

FOURTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 28, 2017, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Dwayne McFall	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Matt Koch	Planning & Zoning Director	Present

Joe Garkovich of First Christian Church gave the Invocation.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Minutes / February 14, 2017
2. Approval of Bills for \$935,184.48
3. Ratification of Chairman’s Signature on a Lease Agreement with the Colorado Department of Public Safety, Division of Fire Prevention and Control for a space at the Fremont County Airport to place a modular unit to be used as the Division of Fire Prevention and Control Helibase
4. Approval of Water Lease Agreements (CWPDA #951 and #952) with the Upper Arkansas Water Conservancy District
5. Schedule Public Hearings: None

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
 - a. County Manager Report, Sunny Bryant, County Manager

Manager Bryant reported on forming a County Safety Committee to evaluate safety in county buildings and a Wellness Committee to oversee the employee health fair. She had attended the Florence Chamber of Commerce banquet and the Penrose Chamber of Commerce banquet.

- b. Sales & Use Tax Report, Sunny Bryant, County Manager

Manager Bryant reported the December collections for Retail Sales Tax were \$389,771, Sheriff-Retail Sales Tax were \$259,848 and Lodging Tax were \$22,778. In January, the Auto Use Tax collected was \$85,618, Sheriff-Auto Use Tax was \$57,079, Construction Use Tax was \$12,492, and Sheriff-Construction Use Tax was \$8,328.

Commissioner Bell congratulated the winners of the Citizen of the Year Awards for both the Florence and the Penrose Chambers of Commerce, as well as the City Employee of the Year Award for Florence.

Commissioner McFall was happy to see the community involvement displayed at the Chamber of Commerce banquets.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda

Kay Denniston presented a petition requesting the Commissioners use their influence with Martin Marietta to aid in stopping the storage of rail cars for Cotter Corporation in her neighborhood.

Nancy Willauer said she has been unable to sell her property due to the rail cars stored in the area.

Doug Bennett, president of the Homeowner's Association in Wolf Park, said he has had unsuccessful communication with Martin Marietta in regards to having the rail cars moved.

JoAnn Grenard has been named the #1 Real Estate Agent for the last 5 years in the Cañon City market. She feels the rail cars are negatively affecting the property values in Wolf Park.

Commissioner Bell noted that the Board of County Commissioners has no jurisdiction over the rail cars but is willing to start a conversation with Martin Marietta. Her advice was to contact Federal Representatives since it is a federal jurisdiction.

Commissioner Payne reiterated that the Board is willing to have a conversation with Martin Marietta.

OLD BUSINESS

None.

NEW BUSINESS

1. Heritage Commission Annual Report
Representative: Betsy Denney

Betsy Denney gave the Annual Heritage Commission Report. Changes include new board members, new by-laws, and a move in storage facilities for pre-printed materials. The self-guided tours have been very successful. The commission will be holding a workshop to aid people in the Landmark Site application process.

2. Request: ZC 13-001 Mary's Rezone Extension of Contingency Deadline
Request approval of a third one (1) year extension of the deadline for submittal of contingency items in conjunction with #ZC 13-001 Mary's Zone Change from the Agricultural Estates to Industrial Zone District. Said Zone Change was approved on September 10, 2013. The property is located

approximately 700 feet west of the intersection of High Street and Orchard Avenue, on the south side of High Street, in the North Cañon Area.
Representative: Mary McBroom

Mary McBroom requested an extension for the contingency items with assurance that they can be completed within a year. If she sells the property, the new owner will complete the contingency items.

Director Koch gave a staff report in favor of the extension.

Commissioner Payne moved to approve a one-year extension of the contingency deadline for ZC 13-001 Mary's Rezone. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10 A.M.

1. Request: Modification of CUP 07-003 Front Range Aggregates (Parkdale Pit). Request approval of a Modification of condition J, changing the blasting times from 8:00 A.M. to 9:00 A.M., from Memorial Day to Labor Day, and 10:00 A.M. to 4:00 P.M. all other days, changing to 10:00 A.M. to 5:00 P.M., not more than 5 days per week.
Representative: Michael Sheahan

Chairman Bell opened the Public Hearing at 10:08 a.m.

Michael Sheahan explained that when Martin Marietta purchased Front Range Aggregates, they inherited the blasting times condition for the CUP. To meet the current condition, the charges need to be prepared the day before and left overnight making the explosives unpredictable. The number of blasts are not anticipated to increase with the modification, and the neighbors will continue to be notified in advance.

Director Koch reviewed the application. No complaints were found, but Colorado Parks and Wildlife submitted a letter of concern about an increase in blast frequency.

Michael Sheahan reassured that the blast frequency should not change. The recreation area near the pit should not be affected, but he is willing to add Parks and Wildlife to the notification list.

Chairman Bell closed the Public Hearing at 10:20 a.m.

Commissioner McFall moved to approve Resolution #15 allowing the modification of Condition J of CUP 07-003 Front Range Aggregates (Parkdale Pit) modifying blasting times. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

2. Request the issuance of an Optional Premises Cultivation license for JMC Enterprises, doing business as Fremont County Cannabis, for property which is owned by Marcia Greene. The address of the property is 1800 C.R. 835C, south of Florence off of Siloam Road. The property contains 100 acres more or less, the grow area including structures contains 2 acres more or less. The grow area will use an existing metal agricultural building and 2 new green houses. The Grow will utilize metal containers for grow rooms inside the agricultural building for starting the plants, they will then be transplanted to the green houses and the outdoor grow area. The property is zoned Agricultural Forestry.
Representative: Jeff Cain

Chairman Bell opened the Public Hearing at 10:22 a.m.

Jeff Cain explained the new cultivation facility is not in a residential area. The operation only takes up a small part of the land.

Director Koch reviewed the contingency items. A site review showed it fits the intent of the county ordinance.

Tina Heffner is in favor of the Optional Premise Permit, because the applicant has been aboveboard in all their dealings.

Deputy Sterling Jenkins said the applicant is an example of what the cannabis industry should be. He expressed his support.

Bill Donley is concerned the irrigation water and the well water will be used in the greenhouses.

J.R. Phillips is representing his family who resides down the road from the operation. They are concerned with the use of irrigation water, as well.

Christy Draper lives on a property on the ridge above the grow area. She is concerned about the area not being as remote as it seems, the water usage, an increase in traffic and the greenhouses being lit at night.

Chairman Bell closed the Public Hearing at 10:35 a.m.

Jeff Cain explained the water for the greenhouses will be hauled water. Irrigation water will be used for his personal hay fields. The greenhouses are soft-sided hoop houses that will not be lit, and the facility has seven employees that carpool.

Commissioner Payne moved to issue Optional Premises Cultivation license for JMC Enterprises, doing business as Fremont County Cannabis OPC 17-001 with the contingencies stated and granting odor mitigation waiver. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell adjourned the meeting at 10:41 a.m.

RESOLUTION NO. 15
Series of 2017

RESOLUTION FOR SECOND AMENDMENT OF CONDITIONAL USE PERMIT
FILE NUMBER CUP 07-003 FRONT RANGE AGGREGATES (PARKDALE PIT)

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

THAT WHEREAS, Front Range Aggregates, Inc., (hereafter "Applicant") has made application for amendment and change to Condition J of Conditional Use Permit Department File Number CUP 07-003 Front Range Aggregates (Parkdale Pit). The request is to change the hours and days for blasting at the Parkdale Pit from "8:00 A.M. to 9:00 A.M., from Memorial Day to Labor Day, and 10:00 A.M. to 4:00 P.M. all other days", to "blasting shall be done between the hours of 10:00 A.M. to 5:00 P.M., not more than 5 days per week." The Application has been designated as file # **CUP 07-003 Front Range Aggregates (Parkdale Pit) Second Amendment**; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location of the public hearing, telephone number of the 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 agencies, in accordance with regulations; and

WHEREAS, a notice containing the specific request, proposed use, date, time, 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 **February 28, 2017**, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the County's file concerning the application; and

WHEREAS, it appears that the amendment of the Conditional Use Permit is appropriate.

February 28, 2017

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