

November 27, 2006

1

THIRTIETH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 27, 2006, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Michael Stiehl called the meeting to order at 9:30 A.M.

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

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

Pastor Steve Schwarz of the Cañon City Seventh Day Adventist Church 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 made a motion to approve the Agenda. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

CONSENT AGENDA

Commissioner Lasha moved to approve the Consent Agenda.

1. Approval of Minutes November 14, 2006
2. Approval of Bills, November 27, 2006/\$358,018.64
3. LIQUOR LICENSES
PENROSE POST #2788
PRESTON MANAGEMENT
PO BOX 645
PENROSE, COLORADO 81240
Tavern Liquor License Renewal – Malt, Vinous and Spirituous
Change of Manager

SHADOW HILLS GOLF CLUB
1232 FREMONT COUNTY ROAD 143
CAÑON CITY, COLORADO 81212
Optional Premise Liquor License Renewal – Malt, Vinous and Spirituous
4. SCHEDULING OF PUBLIC HEARINGS / None

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Commissioner Lasha reported he and Commissioner Stiehl judged the holiday window decoration contest in Florence this past weekend. He commented the activities and holiday spirit are a positive reflection on the community and its citizens.

Commissioner Norden announced a legislative affairs meeting with state legislators to discuss priorities of the 2007 legislative session on December 14, 2006 at 2:00 P.M., Room 207 in the Fremont County Administration Building. State Senator Ken Kester, Representatives Tom Massey, Buffie McFadyen and Bob Gardner will be attendance and the public is encouraged to attend.

1. Citizens Not Scheduled. There were none.

NEW BUSINESS:

REQUEST: MS 06-007 JLR SUBDIVISION

Matt Koch, Cornerstone Land Surveying stated he was representing Jack L. Rovers for his property, which is *located at the northwest corner of Pinion Avenue and Locust Street, in the Lincoln Park Area*. Proposed lot 1 will consist of 4.503 acres and contains a single-family dwelling, and a well shed. Proposed lot 2 will consist of 1.740 acres and contains a single-family dwelling. The property is being used for residential/agricultural uses. The property consists of approximately 6.243 acres and is located in the Agricultural Suburban Zone District. Mr. Koch stated they were in agreement with all the Contingencies.

Bill Giordano stated the Planning Commissioner recommended unanimous approval with the seven contingencies items. Mr. Giordano explained there is a floodway that runs thru the property and is designated as a no-build zone, however Mr. Koch had a noted statement indicating that any construction within this flood-hazard area shall conform to all Fremont County Regulations. Mr. Giordano requested that statement be removed. He reported the Planning Commission recommended that the floodway be considered a no-build and no-fill zone area. Mr. Giordano stated no building permit records were found for the property. In the event the permits are not located, building permits for the existing buildings would be required if applicable.

Commissioner Norden made a motion to approve MS 006-007 JLR Subdivision with the 7 Contingencies revising items; 5,6 and 7 and omitting the Additional Considerations.

RECOMMENDED CONTINGENCIES

The following items shall be provided to the Department of Planning & Zoning within 6 months after final approval by the Board of Commissioners.

1. Final plat and copies (copies to be provided after recordation of the plat) as required by the Fremont County Subdivision Regulations.
2. An updated title commitment issued within 30 days of recording of the final plat. An updated title commitment may result in additional requirements.
3. A certificate of satisfaction of the judgment against Hazel J. MacFarlane in favor of Sunwest Credit Union.
4. A copy of a signed and sealed final drainage report and plan, by the registered engineer, as required by the County reviewing engineer.
5. The designated floodway shall be designated as a no-build and no-fill area as required by the County reviewing engineer
6. Remove the last sentence on note #3, which states "Any construction within this flood hazard shall conform to all Fremont County Regulations" from the final plat.
7. If applicable, copies of building permit for all existing buildings and structures.

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

REQUEST: REVIEW OF SITE DEVELOPMENT PLAN REGULATIONS

Bill Giordano reported that at the Planning Commission meeting on November 8, 2006, a motion was made requesting the Board of Commissioners re-evaluate the moratorium on anything that requires a site development plan and to further discuss the definition of the wording substantial. He remarked that the Site Development Plan of the 23rd Amendment to the County Zoning Resolution created unforeseen problems. The problem lies in the subjective, gray areas of the planning and zoning and felt evaluations were necessary on an individual basis.

Commissioner Stiehl commented the Board of Commissioners initiated these regulations in an effort to have the developments pay for themselves and the road damage that occurs with increased traffic and construction. He asked for anyone wishing to speak for or against to come forward.

David Reynolds, Reynolds Construction Company stated he was a past president of FEDC and was not against the Site Development 8.3 paying for itself but expressed concerns requiring a traffic study for any or all developments or improvements. Mr. Reynolds feels this requirement is burdensome for small businesses and developments.

Bruce Redus, Fremont Economic Development Corporation stated the FEDC works on job creation and capital investment in the community. His main concern was the affect on existing operations. He suggested reviewing the impact history of the operations as well as use by right for manufacturing and distribution. Mr. Redus remarked business retention / expansion is really the key to economic development, particularly in smaller communities.

Michael Butts, Real Estate Agent with Century 21 stated the Site Development Plan was too stringent and especially harmful for existing businesses trying to expand. He felt growth needed to be controlled but not at the expense of the existing businesses or resulting in driving new businesses from coming into the area. He strongly urged the Board of Commissioners to pursue additional and further studies.

Vern Estes, Ridgewood Road Resident stated he was in favor of the moratorium but expressed concern about the affect on new businesses and industries. He remarked that the regulations were an impediment towards accomplishing the goals of growth and primary jobs. He suggested making it easier for small businesses, small industries to come and get started in Fremont County.

Preston Troutman, Allison Avenue Resident suggested a booklet outlining the regulations, guidelines, cost factors and time limitations. He referenced the City discussing a similar regulation assigning a mentor or individual to assist the developer with identifying applicable components.

Commissioner Norden responded that everyone was on the same page, however, the problem would not be solved today and would require input by the Planning Commission for refinement. He stated when the 23rd Amendment to the Zoning Resolution was adopted on May 9, 2006, he made the motion himself and it was seconded by Commissioner Lasha asking the Planning Commission for further review as to whether any thresholds can be defined for requiring traffic impact analysis would be necessary. **Commissioner Norden** asked County Attorney Jackson if moratorium could be set up specifically for existing businesses. **Fremont County Attorney Jackson** replied that it was illegal and unconstitutional to make those distinctions and advised the same and equal criteria must apply to all businesses. **Commissioner Lasha** shared concerns regarding the wording of existing business/expansion and the definition of substantial noted in the 8.3 Site Development Plan. He remarked that additional meetings and a possible workshop be scheduled between the Board of Commissioners and the Planning Commission within the next thirty days for review and clarification and suggested the moratorium be tabled until that time. **Commissioner Norden** agreed the request for the moratorium required additional study and should be postponed until the January 9, 2007 Board of Commissioners Meeting.

Commissioner Norden made a motion to table the request of a moratorium until the January 9, 2007 Board of Commissioners Meeting. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden; aye, Commissioner Lasha; aye, Commissioner Stiehl, aye. The motion carried.

Commissioner Stiehl adjourned the meeting at 10:40 A.M.