

**June 25, 2013**

**TWELFTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 25th, 2013, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 A.M.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
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, Chief Deputy Clerk.

The Invocation was given by Loren Kolman from Young Life Ministries.

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

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

**Commissioner Bell** said the consent agenda contains several items. This includes the Ratification of the June 12, 2013 Emergency Meeting and approval of Resolution #27 imposing the Fire Restrictions. Fremont County is currently under Stage 1 Fire Restrictions. The Commissioners are also Ratifying the approval of Resolution #28 from June 13, 2013, declaring the Royal Gorge Fire a disaster in Fremont County. A Public Hearing is being scheduled for July 23, 2013 at 10:00 a.m. regarding an Amendment to the Fremont County Zoning Resolution.

**Commissioner Norden** moved to approve the consent agenda. Commissioner Payne seconded the motion. Upon vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried. Resolutions #26, #27 and #28 are attached.

**ADMINISTRATIVE/INFORMATIONAL**

1. Administrative and Elected Officials

**Commissioner Norden** explained that all Counties in Colorado that receive money from the Department of Interior for the Payment in Lieu of Taxes (PILT) program will not be receiving their 100 percent allotment of PILT funds this year. The funds have been diminished due to the sequester. The PILT fund allocation for the 2013 budget is \$1,018,817. This will cause a revenue shortfall of \$65,000 for the Fremont County 2013 budget. The Joint Budget Committee met in Denver recently to discuss the Prison Utilization Study. The study calls for the possible closure of the Skyline Correctional Facility and the Four Mile Correctional Facility in 2018. Discussion was held regarding moving the CCI facilities to a different prison.

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Commissioner Bell noted the CCI program is a \$60,000,000 per year program. Commissioner Norden said he attended a CDOT planning meeting with County Manager Sugars and County Engineer Don Moore. Plans were discussed for possible improvements to Highway 50, and Highway 115. There will be a follow up meeting on July 29, 2013 at 10:00 a.m. in the Administration Building.

**Commissioner Bell** said the Royal Gorge Fire broke out two weeks ago. The response to this fire has been incredible by the first responders and the community. She thanked Steve Morrissey, the Emergency Manager, Tony Adamic with the Department of Transportation, and Sheriff Beicker and all of the Fremont County staff who aided in the firefighting effort.

## 2. Citizens Not Scheduled:

**Rob Gilkerson** said he is neither for nor against a Regional Building Department. He is concerned with a reduction of accessibility standards. The City of Canon City passed Ordinance 13-2012 that allowed a building owner to opt out of the accessibility standards. There are currently four buildings within Canon City that chose to opt out and are not compliant with ADA standards. County Attorney Jackson said there is not an opt out option in the Fremont County Code that was adopted in 2006. Mr. Gilkerson is urging the Board of County Commissioners not to go along with any type of accessibility reductions within a Regional Building Code.

## OLD BUSINESS

1. Adoption of Resolution #25, Series of 2013, Special Review Use Permit SRU 13-002 Captain Zip line Adventure tours (Major Modification).

**Planning and Zoning Director Giordano** explained there was some confusion on the changes made to Condition X. The 25 tons of gravel for County Road 45 are to begin in 2013 with a review in three years from the date of the approval. Commissioner Norden said the minutes reflected what his motion was, and now Condition X is will be consistent with the motion. Mr. Giordano said he will submit a correction letter to the applicant along with the minutes.

**Commissioner Norden** moved to adopt Resolution #25 SRU 13-002 Captain Zip Line Adventure Tours. Commissioner Payne seconded the motion noting the applicant had made the offer of the gravel. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried. Resolution #25 is attached.

## NEW BUSINESS

1. Liquor License:  
Holt Family Recreation, LLC  
Shadow Hills Golf Club  
1322 County Road 143, Canon City, CO 81212  
Optional Premise – Modification of Premise  
Representative: Rick Cheever

**Rick Cheever** said he became the General Manager of Shadow Hills Golf Course on April 1, 2013. At this time it was a priority to secure the pool with a privacy fence. He was unaware the shed next to the pool was ever meant for beer storage. The shed was removed immediately and he now understands this was a violation of the liquor requirements. The shed was not climate controlled and secure enough to store beer.

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**County Clerk Barr** said all of the paperwork is in order. By removing the shed it makes the property more secure. As the shed was labeled “Beer Storage” on the diagram submitted to the State, it was required for the applicant to do the Modification of Premise.

**Commissioner Norden** moved to approve the Modification of Premise for Holt Family Recreation DBA Shadow Hills Golf Club. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

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

None.

**Chairman Bell** adjourned the meeting at 9:56 A.M.

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Clerk and Recorder

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Commissioner Norden moved the adoption of the following Resolution:

**RESOLUTION NO. 25**  
**Series of 2013**

RESOLUTION FOR SPECIAL REVIEW USE PERMIT  
DEPARTMENT OF PLANNING AND ZONING  
FILE #SRU 13-002 CAPTAIN ZIPLINE ADVENTURE TOURS (MAJOR  
MODIFICATION)

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

THAT WHEREAS, Gene M. Holmes, (hereafter "applicant") has made application for issuance of a Special Review Use Permit pursuant to 8.14 of the Zoning Resolution of Fremont County for Permit **to allow for the addition of two (2) challenge courses and a new parking area, watchman's quarters, and visitors center (office), where tours will originate to include six (6) practice zip lines**; which application has been designated as file **#SRU 13-002 Captain Zipline Adventure Tours (Major Modification)**;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **May 7, 2013** regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, 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 one thousand five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, 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 **June 11, 2013**, at which time comments and evidence were considered, including all materials

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contained as part of the application and which were in the Department's file concerning the application; and

WHEREAS, it appears that issuance of a Special Review Use Permit is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use Permit to Applicant as follows:
  - a. The procedural requirements of Section 8.14 of the Fremont County Zoning Resolution have been met.
  - b. The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
  - c. The proposed use will not have detrimental effects on property values.
  - d. The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
  - e. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
  - f. The site is sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
  - g. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.
2. A Special Review Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions:
  - A. The Special Review Use Permit shall be issued for life of the 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*

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*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 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 of County Commissioners.

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- 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 of operation shall not be limited.
- I. Hours of operation shall be from 7 am to 10 pm.
- J. If lighting is required for nighttime tours or practice, lights shall be positioned and directed so as not to shine on neighboring properties.
- K. Compliance with the specified weed control plan as stipulated in the Fremont County Weed Control Officer's letters dated June 8, 2007 and April 16, 2013 and all subsequent updated plans for the property included in the permit.
- L. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan for the parking lot, visitor center and practice zip line area, further the applicant shall implement and maintain the plan.
- M. The applicant shall provide annually a copy of premises liability insurance in the amount of one (1) million dollars for the proposed use and it shall be kept current as long as the business is in operation. The limits of liability may be adjusted by the Board based on a review of coverage no more frequently than every three (3) years.
- N. The applicant shall provide the Department with a copy of the yearly inspection of the anchors, cables and pole foundations, and the challenge course poles, swinging bridges, ladders, obstacles, catwalks and practice zip lines, etc. by an independent inspection agency or government agency. All inspection documents shall have said inspection signed and sealed by American Society for Testing and Materials (ASTM) standards. Failure to correct deficiencies immediately noted by the inspectors shall be cause for operations to cease until remedies are in place and certified by the inspectors
- O. The applicant shall keep and make available, at all times, a log of all customer attendance and customers instructed and trained to ride the zip line and ride or use the challenge courses.
- P. All Captain Zipline Adventure Tours personnel that work on site shall be trained in safe operations.
- Q. Vehicle access to the subject property shall be limited to the use of County Road #7 or County Road #45 to County Road #54 (*use of rights-of-way only*) and then on

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private easement (*BLM right-of-way grant Serial #65885 & Assignment of Right-of-way grant executed 6/5/2007*), to the site, as specified on the attached map.

- R. The owner, staff and/or clientele shall not trespass on railroad property, ditch rights-of-way or on adjoining private property. Permission to access said properties shall only be through written permission of owner(s) of said properties.
- S. No customer vehicle traffic to the zip line and challenge course sites is permitted, except for U.S. military vehicles, or other designated type of vehicles, when escorted by Captain Zipline Adventure Tours vehicles and staff. All other customers shall be transported to the site only by Captain Zipline Adventure Tours drivers and vehicles.
- T. All required signage regarding trespass shall remain in place and shall be maintained through the duration of the operation.
- U. The maximum number of customers shall not exceed a total of two-hundred (200) persons per day.
- V. Provide a copy of the following approved permits, licenses or the like, prior to operation: (*If not required, provide documentation from the listed entity that the following is not required, prior to operation of the new parking area and challenge courses*). The applicant shall provide copies of all permits, licenses or the like required from any entity for the operation of the proposed use whether contained in the following list or not.
  - 1. Colorado Department of Labor & Employment, Division of Oil & Public Safety Permit.
  - 2. Fremont County Building permit.
  - 3. Fremont County Sewage Disposal permit.
  - 4. A Colorado Department of Transportation Access permit for the specified use. (*The application for the permit will require County signature as it is for the intersection of County Road #45 and U.S. Highway 50*).
  - 5. Colorado Division of Water Resources Well Permit indicating that use of water is allowed for the proposed use.
  - 6. Documentation from the South Arkansas Fire Protection District that construction plans have been reviewed and approved by the District as per the Fire Protection Plan Form dated March 25, 2013.

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- W. The applicant shall make payment to the County, beginning in the year 2014, for application of a dust suppressant, yearly, in the spring (April), on County Road #45, from the east edge of the new parking site to County Road #54. The application of the suppressant shall be at a width of twenty (20) feet, with a rate of 0.30 gallons per square yard, with a minimum of thirty per cent (30%) solids. The cost of the suppressant will be determined as per the current applied rate, at time of payment. The County will apply the suppressant as per their yearly application schedule.
- X. The applicant shall make payment to the County, beginning in the year 2013, for twenty-five (25) tons of gravel per year, in the spring (April), for maintenance purposes, on County Road #45, from US Highway 50 to the east side of the new parking site. The cost of the gravel will be at the current rate, at the time of payment. The County will apply the gravel as per their yearly road improvement schedule. The County will review the adequacy of the amount of gravel after three years from the date of approval.
- Y. The applicant shall provide an updated emergency operations plan that, in addition to the zip line course, includes the rock climbing area, challenge course, and the practice zip line course. This plan shall be approved by the area emergency responders.
- Z. 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.
- AA. 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 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.
- BB. 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 8.14 of the Fremont County Zoning Resolution (*complete reapplication*).

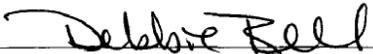
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Commissioner Payne seconded the adoption of the foregoing Resolution and upon a vote of the Board as follows:

- Commissioner Bell:  Aye / Nay / Abstain / Absent
- Commissioner Norden:  Aye / Nay / Abstain / Absent
- Commissioner Payne:  Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: June 25, 2013

  
 \_\_\_\_\_  
 CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:   
 \_\_\_\_\_  
 FREMONT COUNTY CLERK AND RECORDER

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Katie E. Barr, Clerk and Recorder, Fremont County, CO

Commissioner Norden moved the adoption of the following Resolution:

**RESOLUTION NO. 26**  
**Series of 2013**

**7<sup>th</sup> Amendment to the Subdivision Regulations of Fremont County**

BE IT RESOLVED by the Board of County Commissioners of Fremont County:

THAT WHEREAS, effective **March 14, 2000**, the Board of County Commissioners re-adopted the Subdivision Regulations of Fremont County; and

WHEREAS, certain amendments to said Regulations have been proposed; and

WHEREAS, the Fremont County Planning Commission has promulgated and recommended approval of the proposed 7<sup>th</sup> Amendment to the Subdivision Regulations of Fremont County; and

WHEREAS, the Board of County Commissioners has conducted a public hearing on the proposed amendment on **June 11, 2013**, pursuant to such publication and notice as may be provided by law; and

WHEREAS, it is necessary to amend Resolution Number 15, Series of 2000, re-adopting the Subdivision Regulations of Fremont County;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the Subdivision Regulations of Fremont County be and hereby are amended as set forth in Exhibit A attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that such amendment shall become effective on **June 25, 2013**.

BE IT FURTHER RESOLVED, that Resolution Number 15, Series of 2000, is hereby amended.

Commissioner Payne seconded the adoption of the foregoing Resolution and upon a vote of the Fremont County Board of County Commissioners as follows:

Commissioner Bell:	<input type="checkbox"/> Aye / <input type="checkbox"/> Nay / <input type="checkbox"/> Absent
Commissioner Payne:	<input type="checkbox"/> Aye / <input type="checkbox"/> Nay / <input type="checkbox"/> Absent
Commissioner Norden:	<input type="checkbox"/> Aye / <input type="checkbox"/> Nay / <input type="checkbox"/> Absent

The Resolution was declared to be duly adopted.

DATE: June 25, 2013

Dalene Bell  
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST: Katie E. Barr  
FREMONT COUNTY CLERK AND RECORDER

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**EXHIBIT A – 7<sup>TH</sup> AMENDMENT  
TO THE FREMONT COUNTY SUBDIVISION REGULATIONS**

ADDED

DELETED

**VII. PROCEDURE FOR SUBMISSION, REVIEW & RECORDING OF FINAL PLAT APPLICATION**

- A. **SUBMISSION:** A The Final Plat may only be submitted for all or a portion of an area (if phasing was approved with the Preliminary Plan) within an approved Preliminary Plan, to which it must conform.
2. ~~Final Plats shall be submitted for approval within eighteen (18) months of the date a Preliminary Plan has been approved by the Board. Thereafter, approval of the Preliminary Plan will be deemed expired unless an extension of time has been granted by the Board in response to a written request by the subdivider. Whenever a Final Plat is submitted for less than the entire area covered by the Preliminary Plan, approval of the Preliminary Plan for the remaining unplatted area shall be extended for an additional eighteen (18) months.~~
- B. **METHOD OF SUBMISSION:**
1. ~~A subdivider shall submit a Final Plat and accompanying materials to the Board by delivering the same to the Department.~~
2. ~~The Final Plat and accompanying materials shall be submitted to the Department a minimum of thirty (30) working days prior to the regularly scheduled Board meeting at which they are to be considered.~~
1. The Final Plat shall conform to the approved Preliminary Plan.
2. The applicant shall submit the Final Plat application, materials and required supporting documents, including an application fee, to the Department.
- a. The applicant shall submit the Final Plat application on a form provided by the Department.
- b. The application shall be delivered, in person, to a Department representative. The Department representative will accept the application submittal only if all minimum submittal requirements have been met and presented at the time of submission.
3. The initial Final Plat application and accompanying materials and required supporting documents shall be submitted to the Department no less than twenty-four (24) working days prior to the date of the regularly scheduled Board meeting at which it is to be considered.

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**B. C REVIEW OF THE FINAL PLAT APPLICATION:**

1. ~~The Board shall only approve final plats which it finds to be developed in accordance with the intent, standards and criteria specified in these Subdivision Regulations. Further, the Board shall not approve a Final Plat that is materially inconsistent with the Preliminary Plan on which it is based.~~
2. ~~The Board shall act on the Final Plat at an official meeting of the Board within thirty (30) days after receipt of a complete application as determined by the Department.~~
3. ~~The Board shall approve or disapprove the Final Plat at their meeting. The applicant may request a continuance to a specified date. The Subdivider shall be present to answer questions of the Board.~~
4. ~~On approval of the Board, the Chairman of the Board shall endorse the Final Plat.~~
1. **The Department will conduct a preliminary review of the application to determine the adequacy of the application for Board consideration.**
2. **The applicant will be notified of the results of the Department review via a Department Deficiency and Comment Letter.**
  - a. **If there are deficiencies in the application that would make the application unacceptable for consideration by the Board, the Department will provide the applicant with a time frame in which to address the deficiencies in order for the Department to place the application on the agenda of the Board.**
  - b. **The applicant will be notified of how many revised copies of the application and accompanying materials shall be provided to the Department for distribution in the deficiency and comment letter.**
3. **If the deficiencies are not addressed or acceptable reasoning provided as to why the application should be placed on the Board agenda without addressing the deficiencies within the established time frame the Department will not place the application on the Board agenda.**
  - a. **In accordance with Resolution No. 68, Series of 2006: A full application fee will be charged to the applicant, if all deficiencies in the initial application review letter are not adequately addressed.**
  - b. **Each subsequent deficiency review letter will result in another full application fee.**
  - c. **All such fees shall be paid along with the deficiency submittal, prior to**

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4. If there are no deficiencies or deficiencies are addressed within the time frame, the Department will provide the applicant and Board with a review of the application taking into consideration regulatory requirements and place the application on the appropriate agenda of the Board.
5. The Board shall take into consideration the application, approved preliminary plan application and Department review at the Board meeting.
  - a. The applicant shall attend the Board meeting at which the application is scheduled to be reviewed.
    - 1) Failure of the applicant to attend the meeting will result in tabling of the application.
    - 2) Failure of the applicant to attend the Board meeting to which review of the application was tabled will be considered a withdrawal of the application and fees will not be refunded.
  - b. The applicant may offer comments, evidence and testimony concerning the application.
  - c. The Board may hear comments and receive evidence or testimony from interested persons.
6. The Board may continue review of the application to the next regular meeting of the Board to receive more comments, enable further study of information and input received at the meeting or to request that the applicant provide additional information regarding the application. No such continuance shall exceed thirty (30) days.
  - a. The applicant, prior to a motion by the Board, may request an extension of time before continued consideration by the Board, if the applicant wants to provide additional information in support of the application. Such continuance request shall not exceed ninety (90) days and the application must be set on a regular Board meeting date.
7. The Board shall approve, deny, or approve the application with contingencies within thirty (30) days after the conclusion of the Board meeting or after the date to which it was continued.
8. If the applicant presents a significantly different proposal at the Board meeting than was submitted in the application to the Department, the Board shall continue the application to a meeting date determined by the Board and request a Department review of the proposal. The Department may require

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an additional review fee if deemed appropriate.

9. The Department shall mail to the applicant, the Board's decision within five (5) working days after the meeting at which the Board's review of the application was finalized.
- C. ~~D~~ RECORDING OF THE FINAL PLAT:** The Department shall record the final plat with the Clerk & Recorder for Fremont County within five (5) working days after submission and Department approval of all ~~submitted Board approved contingencies~~ contingency items.
- E. ~~EFFECTS OF APPROVAL:~~** ~~Upon approval by the Board if all contingencies required as part of the approval of the Final Plat are not submitted within twelve (12) months after final approval, re-submittal of the Final Plat shall be required.~~
- D. EFFECTS OF APPROVAL:** Final approval of the Final Plat, by the Board will allow the applicant up to twelve (12) months from the date of approval to submit any contingencies prior to recording the final plat.
1. Contingencies - If the Final Plat was approved with contingencies all contingencies shall be submitted within twelve (12) months of the date of approval by the Board. If the contingency items are not submitted by the deadline, the final plat approval shall be deemed expired and a new application will be required (including fees).
  2. Extensions - The Board may extend the time period for submittal of contingency items upon documented showing of good cause. If extension(s) are requested further review by the Board may be required.
    - a. No extensions may be granted unless a written request, detailing the reasons and justification for extension, and required fee is submitted to the Department a minimum of ten (10) working days prior to the expiration of the initial twelve (12) month period or previous extension granted.
    - b. The Department shall schedule the request for extension for the next regular Board meeting at which time the Board will consider the request.
    - c. In absence of justification warranting a longer time frame, extensions shall not be granted for more than twelve (12) months from the date of Board approval or previous extension
    - d. Whenever a Final Plat is submitted for less than the entire area covered by the Preliminary Plan, approval of the Preliminary Plan for the remaining unplatted area shall be extended for an additional eighteen

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**(18) months.**

- E. **DENIAL OF A FINAL PLAT APPLICATION: A denial of a Final Plat application by the Board will result in closure of the application file by the Department. Without evidence of a significant change of area conditions or a significant change in the proposed application, an application for Final Plat will not be accepted for the same property within two (2) years of the date of denial by the Board.**

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Page 7 of 17**VIII. FINAL PLAT REQUIREMENTS****A. CONFORMANCE WITH THE PRELIMINARY PLAN:**

The Final Plat shall conform in all major ~~aspects respects~~ to the Preliminary Plan as previously reviewed by the Commission and approved by the Board and shall incorporate all modifications required in the Preliminary Plan its approval. The Board, however, may approve a Final Plat which has been modified to reflect improvements in design or changes ~~that~~ ~~which~~ have occurred in its natural surroundings and environment since the time of the Preliminary Plan review and approval.

**B. REQUIRED COPIES:**

The applicant or his representative shall submit at least ~~three (3)~~, six (6), twenty-four (24) inch by thirty-six (36) inch copies of the final plat drawing and ~~three (3)~~ six (6) reduced copies, (8 1/2" x 11" or 11" x 17") of the final plat drawing, and at least ~~three (3)~~ six (6) copies of all other required documents shall be provided with the initial application. The applicant will be notified if ~~as to how many~~ additional copies will be required within the Department "Comment and Submittal Deficiency letter".

**C. FINAL PLAT DRAWING REQUIREMENTS:**

1. The Final Plat shall be drawn to a scale not less than one (1) inch to one-hundred (100) feet, unless approval of such another scale is granted by the Department, prior to submission of the application, ~~by the Department~~.
2. In the case of multiple sheets, a key map showing the relationship of the individual sheets to each other shall be provided on each sheet.
3. No subdivision, street or road in the County shall bear the same name or substantially similar name as another subdivision, street or road unless adjoining and using consecutive filing numbers or if the street or road is a continuation of an existing street or road. The Department shall have the authority to require the applicant to change the proposed name if such name is substantially similar to the name of an existing subdivision, street or road in the County.
4. The sub-title of the Final Plat shall read: A portion of the (aliquot description) Section, Township, Range, Fremont County, Colorado or A Vacation and Re-plat of (Lot(s), Block(s) of [Name of Subdivision]), Fremont County, Colorado, as appropriate, dependent on whether or not the property being subdivided is un-platted or platted property.
5. A note table with each note being individually labeled.
6. A legend table with each symbol and line pattern being identified.
- 7.4 The total acreage and the total number of lots contained within the ~~area~~

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8. **The acreage and/or square footage for each proposed lot.**
9. **The proposed lot and block layout, including lot and block numbers which shall be consecutively numbered.**
10. ~~5~~ Name and address of the person, firm or organization preparing the Final Plat.
11. ~~6~~ The date of preparation of the Final Plat and revision dates to the submitted final plat.
12. ~~7~~ A north arrow point.
13. ~~8~~ A written and graphic scale. ~~of the drawing.~~
14. ~~9~~ A Vicinity map ~~adequately labeled to locate~~ **locating** the proposed subdivision **in relation to the surrounding area, streets and major natural features.**
- 10 ~~Acreage and/or square footage for each lot.~~
15. ~~11~~ All appropriate survey information on the plat shall show lengths to hundredths of a foot, and angles and bearings shall be shown to seconds of a degree.
16. ~~12~~ A survey tie from the proposed subdivision boundary to an aliquot survey monument.
17. ~~13~~ A statement identifying the basis of bearing for the proposed subdivision survey.
18. ~~14~~ **The length and bearings for the exterior boundary lines of the proposed subdivision.** ~~Bearings and lengths for all lot lines and perimeter subdivision boundaries, except that~~ **For** bearings and lengths ~~need not be given~~ for interior lot lines where the bearings and lengths are the same as the exterior lot lines, **labeling is not required.**
19. ~~15~~ All bearings and dimensions for irregularly shaped lots shall be **provided** ~~indicated~~ for each lot.
20. ~~16~~ For proposed curved boundaries and all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall **be shown in a table and shall** include the following:
  - a. Radius of curve.
  - b. Central angle.

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- c. Tangent.
  - d. Arc length.
  - e. Notation of non-tangent curves.
21. ~~17~~ Any non-radial lot lines or boundary lines shall be **labeled noted**.
22. ~~18~~ All survey monuments set and found, in preparation of the final plat, shall be indicated on the final plat as to location and type of monument, ~~by note or label~~ **in a legend table.**
23. ~~19~~ Any "Reference Monument" and or "Witness Corner" shall be appropriately **labeled noted** on the plat.
24. ~~20~~ At a minimum, **the name**, centerline bearing, distance and curve information along with width information shall be provided for all proposed and existing roadway rights-of-way that **traverse or adjoin the subject property**, ~~service or are adjacent to the proposed subdivision.~~
25. **The acreage and lineal footage proposed to be devoted to roadways.**
26. ~~21~~ ~~All streets and alleys designated as such and the names for all streets. No roadway in the County shall bear the same name or substantially similar name as another roadway unless one is a collector for the other roadways in which case the secondary roadways shall be named in a secondary manner (such as Court, Lane, Circle etcetera). The Department shall have the authority to require the applicant to change the proposed name if such name is substantially similar to the name of an existing roadway in the County.~~ **The location, width, length and identification label for all other public ways, easements and rights-of-way that traverse or adjoin the subject property.**
27. ~~22~~ All proposed easements shall be designated as to use, bearings and dimensions, or indicated by appropriate statements.
28. **All legally described easements in the title insurance commitment or policy shall be located or if not applicable, a written statement to that effect shall be provided.**
29. ~~23~~ Excepted parcels marked "Not included in this subdivision" or "Not included in this plat," as appropriate. ~~and the boundary completely indicated by bearings and distances.~~
30. ~~24~~ All existing easements shall ~~be vacated prior to submittal or~~ shall be shown on the plat, labeled or noted as to its use, size and location. In addition, all survey information and any recording information ~~for all easements~~ shall be provided. **Any existing easement or right-of-way to be vacated, which is**

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**within the County's authority or ownership may be vacated by a note on the final plat. Any existing easement not within the County's authority or ownership, shall be vacated or released by the appropriate authority or owner(s), and documentation shall be provided noting such.**

- 31.25 ~~All blocks and all lots within each block shall be consecutively numbered. The 100 year floodplain line shall be shown as per the FEMA FIRM map.~~
- 32.26 The Final Plat shall show building setback lines for all stem or flag lots or irregularly shaped lots that do not have the minimum lot width, as required by the Zone District of the property at the property frontage. Said building setback line shall be shown by a thin dashed line and shall be labeled as such. In addition, dimensions shall be provided along the side lot lines, which are adequate to locate the building setback lines.
- 27 ~~The sub-title of the plat shall read "A portion of the (aliquot description) Section, Township, Range, Fremont County, Colorado or A Vacation and Re-plat of (Lot(s), Block(s) of [Name of Subdivision]), Fremont County, Colorado", as appropriate, dependent on whether or not the property being subdivided is un-platted or platted property.~~
33. **Sites to be reserved or dedicated for open space, parks, playgrounds, schools or other public uses, other than easements shall be shown as outlots and shall be labeled with a statement as to the designated use.**
- 34.28 **Required Subdivision Plat Language:** In addition to the other requirements contained within this Section, any final subdivision plat submitted for approval shall contain the following:
- a. **EXECUTIONS:** The final plat shall contain the following statements:
- (1) **KNOW ALL MEN BY THESE PRESENTS** that (*owner name(s)*) are the owners of the following described land:
  - (2) **TO WIT** (*legal description*)
  - (3) **DEDICATION** (*to be followed by notary statement*) (*I, We*), (*printed name of owner(s)*), being the owner(s) of the above described land being platted and/or subdivided in Fremont County, Colorado, under the name of (*complete name of development in capital letters*), have laid out, platted and/or subdivided the same as shown on this plat and do hereby dedicate to the public at large the streets, alleys, roads and other public areas as shown heron and hereby dedicate those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon.

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The sole right to assign use or vacate is vested with the Board of County Commissioners

In witness whereof (*printed name of the owner*) has (*or have*) subscribed (*his, her or their*) name(s) this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_\_

By (s) \_\_\_\_\_ (*Owner(s)*)

(4) **NOTARY STATEMENT**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_\_, by (*printed name of owner(s): if by natural persons here, insert name; if by person acting in a representative official capacity, interest capacity; if by officers of a corporation, then insert the title of said officer and the name of the corporation*).

My commission expires \_\_\_\_\_.

My address is \_\_\_\_\_

Witness my hand and official seal. \_\_\_\_\_

(*seal*)

Notary Public

(5) **REGISTERED LAND SURVEYOR'S CERTIFICATE**

I (*registered land surveyor's name*) a registered land surveyor in the State of Colorado do hereby certify that this plat has been prepared under my direction in accordance with the Colorado Revised Statutes, as amended, and that this plat does accurately show the described tract of land and the subdivision thereof, to the best of my knowledge and belief. I further certify that any portion(s) of this property which do lie within the designated flood hazard area as shown on the F.E.M.A. F.I.R.M. maps are accurately shown hereon.

Date: \_\_\_\_\_

Signature

Registration #

(6) **ACKNOWLEDGEMENT AND ACCEPTANCE OF PLAT**

The undersigned Chairman of the Board of County Commissioners of Fremont County, Colorado, hereby certifies that the plat was approved and all roads, streets (**excepting private streets**) and easements are hereby accepted provided, however, that such acceptance shall not in any way be considered as an acceptance for maintenance purposes. Maintenance of, or snow removal from said road or streets shall be only upon a separate resolution of the Board of County Commissioners.

\_\_\_\_\_  
Chairman, Fremont County Board of County Commissioners

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\_\_\_\_\_ Date

(7) **EASEMENT STATEMENT**

Easements for public purposes, including utilities, are as indicated on the plat, with the sole responsibility for maintenance being vested with the adjacent property owners except as otherwise noted, all interior lot lines are subject to a five (5) foot utility easement on both sides of lot lines. Exterior subdivision boundary ~~not fronting public way~~ is subject to a ten (10) foot utility easement.

(8) **COUNTY CLERK AND RECORDERS STATEMENT**

STATE OF COLORADO }  
COUNTY OF FREMONT }

This plat was filed for record in the office of the County Clerk and Recorder of Fremont County, Colorado, at \_\_\_\_\_M., on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, A.D. under reception number \_\_\_\_\_.

\_\_\_\_\_  
Fremont County Clerk & Recorder

**D. CONDOMINIUM OR TOWNHOUSE PLATS:** If the development is a condominium or townhouse, in addition to the general design, the plat submitted with the final plat application shall show the location (*footprint*) of the building(s) with respect to property boundaries and shall show the general floor plan of the building(s) and units. The Plat shall:

- 1. ~~Be signed by the developer/owner.~~
- 2. ~~Depict the perimeter boundaries and set forth the legal description of the parcel of land submitted to condominium ownership.~~
- 1. 3. Show the location of all **proposed** improvements **to be** situated upon the parcel.
- 2. 4. Contain sufficient vertical and horizontal cross-section drawings of improvements to allow individual air space units to be separately identified in three dimensional space (*Condominiums only*).
- 3. 5. Show the elevations of the floors of the units in relation to a United States Geological Survey benchmark (*Condominiums only*).
- 4. 6. Identify the individual air space units by number or other appropriate designation (*Condominiums only*).

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- 5.7. Identify the general common elements and limited common elements in reasonably sufficient detail and in a manner that does not conflict with the description or definition of those elements in the condominium or townhouse declarations.
6. **Final copy of covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures.**
7. **Final copy of function, ownership and manner of maintenance of common open space reserved or dedicated for public or private use.**

**E. GENERAL INFORMATION:**

1. Subdivision Improvements Agreement (*See Section XI*).
2. Fees in lieu of land or land to be dedicated for schools and parks shall be provided (*See Section XIX*).
3. Copies of deed restriction, including those required by the Board, to govern the future use of each lot and any common land with regard to the future construction of water or sewer systems, re-subdivision and other potential changes which might significantly alter the subdivision as approved by the Board with regard to the criteria and standards of these regulations
4. A highway access permit from the Colorado Department of Transportation shall be submitted when a new street intersects with a State Highway or access is to be from a State Highway.
5. Where a portion of any existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Board must be submitted.
6. Street Plans and Profiles, certified by a Colorado Professional Engineer, shall be submitted showing alignments, existing centerline elevations, final centerline grades of all streets, roads, highways, and alleys serving the area. Refer to Appendix I & II.
7. If applicable, water and sewer pipe profiles (*top & bottom*), certified by a Colorado Professional Engineer, shall be included in the road plans and profiles, with manholes, cleanouts, hydrants, and other required information.
8. Construction Plans, if any structures (*bridges, culverts, channelization, detention ponds or structures of a similar nature*) are required within the areas to be platted, certified by a Colorado Professional Engineer, shall be submitted.

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9. A title insurance commitment or policy with an effective date within thirty (30) days of the application submittal which shall set forth the names of all owners of property included in the proposed subdivision plat, and shall include a list of all mortgages, judgments, liens, easements, contracts, agreements, and other interests of record in the County, which affect the property covered by such subdivision plat. An updated title insurance commitment or policy shall be required prior to recording of the subdivision plat, if said recording date is more than sixty (60) days from the effective date of the title insurance commitment or policy. An updated title insurance commitment or policy may necessitate further requirements of the applicant prior to recording of the subdivision plat.
10. A list of property owners within five-hundred (500) feet of the subject parcel(s) and mineral interest owner(s) of the subject property as shown by the real estate records of the county, which include the records of the County Assessor, and "requests for notification" filed by a mineral estate owner in the records of the County Clerk and Recorder, and such owners' current mailing address.
11. Such other and additional information as required by the Department or the Board.

**F. NOTIFICATION / PUBLICATION:**

1. ~~At least fourteen (14) days prior to the date of the Board meeting the applicant or his representative shall notify all land owners, whose property is within five hundred (500) feet of the boundaries of the parcel or parcels, in writing, by certified mail, postage prepaid, return receipt requested to the Department. The notice shall state the time, date and location of the meeting and that the owner(s) may appear in person or by a designated representative or, if unable to attend, they may submit a written statement expressing their comments on the submission. In addition, a vicinity map locating the subdivision shall be enclosed with the letter to the owners within five hundred (500) feet. Additional notice may be required at the discretion of the Board.~~
1. Notify by United States Postal Service (USPS) certified mail, return receipt (labeled to identify the application) addressed to the Department at least fourteen (14) days prior to the Board meeting date, to all property owners within five-hundred (500) feet of the boundaries of the subject property, unless otherwise specified by the Planning Commission during the review of the Preliminary Plan application.
  - a. The applicant shall provide the Department with USPS mailing receipts evidencing the date the notice packets were mailed.
    - 1) The mailing shall include the following:

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- a) A notice form with information relevant to the public meeting completed by the Department and mailing information to be completed by the applicant.
  - b) A copy or a readable reduced copy of the Final Plat drawing.
  - c) A vicinity map locating the subject property in relation to the surrounding area, streets and major natural features.
2. ~~If a mineral interest has been severed, the applicant or his representative shall notify by certified mail, postage prepaid, return receipt requested to the Department, mineral owners of the property to be subdivided as their names appear in the records of the County Assessor's office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or on the tax records of the County.~~
  2. If the mineral interest for the subject property has been severed from the surface ownership, not less than thirty (30) days before the date of the scheduled Board meeting, the applicant shall send notice, by certified mail, return receipt requested or by a nationally recognized overnight courier to the mineral interest owner(s), as shown in the county records identified in subparagraph E. 10 above.
  3. A list of above property owners and mineral interest owner(s) shall be provided by the applicant upon application.
  4. ~~A public notice of each meeting before the Board shall be published in a newspaper of general circulation within Fremont County at least fourteen (14) days prior to the meeting date. Said notice shall include the time, place and purpose of said meeting; the address and telephone number of the office of the Department where materials relating to the proposal for subdivision may be reviewed prior to the hearing; the names of the landowner and applicant; the total number of proposed lots; and a general location description shall consist of Section, Township and Range, together with a road address or location by road mileage. The public notice shall state that a complete legal description is available for review and the location of such review materials.~~
  3. A notice of the public meeting for the Board shall be published once by the Department, at the expense of the applicant, at least fourteen (14) days prior to the Board meeting date in a newspaper of general circulation in Fremont County. Such notice shall indicate the time, place of the meeting and shall provide the purpose of the said meeting, the address and telephone number of the Department where materials relating to the proposal and where a complete legal description of the subdivision may be reviewed prior to the meeting, the names of landowner and applicant, the total number of proposed lots, the general location description, which shall consist of Section, Township, Range, together with a road or street address or by road mileage

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**from a known point or intersection.**

**G. RELATIONSHIP TO DESIGN STANDARDS:** The Design Standards set forth at Appendix 1 of these Subdivision Regulations shall govern review of Final Plat applications submitted under these Subdivision Regulations.

**H. ADDITIONAL REQUIREMENTS:**

1. The following information shall be provided, by the applicant, after final approval by the Board and prior to recording of the final plat.
  - a. Information as required on a form provided by the Department for the issuance of all property addresses.
  - b. Closure sheets for each lot and the boundary of the proposed subdivision shall be provided prior to the recording of the final plat.
  - c. An approved driveway access permit for any streets that intersect a County right-of-way or State Highway **right-of-way.**
  - d. A detailed utility plan showing the proposed location of all utility and irrigation improvement locations, horizontal and vertical, as proposed by the developer for all subdivisions. ~~where a new road, street or right-of-way is proposed.~~ The plan shall include the signatures of all utility providers, indicating their approval of such plan.
  - e. Quit Claim deed with a deed restriction addressing the maintenance of any drainage facilities, easements, rights-of-way etcetera, required, such deed to be recorded at the time of recording of the final plat, recording fees for the same will be the expense of the applicant.
  - f. Upon approval by the Board a mylar **drawing** and two (2) polyester copies shall be provided for recording upon submittal of all contingencies.
  - g. Executed Ratification, Consent and Release Forms will be required for any mortgages, deeds of trust, liens or the like, and shall be provided prior to recording of the final plat.
  - h. A Tax Certificate issued by the Fremont County Treasurer indicating that all ad-valorem taxes for the subject property for all years prior to the year in which the final plat is to be recorded have been paid. **If taxes have not been paid, the final plat will not be recorded.**
2. Upon receipt of the recording information of the final plat, ~~five (5)~~ **two (2)** full size copies of the final plat with all recording information shall be provided to the Department by the applicant.

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#### XVI. CORRECTION PLAT

- A. **SUBMISSION:** Without a hearing or compliance with the submission, referral or review requirements of these Subdivision Regulations, the Department may approve a Correction Plat, captioned as such and describing the error to be corrected, if the sole purpose of such Correction Plat is to correct one or more technical errors in an approved plat which can be approved by the Department. if the sole purpose of such correction plat is to correct one or more technical errors in an approved plat and where such correction plat is consistent with an approved preliminary plan. The Correction Plat shall be captioned as such and shall describe the error(s) to be corrected. If the technical error(s) meet the description of any errors under section 38-51-111(2), C.R.S., (including any subsequent amendments), a surveyor's affidavit of correction, as defined in section 38-51-102, C.R.S., shall be prepared in lieu of a correction plat.

June 25, 2013

**RESOLUTION NO. 27, SERIES OF 2013**

**A RESOLUTION IMPOSING FIRE RESTRICTIONS  
FOR FREMONT COUNTY IN ACCORDANCE WITH  
ORDINANCE NUMBER 1, SERIES OF 2012**

**WHEREAS**, on June 26, 2012, Fremont County adopted Ordinance Number 1, Series of 2012 (2012-1), which imposed county-wide fire restrictions in Fremont County; and

**WHEREAS**, the language of the Fire Restrictions Ordinance allows for the Board of Commissioners to temporarily suspend the Fire Restrictions if conditions and circumstances warrant such a suspension; and

**WHEREAS**, On August 14, 2012, at the request of Sheriff James Beicker, in his capacity as fire warden for Fremont County and in accordance with §30-10-512, C.R.S., the Board of Commissioners adopted Resolution 31 Series of 2012, which temporarily suspended the fire restrictions in Fremont County; and

**WHEREAS**, Sheriff James Beicker has consulted with other entities sharing jurisdiction concerning fires within the county, has assessed the fire danger for Fremont County and has concluded that imposition of the Fire Restrictions is necessary at this time to reduce the threat and risk of wild fires within the County and the Board of Commissioners defers to his determination.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR FREMONT COUNTY**, that the temporary suspension of Ordinance Number 2012-1, restricting open fires and open burning in the unincorporated areas of Fremont County, shall be removed and the provisions of Ordinance Number 2012-1 shall hereby be placed in full force and effect, restricting fires and open burning in the unincorporated areas of Fremont County in accordance with the terms of such Ordinance. The Sheriff of Fremont County shall have authority to determine the effective Stage of the Fire Restrictions and shall provide full and adequate public notice of the effective Stage. The Board of Commissioners and the Sheriff of Fremont County strongly encourage residents of Fremont County, and visitors to Fremont County, to comply with all terms and conditions of the Fire Restrictions, and to exercise great caution with fires and sources that contribute to the fire danger to keep Fremont County safe from wild fires.

This Resolution shall become effective at 12:00 noon on Wednesday, June 12, 2013.

June 25, 2013

Commissioner Norden moved for adoption of this Resolution, with a second by  
 Commissioner Payne. The roll call vote of the Board was as follows:

Debbie L. Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Edward H. Norden	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: 6-12-13 Time: 10:48 a.m.

Debbie Bell  
 Chairman

Attest: Jody Blauson  
 Clerk

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 Katie E Barr, Clerk and Recorder, Fremont County, CO

RESOLUTION NO. 28, SERIES OF 2013

DISASTER DECLARATION

RESOLUTION DECLARING LOCAL DISASTER

**WHEREAS**, the Fremont County Emergency Manager and/or Public Health Director has advised the Board of County Commissioners of Fremont County ("the Board") of a disaster (as that term is defined in Part 7 of Article 33.5 of Title 24, C.R.S.) currently present in the unincorporated area of Fremont County, to wit, the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from wild land fire requiring emergency action to avert danger or damage, which started on June 11, 2013 through the duration of the wild land fire, herein referred to as the Royal Gorge Fire; and

**WHEREAS**, the cost and magnitude of responding to the Royal Gorge Fire on June 11, 2013 and thereafter, and the cost of the recovery from the impact of the Royal Gorge Fire is far in excess of the county's available resources; and

**WHEREAS**, as of June 12, 2013, the Royal Gorge Fire had burned approximately 3100 acres and consumed approximately 20 structures and was only 20% contained; and

**WHEREAS**, the Emergency Manager has recommended that the Board declare a local disaster; and

**WHEREAS**, it would be appropriate and in the interests of the public health and safety, and would further protect property, for the Board to implement said recommendation; and

**WHEREAS**, pursuant to C.R.S. § 24-33.5-709 and the emergency management and operations plans and resolutions of Fremont County, Colorado the Board is authorized to declare a local disaster.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR FREMONT COUNTY THAT:**

1. The Board of County Commissioners for Fremont County hereby declares that there is a local disaster in the unincorporated area of Fremont County, to wit, the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from wild land fire requiring emergency action to avert danger or damage.

2. The effect of this declaration of disaster shall be to activate the response and recovery aspects of any and all applicable local and inter-jurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.

June 25, 2013

**BE IT FURTHER RESOLVED** that the principal executive officers of all other cities and towns in Fremont County affected by said disaster are urged to proclaim similar declarations and to cooperate with Fremont County as necessary to cope with this incident.

**BE IT FURTHER RESOLVED** that this resolution shall be effective as of June 11, 2013, the onset date of the Royal Gorge Fire, and shall remain in effect for the duration of the Royal Gorge Fire, not to exceed seven days thereafter except by or with the consent of a majority of the members of the Board. True copies will be filed promptly with the Colorado Division of Emergency Management and the Fremont County Clerk and Recorder, and shall be promptly distributed to the appropriate representatives of the news media.

SIGNED this 13<sup>th</sup> day of June, 2013.

**Fremont County Board of County Commissioners**

By: Debbie Bell  
Debbie Bell, Chair

Attest: Jody Blausen  
Clerk to the Board

***Fax to Colorado Office of Emergency Management when complete:  
720-852-6750***

*A copy is to be filed with the Fremont County Clerk, and the Fremont County Office of Emergency Management.*