

August 23rd, 2011

### SIXTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 23rd, 2011, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Edward H. Norden called the meeting to order at 9:30 A.M.

Edward H. Norden	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Debbie Bell	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director and Jody Blauser Deputy Clerk.

The Morning Prayer was given by Pastor Benny Soto of Mountain View Community Church and Chaplain for the Fremont County Jail.

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

#### APPROVAL OF AGENDA

**Commissioner Stiehl** moved to approve the agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

#### CONSENT AGENDA

**Commissioner Bell** moved to approve the consent agenda. (Resolution #30 is attached as attachment "A" as adopted under consent agenda). Commissioner Stiehl seconded the motion. Upon vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

#### ADMINISTRATIVE/INFORMATIONAL

##### 1. Administrative and Elected Officials

**Commissioner Norden** expressed sympathy and condolences to former County Commissioner Larry Lasha as his wife Dorothy had passed away last Saturday.

##### 2. Citizens Not Scheduled:

**Benny Soto** announced the Sharefest will be held on September 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> through out Canon City and Fremont County. Last year they completed over 260 jobs that were submitted on the website which is sharefestfc.org. The website can be used to submit a job or recruit a job. Last year 13 different churches participated. Benny said last year there were more than 2500 people that participated in the celebration at Veterans Park. This year they will partner with Ace and hope to spend \$35,000 to \$40,000 on over 300 jobs. Last year they roofed a house, painted three houses, did yard work and many other repairs.

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**OLD BUSINESS**

None.

**NEW BUSINESS**

1. Approval to transfer Fremont County's 2011 Private Activity Bond (P.A.B.) allocation to the Colorado Department of Local Affairs.

**Dana Angel, Fremont County Finance Director** explained for the past 20 years Fremont County has always transferred their allocation to the state wide balance. Indirectly those benefits come back to Fremont County. The information he received from Colorado Housing and Finance Authority (C.H.F.A.) explains what has happened from 2005 to 2010. During those five years there were 180 home loans in Fremont County in excess of \$19,000,000. Of that money \$5,200,000 was economic activity that created 42 jobs within our county. Multi-family homes used \$4,900,000 of the money with the rest going for single family homes. Even though Fremont County has over \$2,000,000 it is too small of a balance to use individually through a bond issue with all of the costs that would be involved. This year CHFA has requested that Fremont County transfer their allocation to the Department of Local Affairs (D.O.L.A.). Commissioner Norden noted this is partly due to the inability of municipal issuers to issue tax exempt bonds. He said if Fremont County transfers their \$2,900,000 to D.O.L.A. should a project in our community be eligible we could request that money back. Commissioner Bell moved to approve the transfer of Fremont County's 2011 Private Activity Bond allocation in the amount of \$2,298,383 to the Colorado Department of Local Affairs. Commissioner Stiehl seconded the motion. Commissioner Stiehl said they made sure this would not impact any of the housing projects through our local Council of Governments so he is in favor of this. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

2. Consideration of a contract with the Colorado Department of Local Affairs concerning the William Simpson project.

**County Attorney Jackson** explained this is a Community Development Block Grant (C.D.B.G.) to benefit low to very low income families with housing. It is an upgrade of an existing housing development from mobile homes to manufactured homes on permanent foundations. The grant funds are available for this project which William Simpson is handling. Commissioner Norden said the Board had considered this application several months ago. The property is on the north side of Washington Street Northwest of 15<sup>th</sup> Street. Commissioner Bell commented that by replacing older mobile homes with homes on permanent foundations they have improved the area and created pride of ownership. Commissioner Bell moved to authorize the Chairman to sign the contract with the Colorado Department of Local Affairs concerning the William Simpson project on North 15<sup>th</sup> Street and Washington Street. Commissioner Stiehl seconded the motion. Commissioner Norden stated that Fremont County is just the facilitator on this project and there are no costs to the county or tax payers in association with this contract. Upon Vote: Commissioner Bell, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

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3. Request: SRU 10-005 Skye Borough Ranch Kennel Extension of Contingency Deadline. Request approval of a six month extension of the deadline for submittal of contingency items in conjunction with Special Review Use Permit #SRU 10-005 Skye Borough Ranch Kennel. Said SRU was approved on November 9, 2010, contingent upon construction of all proposed improvements, and specified documentation being provided to the Department of Planning and Zoning within nine months after approval of the application by the Board of County Commissioners. Representatives: Dale and Janet Walters.

**Dale Walters and Janet Walters** spoke to the Board regarding the six month extension. Dale said he had lost his job and was not able to complete the construction on time. Janet said she hoped to have the construction finished by October of this year. The Planning and Zoning department suggested they request a six month extension in case they run into delays. Bill Giordano said this would prevent them from having to request another extension. Giordano said the applicant requested that the proposed kennel size be reduced from 90 square feet to 60 square feet. He does not have a problem with this as long as they comply with their pet license from the state. Commissioner Stiehl moved to approve the six month extension of the contingency deadline for SRU 10-005 Skye Borough Ranch Kennel until March 1<sup>st</sup>, 2012. Commissioner Bell seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Bell, aye; Commissioner Norden, aye. The motion carried.

**Chairman Norden** recessed the meeting at 9:49 A.M. until 10:00 A.M. for the Public Hearing.

**Chairman Norden** called the meeting back to order at 10:00 A.M. and opened the Public Hearing.

### **PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.**

1. **Consideration of Fremont County Commissioner Districts based on the 2010 Census.**

**Commissioner Norden** explained the Fremont County GIS Department had been working on the new maps trying to balance out the population numbers between the three Commissioner Districts. There will be no action by the Board today. The Public Hearing will give Citizens a chance to be heard on the proposed change in districts.

**County Attorney Jackson** said that statute requires all counties in the state to redraw the Commissioner District lines to make the population numbers in each district as nearly equal as possible. This is excluding inmates in correctional facilities. Commissioners in our county are elected at large from the entire population of the county but must live in the district they are representing. This must be done in the year following the Census and completed by September 30<sup>th</sup>.

**Commissioner Norden** said the Census numbers indicated that District #3 had grown in population. This meant District #2 and #1 had to pick up numbers to balance the population among the three. Compared to the maps from 2003 the areas of Dakota Hideout and Four Mile Ranch are being shifted from District #3 to District #2. There are some subtle changes in the Grandview and Lincoln Park area that are being moved from District #1 to District #2. Some of the change is in the Grape Creek and Tunnel Drive area that is being moved from District #1 to District #3. The proposed changes will make District #1 have 12,974 people. District #2 will have 12,976 people. District #3 will then have 12,928 people. This will bring the districts within 50 or 60 people of each other. The total of the three districts is 38,878. This number is based on the total population of Fremont County excluding inmates given to us by the Census.

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**Public Comments:**

**Judy Fritcher** said she understands that Obama's Executive Order is not legal and illegal immigrants should not be voting in this district. County Attorney Jackson explained this has nothing to do with registered voters or Obama's Executive Order. This is a state statute that has been in effect for over 50 years. Judy asked if this redistricting counts the entire population including illegal's but the registered voters are a different situation. Jackson agreed that is correct. She said you have to be at least 18 to vote, but people under 18 are counted in the Census. Commissioner Stiehl said that currently all three Commissioners are elected at large. Stiehl said if in the future we reach a population of 70,000 then the voters may choose to have the Commissioners elected by the district they represent then this would effect the elections. The 70,000 is not automatic. If we get to that number and the electorate decides they would like to have Commissioners elected from their own district, it would have to go before the voters. Stiehl noted at this time it does not have an effect on elections. Commissioner Norden said there is an actual legal description that follows the boundary lines of these maps. These descriptions are available in the County Commissioners Office. Norden said this matter will be on the Commissioners Meeting Agenda for September 27<sup>th</sup>, 2011 for consideration.

**Chairman Norden** closed the Public Hearing at 10:14 A.M.

**Chairman Norden** adjourned the meeting at 10:15 A.M.

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Clerk and Recorder

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ATTACHMENT "A"

Commissioner Stiehl moved the adoption of the following Resolution:

**RESOLUTION NO. 30**  
**Series of 2011**

RESOLUTION FOR SPECIAL REVIEW USE PERMIT  
DEPARTMENT OF PLANNING AND ZONING FILE #SRU 11-002  
ROCKY MOUNTAIN GSP RESCUE KENNEL

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

THAT WHEREAS, Kristen A. and Michael J. Schnobrich, (hereafter "applicants") have made application for issuance of a Special Review Use Permit pursuant to 8.2 of the Zoning Resolution of Fremont County to allow for a dog rescue kennel, which will house up to a total of fifteen (15) dogs for the purpose of boarding until adopted, which application has been designated as file #SRU 11-002 Rocky Mountain GSP Rescue Kennel;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its July 6, 2011 regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, 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 appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, 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 August 9, 2011, 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

WHEREAS, it appears that issuance of a Special Review Use Permit is appropriate;

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NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use Permit to Applicant as follows:
  - a. The procedural requirements of Section 8.2 of the Fremont County Zoning Resolution have been met.
  - b. The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
  - c. The proposed use will not have detrimental effects on property values.
  - d. The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
  - e. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
  - f. The site is sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
  - g. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.
2. A Special Review Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions:
  - A. Special Review Use Permit shall be issued for a term of twenty-five (25) years.
  - B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the

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approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and/or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.

- C. Each year, at the anniversary date (approval date), the Applicant shall pay a Kennel License Renewal Fee, which includes an inspection of the kennel facilities.
- D. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
- E. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
- F. Applicant shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- G. 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 use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board.
- H. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- I. Days and hours of operation shall not be limited.
- J. Applicant shall house dogs inside from dusk to dawn.

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- K. 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.
- L. 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.
- M. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.2 of the Fremont County Zoning Resolution (complete reapplication).
- N. The number of dogs to be housed in this kennel is limited to fifteen (15) adult dogs of any breed.

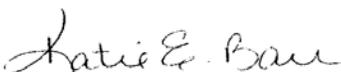
Commissioner Bell seconded the adoption of the foregoing Resolution and upon a vote of the Board as follows:

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

The Resolution was declared to be duly adopted.

DATE: August 23, 2011

  
 CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:   
 FREMONT COUNTY CLERK AND RECORDER