

**June 12, 2012**

**ELEVENTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 12th, 2012, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 A.M.

Debbie Bell	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Edward H. Norden	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director and Jody Blauser Deputy Clerk.

The Morning Prayer was given by Terry Douglass of the Lincoln Park Church of the Nazarene.

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

**APPROVAL OF AGENDA**

**Commissioner Stiehl** moved to approve the agenda. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

**CONSENT AGENDA**

**Commissioner Bell** stated there are several Public Hearings being scheduled on the consent agenda. The first is a Post-Award Hearing on June 26, 2012 for CDBG #04-041G project supported by Loaves and Fishes Ministries and Family Crisis Services. The second is an SRU transmission line upgrade request for Black Hills Energy on July 10, 2012. The third is an SRU request for Mutschelknaus Chainsaw Carving Carpenter Shop on July 10, 2012. The last Public Hearing scheduled for July 10, 2012 is an SRU request for a cell phone tower for Mercury Towers in Cotopaxi.

**Commissioner Norden** moved to approve the consent agenda. Commissioner Stiehl seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried. Resolution #22 is attached.

**ADMINISTRATIVE/INFORMATIONAL**

1. Administrative and Elected Officials

**County Clerk Barr** gave her report for May 2012. The total amount collected was \$917,895.85 of which the County kept \$463,588.52. This is 51% of the total collected and \$6,912.26 more than last year.

**Commissioner Norden** moved to accept the County Clerk's Report for May 2012. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

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**County Manager Sugars** gave his report on Sales and Use Tax through May 2012. Retail Sales Tax collections are up 4.60% from last year. The Auto Use Tax is up 5.79% from one year ago. Construction Use Tax is up 19.13% from this time last year. The total Sales and Use Tax collections are up 5.40% overall.

**Commissioner Norden** said the Colorado Noxious Weed Board met recently and toured sites in Otero and Crowley Counties. Norden attended the Colorado Counties Summer Conference and attended sessions on oil and gas lease regulations and digital trunk radio equipment. The dedication ceremony for Pathfinder Park was recently held and Mary Elin Stratton was present for the flag pole dedication. Fremont County contributed \$364,000 from the Conservation Trust Fund and obtained a GOCO Grant for \$200,000 to complete the project.

2. Citizens Not Scheduled: None.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

1. Consideration to authorize an expenditure of \$40,996.98 from Dell to purchase computer equipment for conversion to Tyler Technologies, Inc. Representative: Lisa Ring, IT Administrator

**Lisa Ring** said the purchase order is for hardware and software to be used for the Tyler conversion. Departments that will complete the Tyler conversion are the Assessor, Treasurer, Finance, and the Clerk and Records office. Purchasing the servers directly from Dell will cost less than purchasing them from Tyler Technologies.

**Commissioner Norden** moved to authorize the expenditure in the amount of \$40,996.98 to Dell for new computer equipment. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

2. Fremont County Proclamation that June 15, 2012 will be Elder Abuse Awareness day in Fremont County. Representative: Steve Clifton, Department of Human Services (DHS) Director

**Steve Clifton** introduced **Mick Stumph** who explained some of the services provided by DHS for adults at risk. On average this department works with 18 to 20 at risk adults per month. Mick read the proclamation for Elder Abuse Awareness day in Fremont County.

**Commissioner Bell** moved to approve the Proclamation for Elder Abuse Awareness day in Fremont County on June 15, 2012. Commissioner Norden seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

3. Liquor License  
Coyotes Coffee Penrose, Inc.  
675 Highway 115  
Penrose, CO 81240  
New License – Hotel and Restaurant

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**Pete Mugasis** owner of Coyotes Coffee Den in Penrose said he is requesting a Hotel and Restaurant Liquor License. Many of his customers have requested a glass of wine or beer with their dinner. His restaurant offers a concert series on Saturday evenings during the summer. Mr. Mugasis wants to maintain a family atmosphere at these concerts but also offer beer and wine to customers. He has attended the alcohol training class and will have employees attend the next available class put on by the City of Canon City. Signage will be posted along the rock border and employees will I.D. customers under the age of 40 who wish to purchase alcohol. Mr. Mugasis did discuss with the Sheriff putting up ropes along the rock boundary to help deter people from leaving the permitted area with alcohol. County Clerk Barr said the property had been posted and the applicant did publish notice in the paper. The application is in order. Sheriff Beicker believes Mr. Mugasis can properly monitor the outside events with extra staff. It would be cost prohibitive to put a different barrier around the outdoor area. Sheriff Beicker said although the concert events are well attended they are very low key and believes the atmosphere will not be a problem.

**Commissioner Stiehl** moved to approve the new Hotel and Restaurant Liquor License for Coyotes Coffee Den in Penrose. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

#### **PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.**

1. Public Hearing and First Reading for a proposed Ordinance Restricting Open Fires and Open Burning in the Unincorporated Areas of Fremont County and Establishing a Permitting Requirement for Slash Pile Burning.

**Chairman Bell** opened the Public Hearing at 10:04 A.M.

**Sheriff Beicker** explained there has been input from the County Attorney, Keith Berger from BLM, and several other agencies regarding this proposed ordinance. There has been new legislation related to agricultural burning. The Sheriff cannot prevent a true agricultural producing property owner from doing an agricultural burn on their property even under a fire ban. Agricultural properties cannot be leased out if an agricultural burn is to be done. People need to be responsible for their actions regardless if a fire ban is in effect. A stage two ban has a few added restrictions such as disallowing any wood fires even in a fire pit. The use of a propane stove or grill for cooking will not be restricted under stage one or stage two bans. There are certain exceptions allowed now under stage two ban if certain conditions are met. The new stage three ban will now only address area closures and evacuations. Commissioner Bell asked if the slash pile permits will be issued annually. Beicker said the permits will be annually and he does not intend to charge for the permits at this time even though the ordinance will allow a fee to be charged. Commissioner Norden pointed out these restrictions only apply to unincorporated Fremont County. Individual fire districts can impose their own restrictions or choose to incorporate the same guidelines as the County. The Sheriff will not enforce these restrictions on BLM land.

#### **Public Comments:**

**Lance Tyler** was employed with the Forest Service for 30 years. He owns an apple orchard in Penrose and is concerned with permits for slash pile burning. Mr. Tyler is surprised that agricultural burning is allowed even when a fire ban is in effect. He needs clarification on whether or not he will need to obtain a permit under the new regulations. County Attorney Jackson explained to Mr. Tyler that he is in the Florence-Penrose Fire Special District and still needs to follow those guidelines for agricultural burning. The proposed regulations are for Unincorporated Fremont County.

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**Robert Lancaster** owns property in Glen Vista and said the proposed regulations are much easier to understand. He wants clarification regarding residents not being able to use wood burning stoves and fireplaces inside buildings during stage two fire restrictions. Sheriff Beicker said the restriction would ban fireplaces and woodstove in buildings. The Sheriff is concerned that chimneys and flues which do not have proper spark arrestors could cause a fire. Mr. Lancaster suggested requirements be made for ash disposal and spark arrestors on chimneys instead of banning use of fireplaces inside. Mr. Lancaster wants to know if the stage three closures are for both public and private lands. He said to deny access to private property would impose on his private property rights. Sheriff Beicker explained he does not have the right to remove someone from their home unless they are prohibiting fire fighting operations. He would be concerned with leaving a child in a restricted fire area. The Sheriff explained the stage three restrictions will help eliminate people from the restricted area who do not reside there. County Attorney Jackson said the Sheriff can impose closures of public lands and use discretion on restrictions for private land. Beicker said he is not opposed to the suggestion of adding a condition requiring spark arrestors on chimneys. Commissioner Norden noted this is the First Reading of the proposed Ordinance and language could be drafted regarding the ash disposal and spark arrestors for Second Reading of the Ordinance.

**Chairman Bell** closed the Public Hearing at 10:39 A.M.

**Chairman Bell** said this is the First Reading of the proposed Ordinance and read the heading for the record. The Second Reading will be at the next Board of County Commissioners meeting on June 26, 2012. There is no action required by the Board today. There are copies of the proposed Ordinance available for the public to view.

2. Consideration of an Amendment to the Building Code of Fremont County by adding Provisions for Evidence of Water and Sanitation. Representative: Mike Cox of the Fremont County Building Department

**Chairman Bell** opened the Public Hearing at 10:40 A.M.

**Mike Cox** explained the building code has always required plumbing fixtures be connected to an approved water supply and sanitation system. This has been enforced through department policy over the years. The proposed resolution would add language to the existing building code to verify the enforced policy. In the past it was required that a well be drilled prior to occupancy. This amendment will establish a depth for an attempt of a well to be drilled before a cistern can be installed. In the past a letter from an approved water purveyor was required before a cistern would be allowed. Municipalities will no longer provide these letters. This means residential properties could end up without a legal water supply and would be illegal to occupy. If two letters from well drillers are provided stating that water is not found in that area the requirement to drill a well could be waived. Under the new regulations a well will need to be attempted prior to a building permit being issued.

#### **Public Comments:**

**Dan Ainsworth** said the City of Canon City and the City of Florence never stopped selling water in 2002 but did ask residents who haul water to be conservative. Mr. Ainsworth is a certified water hauler and installs cisterns. He said less than one half of one percent of Canon City water is hauled for personal use. He suggested that items 4 A-C be removed from the proposed amendment. Many residents use their homes seasonally or for a few weeks of the year. It would be a considerable expense for them to drill a well versus having a cistern filled once a year. Mr. Ainsworth drilled three dry holes and spent \$20,400 for a well and could not find water on his property. Last year he hauled around 2,000,000 gallons of water to about 100 residential and commercial customers.

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**Marie Vernarsky** believes people are aware of the potential consequences of hauling water when they choose to live in these rural areas. She said there are many international codes geared to making improvements to buildings and many third world countries do not adhere to these codes. She said we should abide by local codes not international codes. Commissioner Stiehl noted our county has only adopted a portion of the International Building Code.

**Vernon Thompson** said there are thousands of 35 acre parcels in our county that may not be able to get water. If this amendment is passed property values will decrease. If a vacant land parcel cannot be developed due to lack of water then the land could only be used for grazing. Commissioner Bell said this amendment does not prevent a cistern as long as proof is provided to the County that an attempt has been made to drill a well.

**Mike Cox** said he appreciates all of the comments today. The Commissioners are not trying to prevent a property owner from developing their property. This amendment would not be retroactive. A workshop was held over a year ago that the Division of Water Resources, the U.S. Geological Survey, the Colorado Geological Survey, and all five of the licensed well drillers in Fremont County were invited to attend. The one well driller who did come to the meeting helped come up with the 600 foot limit for the attempted well. The majority of wells drilled usually hit water between 500 and 600 feet.

**Chairman Bell** closed the Public Hearing at 11:40 A.M.

**Commissioner Norden** is concerned with growth in rural areas. Studies show that for every new dollar of tax revenue for rural construction costs the county \$1.70 to deliver services to that residence. These services include roads, sheriff deputies, school buses, postal services, and ambulance services. This means the taxpayers of Fremont County would absorb the cost of delivering services to new rural residences. The proposed language of the amendment allows more flexibility to allow a cistern. Norden explained a house with a well will be assessed a higher value than a house with a cistern.

**Commissioner Stiehl** said in order for a subdivision to be approved proof of water must be provided. State studies show that if every 35 acre lot had a well drilled on it the water supply in Colorado would dry up. Stiehl said although this amendment does not help someone who wants to build a vacation home it will be a benefit for the general public.

**Commissioner Bell** said part of the issue was to define how many feet deep to drill will qualify as an attempt to drill a well. The attempt is now defined as being 600 feet deep. This policy will not prevent a property owner from installing a cistern nor will it regulate cisterns. The policy will make the requirement to provide proof that an attempt to drill a well was made before a cistern will be allowed.

**Commissioner Norden** moved to approve resolution #23 to amend the Building Code of Fremont County by adding provisions for evidence of water and sanitation to be effective January 1, 2013. Commissioner Norden stated that if a better solution is presented in the future they would consider another amendment. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried. Resolution #23 is attached.

3. Request: SRU 12-001 Eden West Ranch (Major Modification). Request approval of a Major modification to the existing Special Review Use SRU 05-002 Eden West Ranch, by RP on TC, LLC (Neil and Martha Hartman) doing business as Eden West Ranch, for the purpose of modifying the existing Special Review use Permit, which currently allows the operation of a Child Care Center, a summer camp (between May 1<sup>st</sup> and September 1<sup>st</sup> of each year) and a convention and retreat facility (between September 2<sup>nd</sup> and April 30<sup>th</sup> of each year) not to exceed 35 persons total including staff.

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The proposed operation is to provide lodging for guests in the lodge, three vacation homes and to provide a facility for weddings and special events on a year around basis (allowed as a Special Review Use Permit under Recreational Facility, Rural). It is proposed that the special events may exceed the maximum number of 35 persons only during the day. The property also will contain a commercial kitchen and dining hall that will be used to serve as the center for the special events. A liquor license is proposed as per the application for the purpose of serving persons attending the special events. The property is in the Agricultural Forestry Zone District and the total size of the property is 44.63 acres. Representative: Katrina Madonna, general Manager, Eden West Ranch

**Chairman Bell** opened the Public Hearing at 11:35 A.M.

**Katrina Madonna** explained the request is for a major modification of existing Special Review Use. They are making improvements to the current water system. If there is an event with more than 35 people they will apply for a special event permit. The facility has an 8000 square foot lodge with four bedrooms in it and a large home with four bedrooms. There are two smaller cabins with full kitchens and two bedrooms in each cabin. Breakfast and dinner will be provided daily to guests in the lodge. They hope to have smaller events on occasion. Commissioner Norden asked how often they would have more than 35 people at the property. Katrina said it is not likely to happen very often. Commissioner Bell asked if it would be helpful to allow up to 40 people on the property before a special permit would be needed. Katrina replied it would be a helpful change.

**Planning and Zoning Director Giordano** clarified the existing use was a seasonal child care center. The publication and posting requirements have been met. Adjacent property owners have been notified of the request and additional notifications were sent per the Planning Commission's recommendation. The Planning Commissioner did unanimously approve this application with the following recommended conditions and contingencies and waivers:

**RECOMMENDED CONDITIONS:**

- A. Special Review Use Permit shall be issued for the 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.

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- 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. The maximum number of persons, whether children or staff, is limited to thirty-five (35) persons.

*The Planning Commission recommended addition of the following:*

- 1. Issuance of a Temporary Use Permit is required for each proposed event for which the number of persons will exceed thirty five (35).**

*The Planning Commission recommended the following modification:*

- J. The applicant shall provide to the Department documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, further the applicant shall implement and maintain the plan, yearly, **if required.**
- K. 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.
- L. Only the named party (RP on TC, LLC) 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 Permit and shall be required to be named on this Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.

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- M. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.4 of the Fremont County Zoning Resolution (*complete reapplication*).

**RECOMMENDED CONTINGENCIES:**

The Planning Commission recommended that approval be contingent upon the following contingencies 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. The application shall be corrected to note that RP on TC, LLC are the owners of the property.
2. Provide an access permit or documentation from Colorado Department of Transportation that the existing access, onto State Highway 69, is acceptable for the proposed specified uses.
3. Documentation as to compliance with the requirement of the Environmental Health Officer as per his memo dated March 19, 2012.
4. Provide a copy of an executed fire protection contract with the Deer Mountain Fire Protection District on the Fire Protection Plan Form. It will be required to provide documentation as to compliance with any requirements of the district.
5. Documentation from the Colorado Division of Water Resources that existing well permit is adequate for the specific proposed uses.

*The Planning Commission recommended that, due to the recommended modification to Condition I, the following contingency be removed:*

6. Compliance with any requirements of the Fremont County Weed Control Department.

**Commissioner Bell** said it had been discussed to add language to condition I-1 to make the decision an administrative one for the issuance of a TUP and change the number of persons from 35 to 40.

**Public Comments:** None.

**Chairman Bell** closed the Public Hearing at 11:42 A.M.

**Commissioner Norden** moved to approve SRU 12-001 Eden West Ranch as resolution #24 with conditions A-H as written, changing condition I to forty people and change condition I-1 to read "Issuance of a temporary Use Permit which shall be an administrative decision is required for each proposed event for which the number of persons will exceed forty", conditions J-M as written, Contingencies 1-6, and waiving the buffering and landscaping requirements, and waiving the surfacing, lighting, landscaping requirements for the parking area. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

**Chairman Bell** adjourned the meeting at 11:53 A.M.

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Commissioner Norden moved the adoption of the following Resolution:

**RESOLUTION NO. 22**  
**Series of 2012**

RESOLUTION FOR ZONE CHANGE  
DEPARTMENT OF PLANNING AND ZONING FILE #ZC 12-001 RAZOR RIDGE  
ZONE CHANGE

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter “Board”):

THAT WHEREAS, Jakerdog Holdings, LLC (hereafter “applicant”) has made application for an amendment of the zoning map of Fremont County to change from the BUSINESS ZONE DISTRICT to the RURAL HIGHWAY BUSINESS ZONE DISTRICT for certain described real property owned by Jakerdog Holdings, LLC;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its May 1, 2012 regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, telephone number of the Fremont County Department of Planning and Zoning (hereafter “Department”), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel; and to the appropriate reviewing agencies.

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on May 22, 2012 at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

NOW THEREFORE, BE IT RESOLVED by the Board that:

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The Board did make the following findings with respect to the application for Zone Change as follows:

1. A statement of justification for the rezoning, including at least one (1) of the following conditions
  - a. The property was not properly zoned when existing zoning was imposed.
  - b. Additional land is needed in the proposed zone district.
  - c. There has been a material change in the neighborhood which justifies the requested zone change.
  - d. The proposed zone change will be in conformance to the Comprehensive or Master Plan for the area.
  
2. And the following list of other criteria to be considered in the review of the application:
  - a. There is a public need and there will be a County or neighborhood benefit.
  - b. The granting of the zone change request will tend to preserve and promote property values in the neighborhood.
  - c. There will not be any effect on existing traffic.
  - d. There will be no effect on adjacent uses.
  - e. The proposed development will be in harmony and compatible with the surrounding land uses and development in the area.

NOW THEREFORE, BE IT RESOLVED that the above and foregoing application and request for change be and is hereby approved; that the zoning classification of the hereinafter described real property is changed from the BUSINESS ZONE DISTRICT to the RURAL HIGHWAY BUSINESS ZONE DISTRICT and that the zoning map of Fremont County be and is hereby amended to show and record such change of classification and that the legal description of the real property so affected is described as follows:

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LEGAL DESCRIPTION

A parcel of land located in the NE1/4 of Section 19, Township 18 South, Range 70 West of the 6<sup>th</sup> P.M., described as follows:

Beginning at the One Quarter corner of Sections 19 and 20; thence N 01° 22'30" W along the East line of the NE1/4 of Section 19, a distance of 1860.73 feet; thence N 89° 59'58" W, a distance of 539.25 feet; thence S 17° 04'00" E, a distance of 9.97 feet; thence S 72° 56'00" W, a distance of 150.00 feet to a point on the Easterly right of way of Colorado State Highway No. 50; thence S 17° 05'51" E along said Easterly right of way a distance of 99.44 feet; thence leaving said right of way S 61° 56'30" E a distance of 183.80 feet; thence S 17° 11'28" E a distance of 20.00 feet; thence S 42° 53'17" W a distance of 149.30 feet to a point on said Easterly right of way; thence S 17° 11'17" E along said Easterly right of way a distance of 517.46 feet; thence left along 01° curve a distance of 603.30 feet; thence S 23° 10'13" E a distance of 403.96 feet; thence S 23° 06'00" E a distance of 79.25 feet; thence leaving said Easterly right of way N 88° 22'00" E a distance of 79.08 feet to the point of beginning.

Except that portion of the property lying within Skyline Drive more fully described in document recorded June 12, 1915 in Book 183, Page 41

County of Fremont,  
State of Colorado

Commissioner Stiehl seconded the adoption of the foregoing Resolution and upon a vote of the Board as follows:

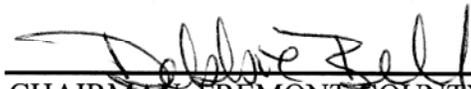
Commissioner Bell:  Aye / Nay / Abstain / Absent

Commissioner Stiehl:  Aye / Nay / Abstain / Absent

Commissioner Norden:  Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: June 12, 2012



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:   
FREMONT COUNTY CLERK AND RECORDER

June 12, 2012

**RESOLUTION NO. 25, SERIES OF 2012**

**A RESOLUTION TO AMEND THE BUILDING CODE OF FREMONT COUNTY BY  
ADDING PROVISIONS FOR EVIDENCE OF WATER AND SANITATION**

WHEREAS, on June 9, 2008, the Board of County Commissioners for Fremont County adopted the Building Code of Fremont County in Resolution No. 40, Series of 2008; and

WHEREAS, the Building Code of Fremont County includes the International Residential Code and the International Building Code, 2006 Editions published by the International Code Council, as amended; and

WHEREAS, the 2006 International Building Code applies to all administrative provisions; and

WHEREAS, the 2006 International Building Code and 2006 International Residential Code require a water supply and sanitation system for all habitable dwellings and commercial structures; and

WHEREAS, the Board of County Commissioners finds that demonstrating evidence of a water supply and sanitation system at the time of application for a building permit is beneficial to the citizens of Fremont County; and

WHEREAS, a public hearing was held before the Board of County Commissioners of Fremont County on JUNE 12, 2012 after notice of same was published in a newspaper of general circulation in the county at least fourteen days prior to said hearing; and

WHEREAS, the Board of County Commissioners for Fremont County hereby finds that the adopted Building Code should be amended to require evidence of a water supply and sanitation system at the time of application for a building permit for all habitable dwelling and commercial building activity in Fremont County.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Fremont County that the 2006 edition of the International Building Code is hereby amended and approved as set forth in Exhibit A attached hereto to become part of the official building codes for the unincorporated areas of Fremont County.

BE IT FURTHER RESOLVED that the attached amendment shall become effective the FIRST DAY OF JANUARY, 2013, and shall remain in full force and effect thereafter, except as may be modified from time to time by formal action of the Board of Commissioners for Fremont County.

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Commissioner Norden moved the adoption of the foregoing Resolution with a

second by Commissioner Stiehl.

Commissioner Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Commissioner Norden	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Commissioner Stiehl	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: June 12, 2012

Debbie Bell  
Chairman

Attest: Katie E. Bauer  
Clerk

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**THIRD AMENDMENT TO THE BUILDING CODE OF FREMONT COUNTY**

**EXHIBIT A**

Underlined type is added

~~Strikethrough is deleted~~

Section 106.1 is hereby amended to read as follows:

**106.1 Submittal documents.** Construction documents, statement of special inspections and other data shall be submitted in duplicate sets with each permit application. The construction documents shall be prepared by a design professional registered in the State of Colorado and shall include but not be limited to:

- 1) Site plan as described in section 106.2
- 2) Foundation design including dimensions and reinforcing details
- 3) Floor plan identifying dimensions, layout and intended use of all floor space
- 4) Construction details of all structural members and their connections
- 5) Manufacturer's engineered truss design
- 6) Energy conservation details showing compliance with the *International Energy Conservation Code* or Chapter 11 of the *International Residential Code*
- ~~7) Colorado State Installation Authorization (for manufactured housing only)~~
- 7) Drainage study and report (commercial and multi-family only)
- 8) Fire Department Permit (commercial and multi-family in Cañon City Fire District only)
- 9) Other information including but not limited to:
  - A) Evidence of ownership
  - B) Evidence of an approved water supply as described in section 106.1.4
  - C) Evidence of sanitation as described in section 106.1.5
  - D) County road or State highway access inspection
  - E) Legally issued address
  - F) Flood elevation certificate (when required)

**Exception:** The building official is authorized to waive the requirement for plans to be prepared by a registered design professional when it is determined that the nature of the work does not require engineering.

All other sub-sections to section 106.1 shall remain as published and the following sub-sections added to read as follows:

**106.1.4 Evidence of water.** Evidence of an approved water supply shall be demonstrated by one of the following:

- 1) A signed water tap contract from a public water purveyor reflecting the owner's name and subject address

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address

3) A "Well Construction and Test Report" completed by a Colorado licensed well driller. The report shall include at a minimum the owner's name and address, the Well Permit number, location of the well, well depth, production rate in gallons per minute, driller's license number and the driller's signature.

4) A "Bulk Water/Cistern System Letter" provided by the Fremont County Building Department, signed by the property owner and notarized by a legally commissioned Notary Public. The Bulk Water/Cistern System Letter will be accepted as evidence of a water supply only on parcels of land which were created prior to June 1, 1972 or on parcels which are thirty five (35) acres or larger and must be accompanied by one of the following:

- A) A written disapproval of a well permit application from the Colorado Division of Water Resources, or;
- B) A Well Construction and Test Report completed as described in item #3 above indicating a dry well drilled to a minimum depth of six hundred (600) feet, or;
- C) Written statements from two independent Colorado licensed well drillers indicating that history has proven that drilling a successful water well in the specific location is unlikely. The written statements must be signed by the licensed drillers and notarized by a legally commissioned Notary Public.

**106.1.5 Evidence of sanitation.** Evidence of sanitation shall be demonstrated by one of the following:

- 1) A signed tap contract from a public sanitation provider reflecting the owner's name and subject address
- 2) A recent sewer bill from a public sanitation provider reflecting the owner's name and subject address
- 3) An individual sewage disposal (septic) system permit issued by the Fremont County Building Department
- 4) An "Existing Septic System" letter provided by the Building Department, signed by the property owner and notarized by a legally commissioned Notary Public.

Prior to issuance of a Certificate of Occupancy, the septic system shall be installed and approved by the Fremont County Building Department.