

JANUARY 13, 2009

1

FIRST MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on January 13, 2009, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Larry Lasha called the meeting to order at 9:30 A.M.

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

Also present Bill Giordano, Planning and Zoning Director; County Manager, George Sugars; Director and Tina Taylor, Deputy Clerk.

Pastor Benny Soto of the Mountainview Baptist 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 Lasha added Item #13A. The appointment of a new member and reappointment of two members of the Airport Board. Commissioner Norden moved approval of the Agenda with the addition of Item #13A. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA

Commissioner Stiehl stated Item #1. The Approval of the Minutes from December 23, 2008 are still under review and be moved to the next Board meeting Consent Agenda. Commissioner Stiehl moved to approve the Consent Agenda. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

1. Approval of Minutes December 23, 2008 - REMOVED
2. Approval of Bills, January 13, 2009 / \$1,073,363.64
3. **SCHEDULE PUBLIC HEARING FOR FEBRUARY 10, 2009**
REQUEST: SRU 08-004 SOUTHERN DELIVERY SYSTEM
Request approval of a Special Review Use Permit, Department file #SRU 08-004 Southern Delivery System (Public utilities buildings, regulators and substations) for the construction of a water intake and pump station, along the Arkansas River, two additional pump stations (all pump stations will contain an electric substation), seventeen (17) miles of a sixty-six (66) inch diameter pipeline and an electric substation and transmission facilities, (to be operated and owned by Black Hills Energy and which will require a separate SRU application), by Colorado Springs Utilities, for property owned by various property owners. The proposed river intake and Pump Station #1 is to be located on the north side of the Arkansas River, west of Colorado State Highway 115, just east of the Fremont Sanitation District treatment plant, which is located east of Florence, Colorado. Pump Station #2 is proposed to be located north of 3rd Street approximately one-third (1/3) mile east of the extension of A Street to the north, in the Beaver Park Area. Pump Station #3 is proposed to be located approximately one-quarter (1/4) mile west of Colorado State Highway 115 and approximately two (2) driven miles north on Colorado State Highway 115 from its intersection with Fremont County Road #F45. The proposed stand-alone electric substation will be located approximately 0.6 miles south of the intersection of Colorado State Highways 115 and 120, southeast of the Rainbow Park Area, which is located east of Florence, Colorado. The properties to be purchased or

leased for the project will consist of approximately four-hundred and thirty-one (431) acres, within the Agricultural Forestry, Agricultural Living and Agricultural Estates Zone Districts.

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected officials

Fremont County Treasurer Pat McFarland presented the Quarterly Report of the Public Trustee's Office and the Semi-Annual Report for the Treasurer's Office which will be published in the Florence Citizen.

Commissioner Stiehl moved to approve the Treasurer's Semi-Annual Report and the Public Trustee Quarter Report. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

Fremont County Clerk and Recorder Norma Hatfield submitted the Clerk's Report for December, 2008 and stated the revenue earned in the Clerk's Office was \$557,860.79 which is up over a year ago by \$23,576.49. County Sales Tax collected was \$52,987.28 which was down \$11,019.79. What was turned over to the County Treasurer for distribution to the various entities was \$339,878.53 and this was up \$21,718.19.

Commissioner Norden moved approval of County Clerk's Report. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Norden stated that Minor Publishing has delivered the 2009 Royal Gorge Visitors Guide. Any local chamber of commerce office will have copies of the book.

2. Citizens not scheduled – None

OLD BUSINESS – NONE

NEW BUSINESS

ORGANIZATION OF THE BOARD OF FREMONT COUNTY COMMISSIONERS

Commissioner Norden moved to appoint District I Commissioner Mike Stiehl as Chairman of the Board for 2009. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Lasha moved to appoint Ed Norden as Pro-Tem. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

AWARD STATIONARY BID 2009

Finance Director Dana Angel stated there were three bids for 2009. The bid award went to Peak Printing.

Commissioner Norden moved to approve the 2009 Stationary Bid award to Peak Printing with the lowest of three bids of \$5,574.50. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

CONTRACT APPROVAL - FOR 2009 PROJECTS / 2008 GAMING IMPACT ASSISTANCE FUND LLGGF #08586 FREMONT COUNTY ROAD IMPROVEMENTS

Finance Director Angel stated the gaming application was revised in August 6, 2008. The original request to the State was \$499,000. This was revised and became a request for \$394,000. We lowered our request upon discussion the Department of Local Affairs. The Grant was adjusted upon approval at the State hearing to \$350,000.

Commissioner Lasha moved to approve the 2008 Gaming Impact Assistant Fund for \$350,000.00 to Fremont County for 2009 projects. Commissioner Norden seconded the

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

RESOLUTION SUPPORTING THE GRANT APPLICATION FOR LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF GREAT OUTDOORS COLORADO FOR THE OUTDOOR ARENA AT PATHFINDER PARK, GOCO LOG #09090

Finance Director Angel stated it is a resolution outlining our commitment in support of the GOCO Grant that we have been awarded. This needs to accompany the contract to go back to GOCO offices. **Commissioner Norden** stated it is a resolution that GOCO requires for all contracts receivable of the grants.

Commissioner Norden moved approval of **Resolution #1, Series 2009** supporting the grant application for the GOCO grant for Pathfinder Park. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

APPOINTMENT OF COUNTY ATTORNEY

Commissioner Lasha moved to appoint Brenda Jackson for the 2009 Fremont County Attorney. She takes very great care of the issues of the county and her service with Fremont County is greatly appreciated. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION APPOINTING THE FREMONT COUNTY SURVEYOR

County Attorney Brenda Jackson stated Fremont County Surveyor was up for election in 2008 and no one ran. The statutes provides that the Board of Commissioners have the authority and is required to appoint the County Surveyor who will serve until the next General Election so this will be a two (2) year appointment.

Commissioner Lasha moved approval of **Resolution #2, Series 2009** for Matt Kock to be the County Surveyor for 2009 for a two (2) year term. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION ESTABLISHING THE OFFICE OF COUNTY MANAGER

County Attorney Jackson stated the statutes give the Board of Commissioners authority to establish a number of offices under their direction and supervision and County Manager is one of them. This resolution will establish George Sugars to legitimately serve in the new position of County Manager and would be ratified as of January 12, 2009. Commissioner Norden moved to approve **Resolution #3, Series 2009** creating the office of Fremont County Manager. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION DESIGNATING OFFICIAL POSTING PLACE FOR NOTICE OF PUBLIC MEETINGS FOR THE FREMONT COUNTY BOARD OF COMMISSIONERS

County Attorney Jackson stated under the Open Meetings Act the Board is required to post notice of all public meetings that it holds and once a year at the first meeting of the year it is required to make that posting place a public act by resolution. This essential established the same two posting places which are in the office of the Board of County Commissioners and the bulletin board outside the hall way by the Commissioner's offices as the official posting places.

Commissioner Lasha moved for approval of **Resolution #4, Series** designating the official posting place and notice for public meetings with the County Board of Commissioners. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION DESIGNATING SCHEDULE FOR REGULAR MEETINGS FOR THE FREMONT COUNTY BOARD OF COMMISSIONERS

County Attorney Jackson stated this is a resolution that requires the Board once a year to state the date and time of the regular Board of Commissioner's meetings. It is required to have them at least once a month. We have had them on the second and fourth Tuesday of each month at 9:30 A.M.

Commissioner Norden moved to approve **Resolution #5, Series 2009** setting the date and time for the Board of Commissioner's regular monthly meetings on the second and fourth Tuesday of each month at 9:30 A.M. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION DESIGNATING OFFICIAL NEWSPAPER FOR FREMONT COUNTY

County Attorney Jackson stated an official newspaper is required by statute and must designate for legal publications. The resolution provides that the Cañon City Daily Record as the primary newspaper; the Florence Citizen is secondary weekly newspaper. Both newspapers statutorily are authorized to carry legal publications.

Commissioner Lasha moved to approve **Resolution #6, Series 2009** designating the Daily Record, the primary newspaper and the Florence Citizen as the secondary official newspapers for Fremont County for 2009. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

RESOLUTION DESIGNATING AND APPROVING OFFICIAL DESPOSITORIES FOR FREMONT COUNTY FOR 2009

County Attorney Jackson said the County is required to designate which financial institutions are holding public monies. After talking with the County Treasurer she has our deposits currently in Sunflower Bank of Cañon City, Colorado Surplus Asset Fund Trust (CSAFT), COLOTRUST and Cañon National Bank. There are certain legal requirements for a financial institution to hold public funds and these are all eligible.

Commissioner Norden moved to approve **Resolution #7, Series 2009** designating the official depositories for Fremont County Funds for 2009. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

FREMONT COUNTY WEED ADVISORY BOARD – REAPPOINTMENT OF BOARD MEMBERS, STEPEHN OSWALD, RALPH KUNSELMAN, FRED SMITH AND CYNTHIA MOORE

Commissioner Lasha stated that we have some outstanding Boards with the County and the Weed Board is one of them. They are very active in their participation with the Weed Manager and his activities.

Commissioner Lasha moved to have Steve Oswald, Ralph Kunselman, Fred Smith and Cynthia Moore reappointed for a two (2) year term. Commissioner Norden seconded the motion. **Commissioner Stiehl** commented that two (2) years ago the Fremont Board of Commissioners was named the Commissioners of the Year by the Colorado Weed Council which is quite an honor. This past year J.R. Phillips our Weed Coordinator was named Director of the Year by the State Weed Board.

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

APPOINTMENTS OF LARRY ODDO AND AMY COLVIN TO THE FREMONT COUNTY TOURISM COUNCIL

Commissioner Norden said typically these are appointments that would be made in December but the vacancy notice was extended by two weeks. Larry Oddo of the Holy Cross Abbey Winery and Amy Colvin of the Royal Gorge Railroad were selected to fill two vacancies on the tourism council.

Commissioner Norden moved to approve the appointment of Larry Oddo and Amy Colvin. Commissioner Norden commended Danny DeGeorge and Ryan McAllister for their service on the board. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

APPOINTMENT TO AIRPORT ADVISORY BOARD

Commissioner Lasha moved to appoint Kit Jones for a two (2) year term to the Board and the reappointment of Dean Baird and Dave Thomson also for a two year term. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Stiehl closed the regular session and opened the Public Hearing.

PUBLIC HEARING

**REQUEST: SRU 08-005 I.C.E. OFFICE OF DETENTION & REMOVAL -
FREMONT COUNTY**

Request Approval of a Special Review Use Permit, Department file #SRU 08-005 I.C.E. Office of Detention & Removal - Fremont County, (Immigration and Customs Enforcement) for the operation of a removal and detention facility for the processing of illegal aliens, usually detained for not more than ten (10) hours, by JIOL, LLC. The property is located on the west side of Colorado State Highway 67, approximately 0.8 mile south of the intersection of U.S. Highway 50 and Colorado State Highway 67, north of Florence, Colorado. The property is described as Lot 38, Airport Industrial Park, Filing No. 1, located in the Industrial Park Zone district and contains 7.54 acres.

REPRESENTATIVE: Thomas A. Duke, Architect, T.A. Duke & Associates

Floyd Sax stated the I.C.E. facility is at 935 State Hwy 67. It will be a facility of approximately 13,000 gross square feet. It will have brick veneer with a steel frame. The facility will have four (4) detention cells for short time detention not to exceed ten (10) hours a day. The balance of the space in the facility will be for staff.

Planning and Zoning Director Bill Giordano stated this item had been pre-scheduled for this Public Hearing prior to the Planning Commission meeting and noted that all the notices, publication and posting of the property did take place properly to insure that we would be ready for today's meeting. At the meeting of January 6, 2008 the Planning Commissioner did recommend approval of the application. Director Giordano stated that Conditions A through G are basically our standard Conditions. This is a life of the use of the operation. We are not limiting the days and hours of operation. I.C.E. office shall be serviced by a fire suppression sprinkling system as per the Florence Fire Protection District. Documentation of the construction of the frontage road that crosses the property to be to County standards prior to operation. Before we issue a Special Review Use Permit upon approval by the Board today Condition L: Documentation as to compliance with any requirements of the Fremont County Noxious Weed Control Office as related to the noxious weed plan, prior to operation and Condition M: Documentation as to compliance with the requirements of the Fremont County Reviewing Engineer, as per letter dated November 12, 2008, prior to operation must be completed. Contingencies Items 1 through 3 must also must be completed before a Building Permit can be issued. Regarding the Waiver Request for Section 5.2 Buffering & Landscaping Requirement they will be providing some landscaping and they are buffered by the prison to the west and two (2) industrial park properties south and north, then also to the east is industrial property. The recommendation is to waive the requirement and accept the landscaping they propose on their plan. This does require a resolution and we will prepare the resolution for the next meeting with any changes that are proposed today.

Commissioner Norden inquired about Condition K if the frontage road would be paved or gravel. Mr. Sax stated at this present time part of it will be paved going into the development and part will be gravel. That is the way that GSA has it approved.

Commissioner Stiehl closed the Public Hearing and returned to regular session.

Commissioner Lasha inquired how the project was proceeding. Mr. Sax stated all the footings, foundation, all the electrical, all the underground plumbing and the slab is being done now. Steel will be delivered next week.

Commissioner Stiehl stated the applicant has been able to work on in ground improvements without a Building Permit. The Building Permit is not required until they start building above the ground. They are allowed to do any surface maintenance, leveling and can even set up forms but can not pour the forms without the permit.

Commissioner Lasha inquired about the waiver request. Basically the waiver request is for Landscaping, Buffering and Paving. The paving issue is on the entry way, but the parking lot is going to be paved. Director Giordano stated yes. It is the driveway in that goes to the northern portion of the parking lot will be the paved part. The parts that would not be paved would be the part from that portion north to the next property line. It is not under the waiver actually it is under Condition K that we are addressing. The waiver request is only for the Buffering.

Commissioner Stiehl stated if the project is approved the gravel portion would have to be prepared to our gravel standards for roadway standards. Mr. Sax stated yes.

Commissioner Norden stated the reports and documentation that Mr. Gagliano submits are very well done and very thorough.

Commissioner Lasha moved to approve **Resolution #8, Series 2009** that is a request for a SRU 08-005 I.C.E. Office of Detention Center with Conditions A through O and Recommended Contingencies 1 through 3 and with the waiver of Buffering. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Recommended Conditions:

- A. Special Review Use Permit shall be issued for life of use.
- 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 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. 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.
- D. 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.
- E. Applicants 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.
- F. 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 special review 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.

- G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days and hours of operation shall not be limited.
- I. Any lighting to be used shall be directed to avoid casting light onto other properties.
- J. I. C. E. office shall be serviced by a fire suppression sprinkler system as per the Florence Fire Protection District.
- K. Documentation as to construction of the Frontage Road across the property to County standards, prior to operation.
- L. Documentation as to compliance with any requirements of the Fremont County Noxious Weed Control Office as related to the noxious weed plan, prior to operation.
- M. Documentation as to compliance with the requirements of the Fremont County Reviewing Engineer, as per letter dated November 12, 2008, prior to operation.
- N. 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.
- O. 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.

Recommended Contingencies:

The approval recommendation is made contingent upon, at a minimum, the following items being provided to the Department, by the applicant, within six (6) months (*no extensions except through regulatory process*) after approval of the application by the Board of County Commissioners:

- 1. Documentation as to purchase of water tap from the City of Florence, Colorado.
- 2. Quit-claim deed to Fremont County for a fifty (50) foot right-of-way for the frontage road from south property line to the north property line.
- 3. The final site plan drawings shall note the following:
 - a. All exterior boundary dimensions. (A broken line is acceptable for entire lot dimension).
 - b. Building dimensions.

- c. Zoning classification for property to the north of this property (Industrial Park).
- d. Written scale.
- e. Vicinity map site designation does not represent location of the site. Please correct.
- f. Locate and dimension drainage ways, drainage ditches, detention ponds and areas.
- g. Provide dimensions for all right-of-ways, roadways, etc.
- h. If there are no pedestrian walkways or areas provide a note stating such, otherwise they shall be shown located, dimensioned, identified as to type, width, thickness, etc.

REQUEST: TRANSFER OF SRU 00-008 CAÑON WEST SUBSTATION

Request for transfer of Special Review Use Permit, Department file # SRU 00-008 Cañon West Substation, from Aquila, doing business as West Plains Energy, to Black Hills Energy, Limited Partnership. The existing SRU is for the operation of an Electric Utility Substation on property owned by Black Hills/Colorado Utility Company, LLC, a Colorado limited liability company. *This property is located approximately ½ mile east and ½ mile north of the intersection of Fremont County Road 3A and U.S. Highway 50, in the Eightmile Area.*

REPRESENTATIVE: Mark Trevithick, Substation Engineer, Black Hills Energy, Cristin Cochran, Contract Agent, Black Hills Energy

Contract Agent Cristen Cochran for Black Hills Energy stated Black Hills was formerly Aquila dba West Plains Energy. Black Hills Energy assumes the responsibility for the performance of all obligations, conditions and guarantees originally set forth in SRU 00-008 for the Cañon West Substation. Black Hills respectfully request your approval of the change in ownership. **Planning and Zoning Director Giordano** stated they have provided all the transfer documents and does not see any problems with what has been provided. **Commissioner Norden** moved to approve the transfer of SRU 00-008 Cañon West Substation from Aquila dba West Plains Energy to Black Hills Energy. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

REQUEST: RE-ADOPTION OF FREMONT COUNTY ZONING RESOLUTION

Request approval of a resolution readopting Fremont County Zoning Resolution, Number 54, Series of 1994, including all 26 amendments thereto. This will allow any future amendments to begin with amendment number one.

REPRESENTATIVE: Planning and Zoning Department

Planning Zoning Director Bill Giordano stated that this is a clerical issue. This is allowing us to do is to eliminate the previous 26 Amendments we show on the front page of the Resolution itself. The changes that will take place will be the front page and last page with the signature and the dates. This is exactly the same document that you approved when you approved the 26 Amendment. The next amendment will be amendment #1 instead of amendment #27.

Commissioner Lasha moved to approval of **Resolution #9, Series 2009** the readopting of the Fremont County Planning and Zoning Resolution to basically exclude reference to the past 26 amendments and having the future amendments starting with #1. Commissioner Norden seconded the motion. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

REQUEST: FP 08-001 MAPLE LEAF ESTATES, FILING NO.3

Request approval of a three (3) lot final plat (major subdivision due to cumulative subdivisions of the parent parcel), Department file #FP 08- 001 Maple Leaf Estates, Filing No. 3, by Edward & Linda Jarosz, for their property which is located southeast of the intersection of Windsor Avenue and York Avenue, on the east side of York Avenue, in the North Cañon Area. Proposed Lot 1 is vacant, will contain 3.988 acres with access from York Avenue. Proposed Lot 2 contains an 84 by 20 foot stall and will contain 3.989 acres with access from York Avenue. Proposed Lot 3 is vacant, will contain 2.0 acres

with access to Lot 3 via a 30 foot wide access easement from Reservoir Road. The property is zoned Agricultural Suburban and contains approximately 10.01 acres.

REPRESENTATIVE: Matt Koch, Cornerstone Land Surveying, L.L.C.

Matt Koch stated this is a three lot split. At this time they are building a house on Lot 2. There has been some concern about traffic once we notified the adjoining property owners of the access cutting across an easement coming from Reservoir Road to Lot 3 on the east side. There is a dedicated easement for one access. It was granted to the original owner. There is no legal boundary or concern of the neighbors legally to have it stopped. The developer has talked to the neighbor to the east who is Joe Stock and said they he would give an easement from Reservoir Road if this becomes an issue. The final Contingencies are typical housekeeping for the final plat. The fire hydrants were planned to be installed at the beginning of the year. Park Center is paying for one and the developer is paying for the other. The contractor for Park Center is not sure when it will be done so it will probably be done as an escrow item now. The water tapes will be taken care.

Planning and Zoning Director Bill Giordano stated this was published in the newspaper. There were two comment letters concerning the private access that comes off of Reservoir Road to the property is whether they have the right to use it. It is a private access easement and not exclusive to any property owner. Regarding the Final Plat they meet all the contingencies of approval of the preliminary plat. Contingency #4 Driveway access: they have put in a culvert and they are co-sharing the driveway on the one. Planning and Zoning Department would like to make that a restricted requirement that will be the access that is used so they will not change or move it in the future. This is mainly because of the concerns that County Engineer has on the drainage. Regarding the easements to Black Range we are asking that you give it to them and the recording information on plat.

Commissioner Norden asked for clarification on Sue Ritter's letter "through traffic on our access will result in more maintenance and hazard to our children and pets". Are the Ritter's not also using Reservoir Road? Commissioner Stiehl stated no. Commissioner Norden said then they want future access to come off of Reservoir Road instead of the easement and who is the owner of the easement. Director Giordano stated that it is a common recorded easement. Director Giordano stated where Reservoir Road goes up to the Stock property the Ritter's want access to come across there. That is not a county road. After it goes to the bend it becomes a private road owned by Park Center. There are two different deeds that give access up to the LeBlanc property.

Commissioner Norden inquired about the drainage. Matt Kock stated there will be a swale and a berm on each lot. Director Giordano said this will be deferred to the time of the Building Permit that way they know where the buildings will be located and they will know where to put the swale.

Commissioner Stiehl inquired about the odd utility easement. Matt Kock stated that those are the easement that Aquila wants to cover the power lines servicing those people. Director Giordano stated that is why they do not want it done by our plats because it is not a standard easement; it is specific to property owners. The easement may want to be removed some day.

Commissioner Norden moved to approve the FP 08-001 Maple Leaf Estates, Filing No. 3 with Recommended Contingencies 1 through 15. Commissioner Lasha seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

RECOMMENDED CONTINGENCIES

The following contingencies shall be submitted to the Department of Planning and Zoning prior to recording and within twelve (12) months (*no extensions*) after final approval by the Board of County Commissioners:

1. Final plat and copies (*copies to be provided after recordation of the plat*) as required by the Fremont County Subdivision Regulations (FCSR).
2. Title Commitment dated within thirty (30) days of recording of the final plat (*NOTE: This item may necessitate further requirements of the applicant, by the Department, prior to recording of the final plat*).

3. A copy of a recorded Release of Deed of Trust or an executed Ratification, Consent and Release form for document found at Reception Number 849360 of the Fremont County Clerk and Recorder's records. An original form, ready for execution, was provided with the Department's deficiency and comment letter dated December 5, 2008.
4. Documentation as to compliance with any requirements of the County as follows:
 - a. Driveway access permits shall be applied for and approved prior to the issuance of the building permit.
 - b. A final drainage plan, with a minimum detention pond size of 325 cubic feet for each lot shall be submitted with the building permit application and shall be approved by the County Reviewing Engineer prior to the issuance of the building permit.
5. Proof of purchase of water taps or documentation of service for all lots.
 - a. If water taps are not purchased prior to recording of the final plat an improvement and escrow agreement shall be provided.
 - b. Proof of purchase will be required prior to release of escrow funds and/or recording of the final plat.
6. Fire hydrants as required by the Cañon City Area Fire Protection District as per fire protection form dated October 21, 2008, which are as follows:
 - a. A fire hydrant with a minimum flow of 1000 gpm (gallons per minute) will be required on Lot 1 at the northwest corner of the lot on York Avenue.
 - b. A fire hydrant with a minimum flow of 1000 gpm will be required on Lot 3, at the northeast or southeast corner of the lot on Reservoir Road.
 - c. If fire hydrants are not installed prior to recording of the final plat an improvement and escrow agreement shall be provided.
 - d. Acceptance of installation of the fire hydrants by appropriate personnel will be required prior to release of escrow funds and/or recording of the final plat.
7. A quit claim deed to the County for a right-of-way thirty-five (35) feet in width from the centerline of York Avenue.
8. A statement on the final plat noting that the property owner is responsible for the maintenance of all drainage facilities, drainage easements, rights-of-way, etcetera prior to the issuance of the building permit.
9. The final plat shall contain a note and or label restricting the access for Lots 1 and 2 to the shared access easement on York Avenue shown on the final plat drawing.
10. Plat note 4 shall be changed to read as follows: The subdivider/owner/seller/etcetera shall provide the potential purchaser with a copy of the State of Colorado Department of Natural Resources Division of Water Resources Office of the State Engineer's opinion concerning public water service from Park Center Water District (*letter from Heidi Frey, P.E., Water Resource Engineer, dated June 5, 2008*) prior to the sale of any lot.
11. Plat note 5 shall further identify the structure as a culvert and note that it is a minimum size requirement.
12. Plat note 6 shall be reworded as follows: There is potential during certain storm events that a debris flow will emanate from the hills to the East and flow on the property. All developers/builders building on the property shall have ground sloped and foundations for housing designed appropriately so that the debris will not impact the structures.
13. The plat shall contain the recording information for the documentation authorizing the fifteen (15) foot easement for waterline shown on the final plat adjacent to the north line of Lots 2 and 3.
14. The plat shall contain the recording information for the documentation authorizing the fifteen (15) foot utility easement shown on the final plat traversing Lots 1 and 3.

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15. All non compliant buildings or structures setbacks shall be relocated to meet minimum setback requirements or shall be removed.

Commissioner Stiehl adjourned the meeting at 10:45 A.M.

County Clerk