre of indoor / outdoor display or growing area + 1 space / 250 sq. ft. indoor retail area</u>
<u>Nursing Home</u>	<u>1 space / 5 beds + 1 space / 2 employees + 1 space / visiting doctor/nurse</u>
<u>Parks</u>	
<u>(1/4 acre to 10 acres)</u>	<u>2 spaces / 1 acre or portion of an acre + cumulative of other uses</u>
<u>(over 10 acres to 25 acres)</u>	<u>1 space / 1 acre or portion of an acre + cumulative of other uses</u>
<u>(over 25 acres to 50 acres)</u>	<u>1 space / 3 acres or portion of an acre + cumulative of other uses</u>
<u>(over 50 acres)</u>	<u>1 space / 5 acres or portion of an acre + cumulative of other uses</u>
<u>(with playground)</u>	<u>1 space / 1500 sq. ft.</u>
<u>(with picnic table)</u>	<u>1 space / table</u>
<u>(with picnic table(s) & fire pit / grill)</u>	<u>2 spaces / table with fire pit or grill</u>

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<u>(with memorial exhibit or art work)</u>	<u>1 space / memorial exhibit or art work</u>
<u>(with covered pavilion)</u>	<u>2 spaces / 1000 sq. ft. of covered pavilion</u>
<u>(with trail over 2 miles in length)</u>	<u>2 spaces for each trail head</u>
<u>Post Office or similar public building</u>	<u>1 space / 300 sq. ft. of floor area + 1 space / agency-owned vehicle</u>
<u>Professional Office</u>	<u>1 space / 200 sq. ft.</u>
<u>Recycling Facility / Transfer Station</u>	<u>1 space / 750 sq. ft. + 1 space / employee</u>
<u>Religious Institutions</u>	<u>1 space / 4 seats</u>
<u>Rental Store</u>	<u>1 space / 500 sq. ft. of floor area</u>
<u>Residential</u>	
<u>Single-family</u>	<u>2 spaces / dwelling unit</u>
<u>Two-family</u>	<u>2 spaces / dwelling unit</u>
<u>Cabin</u>	<u>2 spaces / dwelling unit</u>
<u>Watchman's Quarters</u>	<u>2 spaces / dwelling unit</u>
<u>Ranch Hand Quarters</u>	<u>2 spaces / dwelling unit</u>
<u>Residential-Multi-family</u>	
<u>Efficiency unit-Studio</u>	<u>1 space / dwelling unit</u>
<u>1-Bedroom</u>	<u>1.5 spaces / dwelling unit</u>
<u>2-Bedrooms</u>	<u>1.7 spaces / dwelling unit</u>
<u>3 Bedroom</u>	<u>2.0 spaces / dwelling unit</u>
<u>Restaurants</u>	
<u>Drive-in or Fast Food</u>	<u>1 space per 100 sq. ft. + 6 stacking spaces / drive-up window</u>
<u>Indoor Seating</u>	<u>1 space per 100 sq. ft.</u>
<u>Outdoor Seating</u>	<u>1 space per 200 sq. ft.</u>
<u>Retail, General (e.g., Department Store, Grocery store, liquor, etc.)</u>	<u>1 space / 250 sq. ft. of floor area + 6 stacking spaces / drive-up window</u>
<u>Retail, (e.g. Furniture, appliance, electronic, sporting goods, etc.)</u>	<u>1 space / 600 sq. ft. of floor area</u>
<u>Travel Trailer Park & Campground</u>	<u>1 space / campsite (<i>tent</i>) / trailer / recreational cabin / park-model + cumulative of other uses housed</u>
<u>Warehouse & Distribution</u>	<u>1 space / 1000 sq. ft.</u>

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The applicant may submit an alternate general parking plan, with justification, for consideration and approval by the Planning Commission and Board of County Commissioners.

5.3.2 Surfacing: Surfacing for all business, commercial, or industrial off-street parking areas shall be graded and surfaced so as to control dust and provide proper drainage. The driveway and parking spaces shall be asphalt or concrete surface unless waived by the Board. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed so as to prevent parking vehicle from extending over any lot lines.

5.3.3 Lighting: All off-street business, commercial, or industrial parking spaces may be required to be adequately lighted so as to protect the safety of the individual using the area. Said lighting shall not be directed toward surrounding properties.

5.3.4 Landscaping: All parking areas used for business, commercial, or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

5.4 PARKING SPACES FOR INDIVIDUALS WITH DISABILITIES REQUIREMENTS:

5.4.1 Parking Space Dimensional Requirements-Standard Spaces

<u>Parking Angle¹</u>	<u>Width of Space</u>	<u>Depth² of Space</u>	<u>Aisle Width Two way</u>	<u>Aisle Width One-way</u>	<u>Depth of Interlocking Spaces</u>	<u>Overhang³</u>
<u>0°</u>	<u>9 feet</u>	<u>22 feet</u>	<u>20 feet</u>	<u>12 feet</u>	<u>18 feet</u>	<u>0 feet</u>
<u>45°</u>	<u>9 feet</u>	<u>21 feet</u>	<u>20 feet</u>	<u>12 feet</u>	<u>32 feet</u>	<u>1½ feet</u>
<u>60°</u>	<u>9 feet</u>	<u>20 feet</u>	<u>20 feet</u>	<u>16 feet</u>	<u>35½ feet</u>	<u>2 feet</u>
<u>75°</u>	<u>9 feet</u>	<u>19½ feet</u>	<u>22 feet</u>	<u>18 feet</u>	<u>37 feet</u>	<u>2 feet</u>
<u>90°</u>	<u>9 feet</u>	<u>18 feet</u>	<u>24 feet</u>	<u>24 feet</u>	<u>36 feet</u>	<u>2 feet</u>

¹ Parking angle is measured as the angle defined by the line of travel of a drive aisle and the line of the longest side of a parking space.

² Unless otherwise depicted above, the minimum drive-aisle shall be a minimum of 24 feet. In the instance the fire department standards are greater, the fire department standards shall be applied.

³ Overhang may not protrude over pedestrian paths, walkways, sidewalks or otherwise block.

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5.4.2 Parking Space Dimensional Requirements for Compact Spaces

<u>Parking Angle¹</u>	<u>Width of Space</u>	<u>Depth of Space</u>	<u>Aisle Width Two way</u>	<u>Aisle Width One-way</u>	<u>Depth of Interlocking Spaces</u>	<u>Overhang²</u>
<u>0°</u>	<u>8 feet</u>	<u>20 feet</u>	<u>20 feet</u>	<u>12 feet</u>	<u>16 feet</u>	<u>0 feet</u>
<u>45°</u>	<u>8 feet</u>	<u>19 feet</u>	<u>20 feet</u>	<u>12 feet</u>	<u>28½ feet</u>	<u>1½ feet</u>
<u>60°</u>	<u>8 feet</u>	<u>18 feet</u>	<u>20 feet</u>	<u>16 feet</u>	<u>31½ feet</u>	<u>2 feet</u>
<u>75°</u>	<u>8 feet</u>	<u>17½ feet</u>	<u>22 feet</u>	<u>18 feet</u>	<u>33 feet</u>	<u>2 feet</u>
<u>90°</u>	<u>8 feet</u>	<u>15 feet</u>	<u>24 feet</u>	<u>24 feet</u>	<u>32 feet</u>	<u>2 feet</u>

¹ Parking angle is measured as the angle defined by the line of travel of a drive aisle and the line of the longest side of a parking space.

² Overhang may not protrude over pedestrian paths, walkways, sidewalks or otherwise block.

The applicant may submit an alternate plan for the dimensional specifications for standard spaces and / or compact spaces, with justification, for consideration and approval by the Planning Commission and Board of County Commissioners.

5.4.3 Parking Space Requirements for Individuals with Disabilities

All parking facilities shall comply with the Americans with Disabilities Act Accessibility Guidelines for Facilities and Buildings (ADAAG) (28 CFR Part 36, Public Law 101-336).

5.4.3.1 All parking facilities shall comply with the Code of Federal Regulations 28 C.F.R Part 36, as published by the Department of Justice and the Americans with Disabilities Act Accessibility Guidelines for Facilities and Buildings (ADAAG)

5.4.1 Required number of parking spaces. Except as noted, the required number of accessible spaces is:

TOTAL PARKING SPACES IN LOT	MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 or fraction thereof over 1000

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5.4.2 5.4.3.1.1 Exceptions:

~~5.4.2.1~~ 5.4.3.1.1.1 For outpatient medical offices and treatment facilities, ten percent (10%) of the total spaces shall be handicapped accessible.

~~5.4.2.2~~ 5.4.3.1.1.2 At units or facilities that specialize in treatment or services for persons with mobility impairments, twenty percent (20%) of the total number of spaces shall be accessible.

~~5.4.2.3~~ 5.4.3.1.1.3 One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle of ninety-six (96) inches wide minimum and shall be designed "van accessible."

5.4.3.2 Location

5.4.3.2.1 Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible building entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances

5.4.3.2.1.1 An accessible route shall always be provided from the accessible parking to the accessible entrance.

5.4.3.2.1.2 An accessible route shall not have any curbs or stairs and shall be at least 3 feet wide and shall be a firm stable, slip resistant surface (asphalt or concrete). The slope along the accessible route shall not be greater than 1:12 in the direction of travel and 1:48 for actual parking space and access aisle.

5.4.3.3 Accessible Parking Spaces for Cars

5.4.3.3.1 Accessible parking spaces for cars shall have at least a 60 inch wide access aisle located adjacent to the designated parking space.

5.4.3.3.2 The parking space shall be identified with a sign and shall be located on level ground (1:50 maximum slope in all directions).

5.4.3.3.3 The parking space shall connect to an accessible route to the building and shall be hard surfaced (asphalt or concrete).

5.4.3.3.4 Two parking spaces for cars may share an access aisle.

5.4.3.3.5 Parking access aisles shall be part of an accessible route to the building or facility entrance, shall not overlap the vehicular way and shall comply with the ADAAG accessible route requirement.

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5.4.3.4 Van-Accessible Parking Spaces

5.4.3.4.1 Van-accessible parking spaces requirements are the same as accessible parking spaces for cars except for the following three features that are required:

5.4.3.4.1.1 A wider access aisle (96) inches to accommodate a wheelchair lift;

5.4.3.4.1.2 Vertical clearance (minimum 98-inch high clearance) to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and

5.4.3.4.1.3 An additional sign that identifies the parking spaces as “Van Accessible” below the symbol of accessibility.

5.4.3.5 Additional requirements - For additional requirements or information refer to the American Disabilities Act web site which provides access to the ADA Business Connection and the ADA design standards, ADA regulation, ADA policy letters, technical assistance materials and general ADA information. The web site address is: www.usdoj.gov/crt/ada/adahom1.htm

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Commissioner Norden moved the adoption of the following Resolution:

RESOLUTION NO. 18
Series of 2014

RESOLUTION FOR ZONE CHANGE
DEPARTMENT OF PLANNING AND ZONING
FILE #ZC 14-001 CROSSROADS BUSINESS CENTER ZONE CHANGE

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

THAT WHEREAS, WHP Crossroads, LLC (William H. Peetz) (hereafter "applicant") has made application for an amendment of the zoning map of Fremont County to change from the AGRICULTURAL LIVING ZONE DISTRICT to the BUSINESS ZONE DISTRICT for certain described real property owned by WHP Crossroads, LLC;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its April 1, 2014 regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, telephone number of the Fremont County 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 the appropriate reviewing agencies.

WHEREAS, a notice containing the specific request, proposed use, date, time, and 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 May 13, 2014 at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

NOW THEREFORE, BE IT RESOLVED by the Board that:

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The Board did make the following findings with respect to the application for Zone Change as follows:

1. A statement of justification for the rezoning, including at least one (1) of the following conditions
 - a. The property was not properly zoned when existing zoning was imposed.
 - b. Additional land is needed in the proposed zone district.
 - c. There has been a material change in the neighborhood which justifies the requested zone change.
 - d. 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:
 - a. There is a public need and there will be a County or neighborhood benefit.
 - b. The granting of the zone change request will tend to preserve and promote property values in the neighborhood.
 - c. There will not be any effect on existing traffic.
 - d. There will be no effect on adjacent uses.
 - e. The proposed development will be in harmony and compatible with the surrounding land uses and development in the area.

NOW THEREFORE, BE IT RESOLVED that the above and foregoing application and request for change be and is hereby approved; that the zoning classification of the hereinafter described real property is changed from the AGRICULTURAL LIVING ZONE DISTRICT to the BUSINESS ZONE DISTRICT and that the zoning map of Fremont County be and is hereby amended to show and record such change of classification and that the legal description of the real property so affected is described as follows:

LEGAL DESCRIPTION

The Southeast Quarter of the Northwest Quarter of Section 7, Township 19 South, Range 68 West of the 6th P.M., lying Southeasterly of Colorado State Highway 115, being more particularly described as follows:

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Beginning at the center quarter corner of said Section 7;

Thence North 89°43'58" West along the South line of the Southeast Quarter of the Northwest Quarter, a distance of 1361.00 feet to the Southwest corner thereof;

Thence North 01°19'18" West along the West line of said Southeast Quarter of the Northwest Quarter, a distance of 1169.35 feet to intersect the Southeasterly right of way line of Colorado State Highway No. 115;

Thence North 27°54'35" East along said right of way, a distance of 192.27 feet to intersect the North line of said Southeast Quarter of the Northwest Quarter;

Thence South 89°43'43" East, along said North line, a distance of 1253.18 feet to the Northeast corner thereof;

Thence South 01°19'18" East along the East line of said Southeast Quarter of the Northwest Quarter, a distance of 1339.80 feet to the point of beginning.

Together with that easement for non-restricted, perpetual, ingress, egress and utilities more fully described in document recorded January 25, 2001, Reception No. 725676.

County of Fremont,
State of Colorado

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

Commissioner Payne: Aye / Nay / Abstain / Absent

Commissioner Bell: Aye / Nay / Abstain / Absent

Commissioner Norden: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: May 27, 2014



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: Jody Blausen
FREMONT COUNTY CLERK AND RECORDER

918369 Pages: 1 of 12
05/27/2014 01:50 PM R Fee:\$0.00
Katie E. Barr, Clerk and Recorder, Fremont County, CO



RESOLUTION NO. 19, SERIES OF 2014

RESOLUTION GRANTING AN EXEMPTION FROM THE SUBDIVISION REGULATIONS FOR TWO PARCELS OF LAND IN FREMONT COUNTY

WHEREAS, the Fremont County Board of County Commissioners has received a request from RCC Investment, LLC for an exemption from the county subdivision requirements regarding two parcels of property described in the Court decree attached hereto as Exhibit 1 and incorporated by reference.

WHEREAS, pursuant to §30-28-101 (10)(d), C.R.S., the Board possesses the authority to grant a subdivision exemption if it determines that the division of land is not within the purposes of the subdivision requirements and the exemption is not intended to evade the subdivision requirements; and

WHEREAS, the Board has considered the request and all attendant circumstances regarding the law suit to establish the boundary line between the two parcels and the court order resolving the dispute and establishing the boundary line between the parcels; and

WHEREAS, RCC Investment, LLC has requested a subdivision exemption to allow the lawful conveyances of the two parcels in accordance with the court-established boundary line; and

WHEREAS, the Board is persuaded that the request for the subdivision exemption is meritorious and that a grant of the request would not evade or defeat the purpose of the subdivision statutes and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby grants the request for an exemption from the requirements of county subdivision regulations with respect to the property in Fremont County, Colorado described in Exhibit 1, attached hereto.

BE IT FURTHER RESOLVED that the Board specifically finds that the equities of the circumstances after consideration of the quiet title lawsuit to establish the boundary line between the two parcels warrant the grant of an exemption in this case. The two parcels described on Exhibit 1 herein with the newly-established boundary line between the two are deemed by the Board to be legally-created parcels. Any future division of the property shall fully comply in all respects to all applicable subdivision laws and regulations.

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

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Edward H. Norden	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

May 27, 2014

Date: May 27, 2014

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: T. Dye
Chairman

By: Jody Blausen
Clerk to the Board

May 27, 2014

EXHIBIT 1

DISTRICT COURT, FREMONT COUNTY, COLORADO		DATE FILED: May 3, 2013
Court Address: 136 Justice Center Road, Canon City, CO, 81212		
Plaintiff(s) RCC INVESTMENT LLC		△ COURT USE ONLY △ Case Number: 2012CV175 Division: 2 Courtroom:
v. Defendant(s) GALVANIZED ENDEAVORS LLC		
Order - Amended Corrected Decree		

The motion/proposed order attached hereto: GRANTED.

Issue Date: 5/3/2013

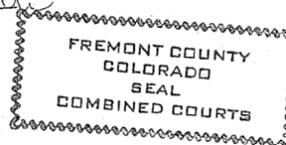
Patrick W. Murphy

PATRICK W MURPHY
District Court Judge

COMBINED COURT
 FREMONT COUNTY, COLORADO
 CERTIFIED TO BE A TRUE AND
 CORRECT COPY OF THE ORIGINAL
 DOCUMENT IN MY CUSTODY

DATE May 3, 2013
 DEBORAH SATHER STRINGARI
 CLERK OF THE COMBINED COURTS

BY *Deborah Sather Stringari*
 DEPUTY



May 27, 2014

<input checked="" type="checkbox"/> District Court	County of Fremont, Colorado	
Court Address:	136 Justice Center Road, Canon City, CO 81212 719-269-0100	
Plaintiff: RCC INVESTMENT, LLC		COURT USE ONLY
Defendant: GALVANIZED ENDEAVORS, LLC, and all unknown persons who claim any interest in the subject matter of this action		
		Case Number: 2012CV175
		Div. 2 Room 301
AMENDED CORRECTED DECREE		

This Decree amends and corrects a prior Decree entered by this Court on March 21, 2013 between these parties, which was recorded at Reception No. 905814, office of the Fremont County Clerk and Recorder, on March 25, 2013.

THE COURT FINDS:

That each defendant has been properly served as required by law and rule of Court; that Norman R. Lemons, attorney at law, has been heretofore appointed and appeared for any and all defendants who are in, or who may be in, or who may have been ordered to report for induction into, the military service as defined by the Service Member Civil Relief Act, 50 U.S.C. Section 520 as amended; that the court has jurisdiction of all parties to this suit and of the subject matter thereof, that the Plaintiff and Defendant have entered into a Stipulation fixing the common boundary between their premises, said Stipulation having been filed with the Court and approved by the Court, and the Court finds said boundary is the common boundary between the parties' parcels.

IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff, RCC Investment, LLC, is the owner in fee simple absolute, with right to possession, of the real property situate in the County of Fremont, State of Colorado, described in the Stipulation for Entry of Amended Corrected Decree attached hereto as Exhibit B and incorporated herein by reference; that complete fee simple title in and to said real property be and hereby is quieted in and to the above Plaintiff, and that all other parties to this action have no right, title or interest in or to the said real property or any part thereof, and that they are forever enjoined from asserting any claim, right, title or interest in or to the said real property or any part thereof.

IT IS ORDERED, ADJUDGED AND DECREED that Defendant, Galvanized Endeavors, LLC, is the owner in fee simple absolute, with right to possession, of the real property situate in the County of Fremont, State of Colorado, described in said Stipulation for Entry of Amended Corrected Decree attached hereto as Exhibit B; that complete fee simple title in and to said real property be and hereby is quieted in and to the above Defendant, and that all other parties to this action have no right, title or interest in or to the said real property or any part thereof, and that they

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are forever enjoined from asserting any claim, right, title or interest in or to the said real property or any part thereof.

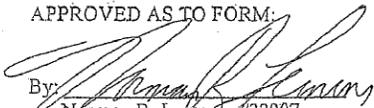
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the common boundary between the two parcels described above is now, and shall be, that boundary line described in said Stipulation For Entry of Amended Corrected Decree attached hereto as Exhibit B; and that Plaintiff, RCC Investment, LLC is ordered to quit claim to Defendant, Galvanized Endeavors, LLC, that land area described on the survey attached hereto as Exhibit A, and incorporated herein by this reference, so as to affix in the real estate records of the Fremont County Clerk and Recorder's Office the common boundary line stipulated to by the parties hereto.

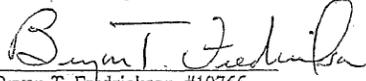
Dated this _____, 2013.

BY THE COURT:

Judge

APPROVED AS TO FORM:

By: 
Norman R. Levens, #22907
Military Attorney

By: 
Bryan T. Fredrickson, #19766
Attorney for RCC Investments, LLC

By: 
Albert V. Evans, #1275
Attorney for Galvanized Endeavors, LLC

May 29, 2014

<input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court Fremont County, Colorado Court Address: 136 Justice Center Rd., Canon City, CO 81212 719-269-0100	▲ COURT USE ONLY ▲
Plaintiff: RCC INVESTMENT, LLC v. Defendant: GALVANIZED ENDEAVORS, LLC, and all unknown persons who claim any interest in the subject matter of this action	
Attorney for Plaintiff: Bryan T. Fredrickson FREDRICKSON JOHNSON & BELVEAL, LLC 831 Royal Gorge Blvd., Suite 329 Canon City, CO 81212 Phone Number: 719-275-4161 E-mail: info@coloradoatty.com FAX Number: 719-275-6164 Atty. Reg. #: 19766	Case Number: 2012CV175 Division 2 Courtroom 301
STIPULATION FOR ENTRY OF AMENDED CORRECTED DECREE	

COME NOW the parties hereto, Plaintiff RCC Investment, LLC, by and through its attorney, Bryan T. Fredrickson, and Defendant Galvanized Endeavors, LLC, by and through its attorney, Albert V. Evans, who for their Stipulated Motion for Entry of Amended Corrected Decree state as follows:

1. In the parties' Stipulation for Entry of Decree, attached as Exhibit B to the Decree entered by this Court on March 21, 2013, and recorded at Rec. No. 905814, in the office of the Fremont County Clerk and Recorder, on March 25, 2013, a mistake occurred in the legal description of parcel A owned by RCC Investment, LLC.

2. In particular, in the fifth course of said legal description of Parcel A, the Decree entered described the course as follows:

"thence N 00°23'20" W 303.03 feet, more or less, to a point on the south boundary of McDaniel Boulevard."

3. Said described course should properly read as follows:

"thence N 00°23'20" W 278.28 feet, more or less, to a point on the south boundary of McDaniel Boulevard."

1



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4. Therefore, the parties hereto do stipulate as follows:

(a) This matter was brought by Plaintiff to establish the common boundary between the following described parcels, to-wit:

The parcel owned by RCC Investment, LLC:

A tract of land in the NW¼ of the SE¼ of the SE¼ of Section 5, Township 19 South, Range 70 West of the 6th P.M., Fremont County, Colorado, described as follows:

Beginning at the NE corner of said NW¼SE¼SE¼ of Section 5, Township 19 South, Range 70 West of the 6th P.M.; thence S89°13'21"W 30 feet to a point on the Northern boundary line of said NW¼SE¼SE¼ of said Section 5; thence S00°22'28" E 30 feet to the True Point of Beginning; thence S00°22'28"E 370.01 feet to a point; thence S89°11'35"W 420 feet to a point; thence N00°23'20"W 278.28 feet, more or less, to a point on the south boundary of McDaniel Boulevard; thence N45°28'35"E 132.98 feet more or less to a point on the south boundary of McDaniel Boulevard; thence N89°13'21"E 324.59 feet, more or less, to the True Point of Beginning (containing 3.468 acres, more or less). ("PARCEL A");

AND

The parcel owned by Galvanized Endeavors, LLC:

A tract of land in the NW¼ of the SE¼SE¼ of Section 5, Township 19 South, Range 70 West of the 6th P.M., hereinafter referred to as the said quarter quarter quarter section; described as follows:

Beginning at the Southeast corner of said quarter quarter quarter section,

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Thence N00°20'38"W, along the East boundary of the said quarter quarter quarter section, 260.41 feet to a point;

Thence S89°13'30"W, 450.00 feet to a point;

Thence S00°20'38"E, 259.71 feet more or less to a point on the South line of the said quarter quarter quarter section;

Thence N89°22'16"E, 449.99 feet more or less along the South line of said quarter quarter quarter section to the point of beginning, Fremont County, Colorado. ("PARCEL B").

(b) Disputes and differences have arisen between plaintiff and defendant over the said common boundary line between Parcels A and B. In addition, defendant has made a claim against plaintiff over a disputed water supply line that serves Parcel A and that allegedly encroaches upon Parcel B.

(c) The parties, desirous of establishing conclusively the said common boundary line between Parcels A and B and resolving all other disputes between the parties, for good and valuable consideration, the receipt and sufficiency of which is acknowledged, do hereby enter into this agreement and stipulation.

(d) The parties agree to fix the common boundary between Parcels A and B along an existing fence line between the Parcels, the description of which is the northern boundary of the area described at Exhibit A attached hereto and incorporated herein by this reference.

(e) Plaintiff further agrees to convey to defendant by quit claim deed that area described at Exhibit A between the said fence line and the current record line in accordance with the terms of this agreement.

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(f) Maintenance and repair of the fence along the agreed upon common boundary line between the Parcels shall be a joint and mutual obligation. Said fence shall not be moved, removed or replaced by one party hereto without the written consent of the other party hereto.

(g) Plaintiff further agrees to cap the existing water service line servicing Parcel A within 90 days from the date the Court enters the Amended Corrected Decree Quieting Title in this matter, so as to effectively shut off service through said water line. Defendant agrees that said shut off of the line shall be sufficient and it does not, nor will not, require the removal of that portion of the service line that allegedly encroaches upon Parcel B. Defendant grants Plaintiff and its necessary employees and agents access to Parcel B for the limited purpose of capping said service line.

(h) All covenants between the parties hereto shall survive the dismissal of this action. Either party may maintain an independent action based on contract, or any other appropriate legal or equitable basis, to enforce the provisions hereof.

(i) Each party hereto agrees to pay its own costs and expenses, including their respective attorney's fees, in the instant action.

(j) This agreement constitutes the entire agreement between the parties. All other agreements, memoranda, conversations or other communications between the parties or their respective counsel are deemed to be merged herein.

(k) This agreement shall be binding on the parties' respective successors and assigns. Any enforcement action or action for breach of this agreement shall be brought in Fremont County District Court, and Colorado law shall govern its interpretation. The prevailing

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party in any such action shall be entitled to recover its costs of suit, including its reasonable attorney's fees as set by the Court.

PLAINTIFF:

DEFENDANT:

RCC INVESTMENT, LLC

GALVANIZED ENDEAVORS, LLC

By: [Signature] 4-29-13
Robert W. Alcorn, Manager Date

By: [Signature] 4/25/13
James A. Arpin, Manager Date

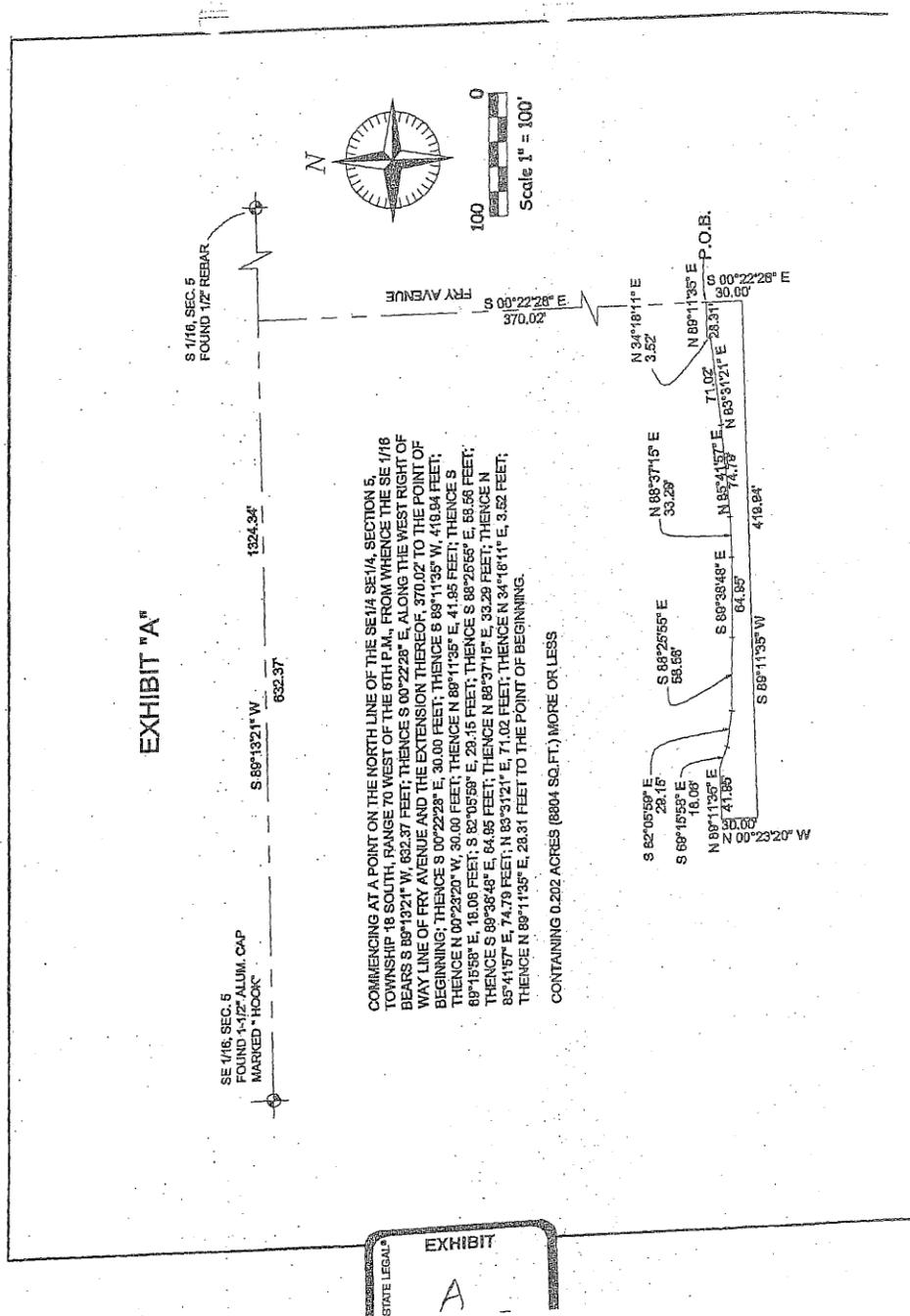
Approved as to form:

FREDRICKSON JOHNSON & BELVEAL, LLC

By: [Signature] 5/1/13
Bryan T. Fredrickson, #19766 Date
Attorney for Plaintiff

[Signature] April 8, 2013
Albert V. Evans, #1275 Date
Attorney for Defendant

May 27, 2014



May 27, 2014

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 Katie E. Barr, Clerk and Recorder, Fremont County, CO

RESOLUTION NO. 20, SERIES 2014

**A RESOLUTION EXTENDING THE TEMPORARY MORATORIUM ON THE
 FUTURE CONSTRUCTION, ALTERATION, OR USE OF ANY BUILDING,
 STRUCTURE, OR PROPERTY FOR THE COMMERCIAL CULTIVATION,
 PRODUCE MANUFACTURING, DISPENSING AND/OR SALE
 OF MEDICAL MARIJUANA UNTIL AUGUST 1, 2014;
 THE PROPOSED START DATE FOR ACCEPTANCE OF APPLICATIONS
 UNDER THE FREMONT COUNTY MEDICAL MARIJUANA
 BUSINESS LICENSING RULES AND REGULATIONS**

WHEREAS, on February 13, 2014, the Fremont County Board of County Commissioners adopted Resolution Number 9, Series of 2014, which placed a 120 day temporary moratorium on the construction, alteration, or use of any building, structure or properties for the commercial dispensing and/or sale of medical marijuana pending adoption of Fremont County Medical Marijuana business licensing rules and regulations; and

WHEREAS, the Fremont County Board of Commissioners has been presented with proposed licensing rules and regulations to address the medical marijuana business licensing procedure for the cultivation, manufacture, distribution and sale of medical marijuana; and

WHEREAS, the Board of Commissioners has scheduled a public hearing on the proposed licensing rules and regulations for June 26, 2014 at 3:30 p.m.; and

WHEREAS, the proposed regulations, if approved, will become effective on July 1, 2014 and applications for licensing will be accepted beginning on August 1, 2014; and

WHEREAS, the Board of County Commissioners for Fremont County believes that it would be in the best interests of all citizens of Fremont County, as well as potential medical marijuana facility owners or operators, to extend the temporary moratorium until such time that the County begins accepting applications for licensing under the proposed licensing rules and regulations; and

WHEREAS, by adopting this Resolution, it remains the intention of the Board of County Commissioners to allow the continuation of any medical marijuana operations that were lawfully established prior to the initial date of the February 13, 2014 moratorium.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY:

1. The moratorium imposed on February 13, 2014, by Resolution No. 9, is hereby extended until August 1, 2014.

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2. Medical marijuana cultivation, manufacturing and sale operations lawfully in effect prior to February 13, 2014, shall be permitted and allowed to continue such operations at their present, approved location, notwithstanding the adoption of this extension to the moratorium.
3. This moratorium shall apply only to commercial, nonprofit, collective or cooperative uses and shall not apply to persons who are certified medical marijuana users for their own individual use.
4. The extension of this moratorium shall be effective as of the date of adoption

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

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Edward H. Norden	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent

Date: May 27, 2014

BOARD OF COUNTY COMMISSIONERS **ATTEST:**
OF FREMONT COUNTY

By: T. Payne
Chairman

By: Jody Blausen
Clerk to the Board