

FIFTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on July 12, 2005, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. The meeting was called to order at 9:30 A.M. by Commissioner Chairman, Larry Lasha.

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

Also present Finance Director, Dana Angel; Bill Giordano, Planning and Zoning Director and Sharon Kendall, Deputy Clerk.

The Morning Prayer was given by Pastor Morgan Kerr from First Southern Baptist Church.

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

APPROVAL OF AGENDA

Commissioner Stiehl moved to remove the approval of minutes of June 28, 2005 because they have not been provided to them in ample time for review.

Commissioner Norden noted he would like to add an item , Item #5, under New Business to appoint a County representative to the roundtable for the Arkansas River Basin as specified under House Bill 1177 passed by the 2005 Colorado General Assembly and signed by the Governor.

Commissioner Norden moved to approve the Agenda. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

CONSENT AGENDA

Commissioner Lasha stated that Item No. 1 (Minutes from June 28th) would be removed from the Consent Agenda. **Commissioner Norden** stated to include with the bills, the item that was removed two weeks ago, the question about the payment of reimbursement to the Cañon City Recreation and Park District for \$7,190.01. The question dealing with the drainage master plan was answered to their satisfaction. With those bills, the payment of that amount and the authorization for \$7,190.01. **Commissioner Norden** made the motion to approve the Consent Agenda:

1. Approval of Bills, July 12, 2005/\$740,453.27
2. LIQUOR LICENSES
 - Thunte Mary L.
 - Waterhole No. 1
 - 1503 Elm Ave.
 - Cañon City, CO 81212-4518
 - Retail Liquor Store License Renewal – Malt, Vinous and Spirituous

 - Cat's Corner LLC
 - 411 Broadway
 - Penrose, CO 81240
 - Retail Liquor Store License Renewal -- Malt, Vinous and Spirituous

3. Adoption of Resolution #28, Series of 2005, file #ZC 04-005 Fletcher Zone Change.
4. **SCHEDULING OF PUBLIC HEARINGS FOR AUGUST 9, 2005 AT 10a.m.**

REQUEST: CUP 05-001 B & B SEPTAGE (RENEWAL)

Request approval of a Conditional Use Permit, Department file #CUP 05-001 B & B Septage Treatment Facility (which is a renewal of CUP 95-5, which will expire on August 1, 2005, for a septage treatment facility and application of treated septage to the ground on site as a fertilizer), by Rick & Wanda Byrd, for their property which is located *approximately 1/2 mile east of the Fremont County Airport, then 1/2 mile north of US Highway 50, in the Fremont County Airport Area*. The property contains approximately 40 acres and is zoned Agricultural Forestry

REPRESENTATIVE: Rick & Wanda Byrd

REQUEST: SRU 05-003 ST. LAURENCE RETREAT & MONASTERY

Request for approval of a **Special Review Use Permit for the operation of retreat and monastery, (Rural Recreational Facility and Religious Institution) which is not to exceed 100 persons**, by Saint Laurence Fellowship, LLC, for their property which is *located approximately 1/2 mile southeasterly of the terminus of County Road #21A, which is a private road from said terminus to the subject property. The property is generally located in the Tallahassee Area*. The property currently contains a "lodge", 12 by 12 foot shed, and a 12 by 32 foot log cabin. **A 40 by 90 foot chapel & mausoleum, a 20 by 170 foot monastery, a 50 by 80 foot office studio, three 50 by 80 foot housing units, and a caretaker's cabin are proposed.** The property is located in the Agricultural Forestry Zone District and contains approximately 120 acres.

REPRESENTATIVE: Stephen Greenlee, Saint Laurence Fellowship, LLC

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

Norma Hatfield, Fremont County Clerk & Recorder, submitted the Clerk's report for the month of June. She stated that they saw an increase of \$14,243.23 over a year ago. Fremont County sales tax dropped \$5,149.24. Earnings in that department for sales tax was \$69,622.43. That portion of total earnings which goes to the County for division among the various entities was \$418,274.14 and total earnings that goes to the County is \$26,054.55.

Commissioner Norden moved to accept the County Clerk's report. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Lasha, aye. The motion carried.

Virginia Woltemath, Fremont County Treasurer & Public Trustee, submitted the Semi Annual Report of the County Treasurer for January 1 through June 30, 2005. This report will be in the Treasurer's Office and will be published in the Florence Citizen. The Quarterly Report of the Fremont County Public Trustee's Office for the period of April 1 through June 30, shows they did 855 Release Deeds of Trust for \$17,955.00. They commenced 59 foreclosures, and foreclosure fees collected was \$7,918.66, disbursements were \$1,611.83, interest earned was \$57.41. The beginning balance was \$20,836.50 and the ending balance was \$41,735.74. She stated they had commenced 127 foreclosures so far this year, and they are behind last year just slightly. Delinquent tax notices have been sent out, and the tax sale will be November 17th. All taxes should be paid by September 30th, or they will be advertised.

Commissioner Stiehl moved to accept the Treasurer's Semi-Annual Report. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried.

Commissioner Norden stated that while the bulk of the firefighting effort goes on in Custer and Pueblo Counties, the initial response to the fire in the Greenwood area south of Wetmore last Thursday involved a lot of aerial attack out of the Fremont County Airport. The Fremont County Sheriff's Department came to the aid of Custer County Sheriff. He stated he wanted to make note of the efforts that the airport staff put forth including the situation of running out of jet fuel on Friday.

He stated they would more specifically take time to thank the volunteers who started cleanup efforts down at the Pathfinder Park west of Florence. Until they can name them specifically, he stated he wanted to note that lots of work is going on in preparation for the site for an outdoor arena to be built this fall.

Commissioner Stiehl stated that a couple of years ago, petitions were circulated about inclusion of eastern two-thirds of Fremont County into the Upper Arkansas Water Conservancy District. That District has been from the upper reaches of the Arkansas down to about Cotopaxi. The petition has been submitted to Judge Thurson who will be ruling on that and some associated questions about taxation and the mill levy associated with that this Friday. Should this be approved, then within thirty days that Judge will need to appoint four board members representing two from RE-2 and two from RE-1 School Districts. He stated anyone who was interested, to please contact him.

He stated that Item 5 was to appoint a County representative to the Arkansas River Basin Roundtable. This is in response to the new House Bill 1177, and it is an effort to improve negotiations statewide among the various river basins. He stated they would also be looking for some representatives. It is going to be a very large committee, and they are not sure how many positions they have authority over. Anyone interested in any of these issues, please contact him.

2. Citizens Not Scheduled: There were none.

NEW BUSINESS

RESOLUTION #31/RESOLUTION IMPOSING THE FIRE BAN FOR FREMONT COUNTY IN ACCORDANCE WITH ORDINANCE NUMBER 1, SERIES OF 2003

Ty Martin, Fremont County Undersheriff, stated he was representing Sheriff Beicker. He stated they were thankful they were able to get through the 4th of July without imposing a fire ban. He stated there had been some drastic changes in the past week with fires. The dry lightning storm cell that moved through Custer and Pueblo Counties started the Mason Gulch fire, but also sparked three fires in Fremont County in the High Park area. They were able to get control of that fairly quickly, and they only lost 35 acres. Friday night a fire sparked in Phantom Canyon which would have been County. The BLM had a crew that responded first, they stayed on it and handled it for them. Deer Mountain and Cañon City Fire Protection District are in a fire ban this week. Sheriff Beicker has consulted with most of the fire officials during the past few days, and has determined that it is now time for Fremont County to go into a fire ban.

Bill Guindon Cañon City Fire Chief, stated they were facing some of the same situations, and they are averaging a fire every two to three days. One of the biggest challenges is the wind conditions, and they are starting to have limited resources. Careless smoking and fireworks have been an issue.

Commissioner Stiehl moved to impose a fire ban for Fremont County in accordance with Ordinance #1, Series of 2003, **Resolution #31**. **Commissioner Norden** seconded the

motion and asked for clarification of what the fire ban deals with in relation to outdoor cooking and outdoor grills.

Ty Martin stated that if they go to Level One Enforcement, charcoal grills or grills that would be fired by either wood or charcoal or could not immediately be shut off would be under the ban. Gas grills where the fuel source can be shut off, would still be allowed

Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #31**.

COLORADO STATE FOREST SERVICE – UPDATE ON MASON GULCH FIRE

Paul Crespin, District Ranger in Cañon City, displayed a map of the fire area and submitted a fact sheet. **Dave Stienke, Regional Office Public Affairs Specialist and Lynn Barclay, Fire Information Officer**, were also in attendance. He stated that the fire had consumed about 11,700 acres, and the fuels in this area were mainly ponderosa pine and oak. They have single-engine air tankers that are based at the Fremont County Airport, and they have done a tremendous job in helping. This fire was burning so hot in an area that was so steep and so dangerous, they could not put people on it. They were not going to compromise the safety of the firefighters, pilots or the public. On Friday evening they made the decision to bring in a Type 2 management team, and they took over the management of the fire. The smoke columns were going about 30,000 feet. Fremont County and the local VFD's have been invaluable in this effort. On Sunday afternoon, they kicked up their needs to a Type 1 team. This team is a little bit more qualified, more highly skilled and has more access to more resources. There have been no homes lost, or outbuildings and only a couple of minor accidents. There are 700 people on the fire. The Incident Command Post is located at Florence High School. Lynn Barclay, Incident Information Officer, is the point of contact if there is something that needs to be addressed. At 8:00 A.M. Wednesday, they are going into Stage 1 restrictions on both Forest Service and BLM lands. No open fires, propane is ok, and smoking in areas that are clean. He stated they were all pretty self-contained at the camp, and have services they need. They have started to mobilize folks to figure out what they are going to do to revegetate.

Commissioner Lasha stated that they appreciated the efforts that everyone has put in.

Lynn Barclay stated that people who want to help could remember the local fire departments. They could also help by doing work around their homes creating defensible space. She stated she wanted to say thanks for hosting and allowing them to be part of the community and for support.

PUBLIC HEARING

REQUEST: SRU 05-002 CHILDREN OF THE SON (AMENDMENT)

JULY 12, 2005 10:00 A.M.

RESOLUTION #32

Jamey Madonna, Foundation Director, stated they had operated a summer recreation for little girls in foster care. He stated they were asking permission to use their existing facility for year around use for retreat and conference center. They are finding it more and more difficult to raise the funds. They scholarship 180-200 girls through their program every year during the summer, and they must raise \$50,000-\$60,000 in order to accommodate that. They would like to use their facility from September through the end of April.

Bill Giordano, Planning & Zoning Director, stated this was an amendment to an existing SRU. At the Planning Commission meeting on June 7th, the Planning Commission did recommend approval with Conditions A through K. One of the conditions is that this is limited to 35 persons. The Department felt that the time from September 2nd to April 30th, there would be no residential children. He stated he

recommended the Commissioners to add that to one of the conditions. There are a list of 9 Contingencies. As far as the Additional Items for Consideration on the parking area, the Planning Commission and the Commissioners had previously waived the requirement of hard surfacing for any of the parking areas. The Planning Commission did recommend waiving it again. The notifications, posting and publication has been done in accordance with the regulations. This will require a resolution and will be prepared for the next meeting.

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

Jamey Madonna stated he wanted to add that the dirt road and the main road to the property is listed on the maps as County Road as 211A. It services no other property. He thought there was something in the 90's to vacate it and a resolution was passed. George Hall has not been able to find anything. He stated they would like to have that revisited. They maintain the road themselves.

Commissioner Lasha stated that would be an issue to bring up with Commissioner Norden and the road foreman at another date. He stated that they previously had questions about medical and fire response. He asked what would change during the different months?

Katrina Madonna stated she would still be on the property and she is an EMT. She stated she planned to go to PCC this year and upgrade her skills. They always have a contract with Deer Mountain.

Jamey Madonna stated there is the 8,00 square foot main lodge, a 1500 square foot A-Frame and a two-story cabin about 1500 square feet. The main lodge, they are able to put 20 people total. They removed the kitchen area from that home. The other two are able to handle 15 total based on the septic system. They built a new commercial kitchen and dining hall with it's own separate septic. Their existing summer camp facility has beds totaling 35 between the three buildings. Since they bought it, they have put \$2.5 million worth of improvements into the entire property. They have upgraded everything to code.

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

Commissioner Stiehl moved to approve Request for SRU 05-002 to allow the facility to be used on a year round basis adding the time from September 2nd to April 30th, requiring the recommended conditions A through K with the addition of Condition L that no residential school age children other than family members will be allowed from September 2nd through April 30th each year, and the recommended contingencies 1 through 9 continue, and waive the requirements for surfacing, lighting and landscaping, **Resolution #32.**

RECOMMENDED CONDITIONS

- A. Special Review Use Permit shall be issued for life of use.
- B. The Department of Planning and Zoning shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board of County Commissioners for their review as required by regulations.
- C. Applicants 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. Applicants 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 and keep in effect all other permits required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- 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 conditional use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department of Planning and Zoning 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.
- G. If a Special Review Use is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. The maximum number of persons whether children or staff is limited to 35 persons.
- I. Hours shall not be limited; however, operations for the child care facility and the summer camp (recreational facility) may only take place between May 1 and September 1 each year and from September 2 to April 30 for the retreats and convention facility.
- J. 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.
- K. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.
- L. No residential school-age children, other than family members, will be allowed each from September 2nd through April 30th each year.

RECOMMENDED CONTINGENCIES

It is recommended that the following contingencies be provided within six (6) months (**no extensions**) after final approval by the Board of County Commissioners:

1. Provide an access permit or documentation from Colorado Department of Transportation that the existing access, onto State Highway 69, is acceptable for the use of the property for all specified uses and for specified time frames.
2. Documentation as to compliance with any applicable requirements of the Fremont County Environmental Health Officer as related to the 3,000 square foot kitchen other applicable requirements for the facility.

3. Documentation that Children of the Son are a viable company or corporation and are still in good standing and that Jamey and Katrina Madonna are authorized to sign for the company or corporation.
4. Documentation that stormwater drainage runoff was adequately addressed with the building permit for the 3000 square foot kitchen.
5. Setbacks shall be provided for the kitchen facility and the garage which appears to have been moved per original site plan.
6. Documentation from the Colorado Division of Water Resources that existing well permit is adequate for the use of the facility for childcare facility, summer camp, retreats and as a convention facility for the specified time frames.
7. The subtitle of the site plan shall include retreats and convention facility.
8. Correct the spelling of the word "road" in the vicinity map.
9. Remove note and designation for old SRU boundary and the note "SRU New Revised" located within the site boundary.

WAIVED

Surfacing	5.3.2
Lighting	5.3.3
Landscaping	5.3.4

The motion was seconded by Commissioner Norden. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Lasha, aye. The motion carried and carried with it the adoption of **Resolution #32**.

NEW BUSINESS (CONTINUED)

APPLICATION FOR SPECIAL EVENTS PERMIT – VFW POST 4061

Gene Nelson, Commander, VFW Post 4061, introduced John Donahoo who would be the bar manager. Mr. Nelson stated this would be for the Elk Foundation. They did not bring the poster with them, but they will get it as soon as the meeting is over. He stated this would be August 13th and they were expecting in the neighborhood of 400 people. Their portion was to support with a bar and equipment. They talked with Mr. Slater and furnished him a million dollar liability insurance policy. At present they have 300+ tickets sold.

Bill Giordano reminded the applicant that they still need to get the Temporary Use Permit for the event. Someone has been in and talked with them, and the Building Department has gone out and done some inspections and did some preliminary work.

Brenda Jackson, Fremont County Attorney, stated that since it takes a while to get a liquor license through the State, the Board could approve that today conditioned on them getting an application submitted. That can then go through an approval process.

Commissioner Lasha made the motion to approve the application for the Special Events Permit on condition that the poster coming back in and the approval of the TUP for August 13th to the VFW Royal Gorge Post 4061. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried.

REQUEST: PP 05-002 COOL COMMERCIAL FILING NO. 1

Matt Koch, Cornerstone Land Surveying, stated they were requesting a five-lot subdivision located in Penrose between L and M Streets just off Highway 50. Right now it is two lots, Lot 1 has an existing two-story building being used as a furniture store. The other lot has a solar supply business, and those will remain on the lots. Cool Court is the cul-de-sac they are proposing and it will be a private roadway and maintained by the owners that have access off of it. The drainage changed after they submitted the preliminary plan. They met with Mr. Effinger on site. The developer owns the property to the north of Highway 50. Mr. Effinger thought it would be best to put the detention

pond on that side of the street, detaining the water that is coming across the street through the culverts under the highway. This came about afterwards, so they didn't plat it as a lot.

Bill Giordano stated that at the June 7th meeting the Planning Commission did recommend approval with 13 contingencies and granted five waivers. One of the things they didn't catch originally at first and that is number 2 where they asked for Lots 2, 3, 4 and 5 to contain a net of 2 acres. Because it was a private road, Matt had platted it as an easement. They determined later that it had to actually, even though it's a road, couldn't be as an easement, couldn't be figured into the acreage. Matt did go back and redesign it so each lot does have two acres. The Planning Commission felt that prior to coming to the Board, the drainage issue should be addressed. Mr. Effinger still has some concerns with some of the design. It has to be addressed but before final plat, they are going to have to have construction plans. On Number 9, they asked that there be a minimum 44-foot cul-de-sac radius. Matt has provided a 50-foot based on the fact that the 50-foot is what the fire department has requested. This will be their private street standards from now on. It will set a precedent when approved. In his review, they had asked that the detention pond lot would become part of the subdivision. He stated he thought it got taken out of the Planning Commission recommendation because Matt more or less agreed that that would be the situation. He stated he did not see a whole lot of problems of including this lot in there other than the original submittal obviously was for one less lot. Through the County Engineer, they are requesting that they put this detention pond on another lot. He stated he would still recommend, as long as there's no legal issues, that that become part of the subdivision.

Commissioner Lasha stated that he would allow Mr. Bartell to speak.

Lavern Bartell submitted a photograph showing the water coming underneath Highway 50. He asked how the Highway would be regulated? There will be a lot more traffic and there have been several accidents on M and 50. Will there be a light, will there be a turnoff lane? Will there be a slowing of the speed limit, merge lanes, or turn lanes? He asked if there would be a berm that separates the residential from commercial?

Matt Koch stated that as far as the drainage, he thought that was why Mr. Effinger wanted the detention facility on that side of the highway. It will actually improve the situation. The drainage should be reduced coming across the highway which will lessen the impact on the neighbors.

Tom Grethel, A.G. Engineering & Environmental Services, stated that what they were dealing with is a very large basin, it is 275 acres. When they did the calculations, they assumed there would be no development, roads, houses, barns, fences, etc. They found that this plot is adequate if they put at least a one-foot berm. They can detain enough water and release it at a rate that it should not be damaging to anything downstream. Between the detention they are going to do upstream and enlarge some of the downstream culverts, it should handle the flows better so that it is not flowing out over the roads.

Matt Koch stated there were already some restrictions on the access from the highway. The existing plat of Prairie View stated that there would be no access with 150 feet of Highway 50 and they have held to that. This site was used by a construction company and had trucks coming on and off when he was using it for that purpose. The lots are the size that this would be more for small businesses, so the truck traffic should be reduced.

Bill Giordano stated that from the Highway Department, there are no changes that are being requested. His recommendations that he provided to the Planning Commission treated it as a property owners disclosure notice. They retain some rights to drainage on premises sites. To the accesses, they addressed it in Item No. 4 where they required the final plat shall note that prior issuance of a building permit, documentation will be required as to whether a Colorado Department of Transportation access permit is required. This becomes a plat statement so when they do the review, they make sure that will get

documentation on the building permit prior to issuance. On the buffering, their requirements do require buffering when it is adjacent to Ag-Estates or Ag-Suburban. None of this is adjacent to either one of those, so there is no requirement. On the drainage, the requirement is that you only detain what is created by you, it's above historic. They are exceeding that is this instance. The requirement is that they handle the water coming into the property and out of the property. Where this property ends, it has to be back to what was historic. That ditch will open up, they are not required to go any further down. To clarify the contingencies, Mr. Giordano stated that No. 2 has been addressed, so that one can be eliminated. No. 3 would read: "Documentation that the drainage plan is acceptable to the reviewing engineer". Add "a" under No. 3 would read: "The lot that houses the detention facility becomes part of the subdivision". No. 9, the reference to 44 foot cul-de-sac radius is changed to 50 foot.

Commissioner Norden moved to approve PP 05-002 Cool Commercial Filing No. 1 preliminary plan to the five-lot major subdivision, with the contingencies as listed that when the final plat comes back to the Board, the lot in question with the detention pond be listed as included within the plat as an additional lot. The terms of maintenance be attached to the plat for that lot as well as the deed, and approving the waivers. **Bill Giordano** stated that the motion would be the 12 contingencies, eliminating No. 2, dropping off the last part of No. 3, No. 9 correcting the 44 foot to 50 foot, approving the requested waivers.

RECOMMENDED CONTINGENCIES:

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

1. Proof of payment to the Colorado Geological Survey for their review fee.
2. Documentation that the drainage plan is acceptable to the reviewing engineer.
 - a. Lot 1, which houses the detention facility shall be included in the subdivision.
3. Final plat shall note that prior to issuance of a building permit, documentation will be required as to whether a Colorado Department of Transportation access permit is required. *As per the letter received from the Colorado Department of Transportation dated April 26, 2005, depending upon the proposed land uses, an access permit may need to be obtained if associated traffic volumes would require improvements to be made to the intersection of "M" Street and SH 50.*
4. Final plat shall note that no direct access will be permitted from "M" Street or State Highway 50 except for Cool Court.
5. The final plat shall contain the following statement: A lot-specific subsurface soils and foundation investigation, including geotechnical testing, should be conducted prior to building to identify if these soils (loose and collapsible soils) and bedrock are present, and make appropriate design changes.
6. Final plat shall contain a statement as to maintenance of all drainage facilities.
7. Proof of purchase of water taps or documentation that existing water taps are adequate for business uses for each lot. In addition, water line plans and profiles, approved by the Penrose Water District shall be provided for the installation of the required 6 inch main. If water taps are not purchased and water main is not installed prior to recording of the final plat an improvement and escrow agreement may be provided. Proof of purchase will be required prior to release of escrow funds and/or recording of the final plat. A letter from the Penrose Water District accepting the installation of the 6 inch main will also be required prior to recording of the final plat and/or release of escrow funds.
8. Cool Court shall be constructed to the following standards: A 50 foot right-of-way with a minimum 50 foot cul-de-sac radius, a 24 foot driving surface, with 8 inches of Class V sub-base material and 4 inches of Class VI finish base. If road improvements are not completed prior to recording of the final plat an improvement and escrow agreement may be provided. A letter from a Colorado Registered Engineer will be required stating that road was constructed to the above standards prior to recording of the final plat and/or release of escrow funds.

9. Construction of all required facilities prior to recording of the final plat. If drainage facilities are not completed prior to recording of the final plat an improvement and escrow agreement may be provided. A letter from a Colorado Registered Engineer will be required stating that drainage facility was constructed to the design standards prior to recording of the final plat and/or release of escrow funds.
10. A Colorado Professional Registered Engineers estimate for installation of all improvements, road construction, drainage facilities, fire hydrants, water main extension, street signs, and etcetera, if escrow is to be provided.
11. A quit claim deed addressing maintenance of road and drainage facilities will be required prior to recording of the final plat.
12. As recommended by the Fremont Conservation District, other than the roadway, all areas disturbed by construction, such as the new Cool Court Street be reseeded to drought tolerant grasses, preferably native species.

WAIVED

1. Waiver of the Water Resources Report.
2. Geological Hazards Map-As per applicant there are no hazards, therefore no map is included.
3. Potential Mineral Resource Area Map. As per applicant there are no mineral resources, therefore no map is included.
4. Wildfire Hazard Map. As per applicant there is no wildfire hazard, therefore no map is included.
5. Wildlife Habitat Map. As per applicant there are no wildlife habitats within this subdivision, therefore no map is included.

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

APPOINTMENT OF COUNTY REPRESENTATIVE FOR HB1177

Commissioner Norden moved that Commissioner Mike Stiehl be Fremont County's representative to the Arkansas Basin Roundtable as designated appointee under terms of House Bill 1177 approved by the Legislature this past session. The motion was seconded by Commissioner Lasha. **Commissioner Stiehl** stated it was the County designee. He stated that House Bill 1177 was passed in the hopes that the various river basins would cooperate and talk as opposed to being at odds with each other and to find some common ground as far as making water agreements. There will be nine basins each with a roundtable representing that basin. The way the Bill is written is that the big cities can't gang up on the little cities. This will be an experimental thing and is in it's formative stages right now. Once the initial roundtable is formed, those folks will choose another ten at-large members to be appointed by roundtable members. They will be looking for people who are interested in water issues to come forward. Please contact any of the Commissioners. **Commissioner Norden** stated that each county also has one municipal representative. It will be up to the municipalities of Cañon City, Florence, Brookside, Coal Creek, Rockvale and Williamsburg to jointly determine a municipal representative. Upon vote: Commissioner Norden, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Lasha adjourned the meeting at 11:32 A.M.