

OCTOBER 23, 2012

TWENTIETH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 23rd, 2012, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 A.M.

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

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

The Morning Prayer was given by Fremont County Treasurer Pat McFarland.

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

Commissioner Bell noted the scheduling of a Public Hearing for November 13, 2012 at 10:00 a.m. for the Proposed 2012 Fremont County Budget.

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

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

County Clerk Barr explained some voters who received mail in ballots had a misprint on their secrecy sleeves that said to enclose a photocopy of their I.D. Only voters who have a purple stripe on their ballot envelope need to provide I.D. Barr said Early Voting will continue through November 1st from 7:30 a.m. until 5:00 p.m. on the lower level of the County Administration Building.

Commissioner Norden said the Regional Dispatch Center is seeking a DOLA grant to hire a consultant from APCO. The E911 Board has contributed \$10,000 towards the grant match. The remaining \$2000 needs to be raised between Fremont County, Canon City Area Fire Protection Board, the City of Canon City, and the City of Florence.

Commissioner Bell announced the activities in Eastern Fremont County have been very successful. Penrose recently celebrated Apple Days and Florence just held their Eureka Days Festival. Coal Creek will be celebrating their Fall Festival this Saturday.

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2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

NEW BUSINESS

1. Consideration of a resolution recognizing Richard Cozzette of Department of Human Services for his thirty-two plus years of service to Fremont County.

Commissioner Bell read the resolution and expressed appreciation for the dedication and service for Richard Cozzette. Commissioner Norden said Richard has earned respect from his peers in Fremont County and through all of Colorado. Commissioner Stiehl said Richards expertise in the CBMS rollout were heroic. The Board of County Commissioners then presented the resolution to Richard Cozzette as a tribute to his service.

2. Consideration of a resolution providing for the Local Designation of Historical Landmarks by the Fremont County Heritage Commission. Representative: Carol McNew, Fremont County Heritage Commission, Chair

Carol McNew explained how the Heritage Commission was formed in 2008. Fremont County was appointed as a Preserve America County. This designation requires an advisory group to help preserve historic landmarks within the County. Carol gave an update on the current Board Members and said they currently have one vacancy. She said the Heritage Commission has reviewed and approved the contents of this resolution. If the Resolution is approved the Fremont County Administration Building will be the first building to be designated as a historic building. Commissioner Bell explained this is a voluntary program and an owner has to apply for the designation. There is also a process to revoke a designation. This process currently does not exist but the Heritage Commission will begin working on the process if the resolution is approved. Commissioner Norden thanked County Attorney Jackson for her hard work in preparing this resolution.

Commissioner Norden moved to approve resolution #37 providing for the designation of historic landmarks by the Fremont County Heritage Commission. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried. Resolution #37 is attached.

3. Consideration to appoint Judy McCormick to the Fremont County Heritage Commission

Commissioner Bell said they received a letter from Judy McCormick expressing interest in the vacancy on the Fremont County Heritage Commission. Judy serves on the Coal Creek Town Board and has a special interest in history.

Commissioner Norden moved to appoint Judy McCormick to the Fremont County Heritage Commission for a three year term from October 31, 2012 until October 31, 2015 Commission representing Eastern Fremont County. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

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4. Request: Extension of PP 05-003 Mesas on Sunrise Ridge. Request approval of a two-year extension, of an 89 lot Preliminary Plan, Department file #PP 05-003 Mesas on Sunrise Ridge, to allow for completion of Final Plat submittal requirements, by Pension Plan of Bonnyville Construction Company, formerly owned by La Mesita del Sol LLC. There have been three previous one-year extensions and one two-year extension. The property is located at the northeast corner of the intersection of Dozier Avenue and Van Loo Road and on the north side of Van Loo Road, in the North Canon Area. The original approval date for the Preliminary Plan application was May 9, 2006. If this extension is granted as requested, it will run through November 9, 2014. Representative: Allan Miller, Consultant for Pension Plan of Bonnyville Construction Company.

Allan Miller requested a two year extension through November 9, 2014 of the original conditions and contingencies. He is aware of the required information that is still needed and is planning on moving forward.

Commissioner Stiehl moved to approve the request for a two year extension through November 9, 2014 for PP 05-003 Mesas on Sunrise Ridge noting that requirements in #3, #4, #9 and #10 shall be required to be updated when contingencies are submitted. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

Request: SRU 12-005 Colorado Propane Supply Distribution Facility (Bulk Fuel Storage). Request approval of a Special Review Use (SRU) Permit, Department file #SRU 12-005 Colorado Propane Supply Distribution Facility (Bulk Fuel Storage), by Aercrete Land LLC, a Colorado Limited Liability Company, dba Fremont Land Partners, to allow for a propane distribution facility, which will consist of 48 tanks with a total propane storage capacity of 1,440,000 gallons. The propane will be shipped by train to the site; one train every two days with six to eight cars per train and two tractor/tankers per car. There will be three work shifts per day, with each shift consisting of two to three employees for a total of five to seven employees per day. The property is located on the north side of Colorado State Highway 120, approximately one mile east of the intersection of Colorado State Highway 115 and 120. The SRU permit property contains 35.15 acres and is zoned Industrial. Representative: Charles C. Crum, PE, M.V.E. Inc.

Chairman Bell opened the Public Hearing at 10:04 a.m.

Charles Crum said they had appeared before the Planning Commission and some changes have been made. They did receive a letter from the Parks and Wildlife Division requesting the north side of the property be screened to block the view of the facility from the river. They are in the process of getting the highway access permit as well. This facility will serve Southern Colorado and even into New Mexico. There will be 1 ½ million gallons of propane storage brought in by train. The propane will be transferred to large tanks and stored until it is trucked out to other locations.

Planning & Zoning Director Giordano said the owner had requested this Public Hearing be moved up to today instead of the November 13th agenda. The publication, notification of property owners, and additional notifications have all taken place. The property has been posted according to regulations. One letter was received from the Arkansas Headwaters Recreation Association (AHRA). The Planning Commission did grant unanimous approval at the October 2nd meeting. Giordano discussed the recommended conditions and contingencies.

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Commissioner Norden asked how close the property is to the river. Tom Tulk, one of the property owners, said it is several hundred yards from the river. Tulk said there is a berm, railroad tracks, and cottonwood trees between the property and the river. Commissioner Stiehl said the Fire Chief requested 1000 gallons per minute for two hours and asked Mr. Tulk if they have verified that capacity yet. Mr. Tulk said they have two large tanks with 125,000 gallon capacity. These tanks will pump 1000 gallons per minute for approximately four and half hours. The testing will occur with the Fire Department on site.

Public Comments:

SeEtta Moss said this is a tremendous amount of propane. She is concerned with the proximity of the facility to the Arkansas River. If the propane leaks it dissipates into the air. If it catches fire it would explode and debris would fall into the river. She wants to make sure these potential impacts are being considered.

Tom Tulk said these are valid concerns as propane is explosive. The facility will be operated under the state regulations and safety requirements. The design of the facility is also regulated by the state.

Sheriff Beicker is concerned with public safety and the level of security. There are problems in this specific area with vandals, thieves and trespassers. Beicker asked if the facility will be staffed 24 hours per day.

Tom Tulk said there are regulations that require fencing. He anticipates the facility will be staffed 24 hours per day during the winter and 16 hours per day in the summer.

Chairman Bell closed the Public Hearing at 10:28 a.m.

Commissioner Norden discussed the language regarding the water supply and testing. County Attorney Jackson recommended the language remain in place and verify the documentation the applicant provides.

Commissioner Stiehl asked the applicant about the expansion valves.

Tom Tulk said as long as they are less than 60,000 gallons per tank expansion valves are not required.

Commissioner Norden moved to approve SRU 12-005 Colorado Propane Supply Distribution Facility with the recommended conditions from the Planning Commission for life of the use; changing condition "I" to "Hours of operation shall not be limited"; changing condition "J" to "There shall be no public or retail sale of propane at this site"; adopting the Planning Commission language in contingency #2 to "Documentation from the controlling agency or railroad entity as to use of the railroad spur line for the proposed use and documentation that they are the controlling agency"; adopting the Planning Commission language for contingency #5 to "Documentation as to compliance with any requirements of the Florence Fire Protection District, including testing to ensure adequate water flows and ability for storage tanks to refill fast enough for continued use of water supply in case of any malfunction"; waiving #1 thru #4 of the waiver requests for buffering, landscaping, surfacing, and lighting as Resolution #38. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

Chairman Bell adjourned the meeting at 10:42 A.M.

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FREMONT COUNTY, COLORADO

Resolution No. 37, Series of 2012

PROVIDING FOR THE DESIGNATION OF HISTORIC BUILDINGS, STRUCTURES, OBJECTS, HISTORIC CEMETERIES AND BURIALS, LANDSCAPES, SITES, AND DISTRICTS, PROVIDING FOR NOTIFICATION TO THE FREMONT COUNTY HERITAGE COMMISSION OF THE INTENDED ALTERATION, REMOVAL OR DEMOLITION OF DESIGNATED HISTORIC BUILDINGS, STRUCTURES, OBJECTS, HISTORIC CEMETERIES AND BURIALS LANDSCAPES, SITES AND DISTRICTS, PROVIDING FOR THE REVOCATION OF DESIGNATIONS OF HISTORIC BUILDINGS, STRUCTURES, OBJECTS, HISTORIC CEMETERIES AND BURIALS, LANDSCAPES, SITES, AND DISTRICTS

WHEREAS, the Board of Commissioners of the County of Fremont (the "BOCC") finds that the economic, cultural and aesthetic standing of Fremont County cannot be maintained if the heritage of the County is disregarded; and

WHEREAS, the BOCC finds that heritage tourism contributes significantly to the economic well-being of the County; and

WHEREAS, the BOCC finds and declares that the protection, preservation, and enhancement of the county's cultural, historic, and architectural heritage is essential to the public health, safety, and welfare; and

WHEREAS, the BOCC is authorized pursuant to the C.R.S. § 30-11-107(bb) to provide for the preservation of the cultural, historic, and architectural history within the county and to delegate powers to a "historic preservation advisory board;" and

WHEREAS, pursuant to Resolution 54, Series of 2008, the BOCC formed the Fremont County Heritage Commission (FCHC), which is the appropriate advisory Board to administer a program for the designation of historic buildings, structures, objects, historic cemeteries and burials landscapes, sites and districts within Fremont County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF FREMONT, STATE OF COLORADO:

Section 1. Purpose:

The purpose of this Resolution is to provide for:

- a. The protection and preservation of the historic and cultural heritage of Fremont County by providing for the designation of historic buildings, structures, objects,

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historic cemeteries and burials landscapes, sites and districts (collectively referred to hereinafter as "Landmarks") in accordance with this Resolution;

- b. The enhancement of property values, and the stabilization of historic communities, neighborhoods, farms, ranches, and sites of historic significance; and
- c. The increase of economic and financial benefits as a result of the attraction of tourists and visitors to Fremont County; and
- d. The provision of educational opportunities to increase public appreciation of Fremont County's unique heritage.

Section 2: Fremont County Heritage Commission Powers and Duties:

In addition to such powers and duties as may be assigned pursuant to other BOCC Resolutions, the FCHC shall have the authority to:

- a. Review the criteria for the designation of landmarks set forth in Section 3 of this Resolution and make recommendations to the BOCC for amendments thereto which FCHC believes appropriate or necessary;
- b. Review applications for designation of historic buildings, structures, objects, historic cemeteries and burials, landscapes, and sites as being Fremont County Historic Landmarks or Fremont County Historic Landmark Districts;
- c. Review any application or proposal for altering, moving, or demolishing any designated historic property, and make a recommendation to the Planning Commission, BOCC, or other body exercising land use approval;
- d. Work with consultants in the administration and exercise of FCHC'S power and authority, subject to the express approval of the BOCC, including specific appropriation of funds for such consulting services;
- e. Advise and assist owners of historic properties on the physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to Colorado and National Registers of Historic Places;
- f. Develop and assist in public education programs including but not limited to walking tours, brochures, a marker program of historic properties, lectures, and conferences;
- g. Conduct surveys of sites for the purpose of defining those of historic significance, and prioritizing the importance of identified historic sites;
- h. Advise the BOCC on matters related to preserving and enhancing the historic character of the County;

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- i. Participate in Planning and Building and Zoning processes to advise on preservation issues, including the review of applications for permits, conditional use, and rezoning of property that may affect the interests of historic preservation in Fremont County, including designated historic Landmarks or Districts; and
- j. Apply for and pursue grants, gifts, donations, and other financial assistance for preservation related programs and other matters within the scope of FCHC's power and authority. Any grant application that requires a commitment of county funds or resources shall require express formal approval of the BOCC. Final decisions upon such grant requests are at the discretion of the BOCC. FCHC shall have no power or authority to enter into contracts on behalf of the County, for any purpose.

Section 3.

a. Criteria for Designation of Landmarks:

To qualify for designation as a Fremont County Historic Landmark pursuant to this Resolution, the historic building, structure, object, historic cemetery or burial, landscape or site, must have historic significance pursuant to one or more of the following factors:

- 1. Character, interest, or value as part of the development, heritage or cultural characteristics of Fremont County, State of Colorado, or the United States;
- 2. Location as the site of a significant local, county, state, or national event;
- 3. Identification with a person(s) who significantly contributed to the culture and development of Fremont County, the State of Colorado or the United States of America;
- 4. Exemplification of the cultural, economic, social or historic heritage of a local community, Fremont County, State of Colorado or the United States of America;
- 5. Portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
- 6. Embodiment of distinguishing characteristics of an architectural type or specimen;
- 7. Identification as the work of an architect or master builder whose individual work has influenced the development of Fremont County, State of Colorado or the United States of America;
- 8. Embodiment of elements of design, detail, materials or craftsmanship that represent a significant architectural innovation;

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9. Relationship to other distinctive areas that are eligible for preservation according to a plan based on a historic, cultural, or architectural motif;
10. Unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, landscape, or Fremont County;
11. Contribution of information important in prehistory or history; or
12. Location as a site of habitation of a person or group significant to local, Fremont County, state or national history.

b. Criteria for Designation of Historic Landmark Districts

To qualify for designation as a Fremont County Historic Landmark District pursuant to this Resolution, the proposed district must be an area possessing historic significance pursuant to one or more of the following factors:

1. Exemplification or reflection of the particular cultural, political, economic or social history of the community;
2. Identification with historical personages or groups, or representation of important events in national, state, Fremont County, or local history;
3. Embodiment of distinguishing characteristics of an architectural type or style inherently valuable for the study of a period, method or construction or is of indigenous materials or craftsmanship;
4. Representation of established and familiar visual features of the neighborhood, community, city, town or of Fremont County, due to its unique location or singular characteristics, represents;
5. Representation of the notable work of a master builder, designer, or architect whose individual ability has been widely recognized; or
6. Embodiment of a natural setting for a cultural landscape as it has been affected by past human activity, or has shaped human activity.

Section 4. Designation of Landmarks and Districts:

FCHC may declare Landmarks and Landmark Districts eligible for designation. A non-profit historic preservation group (with written property owner consent), property owner, or other appropriate entity may request formal Landmark or Landmark District designation from FCHC, in accordance with this section.

- a. Determination of Eligibility. FCHC may approve property be determined as eligible for designation as a Landmark or Landmark District upon satisfying or meeting the

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criteria set forth in Section 3 of this Resolution. A determination of eligibility shall be made as follows:

1. Form of Declaration of Eligibility. Each determination of eligibility for designation shall be made by FCHC and shall include a description of the criteria justifying its designation, together with a legal description of the location and boundaries of the Landmark or Landmark District. The determination of eligibility may identify alterations that would have a significant impact upon, or be potentially detrimental to, the historic features of the property.
 2. Notice Required. If the property owner is not the party requesting designation, notice shall be provided to the owner(s) by certified mail, return receipt requested, indicating the property is being reviewed for designation eligibility.
 3. Procedures for Determining Eligibility. Properties identified through surveys as significant pursuant to Section 2 (g), and meeting one or more of the criteria in Section 3, may be declared eligible for designation as Landmarks or Landmark Districts.
 4. Advice from FCHC. Preservation guidance and advice shall be available from FCHC for all eligible properties. Assistance with nominations, applications for grants or other monetary support shall be provided only for properties that the property owners have agreed to designate as Landmarks or Landmark Districts.
 5. Eligibility Does Not Affect Property. A declaration or documentation of eligibility for designation shall not affect the title to the property or the ability to alter, relocate, or demolish the property.
- b. Formal Designation of Landmarks and Districts.

Nomination and application for designation may be made by a property owner, non-profit historic preservation group, other appropriate entity, or by majority consent of the board members of the FCHC and such nomination and application must include written support.

An Application for designation of a Landmark or a Landmark District shall include consent from all owners of the property. In the case of Landmark Districts, applications or nominations must include documentation of notice and signed returned receipts showing notification by certified mail to owners of property included within the boundaries of the proposed District. Notification shall include the form supplied by the FCHC explaining that historic designation in Fremont County is honorary only and has no effect on title to the property or other property rights. The notice shall provide a section where property owners may indicate support or non-support of the nomination or application. Written support of 100% of the affected landowners shall be required to proceed. In the absence of such support, the application for nomination will be deemed withdrawn.

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Applications for designation shall be made to FCHC on a form provided by FCHC. The applicant shall identify and include the documentation and information required for a review of the criteria for designation provided in Section 3 of this Resolution.

An application fee may be required, as provided by resolution of the Board of County Commissioners. Payment of the application fee shall be required before any application shall be deemed complete. Complete applications shall be processed as follows:

1. FCHC Review. FCHC shall review and consider the application at a regularly scheduled or special FCHC meeting to be held no more than sixty (60) days after the date of submission of a complete application. Members shall make every effort to visit the site of the proposed Landmark or Landmark District prior to the meeting in which the application for designation is to be considered. FCHC's review and consideration may be conducted as a public hearing, during which the applicant and any interested persons may provide relevant statements and documentary materials. FCHC may continue any hearing for a reasonable time to allow additional public participation or other information on the proposed designation. At the conclusion of the hearing or within a reasonable time thereafter, FCHC shall either approve, conditionally approve, or disapprove the application and such decision shall be made in writing.
2. Stay of Activity. During the application, review and approval process, no modifications, alterations, or demolition may occur on the property without express written consent of FCHC. Such unauthorized actions upon the property or properties to be considered for designation may result in voiding the application at any time, including after approval or conditional approval.
3. Recording of Notice of Designation. The FCHC written decision of approval or conditional approval and notice of the designation of the property as a Landmark shall be recorded with the Clerk and Recorder for Fremont County. The form of notice shall be approved by the County Attorney and shall place future owners of record on notice that the property is designated as a Landmark, or as a property located within a Landmark District, in accordance with this Resolution. The FCHC also shall provide a copy of the final written decision of approval, conditional approval, or disapproval to the BOCC.
4. Listing and Mapping. FCHC shall maintain a list and map of designated and eligible Landmarks, and Landmark Districts with sufficient information to permit reasonable identification and location of the Landmarks and Landmark Districts. A copy of the current list and map shall be made available for public inspection during normal business hours at the offices of the County Clerk, County Assessor, Planning and Zoning and Building Departments.

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Section 5. Limitation on Resubmission and Reconsideration of Proposed Designations:

If the FCHC disapproves an application for designation of a Landmark or a Landmark District, the same property shall be ineligible for application of formal designation for at least six (6) months from the effective date of the FCHC final action of disapproval.

Section 6. Amendment of Designation:

Designation of a Landmark or Landmark District may be amended to add features, enlarge the boundaries of the property, or otherwise change the original characteristics of the property, pursuant to the procedures prescribed in Section 4 for initial designations.

Section 7. Standards for Moving, Altering or Demolishing:

The County shall forward to FCHC for review and comment any building permit, subdivision, zoning, or other land use application or request that reasonably affects designated Landmarks or Landmarks for which applications are pending before FCHC, provided notice of the pending applications has been provided to the Department of Planning and Zoning and/or the Building Department. FCHC shall promptly review such applications and notify the Department of Planning and Zoning or Building Department of any recommendations regarding disposition of zoning and permit applications that affect designated Landmarks. FCHC shall reply within the deadlines for review and comment set by the County.

FCHC review of applications for alterations, removal, or demolition, and review of building permit or Planning and Zoning applications shall be undertaken according to the following standards which are based upon the Secretary of the Interior's Standards for Treatment of Historic Properties:

- a. Archeological resources shall be protected and preserved in place or, where this is not possible, mitigation measures shall be undertaken.
- b. Alterations: FCHC shall acknowledge the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
 1. Attempts shall be made to use the property in a manner consistent with its original use or a compatible purpose.
 2. The historic character of the property shall be retained by avoiding the removal of, or alteration of, features and spaces important to the historic character.
 3. Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation or continued use of a designated historic building or structure may be

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made without strict conformance to all the requirements of the Fremont County Building Code and Americans with Disabilities Act when authorized by the building official, pursuant to his authority under the code in effect.

4. Each property shall be recognized as a physical record of its time in history. The use of original materials shall be encouraged. Distinctive and unique features, finishes, materials and examples of craftsmanship should be retained and preserved. If deteriorated, they should be repaired. Repairs and replacement of such features should match the original in color, shape, texture, and design. Chemical or physical treatments, if appropriate, should be undertaken using the least damaging means possible.

5. New additions and expansions shall, where possible, be differentiated from the existing building to protect historic integrity. New additions and constructions shall also be undertaken in such a manner that their removal in the future would not destroy the form or integrity of the original property. Designs portraying new construction as historic, that were never executed historically on the property in question, and the addition of conjectural features or elements from other historic properties shall be discouraged.

6. A documentary record of the property, including photographs, prior to rehabilitation or construction shall be made and deposited with FCHC.

- c. Relocation and Demolition: In all cases it shall be the preference of FCHC to keep structures intact and at their original sites. Criteria for relocation and demolition of historic structures shall include:
1. For relocation, demonstration that such relocation is consistent with historical patterns of reuse within Fremont County.
 2. For relocation or demolition, documentation showing rehabilitation or reuse on its present site cannot provide safe or reasonable beneficial use of the property.
 3. For demolition, certification from a licensed structural engineer demonstrating that the structure cannot withstand the physical impacts of relocation and re-siting, or documentation that rehabilitation or relocation is economically impractical.
 4. The effect of the relocation of the historic structure on the integrity or character of the neighborhood of the receiving site, and whether the receiving site is compatible in nature with the structure or structures proposed to be moved.
 5. A documentary record, including photographs, of the property or properties prior to relocation or demolition shall be made and deposited with the FCHC.

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Section 8. Revocation or Withdrawal of Designation:

Upon receipt of a request for withdrawal of designation from the current owner(s) of a designated Landmark pursuant to this Resolution, FCHC shall advise the BOCC of such request and remove the designation pursuant to the request. In addition, upon learning of the unauthorized alteration, demolition, movement, or removal of a site which has been designated as historic pursuant to this Resolution, or a violation of this Resolution, FCHC shall conduct a hearing to determine whether the Landmark designation of the property should be revoked. Written notice of the hearing, sent by certified mail return receipt requested, shall be provided to the landowner no less than fifteen (15) days prior to the hearing. Following such hearing, FCHC shall determine whether the Landmark designation should be revoked. The FCHC shall notify the BOCC of its decision regarding revocation of the Landmark designation.

Section 9. Appeal of Decisions:

FCHC's decisions may be administratively reviewed by or administratively appealed to the BOCC. Appeals shall be filed by delivering to the Chairman of the FCHC and to the Chairman of the BOCC a written notice of appeal within fifteen (15) days after the date of FCHC's decision. Upon receipt of a timely filed appeal, the BOCC shall consider the appeal at a hearing at which the party seeking the appeal shall be entitled to notice and a reasonable opportunity to present such information and evidence to support the appeal. A duly-designated representative of FCHC may also present information and evidence for consideration by the BOCC. The BOCC's decision on any appeal shall be final and subject to review by the district court pursuant to C.R.C.P. 106(a)(4).

Section 10. Effective Date:

This Resolution shall be effective immediately upon its approval by the Fremont County Board of County Commissioners.

Signed this 23rd day of October 2012

Fremont County Board of County Commissioners


Chairman

Attest:


County Clerk