

THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on February 8, 2022, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chair Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Kevin Grantham	Commissioner	Present
Dwayne McFall	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Mica Simpleman	Planning & Zoning Director	Present

INVOCATION

Loren Kolman, Evangelical Free Church

PLEDGE OF ALLEGIANCE

Those present cited the Pledge of Allegiance to the flag of the United States of America.

APPROVAL OF AGENDA

Commissioner McFall moved to approve the agenda. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

CONSENT AGENDA

1. Approval of Minutes / January 25, 2022
2. Approval of Bills for \$1,253,630.25
3. Ratification of Chairman's signature on the Fremont County Annual Operating Plan
4. Stormwater Discharge Annual Report for the Airport
5. Intergovernmental Agreement Between the City of Canon City, Fremont County, and the Fremont County Sheriff Regarding Cooperative Law Enforcement Activities ("Mutual Aid")
6. Schedule Public Hearing for March 8, 2022 at 10:00 a.m.:
 - a. CUP 21-002 Lyons Pit: Conditional Use Permit (CUP) approval for a sand and gravel extraction pit located approximately 1-mile south of Texas Creek. The proposed aggregate mining operation would occupy 9.93 acres of BLM managed property for screening, crushing, hauling materials and stockpiling.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
 - a. County Clerk's Monthly Report

Clerk & Recorder Grantham gave the County Clerk's Monthly Report which can be found in its entirety at www.fremontco.com.

Commissioner Bell conveyed the Board's anticipation for the reversal of the report's trends.

Clerk & Recorder Grantham pointed out that the tax bills are coming in and people are getting their tax returns.

Commissioner McFall moved to accept the Clerk's Monthly Report. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

b. County Manager Report, Sunny Bryant, County Manager

County Manager Bryant gave the County Manager Report which can be found in its entirety at www.fremontco.com. She also provided Callie Masar's contact information, which is (719) 276-7399, for those who are interested in knowing more about events at the Pathfinder Event Center.

Commissioner McFall spoke about the first event at the Pathfinder Event Center then conveyed his excitement for the 2022 County Fair, which will also take place at the new event center. He added that the center normally is open to the public Mondays through Thursdays for a tour.

Commissioner Grantham discussed the Board's recent attendance at a Colorado Counties Incorporated (CCI) meeting and informed the public that the Commissioners are always scrutinizing legislation that might affect rural Colorado.

Commissioner Bell added that she and Commissioner McFall will be present at the upcoming National Association of Counties (NACo) Legislative Conference where they will attend various meetings, including a meeting with Western Interstate Region and Congressional Western Caucus. She informed the public that the Board is working hard for Fremont County.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda.
 - a. There were none.

OLD BUSINESS

1. SRU 21-002 Phantom Canyon RV Ranch Major Modification requesting approval of a major modification to existing Special Review Use Permit SRU 20-001 for twenty (20) additional travel self-contained trailers, modification of operational characteristics, installation of an on-site wastewater treatment system (OWTS), reduction on recreation area, the addition of 23,476 square feet of storage areas and structures on 29.79 acres located at 505 County Road 67 in Penrose and is zoned Agricultural Forestry.

Commissioner Bell listed findings per their incompliance of SRU 20-001 and State and County requirements and read aloud Resolution #11 regarding the denial of SRU 21-002.

Commissioner McFall urged the applicant to come into compliance with SRU 20-001.

Commissioner McFall moved to approve Resolution #11 denying SRU 21-002. Commissioner Grantham seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Grantham, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

NEW BUSINESS

1. Humane Society of Fremont County annual report
Representative: Doug Rae, Director

Doug Rae explained that they have been struggling to staff the shelter, then gave the annual report which, in its entirety, can be found attached below.

Commissioner Bell commented on the persistent problems caused by Covid-19.

Mr. Rae agreed with Commissioner Bell and continued his report.

Commissioner Bell thanked Mr. Rae for making the report straightforward and easily understandable.

Commissioner McFall asked about the category "other" in the report.

Mr. Rae replied that it is a term used for anything other than a cat or dog.

Commissioner McFall asked him to clarify.

Mr. Rae explained that they have encountered pigs, goats, chickens, and more. He noted that the only other animals they do not get are horses.

Commissioner Grantham thanked Mr. Rae for the brevity of his report and requested that he send the report to the Board before the meeting next time he presents it.

Mr. Rae confirmed that he provided the BOCC with all the information he had.

Commissioner McFall asked whether the Sheriff has the monthly reports.

Mr. Rae said he didn't know.

Commissioner McFall explained that sending monthly reports to the Sheriff's Office is in the contract.

Mr. Rae said he can send them to the Sheriff's Office.

Commissioner McFall stated the reports were being sent to the Sheriff's Office until July 2021.

Mr. Rae said he has only sent reports to the Commissioners, but he can also send them to the Sheriff's Office.

Commissioner McFall clarified that he should send the reports to the Undersheriff.

Commissioner Bell mentioned her surprise at the shelter being short-handed.

Mr. Rae increased wages twice in the past four months to match employer competition.

PUBLIC HEARINGS

1. None.

Commissioner Bell adjourned the meeting at 10:00 a.m.




Clerk to the Board of County Commissioners

Fremont Humane Shelter Statistics, 2021

SECTION A: Fremont & Custer County combined stats

1) Shelter INTAKE data, 2021

- Shelter received 1066 live animals in 2021 (712 Dog, 330 Cat, 24 other).
⇒ In 2020, the shelter received 1142 live animals. (690 Dog, 366 Cat, 86 Other (-76 animals))
- In 2021, the shelter received 1224 intakes including 158 DOA's (live & DOA)
⇒ In 2020, the shelter received a combined 1293 intakes including 151 DOA's (live & DOA).
- 2021 saw a 7% decrease in live animal intakes and a 6% overall decrease (live & DOA).

2) Animal INTAKE Data, 2021

- Owner Turn-in: 236 (140 Dog, 89 Cat, 7 Other) – 22% of all live intakes (351 or 31% LY).
- Resident Stray Turn-in: 395 (193 Dog, 189 Cat, 13 Other) – 37% of live intakes (396 or 35% LY).
- Return Adoption: 22 (16 Dog, 6 Cat) – 2% of all live intakes (25 or 2% in 2020).
- Transfer-in: 69 (48 Dog, 21 Cat) – 6% of all live intakes (69 or 6% LY).
- 2021 Fremont & Custer **Residents** accounted for 653 or 61% of all live intakes. (772/67% LY)
- ACO, Sheriff & Police: 344 (315 Dog, 25 Cat, 4 Other) – 32% of live intakes. (301/26% LY) +14%
- Dead On Arrival (DOA): 158 (54 Dog, 73 Cat, 31 Other). 151 DOA-LY...5% increase in DOA's.

3) Animal OUTCOME Data, 2021

- Adoptions: 493 (219 Dog, 257 Cat, 17 Other) – 46% adoption rate (540 or 47% LY).
- Owner Reclaim: 376 (357 Dog, 17 Cat, 2 Other) – 35% reclaim rate (364 or 32% LY).
- Transfer-out: 151 (111 Dog, 36 Cat, 4 Other) – 14% transfer rate (222 or 19% LY).
- Stolen, escaped, released: 2 Cat (TNR) – (0 LY).
- Deaths: 15 (6 Dog, 8 Cat, 1 other) vs. 34 LY (9 Dog, 25 Cat).
⇒ **56% less deaths (2021 vs 2020) with an 7% decrease in live intakes.**

4) Shelter SAVE RATE, 2021

- 98.78% (Dog: 99.16%, Cat: 99.16%, Other: 95.45%), while 2020 saw a 97.46% save rate.

SECTION B: Fremont County ONLY stats

5) Fremont County ACO & Sheriff Intakes, 2021

- ACO & Sheriff accounted for 123 or 12% of all live intakes (115 Dog, 5 Cat, 3 Other),
⇒ The same unit accounted for 114 or 10% intakes LY (109 Dog, 5 Cat).

6) Fremont County Resident Intakes, 2021

- Owner Turn-in: 58 (25 Dog, 32 Cat, 1 Other) – 5% of all live intakes.
- Resident Stray Turn-in: 145 (68 Dog, 76 Cat, 1 Other) – 14% of all live intakes.
- Return Adoption: 4 (4 Cat) – 0% of all live intakes.
⇒ Fremont County Residents accounted for 207 or 19% of all live shelter intakes.

7) Summary: Fremont County Intakes, 2021

- Fremont Residents & ACO/Sheriff accounted for 330 or 31% of all live shelter intakes.
- Add in 54 DOA's...the County accounted for 384 or 36% of all "live & DOA" shelter intakes.

SECTION C : Fremont County ONLY 2021 statistics (by month)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	
DOG	Owner Turn In	2	4	1	3	3	4	2	0	1	2	1	25	
	Stray Turn In	2	5	7	8	7	4	8	4	4	4	3	68	
	Return Adoption	0	0	0	0	0	0	0	0	0	0	0	0	
	ACO Impounds	6	6	12	18	10	9	10	10	11	6	9	8	115
	Transferred In	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL DOG	10	15	20	29	20	17	24	20	15	11	15	12	208	
CAT	Owner Turn In	3	0	3	1	2	5	2	3	1	5	4	32	
	Stray Turn In	4	9	7	5	13	5	4	5	4	7	3	76	
	Return Adoption	0	0	1	1	0	0	0	0	0	2	0	4	
	ACO Impounds	2	0	0	0	1	1	0	0	0	0	1	5	
	Transferred In	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL CAT	9	9	11	7	16	11	6	8	5	13	14	8	117	
OTHER	Owner Turn In	0	0	0	1	0	0	0	0	0	0	0	1	
	Stray Turn In	0	0	0	1	0	0	0	0	0	0	0	1	
	Return Adoption	0	0	0	0	0	0	0	0	0	0	0	0	
	ACO Impounds	0	0	3	0	0	0	0	0	0	0	0	3	
	Transferred In	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL OTHER	0	0	3	2	0	0	0	0	0	0	0	0	5	
TOTAL LIVE INTAKES	19	24	34	38	36	28	30	28	20	24	29	20	330	
DOA	Dog DOA	3	6	0	0	1	2	0	2	2	2	1	19	
	Cat DOA	0	0	0	1	0	25	2	0	1	1	2	32	
	Other DOA	1	0	0	0	0	0	0	0	0	0	0	3	
TOTAL DOA	4	6	0	1	1	25	6	0	2	3	3	54		
TOTAL LIVE & DOA INTAKES	23	30	34	39	37	53	36	28	22	27	32	23	384	

HSFC Monthly Comps_FY 2021

Animal Control Activities

Field Service Enforcement

	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
Intake: Canon City Dog	6	6	11	7	9	15	13	16	18	7	14	24	146
Intake: Canon City Cat		1	1	1	1		1	2	6	2			17
Intake: Canon City Other				1									1
Total: Canon City Intakes	6	7	12	9	10	15	14	18	24	9	14	26	164
Intake: Fremont County Dog	6	6	12	18	10	9	10	10	11	6	9	8	115
Intake: Fremont County Cat	2				1	1						1	5
Intake: Fremont County Other			3										3
Total: Fremont County Intakes	8	6	15	18	11	10	10	10	11	6	9	9	123
Intake: Florence Dog	2	1	3	16	5	2	1	3	1				34
Intake: Florence Cat				1									1
Intake: Florence Other													0
Total: Florence Intakes	2	1	3	17	5	2	1	3	1	0	0	0	35
Intake: Williamsburg Dog					1	2			2				5
Intake: Williamsburg Cat													0
Intake: Williamsburg other													0
Total: Williamsburg Intakes	0	0	0	0	1	2	0	0	2	0	0	0	5
Intake: Coal Creek Dog					2								2
Intake: Coal Creek Cat													0
Intake: Coal Creek Other													0
Total: Coal Creek Intakes	0	0	0	0	2	0	0	0	0	0	0	0	2
Intake: Rockvale Dog										2			2
Intake: Rockvale Cat		1				1							2
Intake: Rockvale Other													0
Total: Rockvale Intakes	0	1	0	0	0	1	0	0	0	2	0	0	4
Intake: Custer County, Dog										11			11
Intake: Custer County, Cat													0
Intake: Custer County, Other													0
Total: Custer County Intakes*	0	0	0	0	0	0	0	0	0	11	0	0	11
Total Live Animal Control Intakes	16	15	30	44	29	30	25	31	38	28	23	35	344

* Includes Custer County, Westcliffe & Silver Cliff

Animals On Site	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
Dogs	14	28	22	18	27	37	31	29	31	32	38	42	349
Cats	17	23	17	15	16	47	33	26	33	51	48	31	357
Other	0	0	0	0	0	3	2	0	0	2	3	0	10
Total animals on-site (1st of the month)	31	51	39	33	43	87	66	55	64	85	89	73	716

Animal Activities

HSFC Monthly Comps_FY 2021

Animal Incoming	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
Owned dogs	14	18	14	12	14	11	7	12	12	9	6	11	140
Owned cats	6	6	9	2	10	16	6	6	2	13	6	7	89
Owned small mammals, reptiles, other	0	0	1	1	3	1	0	0	0	0	1	0	7
Stray dogs	5	17	17	17	18	13	27	20	12	12	19	16	193
Stray cats	6	12	12	11	30	9	11	24	22	23	19	10	189
Stray small mammals, reptiles, other	2	1	0	1	0	2	2	2	2	1	0	0	13
Adoption return dogs	0	2	4	3	3	1	1	0	1	0	1	0	16
Adoption return cats	0	0	1	1	0	0	0	0	0	1	2	1	6
Adoption return other	0	0	0	0	0	0	0	0	0	0	0	0	0
Transfer in, dogs	13	17	0	10	6	1	0	0	0	0	0	1	48
Transfer in, cats	8	6	1	0	6	0	0	0	0	0	0	0	21
Transfer in, other	0	0	0	0	0	0	0	0	0	0	0	0	0
Total live animals entering HSFC	70	94	89	102	119	84	79	95	89	87	77	81	1066
Total live animals at HSFC (month)	101	145	128	135	162	171	145	150	153	172	166	154	1782
Animal Disposition	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
Dogs returned to owner	15	21	31	44	28	31	39	32	31	20	32	33	357
Cats returned to owner	0	0	5	0	2	1	0	1	0	6	2	0	17
Other returned to owner	0	1	0	1	0	0	0	0	0	0	0	0	2
Dogs adopted	18	28	22	22	22	19	14	21	17	12	10	14	219
Cats adopted	24	14	23	13	12	24	23	23	13	26	29	33	257
Other adopted	2	0	3	1	0	4	1	2	0	0	4	0	17
Transfer out, dogs	6	7	13	9	12	8	9	2	12	8	10	15	111
Transfer out, cats	2	1	2	6	4	9	2	0	2	7	0	1	36
Transfer out, other	0	0	1	1	0	0	2	0	0	0	0	0	4
Died in care dog	0	0	0	0	0	0	0	0	0	0	0	0	0
Died in care cat	0	0	0	0	2	1	0	0	0	0	0	0	3
Escaped dog	0	0	0	0	0	0	0	0	0	0	0	0	0
Escaped cat	0	0	0	0	0	0	0	0	0	0	0	0	0
Stolen dog	0	0	0	0	0	0	0	0	0	0	0	0	0
Stolen cat	0	0	0	0	0	0	0	0	0	0	0	0	0
Released dog	0	0	0	0	0	0	0	0	0	0	0	0	0
Released cat	1	0	0	0	1	0	0	0	0	0	0	0	2
Animal Outgoing Total	68	72	100	97	83	97	90	81	75	79	87	96	1025

HSFC Monthly Comps FY 2021

Animal outgoing: (PTD)	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
Treatable, rehabilitatable or manageable medical or behaviour	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-treatable, rehabilitatable or manageable medical or behaviour	1	1	0	1	0	1	0	0	0	1	2	2	9
Non-treatable, non-rehabilitatable or non-managable medical or beh PTD	0	0	0	0	0	0	0	0	1	0	1	0	2
Wildlife or illegal animals PTD	0	0	0	0	0	0	0	0	0	0	0	0	0
Total animals PTD	1	1	0	1	0	1	0	0	1	1	3	2	11
Total animal dispositions	68	73	100	98	82	98	90	81	76	80	90	98	846
PTD Breakdown	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
10 - OR Non-Treat Medical Dog													0
10 - OR Non-Treat Med Cat											1		1
10 - OR Non-Treat Med Oth													0
20 - OR Non-Treat Behaviour Dog									1				1
20 - OR Non-Treat Behaviour Cat													0
20 - OR Non-Treat Beh Oth													0
30 - Treatable Medical Dog													0
30 - Treatable Medical Cat													0
30 - Treatable Medical Other													0
35 - Non-Treatable Medical Dog	1					1				1		1	2
35 - Non-Treatable Medical Cat													3
35 - Non-Treatable Medical Other													0
40 - Treatable Behavior Dog													0
40 - Treatable Behavior Cat													0
40 - Treatable Behavior Other													0
45 - Non-Treatable Behavior Dog		1		1							1	1	4
45 - Non-Treatable Behavior Cat													0
45 - Non-Treatable Behavior Other													0
Dog													0
60 - Shelter Acquired Treat Med Cat													0
60 - Shelter Acquired Treat Med Oth													0
Dog													0
65 - Shelter Acq Non-Treat Med Cat													0
65 - Shelter Acq Non-Treat Med Oth													0
Total Animals Euthanized	1	1	0	1	0	1	0	0	1	1	3	2	11

HSFC Monthly Comps FY 2021

Cat and Dog Intake Totals	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
Total Cats received:	22	26	24	16	48	27	18	32	30	39	27	21	330
Total Dogs received:	46	67	61	83	68	54	59	61	57	47	49	60	712
Total Others received:	2	1	4	3	3	3	2	2	2	1	1	0	24
Total Animals received	70	94	89	102	119	84	79	95	89	87	77	81	1066
Cat and Dog Euthanasia Totals	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
Total Cats euthanized	0	0	0	0	0	1	0	0	0	1	1	1	4
Total Dogs euthanized	1	1	0	1	0	0	0	0	1	0	2	1	7
Total Cat & Dog euthanized	1	1	0	1	0	1	0	0	1	1	3	2	11
Misc Outcomes Included in save	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
Cats died in kennel/missing/escaped	0	0	0	0	2	1	0	0	0	0	0	0	3
Dogs died in kennel/missing/escaped	0	0	0	0	0	0	0	0	0	0	0	0	0
DIK/missing/escaped	0	0	0	0	2	1	0	0	0	0	0	0	3
Cats Released	1	0	0	0	1	0	0	0	0	0	0	0	2
Dogs Released	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Cats and dogs released	1	0	0	0	1	0	0	0	0	0	0	0	2
Total Animals in EUTH % (below)	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
Total Cat deaths	0	0	0	0	2	2	0	0	0	1	1	1	7
Total Dog deaths	1	1	0	1	0	0	0	0	1	0	2	1	7
Total Others deaths	0	0	0	0	0	0	1	0	0	0	0	0	1
Total Deaths	1	1	0	1	2	2	1	0	1	1	3	2	15
LIVE RELEASE % (with owner req)	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
Cats	100%	100%	100%	100%	95.83%	92.59%	100%	100%	100%	97.44%	96.30%	95.24%	97.88%
Dogs	97.83%	98.51%	100%	98.80%	100%	100%	100%	100%	98.25%	100%	95.92%	98.33%	99.02%
Others	100%	100%	100%	100%	100%	100%	50%	100%	100%	100%	100%	100%	95.83%
Total Animals	98.57%	98.94%	100%	99.02%	98.32%	97.62%	98.73%	100%	98.88%	98.85%	96.10%	97.53%	98.59%
Cat and Dog Death Totals (minus	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
Total Cats euth & died (minus OR)	0	0	0	0	2	2	0	0	0	1	0	1	6
Total Dogs euth & died (minus OR)	1	1	0	1	0	0	0	0	0	0	2	1	6
Total Others euth & died (minus OR)	0	0	0	0	0	0	1	0	0	0	0	0	1
(OR)	1	1	0	1	2	2	1	0	0	1	2	2	13
LIVE RELEASE % (minus OR)	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	YTD
Cats (minus OR)	100%	100%	100%	100%	95.83%	92.59%	100%	100%	100%	97.44%	96.30%	95.24%	98.18%
Dogs (minus OR)	97.83%	98.51%	100%	98.80%	100%	100%	100%	100%	100%	100%	95.92%	98.33%	99.16%
Others (minus OR)	100%	100%	100%	100%	100%	100%	50%	100%	100%	100%	100%	100%	95.83%
Total Animals PTD (minus OR)	98.57%	98.94%	100%	99.02%	98.32%	97.62%	98.73%	100%	98.85%	98.85%	97.40%	97.53%	98.78%

**RESOLUTION NO. 11, SERIES OF 2022
FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS
RESOLUTION DENYING SRU 21-002
MAJOR MODIFICATION OF PHANTOM CANYON RV RANCH**

WHEREAS, on May 20, 2021, Fremont RV and Resort Club, LLC (“Applicant”) submitted an Application for a Special Review Use (SRU) Permit, requesting a major modification of SRU 20-001, to expand the Phantom Canyon RV Ranch adding twenty (20) additional travel self-contained trailers, modification of operational characteristics, installation of an on-site wastewater treatment system (OWTS), reduction on recreation area, the addition of 23,476 square feet of storage areas and structures on 29.79 acres located at 505 County Road 67 in Penrose, Colorado; and

WHEREAS, on December 7, 2021, the Fremont County Planning Commission and unanimously recommended approval; and

WHEREAS, following proper public notice, as required by the Fremont County Zoning Resolution, the Board of County Commissioners (Board), held a public hearing on January 11, 2022, for consideration of the Modification Application; and

WHEREAS, Applicant appeared through Mitchell Slatin and representative Dr. Angela Bellantoni at the January 11, 2022 public hearing. Both addressed the Board and discussed the Application; and

WHEREAS, the Board considered all written comments from the public on the Application, public comments made during the public hearing, recommendations from county staff and comments and responses from the Applicant; and

WHEREAS, following the January 11, 2022 public hearing, the Board voted to table the Application until February 8, 2022, to allow time to deliberate and comprise formal, written findings for consideration.

NOW THEREFORE BE IT RESOLVED BY THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS after consideration of all facts and circumstances and based on the findings of the Fremont County Board of County Commissioners (Board), SRU 21-002, set forth below, the request for a major modification of SRU 20-001, is DENIED.

FINDINGS OF THE BOARD OF COUNTY COMMISSIONERS

1. The existing Special Review Use Permit, SRU 20-001, was approved by the Board on March 10, 2020, following a public hearing. The approval included certain contingency items, required to be completed prior to operation, and numerous conditions governing the overall operation.

2. The contingency items were to apply for and be issued an access permit for County Road 67 from the Fremont County Department of Transportation, obtain all necessary approvals from the Fremont County Engineer regarding the drainage plan, and obtain all necessary approvals and permits for dump station.

3. In the Application, on the site plan, and during the March 10, 2020 public hearing, Applicant made numerous representations about the planned operation of the RV Park, which included:

- A. Only self-contained units will be allowed at the travel trailer park (40 allowed) that are no more than 10 years old;
- B. RVs are to be inspected during check-in for age and condition of the structure in order to maintain an aesthetically pleasing RV community;
- C. Pop-up trailers, camping trailer and tents are not allowed in the park;
- D. Two employees and three host campers will be on site to operate the park;
- E. No stay will exceed 30 days, including the host campers;
- F. Sanitary service for sewage waste disposal would be available at the dump station on a temporary basis pending construction of an Onsite Wastewater Treatment system, with lines servicing each individual RV site;
- G. A six-inch crushed stone surface would be installed and maintained to control dust and tracking dirt and mud onto the county road;
- H. The park is planned as a “high end,” “luxury” park;
- I. Two dumpsters on concrete pads with 3 sided 6’X10’ stockade fence enclosures;
- J. Planting of screening landscaping/trees along the east boundary;
- K. Five 16’ tall LED light poles with lights;

4. Applicant began accepting RV’s and other campers into the park immediately following the March 10, 2020 public hearing, despite having not completed the three contingency items.

5. On July 6, 2020, the Department of Planning and Zoning Code Enforcement sent a Notice of Violation to Applicant indicating the RV Park was operating in violation of the SRU permit and County Zoning regulations. The Violation Notice indicated that chemical toilets were not on site, the dump station had not been approved, the drainage plan had not been received or approved, and the road access permit had not been submitted.

6. The Notice of Violation demanded Applicant to cease and desist operation of the Travel Trailer & RV Park until all contingencies and conditions had been met. At no time since March 10, 2020 has Applicant stopped operation of the park.

7. Applicant applied for a permit allowing the use of a vault (dump station) on July 13, 2020. Final approval for the dump station by Fremont County Environmental Health Officer was August 19, 2020. At the time of final approval, Applicant had been operating the park for more than five months, in violation of the Board’s contingencies.

8. Applicant received final approval of the detention pond, outlet structure and berm from the Fremont County Project Engineer, on April 15, 2021, after operating the park in violation of the Board’s drainage contingency for more than one year.

9. Planning and Zoning Code Enforcement Officers have inspected the site on numerous occasions since March 10, 2020, each time finding various areas of noncompliance with zoning requirements and SRU requirements. This includes storage of camper units; accumulation of junk, trash and debris; outdoor visible cultivation of marijuana, failure to install a curb around the dump station, living in campers on site for longer than 30 days, placement of non-permitted structures and refusal to allow inspections for compliance.

10. On April 13, 2021, the Board held a public hearing to address the various violations and areas of SRU non-compliance with the RV Park. Applicant addressed the Board indicating that the problems were being resolved, investors had resigned and been replaced, and other issues were in the process of being addressed. The Board took no action to suspend, terminate or modify the terms and conditions of the SRU, but strongly emphasized to Applicant the urgency and necessity of full compliance with all SRU provisions. Applicant made all due assurances of future compliance.

11. On May 5, 2021, Code Enforcement Officers inspected the property, finding a camper in an unapproved location; several unregistered, and inoperable vehicles; a hose and transfer tank for sewage disposal unsecured and exposed; a collapsed non-potable water tank; a mattress stuffed under a camping unit; a camper with an uncapped sewage hose; a space apparently being used for a contractor's yard; and the entrance to the Park washed out with a large amount of dirt and mud tracked from the Park onto the county road.

12. On May 20, 2021, Applicant submitted the present Application for a major modification of the RV Park approved by SRU 20-001.

13. On September 9, 2021, Code Enforcement Officers conducted another compliance inspection, finding no dumpster or fence south of the driveway; no trees or other screening/landscaping planted or constructed for a buffer along County Road 67; no additional dumpsters on concrete slabs with fencing; a new interior roadway not depicted on the site plan; an extra RV space/lot; and no 16' high poles with LED lighting.

14. On November 18, 2021, Code Enforcement Officers conducted another compliance inspection, finding two campers with a lot of junk around them; seven dogs on the property housed in semi-permanent dog pens; no 16' high poles with LED lighting; non-compliant RVs and campers (older than 10 years or soft-sided).

15. On January 10, 2022, the day before the public hearing before the Board on the application for major modification, Planning and Zoning officers conducted an inspection finding numerous campers that had been in the Park for more than 90 days; two campers with items stored underneath, one camper with junk stacked around it including a full-size refrigerator, awning frame and pop-up tent; a camper that previously had been posted with a notice of eviction but remained on site; hoses laying out around the dump station; non-potable water tank still collapsed; and a pile of junk, trash and debris located on the property.

16. Wyatt Sanders, Fremont County Building and Environmental Health Official spoke at the January 11, 2022 public hearing on this Application, indicating that the dump station was approved as a temporary solution to allow the Park to conduct business while the OWTS system was designed and constructed on-site. As of January 11, 2022, Applicant had not applied for an OWTS permit nor submitted design plans for review by the County. The dump station is undersized for use by the entire park and was not intended to be a long-term solution. Applicant was required to provide receipts to demonstrate regular pumping of the dump station vault and has provided only two since the March 10, 2020 approval date.

17. Planning and Zoning Director Mica Simpleman provided the Board with a staff report at the January 11, 2022 public hearing indicating that various conditions required for the RV Park had yet to be completed or complied with including adequate sanitation disposal; placement of dumpsters with fencing; placement of six inches of crushed gravel on interior roadways; installation of lighting as shown on the site plan; limiting duration of RV stays to 30 days or less; and limiting visitors to those with RVs that are no older than 10 years and self-contained. He further reported that Applicants were servicing individual campers by dumping sewage into a tank and hauling it to the dump station for disposal.

18. Mitchell Slatin and Dr. Angela Bellantoni both spoke to the Board at the January 11, 2022 public hearing to address the concerns about compliance with SRU 20-001. The Applicant offered various excuses and justifications for non-compliance with all conditions of the SRU, including accusations that county staff prevented Applicant from complying with the permit requirements and correcting violations.

19. The Board is unpersuaded that officials from Planning and Zoning told Applicant to stop efforts to come into compliance with SRU 20-001. The Board is also unpersuaded that Applicant would have followed instructions from Planning and Zoning, given the extensive history of noncompliance with directions from Code Enforcement and other county officials and permit conditions. Further, if Applicant disagreed with any direction or instructions from Planning and Zoning staff, Applicant had avenues of appeal to address such disagreement. It is undisputed that Applicant has not pursued an appeal on any issue related to the SRU.

20. The Board finds that Applicant has either the inability or unwillingness to properly manage and operate the existing Phantom Canyon RV Ranch and the property has essentially been out of compliance since the March 10, 2020 approval date. The condition and status of the RV Park does not resemble the Applicant's description and representations presented during the review and approval process for SRU 20-001.

21. In addition to the conditions imposed by the Board, Applicant was also required to comply with the applicable regulations of the Colorado Department of Public Health and Environment for Campgrounds and Recreation Areas, found at 6 C.C.R. 1010-9, which contains requirements for water, sewage disposal and other operational matters.

22. The Board has no confidence that Applicant will properly manage and operate the RV Park in the future. Expansion of the Park to accommodate more campers would increase the degree of nonconformance, making matters worse and increasing the enforcement burden on county staff.

23. This decision of the Board does not affect the ability of Applicant to continue operations under SRU 20-001, nor does it either preclude or mandate future actions by Applicant or County to ensure the operation of the existing RV park complies with all county and state requirements.

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

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Kevin J. Grantham	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain

Date: February 8th, 2022

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

by: [Signature]
Clerk to the Board

