

SEPTEMBER 25, 2012

EIGHTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 25th, 2012, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 A.M.

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

Also present: George Sugars, County Manager; Marshall Butler of Planning and Zoning and Jody Blausen Deputy Clerk.

The Morning Prayer was given by Dave Grooters of the Evangelical Free Church.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

Commissioner Stiehl moved to approve the consent agenda. Commissioner Norden seconded the motion. Upon vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #36 is attached.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Commissioner Norden announced the Board of County Commissioners will consider all ambulance licensing for Fremont County at the next meeting on October 9th. There have been public comments and concerns with Arkansas Valley Ambulance and services on the west end of Fremont County. This will not be a public hearing only consideration of the annual licensing agreement.

County Clerk Barr reminded citizens the last day to register to vote in the General Election is October 9th. People can register on line at the Secretary of State site or in the County Clerk's Office.

2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

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NEW BUSINESS

1. Request: Transfer of SRU 07-002 Alltel Communications Inc. Canon City East Tower (Colon Property). Request approval of a transfer of Special Review Use Permit, Department file #SRU 07-002 Alltel Communications, Inc. to New Cingular Wireless PCS, LLC. The existing SRU is to allow for the installation and operation of a one hundred foot tall galvanized steel monopole tower with antennas and lightning rod, a prefabricated concrete equipment shelter and a six foot tall security fence. The new file name will be SRU 07-002 Canon City East Tower (Colon Property). The property is located approximately 600 feet south of U.S. Highway 50 and approximately ½ mile east of McKenzie Avenue in the Fourmile Area. Represented by Scott Rickard, Site Acquisition Specialist, Telecommunications, Black & Veatch Corporation.

Scott Rickard said he is a Site Acquisition Specialist and is representing AT&T on this matter. AT&T purchased property from Alltel Communications in East Canon and Deer Mountain. The towers were already in place on both of these properties.

Marshall Butler of Planning and Zoning said this is a transfer of an existing permit and responsibility between Alltel Communications and New Cingular Wireless who will now be responsible for the permits and the towers.

Commissioner Norden moved to approve the request for transfer of SRU 07-002 Alltel Communications to New Cingular Wireless for the East Tower on the Colon Property. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

2. Request: Transfer of SRU 09-005 Alltel Cell Tower CO 04 Deer Mountain. Request approval of a transfer of a Special Review Use Permit, Department file #SRU 09-005 Alltel Cell Tower CO 04 Deer Mountain from Alltel Communications Inc. to New Cingular Wireless PCS, LLC. The existing SRU is for the construction and operation of an unmanned telecommunications facility to include a forty-eight foot high monopole tower (including lightning rod), a one hundred and eighty-four square foot equipment shelter, a meter rack with Telco Cabinet and a ten foot long ice bridge which will provide 3G communication service and high speed wireless internet. The new file name will be SRU 09-005 Cell Tower Co 04 Deer Mountain. Access to the property is located at 1974 Fremont County Road #27A (aka Copper Gulch Road) via a twenty foot easement across property owned by Charles L. Whitfield; the subject property is generally located on the west side of 28th Trail, 330 feet south of H Path in the Deer Mountain Area. Represented by Scott Rickard, Site Acquisition Specialist, Telecommunications, Black & Veatch Corporation.

Commissioner Norden moved to approve the transfer of SRU 09-005 Alltel Cell Tower CO 04 at the Deer Mountain property from Alltel to New Cingular Wireless. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

3. Consideration of re-appointment of John W. Marietta to the Fremont County Airport Advisory Board for another three year term ending October 1, 2015.

Commissioner Norden said the Board of Commissioners restructured the Advisory Board membership terms earlier this year. The Board of County Commissioners also had extended the term of John Marietta to October 1, 2012. The other seat expiring on October 1st is currently held by Dean Baird who has not expressed interest in being re-appointed.

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Interested parties who wish to serve on the Airport Advisory Board need to submit a letter of interest by October 8th to the County Commissioners.

Commissioner Norden moved to re-appoint John Marietta to a three year term on the Airport Advisory Board. Commissioner Stiehl seconded the motion. Commissioner Bell noted John Marietta currently serves as Chairman of the Airport Advisory Board. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

4. Florence/Eastern Fremont County Rotary
415 4th Avenue
Penrose, CO 81240
Application for a Special Events Permit
Malt, Vinous and Spirituous Liquor
Represented by Trina Finto and Drew Lamoreux

Trina Finto said this will be their second event of the year and they are requesting a Special Events Permit to sell beer at the fund raiser for the Penrose Park and Recreation District. There will be two bands performing, activities for the kids, food and fireworks. This is a community wide celebration during the Penrose Apple Day Festival. Security will be on hand as will the Penrose Fire Department.

Drew Lamoreux said the Florence/Eastern Fremont County Rotary is requesting the license as the Penrose Park and Recreation District cannot hold the permit.

Mark Crespin said the event will start at noon and end at 11:00 p.m. They will cease liquor sales at 10:30 p.m.

Commissioner Stiehl moved to approve the Special Events Permit for Florence/Eastern Fremont County Rotary for 415 4th Avenue in Penrose for October 6, 2012 from 2:00 p.m. until midnight. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

5. Kwik Stop Liquor LLC
930 Hwy. 115
Penrose, CO 81240
Permit Application and Report of Changes, Modification of Premise
Retail Liquor Store
Represented by Dave McCallister

Dave McCallister explained he has taken over the two end units in the Kwik Stop Plaza. He is going to expand the current liquor store to the end unit and add a drive up window. Then he will expand the current convenience store by knocking down the wall between the two stores. He hopes to have the renovation complete before the holidays. The existing 3.2% license held by the convenience store will not be renewed.

Commissioner Norden moved to approve the Kwik Stop Liquor Modification of Premise request. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

6. Canon City Rodeo Association
1595 S. 9th Street
Canon City, CO 81212
Application for a Special Events Permit
Malt, Vinous and Spirituous Liquor

Represented by Boyd Canterbury
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Boyd Canterbury said they are having a Demolition Derby on October 6th and are requesting a permit to serve beer. The concession stand will be serving food. They have racers coming from Oklahoma, Kansas and neighboring cities. They expect to have 2000 to 2500 spectators for the event. The actual race is from 7:00 p.m. until 10:00 p.m. The track is being built by John Penrod. Security will be placed at all gates and walk the grounds. Wristbands will be used for people purchasing the canned beer.

Commissioner Norden moved to approve the Special Events Permit for the Canon City Rodeo Association on October 6, 2012 from 10:00 a.m. until midnight. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

7. Workforce Development Month Represented by John Martinez, Pueblo/Upper Arkansas Workforce Region Director and Peggy Gair, Chairman, Upper Arkansas Workforce Board.

Peggy Gair said they were invited to speak today by Commissioner Stiehl who has been on their Board for the past six years. Commissioner Stiehl has been a valuable asset to the Upper Arkansas Workforce Board and will be greatly missed.

John Martinez said September is Workforce Development Month. There are two sources of funding received from the Federal Government for the Workforce Center. One source is the Colorado Workforce Council and the other is the Rural Consortium. The four counties that make up the Upper Arkansas region are Park, Chaffee, Custer and Fremont. Governor Hickenlooper proclaimed September as Workforce Development Month.

Peggy Gair explained their goal is to help businesses as much as possible so more jobs will become available in rural areas. Tourism, natural resources, broadband, revitalization, business expansion, and health care are important components to grow local jobs. They have implemented a virtual workforce center that can be accessed from local libraries so citizens in these four counties don't have to drive to a workforce center. There will be statewide conference in Canon City November 7th through November 9th.

Commissioner Stiehl said it has been a very rewarding program to participate in and he will miss it.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

None.

Chairman Bell adjourned the meeting at 10:10 A.M.

Clerk and Recorder

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RECEPTION#: 900198,
09/25/2012 at 12:12:51 PM, 1 OF 14,

KATIE E. BARR, CLERK AND RECORDER
FREMONT COUNTY, CO

Mr. Commissioner Norden moved the adoption of the following Resolution:

RESOLUTION NO. 36
Series of 2012

4th 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 4th 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 **September 11, 2012**, 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 **September 25, 2012**.

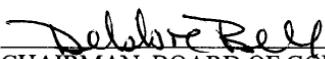
BE IT FURTHER RESOLVED, that Resolution Number 15, Series of 2000, is hereby amended.

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

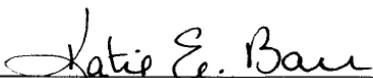
Commissioner Bell:	<input checked="" type="checkbox"/> Aye / Nay / Absent
Commissioner Stiehl:	<input checked="" type="checkbox"/> Aye / Nay / Absent
Commissioner Norden:	<input checked="" type="checkbox"/> Aye / Nay / Absent

The Resolution was declared to be duly adopted.

DATE: September 25, 2012



CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST: 

FREMONT COUNTY CLERK AND RECORDER

September 25, 2012

**EXHIBIT A - 4th AMENDMENT
TO THE FREMONT COUNTY SUBDIVISION REGULATIONS**

ADDED

~~DELETED~~

In many circumstances due to insertions and deletions, numbering and lettering in the final document may change. In addition, there are a number of clerical changes that standardize language but do not change the content or meaning that are not shown in the amendment but will be changed in the final recorded document.

I. GENERAL PROVISIONS

~~Sections A through E and H and I will remain unchanged.~~

F. RELATIONSHIP OF SUBDIVISION REGULATIONS & OTHER LAND-USE REGULATIONS:

1. Subdivision of land, within the unincorporated areas of Fremont County, and as defined by these Subdivision Regulations, shall be governed by the provisions of these Subdivision Regulations.
2. Land being subdivided shall conform with the master plan, zoning resolution for Fremont County and other resolutions and regulations in effect in Fremont County. In the absence of such plans and/or resolution, these regulations are not to be construed as a substitute for such plans and/or resolutions.
3. When the standards or provisions of these Subdivision Regulations conflict with standards or provisions of other rules, regulations, resolutions or laws governing the same subject matter, then the standard or provision applying the strictest conditions for lawful compliance shall apply.
4. No building permit shall be issued, for a building or structure within a subdivision until the pending subdivision has been approved and recorded in accordance with these Subdivision Regulations.
5. **A lot which was created by a Fremont County approved subdivision plat shall not be allowed to be converted back to a metes and bounds legal description.**
6. Except as provided in paragraph 4 of this sub-section F, nothing in these Subdivision Regulations shall be construed to prevent a subdivider or his agent from applying for a variance or other relief from existing rules, regulations, resolutions or laws, if such application is a necessary condition for approval of the subdivision by the Planning Commission or Board of County Commissioners.
7. As a condition for approval of any application for subdivision or exemption under

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applicant will be required to provide some information (i.e. zoning verification, current and proposed use, proposed water and sanitation source, proof of access, etc.) prior to the meeting in order for the Department to prepare for the meeting and determine what staff members should attend the meeting. The applicant will be provided with handouts and information pertinent to the application.

- a. If the water source for the use is proposed to be from a municipal or independent water district then the applicant shall provide evidence that said district has been contacted and that water services can be provided for the use(s) proposed along with the district's conditions for service.
 - b. If the sanitation source for the use is proposed to be from a municipal or independent sanitation district then the applicant shall provide evidence that said district has been contacted and that sanitation services can be provided for the use(s) proposed along with the district's conditions for service.
 - c. If access to the subject property is proposed to be directly to a roadway controlled by or through an intersection within the jurisdiction of the Colorado Department of Transportation (CDOT) the applicant shall provide evidence that CDOT has been contacted and that access can be provided for the use(s) proposed along with the CDOT conditions of approval.
 - d. As per Section XVII of this Regulation, the applicant shall have the right to request an exemption if it can be demonstrated that because of peculiar physical conditions pertaining to his land, the literal enforcement of one or more of these regulations is impractical or will exact undue hardship. The Board may permit an exemption as may be reasonable and within the general purpose and intent of the rules, regulations, and standards established by these regulations.
2. The Department will meet with the applicant after the applicant has received the Department's Submittal Deficiency and Comment letter for the application, if requested by the applicant. The applicant will be required to provide a brief list of questions regarding the application to enable the Department to determine what staff members should attend the meeting.
 3. The Department will meet with the applicant after the Department has provided the applicant with the Department review, if requested by the applicant. The applicant will be required to provide a brief list of questions regarding the application to enable the Department to determine what staff members should attend the meeting.
 4. The Department will meet with the applicant after the Planning Commission

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meeting to discuss recommendations of the Commission, if requested by the applicant. The applicant will be required to provide a brief list of questions to enable the Department to determine what staff members should attend the meeting.

5. The Department will meet with the applicant after the Board of County Commissioners meeting, to discuss requirements of the Board, if requested by the applicant. The applicant will be required to provide a brief list of questions to enable the Department to determine what staff members should attend the meeting.

K. AMENDMENT TO CONTINGENCIES OF APPROVAL: If an application has been approved by the Board with contingencies but it is found prior to recording that one or more of the contingencies of approval cannot or should not be met or that the contingencies should be altered, the applicant may apply for an amendment to the contingencies of approval.

1. The applicant shall provide documented justification as to why the specific contingency(s) should be removed or altered along with the required fee to the Department.
2. If the contingency proposed to be removed or altered was recommended by the Commission and then approved by the Board, the proposal to remove or alter the contingency shall be reviewed by the Commission, at a regular meeting, prior to being heard by the Board.
3. If the original application was of a category that required notice, a proposal to amend a contingency shall require the same level of notice at the applicant's expense.
4. The Department will schedule the request on the agenda of the next regular meeting of either the Commission or Board as may be appropriate allowing time for the required notice, if applicable.
5. There will be a fee charged for this process as set by resolution of the Board.

L. VALIDITY OF APPLICATIONS: All information provided in an application and supporting documents shall be valid and true to the best of the applicant's knowledge and belief. If any portion of the application, at any stage of review, is found to be misrepresented, misleading, inaccurate, invalid or false then the application shall be rendered null and void.

1. Further in such circumstances any approvals granted shall be rescinded and any approved plats shall be invalid.
2. There will not be a refund of application fees or additional review fees for any

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application determined to be null and void, rescinded approvals or invalidated plats.

3. **A complete new application and fees will be required for any application determined to be null and void.**

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II. DEFINITIONS

- A. **ACCESS:** The ability, **both physical and legal**, to enter a site from a public roadway and exit a site onto a public roadway by motorized vehicle.
- B. **ALIQUOT DESCRIPTION:** **A method of describing property that uses equal proportions of a unit description. Most common in areas where townships (groupings of 36 sections) and sections (1 square mile) are used to locate property. In most circumstances aliquot descriptions are considered a type of metes & bounds description of land. The exact size, dimensions and locations of aliquot described property cannot be determined without a field survey of the property.**
- C. **APPLICANT:** The applicant is the person, persons or entity who is responsible for organization and submittal of an application. The applicant may be the owner of property of which the application consists or a documented representative of the owner authorized to speak and make commitment for the owner with regard to all aspects of the application process.
- D. **BLOCK:** An area of land within a subdivision, **normally consisting of one or more lots**, which area is bounded entirely by **exterior property boundaries**, streets, highways, or public ways, except alleys ~~or the exterior boundary or boundaries of the subdivision.~~
- E. **BOARD:** The Fremont County Board of County Commissioners.
- F. **BUILDING ENVELOPE:** **Area of a property designated by plat or deed restriction that indicate where building and or structure improvements can be located.**
- G. **CEMETERY:** **Land used for the interment of the dead, including funeral home, columbariums, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and located on the same premises as the cemetery. Usually divided into plots, lots and or spaces for ownership purposes.**
- H. **COMMISSION:** The Fremont County Planning Commission.
- I. **CONDOMINIUM:** A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units.
- J. **COUNTY ENGINEER:** The County Engineer for Fremont County, Colorado, provided that the Board of County Commissioners have appointed a person to such a position. In the event that no such person shall have been appointed, the term "County Engineer" shall refer to that person retained by the County, at the expense of the **applicant and or** subdivider, for review of submissions under these Subdivision Regulations **requiring engineering expertise.**

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- K. DEDICATION:** The turning over by an owner or developer of private land or a right-of-use of the private land for public use, for such use by the governmental agency having jurisdiction over the public function for which it will be used.
- L. DEPARTMENT:** The Fremont County Department of Planning and Zoning.
- M. DESIGN STANDARDS OR DESIGN REQUIREMENTS:** All requirements and regulations relating to design and layout of subdivisions as set forth in these Subdivision Regulations.
- N. DISPOSITION:** A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing.
- O. DOUBLE FRONTAGE LOTS:** Lots which front on one public street and back on another.
- P. EASEMENT:** ~~A grant by a property owner for the use of land by another person or agency for utility, drainage, access or some other specific purpose.~~ An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose, such as utilities, drainage, or access.
- Q. EXEMPTION:** A process that does not require the property owner to apply for preliminary and final plat applications in order to subdivide land or change the boundaries of the land. Such processes are Minor Subdivision, Lot Line Adjustment, Boundary Line Adjustment, Vacation of Interior Lot Line, Correction Plats, etcetera.
- R. FINAL PLAT:** A map and supporting materials of certain described land prepared in accordance with these Subdivision Regulations as an instrument for recording of real estate interests with the County Clerk & Recorder for Fremont County.
- S. FLOOD PLAIN or FLOOD-PRONE AREA:** ~~The relatively level land area on either side of the banks of a stream regularly subject to flooding. That part of the flood plain subject to a one percent (1%) chance of flooding (100 year flood) in any given year is designated as an "area of special flood hazard" by the Federal Emergency Management Agency.~~ Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.
- T. GEOLOGIC HAZARDS:** A geologic phenomenon which is so adverse to past, current or foreseeable land-use or construction as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to

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avalanches, landslides, rock falls, mudflows and unstable or potentially unstable slopes, seismic effects radioactivity and ground subsidence.

- U. **HEALTH DEPARTMENT:** The Fremont County Department of Environmental Health, or, in appropriate circumstances, the Colorado Department of Public Health and Environment.
- V. **SUBDIVISION IMPROVEMENTS:** All facilities **placed**, constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots ~~or blocks~~ for residential, business or industrial purposes. *(If the name change is accepted it will change the order in which this definition is listed.)*
- W. **LOT:** A portion of a subdivision or other parcel of platted land, intended as a unit for the transfer of ownership, for development or for other purposes.
- X. **LOT, PARCEL OR TRACT SIZE:** The total acreage of the property not including any portion of the property used for a public road.
- Y. **METES & BOUNDS DESCRIPTION:** A written description of property that starts at a beginning point and most commonly uses bearings and distances to describe the perimeter of the property culminating at the point of beginning. In most circumstances aliquot descriptions are considered the same as a metes & bounds description.
- Z. **MUNICIPALITY:** An incorporated city or town.
- AA. **OFF-STREET PARKING SPACE:** The space required to park one passenger vehicle off-street *(refer to Off-street Parking Requirements, Fremont County Zoning Resolution)*.
- BB. **OUTLOT:** An area of land on a plat which is to be used for a **specific** purpose other than a **residential or commercial** building site, **the purpose of which is restricted to and stated on the plat.**
- CC. **PARCEL:** A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for the purposes of development.
- DD. **PERMANENT MONUMENT:** Any structures of masonry and/or metal permanently placed in or on the ground, expressly for surveying reference.
- EE. **PHASING:** A method of development where the total development will be completed in cohesive stages that will allow full function of the completed stage while allowing for future organized development of the remaining stages of the development.
- FF. **PLANNED UNIT DEVELOPMENT:** (P.U.D.) ~~An area of land improved and~~

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developed according to the provisions and requirements of the Fremont County Zoning Resolution, regarding such. A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, and providing common open space, density increases and a mix of building types and land uses.

- GG. **PLAT RESTRICTION:** A restriction or statement placed on a final plat that is unique to the land depicted by the final plat; usually items that make the property owner aware of the unique situation or a restriction placed on the development of the property through the platting process to guard the health, safety and welfare of the property residents and surrounding neighborhoods.
- HH. **PLATTED LAND:** Land that has gone through a subdivision or exemption process that resulted with final plat being recorded for perpetuity in the land records of the jurisdiction where the property is located; usually resulting in the property being referenced by the subdivision name, blocks, lots, outlots, rights-of-way and easements depicted by the final plat.
- II. **PRELIMINARY PLAN:** The map of a proposed subdivision and specified supporting materials of a proposed subdivision, drawn and submitted in accordance with the requirements of these Subdivision Regulations, to permit the evaluation of the proposed subdivision prior to detailed engineering and design for drainage and construction plans.
- JJ. **PRIVATE ROAD OR STREET:** A right-of-way that is owned, constructed and maintained by an individual owner, a homeowners association or the like, that provides access from a public roadway to a property.
- KK. **RIGHT-OF-WAY:** A person's legal right, established by usage, contract or deed, to pass through property owned by another.
- LL. **ROADWAY:** That portion of a highway, street, road or alley right-of-way designed for vehicular traffic.
- MM. **SITE SPECIFIC DEVELOPMENT PLAN:** A recorded final plat and supporting documents, which includes but is not limited to financial guarantees, (Escrow Agreement) and Subdivision Improvement Agreement. In the case of phasing, the site specific development plan shall be considered to be a copy of the preliminary plan and all supporting documents, which were approved by the Fremont County Board of County Commissioners.
- NN. **SKETCH PLAN:** A map and supporting information of a proposed subdivision, drawn and submitted in accordance with these Subdivision Regulations to evaluate feasibility and design characteristics at an early stage in the planning of a subdivision.
- OO. **STREET:** A public right-of-way which provides vehicular and pedestrian access to

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adjacent properties. For the purpose of these Subdivision Regulations, streets shall be classified as defined below:

1. **Highway:** A major regional highway including an expressway, freeway, or intersection highway designed to carry vehicular traffic over long distances, with limited access, generally at one (1) mile intervals.
 2. **Arterial:** Arterial are streets that carry relatively high-speed, through traffic designed to accommodate traffic moving considerable distances within an area; and traffic moving into and out of an area. These types of streets are designed to move traffic rather than to accommodate specific land use.
 3. **Collectors:** Collector streets gather traffic from local or residential streets and carry it to the arterial street system. Collector streets, serving neighborhood activities such as schools and parks, should be designed to serve minor traffic generating activities without carrying through traffic. Adequate space for two lanes of moving traffic should be available at all times.
 4. **Local Street:** Local or residential streets are those streets with the primary function of providing access to abutting properties. Through traffic movements are usually discouraged on local streets.
 5. **Alley:** A minor way which is used primarily for utility and vehicular service access to the rear or side of properties otherwise abutting on a street that provides a permanently reserved but secondary means of public access not intended for general traffic circulation.
 6. **Cul-de-Sac:** A short, dead-end local street terminating in a vehicular turnaround area.
 7. **Service Road:** A street or road paralleling and abutting a highway which provides access to a highway for adjacent property that lacks direct access to a highway.
 8. **Stub Street:** A street or road extending from within a subdivision boundary and terminating ~~there~~ at the subdivision boundary with no permanent vehicular turn around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system and are not intended to be used as access for lots within the subdivision, unless a turnaround is provided.
- PP. STREET RIGHT-OF-WAY:** That portion of land dedicated to public use for street and utility purposes and accepted by the County.
- QQ. SUBDIVIDER:** Any person, firm, partnership, joint venture, association or corporation or combination of the same who shall participate as owner, promoter, developer or sales

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agent in the planning, platting development, promotion, sale or lease of a subdivision.

RR. SUBDIVISION OR SUBDIVIDED LAND:

1. "Subdivision" or "Subdivided Land" means any parcel or land in the County which is to be used for condominiums, apartments, or any other multiple-dwelling units, unless such land when previously subdivided was accompanied by a filing which complied with the provisions of these Subdivision Regulations with substantially the same density, or which is divided into two or more parcels, separate interests, or interests in common, unless exempted under paragraph 2, 3, or 4 of this sub-section. As used in this sub-section, "interests" includes any and all interests in the surface of land, but excludes any and all subsurface interests.
2. The terms "Subdivision" and "Subdivided Land", as defined in paragraph 1 of this sub-section shall not apply to any division of land which creates parcels of land each of which comprises thirty-five (35) or more acres of land and none of which is intended for use by multiple owners.
3. Unless the method of disposition is adopted for the purpose of evading these Subdivision Regulations, the terms "Subdivision" and "Subdivided Land," as defined in paragraph 1 of this sub-section shall not apply to any division of land:
 - a. Which creates parcels of land, such as that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) or more acres per interest.
 - b. Which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board in which the property is situated is given timely notice of any such pending action by the court and given the opportunity to join as a party interest in such proceeding for the purpose of raising the issue of evasion of these Subdivision Regulations prior to the entry of the court order and if the Board does not file an appropriate pleading within twenty (20) days after receipt of such notice by the court, then such action may proceed before the court.
 - c. Which is created by a lien, mortgage, deed of trust, or any other security instrument.
 - d. Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity.
 - e. Which creates cemetery lots.
 - f. Which creates an interest in oil, gas, minerals, or water which is severed

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from the surface ownership of real property.

- g. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interests shall be deemed for purposes of this subsection as only one interest.
- h. Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than thirty-five (35) acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five (35) acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five (35) or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph.
- i. Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this article and any applicable county regulations, the land which he is to acquire pursuant to the contract.
- j. Which is created by a roadway controlled and maintained by a State or local government entity, a railroad right-of-way in current use or the Arkansas River. No parcel shall be created, which is divided by a roadway, which is controlled and maintained by a State or local government entity, a railroad right-of-way in current use or the Arkansas River unless each parcel conforms to the existing zoning district.
- k. Which creates a multi business, a multi industrial use, or a mini storage facility, on a single property and housed within a single structure that has received approval of a Site Commercial Development Plan (See Section 8.3 of the Fremont County Zoning Resolution) as per the Fremont County Zoning Resolution as amended. The separate allowed uses within the structure may be rented or leased as individual units; however, no portion of the structure may be sold, without compliance with applicable Subdivision Regulations.
- l. Which is a single property containing separate structures that function as a single use on the property.
- m. Which is created as an Assisted Living Residence, Bed & Breakfast, Boarding & Rooming House, Campground, Child Care Center, Correctional Facility, Dormitory, Emergency Shelter, Farm & Ranch Hand Quarters, Flea Market, Group Home, Hospital, Hotel, Manufactured Home Park, Motel, Nursing Home, Parking Lot or Garage, Recreation Camp, Travel Trailer Park or the like that have

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**a single ownership interest where individual use by multiple users
maybe short or long term, but not permanent.**

4. The Board may, pursuant to rules and regulations of resolution, exempt from this definition of the terms "Subdivision" and "Subdivided Land" any division of land if the Board determines that such division is not within the purposes of these Subdivision Regulations.

SS. SUBDIVISION IMPROVEMENTS AGREEMENT: An escrow fund, in the amount acceptable by the Board, for the actual cost of construction of such public improvements as are required by County Subdivision regulations within the subdivision. If escrow fund is renewed for a period to exceed one (1) year, the Board shall require a new engineer's estimate or contractor's estimate to determine amount to be held in escrow. Waiver or modification of the improvement security arrangement may be granted by the Board in it's sole discretion upon showing of good cause by the applicant.

TT. TOWNHOUSE: A single structure that contains single-family dwellings in a row of at least two (2) such dwelling units in which each unit has its own front and rear access to the outside. No unit may be located over another unit and each unit is separated from any other unit by one or more common fire resistant walls and is individually owned; with the balance of the property (*land and building*) being owned in common by the owners of the individual units within the single structure.

UU. TRACT: A lot or parcel or a contiguous group of lots in a single ownership or in single control which is intended as a unit for the transfer of ownership or for the purposes of development.

VV. VARIANCE: Official authorization to depart from a subdivision requirement.

WW. VESTED PROPERTY RIGHT: A right to undertake and complete the development and use of the property under the terms and conditions of approval of a site specific development plan.

XX. WILDFIRE: An uncontrolled fire burning in vegetation, structures or other improvements.

YY. WILDFIRE HAZARD: A wildfire phenomenon which is so adverse to past, current or foreseeable construction of land-use as to constitute a significant hazard to public health and safety or to property

