

ELEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on May 10, 2005, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. The meeting was called to order at 9:30 A.M. by Commissioner Chairman, Larry Lasha.

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 and Sharon Kendall, Deputy Clerk.

Commissioner Lasha asked for a Moment of Silence for our men and women in the military.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

APPROVAL OF AGENDA

Commissioner Norden stated he had one addition and one adjustment. He requested that they add an appointment to the Planning Commission to be put under New Business as Item 3a. For the 10:00 Public Hearings, because they were going to pull one of the Road Foreman out of another meeting, he asked that Item 3 be put as Item 1. **Commissioner Stiehl** moved to approve the Agenda as amended. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA:

Commissioner Stiehl moved to approve the Consent Agenda:

1. Approval of Minutes April 26, 2005
2. Approval of Bills, May 10, 2005/\$760,668.64
3. March 31, 2005 Financial Statement
4. **SCHEDULE PUBLIC HEARINGS FOR JUNE 14, 2005 AT 10:00 A.M.**
REQUEST: 22ND AMENDMENT TO THE FREMONT COUNTY ZONING RESOLUTION

Request approval of an amendment to the Zoning Resolution in regards to the permitting of two-family dwellings and shipping or storage containers, in the various zone districts.

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Norma Hatfield, Fremont County Clerk & Recorder, submitted the Clerk's Report for April 2005 and stated that the revenues earned in the Clerk's Office were \$798,899.35, which was up \$171,860.27 over a year ago. The total sales tax collected was \$98,405.50 and that figure was up \$27,173.98. The total revenues turned over to the Treasurer's Office for distribution throughout the County and the entities was \$428,919.07 which was up \$71,546.14 from a year ago. **Commissioner Norden** moved to accept the Clerk's

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

Commissioner Lasha stated he would like to thank the emergency responders, EPA, Colorado Department of Health, and other agencies that assisted with the cleanup of the oil spill in the waterways. He stated it had been a difficult time because as long as these things happen, people have to respond to take care of it. They are in the process of taking care of everything. Florence was not pumping at the time of the spill, or it would have been a much bigger disaster. He stated they would get everyone together and do a critique, so they can correct things in the future. He complimented Ray Southard for his time working as a liaison with the local agencies.

Commissioner Norden stated that the notices of assessed valuations that arrived in the mail showed some substantial increases, particularly to commercial property. Commercial properties increased an average of 22%, while residential property values increased an average of 13.5%. Some people saw bigger increases, some people saw less. He stated the commissioners wanted to remind citizens that one of the primary reasons there were some big increases is that the Division of Property Taxation tells them that even when the last reassessment took place two years ago, many Fremont County properties were under valued in the market place. The 2005 reassessment conducted as part of the reappraisal ordered by the State was done so under the direct supervision of State appraisers. They have heard of some increases that may be called into question. Every property owner has the right to protest these property values, and they have until June 1st to protest in person at the Assessor's Office or by mail. He stated that they have many people saying that the County is raising their taxes, but they would like to note that there is no direct correlation between increases in property values and possible tax increases. Fremont County government still lives by restrictions of the TABOR amendment. While voters have removed TABOR limits for some units of government, TABOR remains in place for Fremont County government. While total assessed values of the County will increase, the County's mill levy will likely have to be reduced to stay within limits under TABOR.

2. Citizens Not Scheduled: There were none.

NEW BUSINESS:

RESOLUTION #18/ASSESSOR'S OFFICE – ABATEMENT OF TAXES FOR 2004 AMERICAN MEDICAL RESPONSE

RESOLUTION #19/ASSESSOR'S OFFICE – ABATEMENT OF TAXES FOR 2004 GROOMS, MICHAEL G. & NANCY S.

Suzy Veatch, Assessor's Office, stated that the abatement for American Medical Response is because the accountant for their personal property declaration filed for last year, filed for two counties together.

Pam Gaunt, Assessor's Office, stated that for Mr. Grooms, his building downtown on Main Street was on as all commercial at 29% assessment ratio and there was a percentage that was residential. It had to be adjusted to get the proper assessment ratio.

Pam Gaunt reported that through May 9th, they had 233 protests, 48 mail in protests and there were very few commercial.

Commissioner Norden moved to approve **Resolution #18**, Abatement of Taxes for 2004 American Medical Response in the amount of \$14,819.91 and **Resolution #19**, Abatement of Taxes for 2004 for Michael and Nancy Grooms in the amount of \$1,181.17. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolutions #18 and #19**.

CAÑON CITY RODEO ASSOCIATION/SPECIAL EVENTS DEMOLITION DERBY

Sharon Kendall, Deputy Clerk, stated that there was not a representative present, but had received the poster as proof of posting. She stated the application was in order, and

that this was for the Demolition Derby to be held June 4th from noon to midnight at the Rodeo Grounds. **Commissioner Norden** moved to approve the special events permit for Cañon City Rodeo Association for the Demolition Derby on June 4th. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

COLORADO WORKFORCE

Lou Rockwell, Colorado Department of Labor & Employment, Cañon City Workforce Center, stated that they were one of nine federally recognized areas. Their Workforce covers the Upper Arkansas, so the monies are allocated for Fremont, Chaffee, Custer and Park Counties. They have about 15 staff to cover that area. They are in a youth push right now and give an opportunity for some to receive some work skills. The Workforce Investment Board decides how they will spend money in that community. She stated they were fortunate to have Commissioner Stiehl on their Board. She submitted information packets. **Commissioner Stiehl** stated he was impressed and surprised at the extent of the services the Workforce provides. For employers looking for employees, looking to retrain employees, or employees looking for help in writing resumes, this is an excellent resource.

APPOINTMENT TO PLANNING COMMISSION

Commissioner Lasha stated that Tom Doxey would be replacing Gary Schenck. He stated that Gary had done a great job. He stated that they interviewed five people for this position. **Commissioner Lasha** made the motion to appoint Tom Doxey to Fremont County Planning Commission. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

BRUCE REDUS – FREMONT ECONOMIC DEVELOPMENT (FEDC) UPDATE

Bruce Redus stated he wanted to reiterate what Commissioner Stiehl said regarding the Workforce Center. He stated they were an excellent partner and resource for them. He stated they had completed three seminars as a partnership between the Chambers, FEDC and the Small Business Development Center. In regard to the Airport Industrial Center, they had completed a tri-fold brochure. There is a lot of activity out there, and True Value should be completed in another three to four weeks and fully operational. They are looking at doing some additional packaging on the 7a loans. They still have about 9% of the portfolio in the fourteen county area. Two of the smaller loans will probably be on alternative financing. The Small Business Development Center hosted the last Leading Edge program with 22 students, and had graduation a couple of weeks ago. They are working on the Cañon City Leadership Program.

PUBLIC HEARING

REQUEST: AMENDMENT TO STREET CUT & DRIVEWAY ACCESS PERMIT REGULATIONS

MAY 10, 2005 10:00 A.M.

RESOLUTION #20

Bill Giordano, Planning & Zoning Director, stated that as far as the driveway access regulations, one of the requests is that they have no driveways closer than 100 feet to any intersection of a County right-of-way. The regulations do not address for commercial, industrial and multiple uses the minimum length of culverts. The road foremen felt that 24 feet was not adequate, and are asking that it be 30 feet. As far as the street cut regulations, the only change being proposed is that they are adding a note to the drawing of where the utilities are located in the road. They are asking that all gas, telephone, power and cable TV lines be located on the west side of the street for all north-south oriented streets and on the south side of the street for all east-west oriented streets. He stated this did get published. This will need a resolution, and will be prepared for the next meeting.

Commissioner Lasha asked for anyone wishing to speak for or against to come forward.

Matt Koch, Cornerstone Land Surveying, stated he was concerned that the utilities need some input on this. With a low density residence subdivision such as Cañon Creek, the utility locations were pretty particular to where their services could be.

Bill Giordano stated the utility companies were not sent any notifications specifically. They put it on the internet prior to the Planning Commission.

Terry Acton, Road Foreman, District 2, stated that right now they are putting the utilities anywhere they want, and they need to know where they are.

Commissioner Lasha closed the Public Hearing and returned to the Regular Meeting.

Commissioner Norden moved to approve **Resolution #20**, Amendment to Street Cut & Driveway Access Permit Regulations. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #20**.

Commissioner Stiehl moved that they make another change to the Agenda and hear Item # 2 at this time. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

PUBLIC HEARING

**REQUEST: 1ST AMENDMENT TO THE FREMONT COUNTY SUBDIVISION
REGULATIONS
MAY 10, 2005 10:00 A.M.
RESOLUTION #21**

Bill Giordano stated that most of these were clerical, corrections and cleanup. The townhouse definition is changed from 3 to 2. On the title insurance, they are making everything consistent with the language in all the different sections. With vacation of interior lot lines and drainage, instead of a 15-day submittal, they are asking for a 30-day submittal. They are adding some drawing requirements and show all the buildings. They are adding the relationship to the design standards. The road foremen have requested that on local streets, they had 11 feet travel lane widths and they are asking that it be 12 feet. They are clarifying roadway widths. They are incorporating the same depths that are in the street cut regulations. The foremen have asked for a 12-inch diameter culvert unless required by the inspector. Sub-base materials are changed from a Class 6 to Class 5, base course material is changed to a Class 6 material. They are eliminating prime coat. They are requesting that all asphalt mats go from 2 inches to 3 inches. This will need a resolution number, and the resolution will be prepared for the next meeting. Notification and publishing has taken place.

Commissioner Stiehl stated that Page 24 talks about depths of utilities, and for overhead utilities it is 19 inches from the center of the roadway. He stated that 19 inches was insufficient clearance for most vehicles.

Bill Giordano stated that was an error and it should be 19 feet.

Commissioner Lasha stated that on Page 26, you have a 12-inch diameter culvert, yet the old wording was a minimum size culvert of 15 inches. He asked if there was a reason why there can't be a minimum of 12 inches and the owner has an option of putting in a larger culvert?

Bill Giordano stated he had no problem with that.

Commissioner Lasha asked for comment from the public.

Dan Brixey, Fremont County Building Department, stated that some of the ditch companies were requiring 15-inch culverts, and that may be why that is in there.

Commissioner Lasha closed the Public Hearing and returned to the Regular Meeting.

Terry Acton stated that the reason they asked for 3 inches of asphalt is that traffic is increasing, and bigger amount of trucks. That will give more durability and less of a liability to the taxpayer.

Commissioner Stiehl moved to approve **Resolution #21** Amendment to the Fremont County Subdivision Regulation, with the changes from 19 inches to 19 feet on Page 24 and on Page 26, add the words “minimum to a 12-inch diameter culvert so it reads a minimum of 12-inch diameter culvert. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried, and carried with it the adoption of **Resolution #21**.

PUBLIC HEARING
REQUEST: SRU 05-001 PORTLAND PLANT (HOLCIM) TOWER
MAY 10, 2005 10:00 A.M.
RESOLUTION #22

Bill Murphy, Holcim, stated that this was a request to allow them to put a monitoring station for two years to gather meteorological data. This is a preliminary issue before going into further study of a power generation plant on their site.

Bill Giordano stated that this was published, posted and notification of property owners was completed. At the Planning Commission meeting on April 5th, the Planning Commission did recommend approval. This is a two-year permit instead of a life of the use permit. There were 10 conditions and one contingency. They asked that lighting be in accordance with the Federal Aviation Administration. Because the tower is 199 feet, they are not required to light this. There were concerns from Mr. Baker at the airport who felt it probably should be lighted. The Planning Commission did recommend it, and that was added. The Additional Items for Consideration were surfacing, lighting, and landscaping for the parking area, which is only one space. The Planning Commission did waive that requirement. This will require a resolution to be prepared for the next meeting.

Commissioner Lasha asked for anyone wishing to speak for or against to come forward. Seeing none, he closed the Public Hearing and returned to the Regular Meeting.

Commissioner Norden stated that lighting requirements parallel with lighting and tower painting requirements. The FCC requirements is that if you are going to light it with red lights, it would be painted orange and white. Many cellular towers use white strobes if it is a gray tower. The FCC follows the FAA guidelines. **Commissioner Norden** moved to approve SRU 05-001 for construction of the 199 foot monitoring tower by Holcim with the recommended contingencies adding the requirement in lighting a 200-foot tower in accordance with FAA recommendations, and adding a note that it would not be a requirement of the Board that the tower meet painting restrictions. If that follows, it would be lit according to an unpainted tower. This is **Resolution #22**, and surfacing, lighting and landscaping are waived. **Commissioner Lasha** stated there was a motion and a second to approve **Resolution #22** with the 10 conditions and with the contingency being considered a 200 foot tower with the FAA recommendations for lighting, with the waiver of surfacing, lighting and landscaping:

RECOMMENDED CONDITIONS

1. Special Review Use Permit shall be issued for two (2) years from the date of issuance of the permit.

2. The Department of Planning and Zoning (Department) shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board of County Commissioners (Board) for their review as required by regulations.
3. 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.
4. 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.
5. The applicant shall obtain and keep in effect all other permits required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
6. 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 conditional 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.
7. If a Special Review Use is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
8. Days and hours of operation shall not be limited.
9. 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.
10. 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:

It is recommended that this item be approved and referred to the County Commissioners for scheduling of a public hearing provided the following contingencies are provided

within six (6) months (**no extensions**) after final approval by the Board of County Commissioners:

1. Lighting in accordance with Federal Aviation Administration (FAA) is recommended. Not a requirement of the Board that the tower meet painting requirements.

WAIVED:

Surfacing	5.3.2
Lighting	5.3.3
Landscaping	5.3.4

Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried, and carried with it the adoption of **Resolution #22**.

NEW BUSINESS (CONTINUED)

RESOLUTION #23/RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM IN FREMONT COUNTY, COLORADO

Commissioner Lasha stated that with working through Homeland Security, one of the recommendations they make is to adopt a National Incident Reporting System that is compatible with Homeland Security, and this resolution is designed to do that. **Commissioner Lasha** made the motion to approve **Resolution #23**, A Resolution Adopting the National Incident Management System in Fremont County, Colorado. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried, and carried with it the adoption of **Resolution #23**.

RESOLUTION #24/RESOLUTION TO APPROVE THE CLERK & RECORDER CONDUCTING A MAIL BALLOT ELECTION FOR THE NOVEMBER 1, 2005 CO-ORDINATED ELECTION

Norma Hatfield stated they have a very good turnout for mail ballots, and have a better voting record. **Commissioner Norden** moved to approve **Resolution #24**, allowing for a mail ballot election for 2005. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried, and carried with it the adoption of **Resolution #24**.

REQUEST: EXTENSION OF MS 04-005 STONER SUBDIVISION

Matt Koch, Cornerstone Land Surveying, stated they were requesting an extension to help take care of the mortgage company's ratification and consent form, as well as the final documents for CDOT. **Commissioner Stiehl** moved to approve the request for extension of MS 04-005 Stoner Subdivision for a six-month period. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: TUP 05-008 TEMPLE CANYON HILL CLIMB

Rick Ambrosino, President, Colorado Hill Climb Association, stated he wanted to apologize for getting the application in late and wanted to thank Mr. Giordano and his staff for working to get this meeting today. The Chief of Fort Carson Fire & Rescue was transferred, and it took about two months to get this to the new guy and get signed.

Bill Giordano stated that they are requesting approval of the event, acceptance of the certificate of liability insurance, and waiver of the clean up fees.

Commissioner Stiehl moved to approve the request for TUP 05-008 Temple Canyon Hill Climb, accept the certificate of liability insurance and approve the waiver of clean up fees. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

REQUEST: PP 05-001 FALLWELL SUBDIVISION

Matt Koch, Cornerstone Land Surveying, stated they were requesting a 10-lot subdivision. The property is located on Elm, and there are two properties involved. Each lot has a residence on them, and a residence will be on Lot 2 as well as Lot 10. The rest will be vacant lots for residential construction. They are proposing one out lot, and that will be used as the mailbox area as well as a park for the subdivision to be maintained by the owners of each lot through a deed restriction. They met with the ditch company to make sure they could relocate the ditch that cuts across the westerly portion, and they did approve. They are going to pipe it along the west boundary and connect it back in on the north side. They are looking at changing the location of the retention facility. It is going to go into the northeast corner of the subdivision. In regard to the assessment for the potential radiation hazards, they were concerned about that. The State wanted them to drill wells and check for radiation hazards in the ground water. The State said it would be up to the County if they wanted answers for that. This area has been tested with all the Cotter information. There are existing wells as well as soils testing and water analysis, and they are hoping that information will be sufficient.

Bill Giordano stated that property owners were notified and publishing had been done. At the Planning Commission meeting on April 5th, they recommended approval with 14 contingencies. Item #2 e., has a statement "Maintenance responsibilities of the larger detention pond" and that actually should be "retention pond". On the assessment for potential radiation hazards and analysis of the ground water, he stated he listed all the requirements that the Department of Transportation had made. Originally the first response was that they would want access to the two existing lots to be from Freedom Court, and now they will need documentation that proves otherwise if they are waiving that. On the right-of-way, they have asked Matt to give additional right-of-way to be in correspondence with the three-mile transportation plan they have with the City of Cañon City. They are asking that it be donated instead of deeded. The Planning Commission changed #6 to read down on Other Considerations #3, and that was to read: "The Deweese Dye ditch shall be relocated to the west side of the property subject to the approval of the Deweese Dye Ditch and Reservoir Company by providing engineer plans and a mutually acceptable width of easement between the ditch company and the applicant." Mr. Giordano stated that he would ask that #3 become #6. There are final plat requirements, and they will be given another notification.

Commissioner Lasha made the motion to approve PP 05-001 Fallwell Subdivision with 14 contingencies, 3 considerations and 3 final plat requirements. **Commissioner Norden** seconded the motion with a question. Under considerations, are they going to include consideration for small outlet tube? **Bill Giordano** stated that there were a couple of things that need to be addressed. Number 4 talks about access to Lots 2 and 10 be from Freedom Court, so that needs to be addressed somehow and maybe that could be handled through documentation from the State Highway Department that access on Lot 2 will be retained from the highway. **Commissioner Norden** stated he wanted to add some clarification. To keep the access on Lot 2 and provide access to Lot 10 off of Freedom Court. To also change all references in the contingencies that say "detention" to "retention". As well, to drop that City consideration of the small outlet tube because otherwise it would no longer be a retention. **Bill Giordano** stated that Number 3 under the Other Considerations becomes Number 6. You will actually have the 14 contingencies, dropping Number 3 and Number 1 of the Other Considerations. He stated he assumed they wanted to keep Number 2 and maybe make that contingency now. They also need to decide on the radiation hazard because it is required in here, and is addressed in 2.f. **Commissioner Stiehl** stated he did not agree that it should be dropped, and that he did not know what the Health Department meant with "assessment of potential radiation hazards". He stated he did not know if he would say assessment of potential radiation hazards, but would say existing radiation hazards. This is a concern, and he stated he thought it would be in the best interest of the developer to address this as opposed to just letting it lay. **Commissioner Norden** asked if it could be addressed with language that

takes into account the assessment of the soil, groundwater just to the radiation hazards listed in the State Health Department and EPA in the Superfund designation for that neighborhood? As he already notes, as part of the Superfund designation they are going to be required to hook onto City water. If we just have a notation that they assessed the radiation hazards as addressed. **Commissioner Lasha** stated that the first sentence touches on that—assessment of potential radiation hazards (that’s a broad term) and then they follow up with “including”. **Commissioner Norden** asked why should they go to another analysis of groundwater, when it is already been done as part of the Superfund? If they take note of the previous assessments as part of the Superfund. **Commissioner Stiehl** stated that in other Superfunds in the area, the EPA has taken the lead, and they have actually done the studies and published the studies, and action was taken and certified the properties. In this case, the Health Department has not done that, so we don’t have specific information. **Matt Koch** read a statement from Steve Tarolton: “It is not us you are trying to convince, but your approach makes sense to use the available data that has already been given. You can probably get the groundwater data off the website”. **Commissioner Stiehl** stated he was concerned about people building basements and encountering contaminated subsurface soils and radon gas. He stated he did not know how to address that, except may be as a caution. People who design buildings with basements should be aware that the potential for contamination exists. This in essence taints the property, but on the other hand, it’s in the Superfund site, and already tainted. **Commissioner Norden** asked what if they leave the language as it is and let Matt use what data he has available to draw up his assessment? Then they can weigh in on his report. **Commissioner Lasha** stated that it sounded good to him. He asked if they were leaving Number 2f. as it stands, but are dropping Number 3 and what was the status on Number 3? **Bill Giordano** stated that under Other Considerations, Number 3 actually becomes Number 6 of the Contingencies. **Commissioner Lasha** stated he would still make a motion to approve PP 05-001 Fallwell Subdivision with 14 contingencies and asked Bill to help with the changes. **Bill Giordano** stated that on Number 2.e. change “detention” to “retention” and leave the assessment the same. Number 4 to be “access to Lot 10 shall be from Freedom Court, and that will leave 2 as coming from the highway. Number 5 is the subsurface for the basements, and it will take care of it. Number 6 will be Number 3 under Other Considerations and would state “the Dewese Dye shall be relocated to the west side of the property”. All the others remain the same, other than Number 2 on Other Considerations to be left in and Number 1 to be eliminated.:

RECOMMENDED CONTINGENCIES:

The following items shall be provided to the Department of Planning and Zoning within eighteen (18) months of preliminary plan approval by the Board or prior to submittal of the final plat:

1. Proof of payment to the Colorado Geological Survey for their review fee.
2. Documentation expressing compliance with the following requirements of reviewing County engineer concerning drainage:
 - a. Cross sections showing top of dam width and depth.
 - b. Road plan and profile drawings to incorporate the proposed pond.
 - c. Discussion on impact of emergency spill into the irrigation ditches and downstream.
 - d. The inlet should include a concrete pan extending north from the curb and gutter about ten feet (10’) into the riprap inlet.
 - e. Maintenance responsibility and type of maintenance required of the pond.
Changed to read: “Maintenance responsibilities of the larger retention pond, to be located on one lot, will be the responsibility of said lot.”
 - f. Assessment of potential radiation hazards, including analysis of groundwater contamination in the area, of the corrective actions that have been taken locally to address the problem, and of the likely impact that the contamination and corrective actions can be expected to have on residents of the proposed subdivision.
3. Documentation expressing compliance with the requirements of the Colorado Department of Transportation:

- a. A CDOT access permit for entry onto State Highway 115 (Elm Avenue).
 - b. Consolidation of the two existing points of access at Lots 2 and 10 into one access at Freedom Court.
 - c. Drainage to the state highway right of way shall not exceed the undeveloped historic rates. All rates in excess of historic shall be detained on site and released at historic levels.
 - d. All discharges to the CDOT highway drainage system shall comply with the applicable provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations, and are subject to inspection by the CDOT and CDPHE.
 - e. CDOT would like to emphasize that this development devise and implement a permanent plan for periodic removal and disposal of sediment from detention facilities and for maintenance of development detention facilities.
 - f. Where detention facilities are required the CDOT MS4 permit requires the applicant to devise and implement a permanent plan for periodic removal and disposal of sediment from detention facilities and for maintenance of development detention facilities. A maintenance plan shall be included in the drainage report. The plan shall indicate the responsible party, the timetable for removal, the method of removal, and the method of sediment disposal.
 - g. Donation of right-of-way to Colorado Department of Transportation instead of dedication.
4. Access to Lot 10 shall be from Freedom Court, Lot 2 access from the highway.
 5. The final plat shall contain the following statements: **A lot-specific subsurface soils and foundation investigation, including geotechnical testing, should be conducted prior to building to identify if these soils are present, and make appropriate design changes. If shallow groundwater be encountered or clayey soils where water may become perched, subsurface construction should include perimeter drainage to prevent flooding of basements or crawl spaces. Positive grading should be established around buildings to prevent precipitated water from ponding near structures.**
 6. All the irrigation ditches on the property shall be relocated or abandoned prior to approval. ***Changed to read:* “The Dewese Dye ditch will be relocated to the west side of the property subject to the approval of the Dewese Dye Ditch and Reservoir Company by providing engineer plans and a mutually acceptable width of easement between the ditch company and the applicant.”**
 7. Final plat shall contain a statement as to maintenance of all drainage facilities.
 8. Documentation expressing compliance with the requirements of the Cañon City Area Fire Protection Authority which is as follows: one hydrant to be placed at the beginning of the cul-de-sac which is located midpoint on the west side of Lot 8, the second one needs to be at the southeast corner of Freedom Court and Elm Avenue (Hwy. 115) on Outlot “A”. Plan and profile and construction plans, approved by Cañon City Fire Protection Authority for fire hydrant installation.
 9. Plan and profile approved by the County Road Foreman for proposed street. *(Evidence of approval required)*
 10. Plan and profile approved by Fremont Sanitation District for sewer main extension. *(Evidence of approval required)*
 11. Engineers, estimate for installation of all improvements, streets, drainage facilities, fire hydrants sewer main extension, street signs, and etcetera.
 12. Final plat shall note the specific use for Outlot A. *(Dependent on uses specified, other requirements of the applicant may be necessitated.)*
 13. A fifteen (15) foot utility easement shall be provided along the west side of the property due to the encroachment of the garage. *This should provide an adequate utility easement around the garage if needed.*
 14. The sheds on proposed Lot 2 shall comply with applicable setback requirements. They shall be relocated, removed or lot lines may be adjusted to meet setback requirements.

OTHER CONSIDERATIONS:

1. Reseeding of all disturbed sites to a mixture of adapted native grasses after construction as per the Fremont Conservation District.

FINAL PLAT REQUIREMENTS:

In addition, to the final plat requirements as per the Fremont County Subdivision Regulations the following will be required at a minimum as part of the final plat approval and prior to recording of the final plat:

1. Final plat shall conform in all major respects to the Preliminary Plan as approved by the Commission and the Board.
2. Executed water service contract with the City of Cañon City.
3. An updated title commitment issued within thirty (30) days of the project date of recording of the final plat. An updated title commitment may result in additional requirements.

Commissioner Norden stated his second stands. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

BOARD OF HEALTH/REQUEST FOR WAIVER OF REQUIREMENTS TO CONNECT TO FREMONT SANITATION DISTRICT BY RICHARD AND DIANA DEGROOT, 1208 ½ S. 9TH.

Commissioner Lasha stated they would now be sitting as the **County Board of Health**.

Diana DeGroot stated that they were requesting the waiver requirement to connect to the Fremont Sanitation. They would like to be able to use their existing one, which has never failed, or make repairs if needed or install a new septic. Hooking on to City sewer is \$14,500.00.

Dan Brixey stated that because the DeGroot property lies with 400 feet of the Sanitation District service line, he could not issue a permit without a waiver from the Board of Health to either repair or replace an existing system. If they were within the boundaries of the Sanitation District, he stated he would not be before this Board, they would be before the Sanitation District. He stated that Mr. Maderias' letter states that he is not denying service to the DeGroots to the Sanitation District and gives two routes to connect that service line. The State statute says that the Board can grant waivers if there are natural impediments to connecting to the service system. If the requirement is made to hook to the Sanitation District, the DeGroots would have to petition into that District. Because there is the question as to whether or not they have paid taxes in the past to be in the Sanitation District, the District is waiving their fees for inclusion into the District for that petition process.

Brenda Jackson, Fremont County Attorney, stated that historically when there isn't sewer in an area, the Board has gone the Improvement District route and spread that burden among all of the landowners who are in the same area who aren't serviced by sewer.

Commissioner Lasha made the motion to approve the request for a waiver of requirements to connect to Fremont Sanitation District by Richard and Diane DeGroot at 1208 ½ S. 9th. The waiver is based on the difficulties and the situation of the particular property and having a septic system that is working presently and adding one bedroom. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

Commissioner Lasha adjourned the meeting at 11:47 A.M.