

August 8, 2006

1

NINETEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 8, 2006, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Michael Stiehl called the meeting to order at 9:30 A.M.

Michael J. Stiehl	Commissioner	Present
Edward H. Norden	Commissioner	Present
Larry Lasha	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 Kris Lang, Deputy Clerk.

The Morning Prayer was given by Pastor Larry Chell from the Christian Family Fellowship.

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

APPROVAL OF AGENDA

Commissioner Norden moved to reverse the sequence of Items 3 and 4 under New Business. He stated that Coyote Ridge Subdivision and Lands of Lohnes IV are across the road from each other and that the Coyote Ridge Subdivision appears to have the larger impact in the area with many of the same and related issues as Lands of Lohnes IV. Commissioner Norden stated the revised sequence would be as follows: Item #3 Request PP06-003 Coyote Ridge Subdivision. Item #4 Request PP06-002 Lands of Lohnes IV. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha; aye. The motion carried.

CONSENT AGENDA

Commissioner Lasha moved to approve the Consent Agenda:

1. Approval of Minutes July 25th and Special Meeting August 1, 2006
2. Approval of Bills August 8, 2006 / \$585,970.33
LIQUOR LICENSE
3. JLEE ENTERPRISES INC.
GATEWAY LIQUOR
710 K W 4th STREET
PUEBLO, CO. 81003-2304
Retail Liquor Store License Renewal – Malt, Vinous and Spirituous
4. CAT'S CORNER LLC
411 BROADWAY
PENROSE, CO. 81240
Retail Liquor Store License Renewal – Malt, Vinous and Spirituous
5. Adoption of Resolution #59, Series of 2006, file #VPR 06-001 Brill (13th Street Between I & J Streets).

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff/Elected Officials

August 8, 2006

2

Norma Hatfield, Fremont County Clerk & Recorder, submitted the Clerk's Report for the month of July. She stated that the total revenues earned in the Clerk's Office was \$686,988.97 and that figure was up from a year ago by \$2,295.07. The sales tax collected was \$59,774.24, which was down \$14,709.44 from a year ago. Money collected for distribution among the entities was \$405,759.16 and that was an increase of \$14,432.81 from a year ago. **Commissioner Lasha** moved to approve the Clerk's Report for July. The motion was seconded by Commissioner Norden. Upon vote: Commissioner Lasha, aye; Commissioner Norden, aye; Commissioner Stiehl, aye. The motion carried.

Commissioner Lasha reported the previously completed repairs on CR 132 and the bridge on CR 123 were recently damaged due to heavy rains. The original damage suffered on Phantom Canyon had been postponed with attention being diverted to the repairs of CR 132 and CR 123 and now has suffered secondary damage from the recent heavy rains. Commissioner Lasha reported following the initial storm and flooding an estimated damage of \$370,00.00 was reported and the County is presently re-repairing those damages. Commissioner Lasha and Stiehl compliment the three Road and Bridge Departments for their accomplishments.

Commissioner Norden reported the State Office of Emergency Management had denied Federal assistance for the damage suffered in Fremont, Teller and Douglas Counties as a result of the July 5th flooding. FEMA requires that Statewide damages total more than \$5 million to qualify for Federal Assistance and although extensive the flood-ravaged Counties fell short of that figure. He stated the County will be liable for the \$370,000.00 out of pocket expense and that will dramatically deplete the \$422,000.00 Road and Bridge Reserve and will gravely affect the Budget of 2007. These funds will need to be restored in the event of any other or additional catastrophic situation. **Commissioner Lasha** reported a meeting was scheduled on August 14, 2006 with the Department of Local Affairs to request State Funding. **Commissioner Stiehl** clarified FEMA Funds require \$5 million dollars of damage exclusive of any State or Federal Roads. The damage criteria is cumulative for all Counties with regards to County roads within the State for the same disaster date and that criterion was not met.

Commissioner Norden reported the Fremont County Fire Ban was suspended at the Board of Commissioners, Special Meeting on August 1, 2006.

2. Citizens Not Scheduled. There were none.

NEW BUSINESS

Bruce Redus, Executive Director of Fremont Economic Development Corporation gave an update report.

CERTIFICATION OF COMPLIANCE WITH SB060-090

Commissioner Norden reported the Colorado Senate Bill 06-090 now requires written confirmation from local governments to the General Assembly under C.R.S. 29-29-01 through 29-29-103 certifying cooperation with Federal officials on matters of immigration status. The Certification of Compliance states that the County of Fremont does not presently have any ordinance or policy that limits or prohibits a peace officer, local official, or local governmental employee from communicating or cooperating with Federal officials with regard to immigration status and issues of any person within this State.

Commissioner Norden moved to authorize the Board of Commissioner Chairman to sign the Certification of Compliance with SB06-090. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried.

August 8, 2006

3

PUBLIC HEARING
REQUEST: ZC06-003 AIRPORT INDUSTRIAL PARK – WEST ZONE CHANGE
AUGUST 8, 2006 10:00 A.M.
RESOLUTION #61

Bill Giordano stated the Fremont County Board of County Commissioners instructed the Planning and Zoning Department to initiate a Zone Change from Airport Industrial Park Zone District to Industrial Park Zone District for property owned by Fremont County, described as Lots 35 through 39, Airport Industrial Park. The property is located *approximately ½ mile south of intersection of US Highway 67, on the west side of Colorado State Highway 67, north of the City of Florence.* He reported the posting, publication and notification of the property owners has been satisfied. The Planning Commission unanimously approved the Zone Change from Airport Industrial Park to an Industrial Park. Mr. Giordano referenced a letter received from the State Highway Department that outlined general regulations, however specific determinations cannot be established without the designated usage and occupancy of the lots.

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

Commissioner Norden reported that Fremont County has very limited options regarding industrial park property. He reported in the past few years there has been a lot of interest to extend the industrial development onto the north side of Highway 50 across from the Airport, however water issues have complicated and compromised those developments. This site already has a water commitment from the Florence Water Department and this opens further opportunities for other businesses and industries that have inquired with the County in the last year or more for possible expansion or new development. He felt this Zone Change would extend beyond the immediate needs being addressed. **Commissioner Norden** made a motion to approve ZC 06-003 Airport Industrial Park West Zone Change, **Resolution #61** with the following justifications for rezoning. Additional land is needed in the proposed zone district. The proposed Zone Change will be in conformance to the Comprehensive or Master Plan for the area. There is a public need and there will be a County or neighborhood benefit. The granting of the Zone Change will tend to preserve and promote property values in the neighborhood. The proposed development will be in harmony and compatible with the surrounding land uses and development in the area. The motion was seconded by Commissioner Lasha with a statement of recognition for the cooperation and support of the Florence Water Department. Commissioner Stiehl agreed with Commissioner Norden regarding the limited availability of industrial zoned land within the county, therefore limiting economic development. Upon vote: Commissioner Norden, aye; Commissioner Lasha, aye; Commissioner Stiehl, aye. The motion carried with the Adoption of **Resolution #61**.

NEW BUSINESS CONTINUED

REQUEST: PP06-003 COYOTE RIDGE SUBDIVISION

Tim Rocchio, R.C. & T.R. LLC. stated he was representing John & Pamela Sell and they were requesting approval of a seventeen (17) lot preliminary plan for property which is located on *the west side of Illinois Avenue approximately 1600 feet north of Smith Street, in the North Cañon Area.* Lots 1 through 5 and Lots 7 through 17 will average in size from 0.35 to 0.57 acres with Lot 6 being 12.03 acres. Lot 6 has a residence under construction. All other proposed lots are vacant. The property is zoned Agricultural Suburban and contains approximately 19.60 acres. Mr. Rocchio stated they were in agreement with all the contingencies except #3A for the construction of Illinois Avenue south of High Street to Washington Street to County paved, collector street specifications. He referenced a letter from the County Engineer stating that the construction of Illinois Avenue is no longer a concern or issue.

August 8, 2006

4

Bill Giordano reported the Planning Commission did vote unanimously for a denial on PP 06-003 Coyote Ride Subdivision. The motion was denied with emphasis that the issue between Park Center Water District and the Office of the State Engineer must be resolved before any other recommendations could be determined. Mr. Giordano reviewed the 27 Contingencies confirming the elimination of Item A under Contingency #3. He referenced a letter of request and recommendations from Mr. Effinger emphasizing adequate drainage along Illinois Avenue and concerns over the size of the detention pond and historic flow. Mr. Effinger recommended a second detention pond and felt the pond located on Lot 6 was too far from Illinois Avenue and proposed a second detention pond on Lot 1 or one large detention pond on Lot 1 or in that general area. Mr. Giordano stated he felt that overall County Engineer, Mr. Effinger is happy with the drainage plan and he himself felt the concept was acceptable but required technicality revisions.

Commissioner Lasha requested clarification of Contingency #15 regarding the responsibility of maintenance of the drainage facilities. Mr. Rocchio stated the property owner of the said lot housing the drainage facility would be responsible. Commissioner Norden referenced a letter from the County Engineer stating in his reviews a detention facility must be located near the discharge point for storm water run off that is near Illinois Avenue specifically proposed Lot 1. The proposed pond location on Lot 6 could be used in conjunction with another pond. It alone does not meet the needs of the neighborhood and down stream impacts. The consequence of concentration storm water run-off channeled and concentrated from curb and gutter and pavement installation would surely represent a major impact in downstream facilities, which are inadequate at best.

Mr. Verkaik, The Designing Engineer of the detention facility stated the County subdivision regulations were followed in determining the location of the detention pond facility and the amount of water being discharged. He reported the proposed plans were in compliance with Fremont County subdivision requirements. Mr. Verkaik is in the process of obtaining clarification from Mr. Effinger regarding his recommendations. **Commissioner Stiehl** stated this was a preliminary plan discussion and clarification, requirements and improvements need to be satisfactorily addressed at the time of final plat. **Commissioner Lasha** asked Mr. Rocchio if the developer would be willing to add an additional pond as a condition. Mr. Rocchio stated yes. **Commissioner Norden** reported multiple letters of opposition and support have been received for Coyote Ridge Subdivision.

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

Jim Ensley, Illinois Avenue Resident stated he owns fourteen acres adjacent to the proposed subdivision and refuses to be annexed into the City. Mr. Ensley felt the subdivision would have a negative impact on the majority of long established residents and referenced those speaking today as well as two petitions signed by 49 other residents against it. He remarked that the master plan states a new development couldn't be allowed to negatively impact existing communities and advised this information had been previously attained from County Attorney, Brenda Jackson. Mr. Ensley felt approving the plan was unconstitutional to those who were against it. He reported that flooding issues exist and an irrigation holding pond will not address the problem. Mr. Ensley contends part of the subdivision regulations require input from existing landowners and feels with the opposition those requirements have not been met.

Larry Burns, Illinois Avenue Resident stated he owns property adjacent to the north edge of the subdivision. He submitted photographs addressing the drainage problems from five to six years ago. He felt Park Center Water District bases their proposal on water that needs to be purchased from Cañon Colorado Heights Ditch Water. Mr. Burns reported he received a letter in July informing him he could not irrigate because no water was available and is questioning how additional shares of water can be purchased from a depleted source. He questioned whether the house on Lot 6 would require paving, curb and gutter as part of the subdivision.

Teresa Ensley, Illinois Avenue Resident stated she agrees with her husband Jim Ensley. She referenced Resolution #40 adopted in July 1998. She commented at that time the Board of Commissioners recognized the importance of farming and ranching in Fremont County and the area around the proposed subdivision is heavily used as farms and ranches. She remarked that it was the obligation of the Board of Commissioners to minimize conflict between agricultural and non-agricultural uses and placing a high-density subdivision into the middle of an agricultural area invites conflict. Mrs. Ensley proposed increasing the lot sizes, decreasing the number of homes to reflect the lifestyle currently in the area.

Georgia Smith, Illinois Avenue Resident stated the subdivision was inappropriate for the area due to traffic safety, endangering wildlife and water limitations. Ms. Smith distributed pictures of the intersection at High and Illinois revealing potholes; water leaks from cracks and road crumbling and feels this troubled infrastructure cannot handle increased traffic resulting from a subdivision. She stated it was the opinion of the State Engineer's office that more water cannot be supplied without injury to existing water rights.

Suzanne Fox, North Street Resident stated she agreed with all the opposition against the subdivision.

Jack Githens, Illinois Avenue Resident stated he was concerned over the safety issue of the increased traffic that would result from the subdivision, flooding, water issues on Illinois Avenue and septic system installations within the subdivision.

John Smith, Illinois Avenue Resident stated he was against the proposed subdivision and agreed with all the opposition expressed.

Jennie Macleod, Indiana Avenue Resident stated she was concerned regarding flooding drainage and water over-flow.

Sharon Burns, Illinois Avenue Resident stated she agreed with all the opposition against the subdivision.

Joan Wood, Indiana Avenue Resident stated she agreed with all the opposition against the subdivision and was especially concerned regarding the water drainage issue and the increased traffic.

William Agnew, Smith Street Resident stated he agreed with all the opposition against the subdivision.

Commissioner Stiehl responded to some of the concerns expressed. He advised the driveway off the plated street on Lot 6 would not require curb and gutter. He commented that residents with septic systems within 400 feet of the sewer line would not be required to hook-up to the sanitary sewer system. Commissioner Stiehl reported that the Colorado Statute determined that a three-mile radius around the City limits of any Municipality in the State is considered an urban growth area. A Governmental Agreement was established in the City of Cañon for growth in the targeted areas. Those areas require Annexation Agreements and approval by the City. He summarized Resolution #40 of 1998 which essentially protects ranching, farming and other agricultural activities in Fremont County against nuisance suits. Commissioner Stiehl reported this property is Zoned Agricultural Suburban and although residents in this area are against the development, subdivisions are allowed in an Agricultural Suburban Zoned Area. He also advised that the Board of Commissioners abide by the local water suppliers guarantee of water.

August 8, 2006

6

Brenda Jackson, County Attorney advised that the Statute addresses the issue when the State Water Engineer disagrees with the Local Water District. The Statute specifies the Board of Commissioners place notice on the plat and a disclosure to the potential purchaser stating that water availability may be a concern until a resolution has been reached.

Commissioner Norden explained the Agricultural Suburban is a transitional Zone and multiple uses are permitted in this zone district. He referenced an e-mail communication between Georgia Smith and Planning and Zoning Director Bill Giordano, whereas, Mr. Giordano advised that the only true way to ensure that the land around you or in the vicinity is not subdivided to the development requirements of the zone district is to purchase it so it cannot be subdivided. It is each individual property owners right to be able to subdivide provided it complies with applicable zoning and subdivision regulations. In this instance this property is zoned Agricultural Suburban, which allows lots sizes as small as 15,000 sq. ft. per lot with public sewer and water, which is the case in this application. Since this property does meet this criterion it is eligible for subdivision. Commissioner Norden stated that Mr. Sell has the same constitutional and individual property rights under this zoning classification as anyone else.

Commissioner Lasha asked applicant John Sell for his comments regarding the request of increased lot sizes. Mr. Sell responded the minimum amount of lots were calculated to make the development cost effective and off set the expenses of road and irrigation improvements, installation of drainage facilities, hydrants, sewer lines, fencing and all other requirements of the subdivisions.

Commissioner Norden expressed concern over the drainage issue addressed by the County Engineer and noted that improvements to the existing drainage system along Illinois Avenue must be addressed along with drainage on the site. He asked the applicant to respond. John Sell stated he would make sure that Mr. Effinger and Mr. Verkaik get together and reach an equitable agreement and he intends to do whatever needs to be done to adequately address the concerns as they proceed along to the final plat and meet the County Engineer requirements. Commissioner Norden reported the Planning Commission recommended that the Board of Commissioners require Park Center Water District to provide a signed and sealed report on each application by their water engineer confirming that the district does have adequate water supply for the proposed development. Commissioner Norden read a letter dated August 8th from Park Center Water District, where they commit, an irrevocable and permanent commitment to service the additional domestic water taps in the proposed Coyote Ridge Subdivision subject to the normal criteria. He further stated the Division of Wildlife responded to the subdivision application and noted the development of a subdivision at this site will have minimum impact to the wildlife habitant that currently exists in the area that is largely developed for people usage.

Commissioner Lasha made a motion to approve PP06-003 Coyote Ridge Subdivision with the 27 Contingencies revising items 3, 8 and 15.

RECOMMENDED CONTINGENCIES

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

1. A report that provides adequate information for assessment of the presence or absence of potential radiation hazards. *As per the State of Colorado, Radiation Management Unit Manager – Stephen F. Tarlton, Dated May 10, 2006* the report does not provide adequate information for assessment of the presence or absence of potential radiation hazards.
2. Statement on the final plat that the subdivider/owner/seller/etc. will provide the potential purchasers with a copy of the latest State Engineer's opinion concerning public water from Park Center Water District, prior to the sale or synopsis of the opinion.

3. Documentation as to compliance with any requirements of the County Engineer concerning traffic analysis and drainage as per the following:
 - a. An additional lift of double chip seal is to be placed on Illinois Avenue from the site, south to High Street, a distance of about three quarter of a mile.
 - b. The barrow ditch is in agreement with the County Engineer Specifications.
 - c. The drainage plan is in agreement with the County Engineer Specifications.
 - d. Additional design information is required. What is the potential that Illinois Avenue will be extended as indicated in the report? Is the Washington Heights development part of this proposal? Is it going to happen and if so, will it contribute to the development of the roadway system? Assuming a larger percentage of traffic south on 9th Streets, what will be the traffic impact? What is 75% of traffic down 9th Street? This seems a more likely scenario.
4. All construction plans shall reflect any requirements by the County Engineer.
5. The final plat shall contain a statement that *lot-specific subsurface foundation investigations should be performed on each building site prior to the building permit to determine the specific subsurface characteristics and ensure that the foundation design is adequate.*
6. Documentation as to annexation into the Fremont Sanitation District.
7. Plans and profiles, approved by the Fremont Sanitation District, for sewer lines extending from the existing sewer main and all mains within the subdivision.
8. Documentation as to acceptance and/or approval from the Cañon Heights Ditch Company prior to recording of the final plat for the following:
 - a. Irrigation ditch be lined with 15-inch diameter 80-PSI PVC pipe for the length of the subdivision frontage or to other standards specified by the Cañon Heights Irrigation and Reservoir Company.
 - b. Replace any head gates or diversion structures necessary to serve current shareholders supplied by this ditch, as per Cañon Heights Irrigation and Reservoir Company.
 - c. The irrigation pipe will be required to be marked with "locator-wire". The pipe location must be marked on the surface as well by carsonite posts or something similar.
9. Documentation that information requested by Cañon City School District RE-1 was provided to them as outlined in the letter provided from L.F. Buddy Lanbrecht, dated April 17, 2006. Additional requirements may result upon further response from the School District based on receipt of the additional information.
10. All streets within the subdivision shall be constructed to County Specifications for paved, curb and gutter streets along with 5' sidewalks on all interior streets.
11. Documentation as to available water taps for all lots with the final plat application.
12. Proof of purchase of water taps or documentation for all lots. If water taps are not purchased and the 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 fund and/or recording of the final plat. A letter from Park Center Water District accepting the installation of the water main will also be required prior to recording of the final plat and/or release of funds.
13. Fire hydrants as required by the Cañon City Area Fire Protection as per fire protection form dated April 17, 2006.
14. Water line plans and profiles (approved by Park Center Water District) including fire hydrants, (approved by the Cañon City Fire Authority) from the existing main to the site and all water line and hydrants within the subdivision.

15. Final plat shall contain a statement as to the maintenance of all drainage facility with reference and consideration to Lots 1 and 6.
16. If road improvements are not completed prior to the recording of the final plat an improvement and escrow agreement may be provided. A letter from a Colorado Registered Engineer, who designed the improvements will be required stating the specified improvements were constructed to the above standards and his design, prior to recording of the final plat and/or release of escrow funds.
17. Construction of all required drainage 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.
18. A quitclaim deed addressing maintenance of all drainage facilities will be required prior to the recording of the final plat.
19. The final plat shall contain a setback line for all wedge shaped lots. The setback line shall not be a curve.
20. A Colorado Professional Registered Engineers estimate for installation of all improvements, road construction, irrigation improvement, drainage facilities, fire hydrants, water and sewer main extensions, street signs, fencing requirements and etcetera.
21. All drainage easements should be established for all the drainages and clearly shown on the final plat as “no-build “ areas.
22. Copy of a Colorado Storm Water Permit if more than one (1) acre of land is to be disturbed.
23. Irrigation/Ditch easements of record will be noted on the subdivision plat/drawing.
24. Final plat shall note dedication of an additional 5 feet of right-of-way, to provide for 35 feet of right-of-way from the centerline of Illinois Avenue.
25. An executed ratification, consent and release form will be required for deeds of trust found at reception #809673. The form, which requires final plat information, will be provided with the review of the final plat.
26. An executed copy of the “**Annexation Agreement to the City of Cañon City**”.
27. The final plat shall note that access to Lots 1, 11, 12 and 17 shall be limited to Rock Ridge Loop.

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

REQUEST:PP06-002 LANDS OF LOHNES IV

Chuck Rupp, Ponderosa Engineering stated he was representing Charles and Patricia Lohnes and they are requesting approval of a three (3) lot preliminary plan for property which is *located on the east side of Illinois Avenue approximately 1750 feet north of Smith Street, in the North Cañon Area*. Proposed Lot 1 contains a two-story residence, which is used as a two-family residence (duplex), a garage and 4 sheds. Proposed Lot 2 will contain 1.99 acres and is vacant. Proposed Lot 3 will contain 9.12 acres and is vacant. The property is zoned Agricultural Suburban and contains 12.12 acres. Mr. Rupp stated they were in agreement with all the Contingencies except #11 and request deletion since it was contingent on acceptance of Contingency #2.

Bill Giordano confirmed that Contingencies 2, 3 and 11 are similar. He stated the County Engineer and the Conservation People are concerned with the swale. Another issue of concern is the Fire Department requires that any building to be constructed should have a fire hydrant within 400 feet of the structure. Mr. Giordano stated that Contingency 16 could be deleted since a traffic impact analysis would not be required for a three-lot plan. The existing two family dwelling should be shown on the plat as such.

Brenda Jackson clarified that the subdivision regulations consider any multi family dwelling as a subdivision and that require platting. Mr. Rupp expressed concern regarding the requirement of two fire hydrants and Mr. Giordano suggest Mr. Rupp negotiate with the Fire Department to reach an agreeable compromise or solution. Mr. Giordano notified Mr. Rupp that a public sewer system hook-up might be required contingent on the status of the Coyote Ridge Subdivision and their sanitary sewer system progress. He proposed a cost share on the double chip seal on Illinois Avenue between Lands of Lohnes IV with Coyote Ridge Subdivision. Following a brief discussion Commissioner Norden stated a cost share consideration of 2/17th be added as a Contingency.

Commissioner Norden made a motion to approve Lands of Lohnes IV with the amended Contingencies.

RECOMMENDED CONTINGENCIES

The following items shall be provided to the Department of Planning and Zoning within eighteen (18) months of preliminary plan approved 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. The final plat shall note, “**neither construction nor fill over the channel/swale on the eastern third of the site (Lot 3) shall be permitted**” as requested by the Fremont Conservation District.
3. The eastern portion of Lot 3 shall be designated as a **No Build Zone** and a fire hydrant shall be installed at the eastern portion of the 30-foot access easement. This will insure the fire authority **request that any structure built on Lot 3 will have a fire hydrant installed within 400’ of the structure.** *Other options may be acceptable; however it appears by the location of the percolation test that a residence will be constructed on the west portion of the lot. Other options may result in the installation of additional fire hydrants.*
4. Final plat shall note that all street addresses to a building, on all lots must be visible from Illinois Avenue.
5. Access road to Lot 3 must have approval fire apparatus turn-around and all weather surfaces prior to recording of the final plat or an escrow fund and improvement agreements will be required in the amount adequate to ensure construction to standards acceptable to the Cañon City Area Fire Protection District.
6. All drainage easement should be established for all the drainages and clearly shown on the final plat as “**No Build**” areas.
7. The final plat shall contain a statement that prior to issuance of a building permit all recommendations outlined in the letter from T.C. Wait, Colorado Geological Survey; Engineering Geologist dated May 15, 2006 shall be addressed.
8. Copy of a Colorado Storm Water Permit if more than one (1) acre of land is to be disturbed.
9. Irrigation/Ditch easements of record will be noted on the subdivision plat/drawing.
10. The irrigation ditch that runs along the east side of Illinois Avenue shall be lined with 12 inch diameter 80-PSI PVC pipe for the length of the subdivision frontage, or other standards acceptable to Cañon Heights Irrigation, approximately 190 feet according to your plan. Upon installation, the irrigation pipe will be required to be marked with “locator wire” so that we may positively identify the pipe location in the future. In addition, the pipe location must be marked on the surface as well by carsonite posts or something similar.
11. Final plat shall be dedicating an additional 5 feet right-of-way, to provide for 35 feet of right-of-way from the centerline of Illinois Avenue.

August 8, 2006

10

12. Documentation as to available water taps for all lots will be required if the approval has lapsed prior to the submittal of the final plat application.
13. Proof of purchase of water taps or documentation for all lots. If all water taps are not purchased 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.
14. Statement on the final plat that the subdivider/owner/seller/etc. will provide the potential purchasers with a copy of the latest State Engineer's opinion concerning public water service from Park Center Water District, prior to the sale or synopsis of the opinion.
15. The final plat shall provide for a 10-foot easement on all road frontages.
16. Consideration of 2/17th cost share of the double chip seal on Illinois Avenue for the portion that would be the Coyote Ridge Development.
17. Documentation as to compliance with any requirements of the County Road Foreman or the County Engineer concerning traffic analysis, or other items which require engineering review.
18. All construction plans shall reflect any requirements by the District 1, County Road Foreman or County Engineer.
19. Final plat shall contain a statement as to the maintenance of all drainage facilities.
20. The final plat shall contain a setback line for Lot 3.
21. A Colorado Professional Registered Engineers estimate for installation of all improvements, access easement construction, irrigation improvements, fire hydrants, or other required improvements.
22. The two-family dwelling shall be platted as two units on the final plat.
23. An executed ratification, consent and release form will be required for deeds of trust found at reception #778543. The form, which requires final plat information, will be provided with the review of the final plat.
24. Lot line between Lot 1 and 2 shall be identified.
25. Final plat shall note maintenance responsibility of the private easement.
26. An executed copy of the "**Annexation Agreement to the City of Cañon City**".

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

Commissioner Stiehl adjourned the meeting at 12:20 P.M.

County Clerk