

November 26, 2012

TWENTY SECOND MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 26th, 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 Tom Kilgore of the First Southern Baptist 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 #39 is attached.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

a. Department of Transportation Project Report – Tony Adamic, Director

Tony Adamic gave an update on 2012 projects that have been completed. The paving project cost \$115,312 and paved .75 miles of roadway. The chip seal project was 7.8 miles of roadway for a total cost of \$376,773. A light layer of dust suppressant was applied to 60.11 miles of roadway at a cost of \$129,527. All three of these projects are finished. The graveling project is partially complete and will cover 23 miles of roadway for a cost of \$541,610. Tony said most of the gravel used is from County owned quarries with the exception of the east end of the county. Tony explained on County Road 84A damage was caused by water trucks from an oil drilling company. The oil company sent a check for \$5,200 to Fremont County for the road damage repairs. The state will also be reimbursing Fremont County for labor and materials for the detour to Siloam Road when the bridge was washed out on State Highway 67. Commissioner Bell thanked Tony and his entire department for their professionalism in helping the public.

b. Weed Control Department Report – Jana Gregg, Director

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Jana Gregg gave a power point presentation on the 2012 weed season. The department treated over 405 acres of weeds. Tamarisk and Russian Olive were treated by ground this year for a total of 127 acres. Additional projects were added in Pueblo County that include the Pueblo Wildlife Area and the Chemical Depot. The Fremont County Weed Department hosted an NPDES Workshop and a workshop that was attended by CDOT and Chaffee, Custer, Park and Huerfano Counties. Over 80 acres of land were treated on 30 private properties. In neighboring counties about 100 acres were treated on 12 private properties. Approximately \$18,000 of herbicide was distributed to property owners which will treat 1000 acres of noxious weeds. State law mandates they work on eliminating any of the 22 A-List Species. In Fremont County only three A-List species are known; Elongated Mustard, Japanese Knotweed, and Myrtle Spurge. Multiple treatments are done each year on the areas known to have these three species. Plans for 2013 are similar to 2012 with an emphasis on the Tallahassee area. Funding for A-List weeds is provided by the state. By working in other counties on A-List weeds Jana was able to increase funding for the weed department.

- c. Code Enforcement/Special Mobile Machinery (SMM) Presentation of annual review – Robert Sapp and Ronald Zenisky, Code Enforcement Officers

Robert Sapp said they handled 234 cases this year of which they closed 191 cases. This leaves 39 cases they are actively working. There were 160 different site visits during 2012. There were 81 new addresses issued and 186 changes of address issued in Fremont County. The cost savings to Fremont County was \$69,000 for the waste tire removal program. Commissioner Norden commended Robert and the department for their efforts with the statewide grant program for tire removal.

Ronald Zenisky said due to the hard economic times they have become a little more lenient with SMM registration fees. The SMM fees collected so far this year are \$44,363.59 less than last year. Special Mobile Machinery (SMM) is considered to be backhoes, equipment mounted on trailers, and equipment used for construction purposes. Ronald hopes to work closely with the County Clerk's office in 2013 to hopefully collect more revenue. A power point presentation was made showing before and after pictures of several clean-up sites in Fremont County.

- 2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

NEW BUSINESS

- 1. Consideration of an Energy and Mineral Impact Assistance Program Application, Representative: Tony Adamic, Fremont County Department of Transportation Director

Tony Adamic said they are applying for a 2013 Energy and Mineral Impact Grant to update the VHF radio system to a digital radio system. The state is mandating them to use a narrowband system as of December 31, 2012. The Emergency Management Department and the Sheriff's Department are helping with the project as well. The total project cost is \$169,568 with a 50/50 match. The match is included in the 2013 budget.

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Commissioner Norden moved to authorize the 50% matching funds for the Energy and Mineral Impact Assistance Program Grant Application. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

2. Request: Extend Cessation of CUP 04-003 Entrust New Directions IRA. Request approval to extend cessation of the Conditional Use Permit for file #CUP 04-003 Entrust New Directions IRA for an additional two years. The CUP is to allow the open pit mining, screening, crushing and hauling of stone. The property, now owned by Entrust New Direction IRA, is located approximately ¼ mile east of the intersection of U.S. Highway 50 and State Highway 67 on the north side of U.S. Highway 50, northeast of the Fremont County Airport. The subject property contains approximately 100 acres and is located in the Agricultural Forestry Zone District. Representative: Angela Bellantoni, Environmental Alternatives, Inc.

Angela Bellantoni requested the two year extension of cessation. The construction industry has not yet recovered from the downturn in the economy. Angela said she would like to speak with Tony Adamic as this operation is already a permitted gravel pit. The quarry has not been active since 2007 although some reclamation work was done in 2010.

Commissioner Stiehl moved to approve the two year extension of cessation of CUP 04-003 Entrust New Directions IRA. Commissioner Norden seconded the motion. Upon Vote: Commissioner Stiehl, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

3. Set a Special Board of County Commissioners meeting for Wednesday, December 19, 2012, at 1:30 p.m.
 - a. Certification of Mill Levy
 - b. 2012 Supplemental Budget

County Manager Sugars explained the mill levies are due from the different taxing entities by December 15th, 2012. State law requires the mill levy be certified and sent to the state by December 20th, 2012.

Commissioner Norden moved to schedule a Special Board of County Commissioners meeting for Wednesday, December 19, 2012 at 1:30 p.m. Commissioner Stiehl seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Stiehl, aye; Commissioner Bell, aye. The motion carried.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

None.

Chairman Bell adjourned the meeting at 10:20 A.M.

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

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

RESOLUTION NO. 39
Series of 2012

5th 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 5th 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 **October 9, 2012, continued to November 13, 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 **November 26, 2012**.

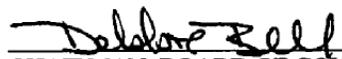
BE IT FURTHER RESOLVED, that Resolution Number 15, Series of 2000, is hereby amended.

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: November 26, 2012


 CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST: 
 FREMONT COUNTY CLERK AND RECORDER

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**EXHIBIT A – 5TH 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.

III. PROCEDURE FOR SUBMISSION AND REVIEW OF SKETCH PLAN APPLICATION

A. SUBMISSION: ~~The applicant or his representative shall submit a Sketch Plan if the subdivision is to be phased in various stages or if multiple land uses are proposed.~~

B. METHOD OF SUBMISSION:

- ~~1. The applicant or his representative shall submit a Sketch Plan and accompanying materials to the Board by delivering the same to the Department.~~
- ~~2. Sketch Plans and accompanying materials shall be submitted to the Department thirty (30) working days prior to the regularly scheduled Commission meeting at which they are to be considered.~~
- 1. A Sketch Plan application shall be submitted if the proposed subdivision is:**
 - a. to be developed in phases, or;**
 - b. to contain multiple filings, or;**
 - c. to contain multiple land uses.**
- 2. A Sketch Plan application may be submitted if the applicant wants to evaluate feasibility and design characteristics at an early stage of a proposed subdivision.**
- 3. The applicant shall submit the Sketch Plan application and required accompanying materials, including an application fee, to the Department.**
 - a. The applicant shall submit a Sketch Plan application on a form obtained from the Department.**
 - b. The application shall be delivered, in person, to a Department representative.**

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- 1) The Department representative will accept the application submittal only if all minimum submittal requirements have been met and presented at the time of submission.
4. The initial Sketch Plan application shall be submitted to the Department a minimum of twenty-four (24) working days prior to the date of the regularly scheduled Commission meeting at which it is to be considered.

B.C. REVIEW OF SKETCH PLAN APPLICATION:

- ~~1. The Commission shall review the sketch plan and accompanying materials and upon completion, it shall forward its comments, suggestions and recommendations to the Board. Within twenty (20) days of completion of action by the Commission, the Department shall place the Sketch Plan on the agenda of the Board for their review. The applicant or his representative may ask for additional time before review by the Board, if such time is needed to accommodate the recommendations of the Commission. A request for additional time shall be made, in writing, to the Department, which is authorized to grant the request on behalf of the Board.~~
1. The Department will conduct a preliminary review of the application to determine the adequacy of the application for Commission review.
2. The applicant will be notified of the results of the Department review via a Department Deficiency and Comment Letter.
 - a. If there are deficiencies in the application that would make the application unacceptable for review by the Commission, the Department will provide the applicant with a time frame in which to address the deficiencies in order for the Department to place the application on the desired agenda of the Commission.
 - b. The applicant will be notified of how many revised copies of the application and accompanying materials shall be provided to the Department for distribution in the deficiency and comment letter.
3. If there are no deficiencies or deficiencies are addressed within the time frame, the Department will provide the applicant and Commission with a review of the application taking into consideration regulatory requirements and place the application on the appropriate agenda of the Commission.
4. If the deficiencies are not addressed or if acceptable reasoning is not provided as to why the application should be placed on the Commission agenda without addressing the deficiencies within the established time frame, the Department will not place the application on the Commission agenda for review.

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- a. As per Board Resolution No. 68, Series of 2006: A full application fee will be charged to the applicant, if all deficiencies as per the initial application review letter are not adequately addressed.
 - 1) Each subsequent deficiency review letter will result in another full application fee.
 - a) All such fees shall be paid along with the deficiency submittal, prior to any further review of the application.
- 5. The Commission shall consider the application and Department comments at a public meeting.
 - a. The applicant shall attend the Commission meeting at which the application is scheduled to be reviewed.
 - 1) Failure of the applicant to attend the meeting will result in tabling of the application review by the Commission.
 - 2) Failure of the applicant to attend the meeting to which review of the application was tabled will be considered a withdrawal of the application by the applicant. Fees will not be refunded.
 - b. The applicant may offer comments, evidence and testimony concerning the application.
 - c. The Commission may hear comments and receive evidence or testimony from interested persons, but shall not hold formal public hearings, unless expressly authorized by law, or upon request of the Board.
- 6. The Commission may recommend approval or denial of the application to the Board. The Commission may include comments and or suggestions with its recommendation.
- 7. The Commission may continue review of the application to the next regular meeting of the Commission to receive more comments, to enable further study of information and input received at the meeting, or to request that the applicant provide additional information regarding the application. No such continuance shall exceed thirty (30) days or by the next regularly scheduled Commission meeting.
 - a. The applicant, prior to a motion by the Commission, may request an extended time before continued review by the Commission, if the applicant wants to provide additional information in support of the application. Such continuance request shall not exceed ninety (90) days

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and must coincide with a regular Commission meeting date.

8. If the applicant presents a significantly different proposal at the Commission meeting than was submitted in the application to the Department, the Commission shall continue the application to the next regular meeting of the Commission and request a Department review of the proposal.
- a. The Department may require an additional review fee if deemed appropriate.
- ~~2. Upon receipt of the Commission comments, suggestions and recommendations, the Board shall review the sketch plan and accompanying material, and upon completion shall provide the applicant with its comments, suggestions and recommendations. The Department shall mail a letter within five (5) working days of the Board's action, noting the comments, suggestions and recommendations of the Board.~~
9. The Department shall mail to the applicant, the Commission's recommendations, comments and suggestions within five (5) working days after the meeting at which the Commission's review of the application was finalized. Said mailing shall contain the date and time of the regular Board meeting at which the Board will review the application.
10. Following the review and recommendation of the Commission, the Department shall place the application on the agenda of the Board, within twenty (20) days after completion of action by the Planning Commission, for Board review.
- a. The applicant may ask for additional time before the Board meeting, if such time is needed to accommodate the recommendations, comments or suggestions of the Commission.
- 1) A request for additional time shall be made, in writing, to the Department which is authorized to grant the request on behalf of the Board.
 - 2) Any such extension request shall not exceed ninety (90) days from the date the Commission review was completed.
 - 3) The extension of time for Board review must coincide with a regular Board meeting date.
 - 4) The applicant shall provide to the Department copies of information and or documentation to be submitted for Board review to accommodate the recommendations, comments or suggestions

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regarding the application by the Commission a minimum of ten (10) working days prior to the scheduled Board meeting at which the application is to be reviewed.

- 5) In such circumstances the Board, at its discretion, may require further review of the application by the Commission.
 - 6) No significant changes in an application shall be proposed after review by the Board unless such changes are made to accommodate recommendations, comments or suggestions of the Commission.
 - a) If significant changes are needed due to change of area conditions or circumstances beyond control of the applicant, then further review by the Commission shall be required prior to review of the application by the Board.
11. The Board shall take into consideration the application, Commission recommendations, comments, and suggestions, minutes from the Commission meeting and Department review at the scheduled Board meeting.
- a. The applicant shall attend the Board meeting at which the application is scheduled to be reviewed.
 - 1) Failure of the applicant to attend the Board meeting will result in tabling of the application review.
 - 2) Failure of the applicant to attend the Board meeting to which review of the application was tabled will result in a withdrawal of the application and fees will not be refunded.
 - b. The applicant may offer comments, evidence and testimony concerning the application.
 - c. The Board may hear comments and receive evidence or testimony from interested persons.
12. The Board may continue review of the application to the next regular meeting of the Board to receive more comments, enable further study of information and input received at the meeting or to request that the applicant provide additional information regarding the application. No such continuance shall exceed thirty (30) days.
- a. The applicant, prior to a motion by the Board, may request an extended time before continued review by the Board, if the applicant wants to provide additional information in support of the application. Such

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continuance request shall not exceed ninety (90) days and must coincide with a regular Board meeting date.

13. The Board shall approve or deny the application within thirty (30) days after the conclusion of the Board meeting or the date to which it was continued.
 14. The Department shall mail to the applicant, the Board's decision within five (5) working days after the meeting at which the Boards review of the application was finalized.
- ~~D. EFFECTS OF APPROVAL: Applicant shall have twelve (12) months after final approval of the sketch plan by the Board to comply with all recommendations by the Board. If all recommendations are not completed within twelve (12) months, resubmittal of the Sketch Plan to the Commission and Board shall be required.~~
- C. EFFECTS OF APPROVAL: Final approval of a Sketch Plan by the Board will allow the applicant to make application for a Preliminary Plan. Such application shall be made within twelve (12) months of the initial Sketch Plan approval or prior to expiration of any granted extensions.**
1. Extensions – The Board may extend the time period for submittal of the Preliminary Plan application upon documented showing of good cause.
 - a. No extensions may be granted unless a written request, detailing the reasons and justification for extension, and required fee is submitted to the Department a minimum of ten (10) working days prior to the expiration of the initial twelve (12) month period or previous extension granted.
 - b. The Department shall schedule the request for extension for the next regular Board meeting at which time the Board will consider the request.
 - c. Without explicit justification warranting a longer time frame, extensions shall not be granted for more than twelve (12) months from the date of Board approval or previous extension.
 - 1) If extension(s) are requested further review by the Commission may be required.
- D. DENIAL OF A SKETCH PLAN APPLICATION: A denial of a Sketch Plan application by the Board will result in closure of the application file by the Department and application fees shall not be refunded. Without evidence of a significant change of area conditions or a significant change in the proposed application, an application for Sketch Plan cannot be resubmitted for the same**

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property within two (2) years of the date of denial by the Board.

IV. SKETCH PLAN REQUIREMENTS

A. REQUIRED COPIES:

The applicant ~~or his representative~~ shall submit at least ~~three (3),~~ **four (4),** ~~twenty-four (24) inch by thirty-six (36) inch~~ copies of the Sketch Plan drawing **on a minimum sheet size of eleven (11) inches by seventeen (17) inches or to a maximum size of twenty-four (24) inches by thirty-six (36) inches, and three (3) reduced copies, (8 1/2" x 11" or 11" x 17")** of the Sketch Plan drawing ~~and at least three (3))~~ **A minimum of four (4) copies of all other required documents to meet submittal requirements** shall be provided with the initial application. The applicant will be notified as to how many additional **revised** copies **of the entire application** will be required within the Department ~~"Comment and Submittal Deficiency Submittal Deficiency and Comment~~ letter".

B. SKETCH PLAN DRAWING REQUIREMENTS:

1. The scale of the drawing shall **be consistent and of adequate size to enable all information to be easily interpreted and read.** ~~not be less than one (1) inch to one hundred (100) feet, unless approval of another scale is granted by the Department, prior to submission of the application.~~
2. In the case of multiple sheets, a key map showing the relationship of the individual sheets shall be provided on each sheet.
3. No subdivision, **street or road** in the county shall bear the same name or substantially similar name as another subdivision, **street or road**, unless adjoining and using consecutive filing numbers. The Department shall have the authority to require applicant to change the proposed name if such name is substantially similar to the name of an existing subdivision, **street or road** in the County.
4. The total acreage, **to the nearest one-half (1/2) acre,** contained within the ~~area to be platted~~ **subject property.**
5. **The approximate** acreage and/or square footage for each **proposed lot, as may be appropriate.**
6. Name and address of the person, firm or organization preparing the Sketch Plan.
7. The date of preparation of the drawing and revision dates to the submitted drawing.
8. A North **arrow point.**

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9. A Written and graphic scale ~~of the drawing.~~
 10. A Vicinity map ~~adequately labeled to locate~~ **locating** the proposed subdivision **in relation to the surrounding area, streets, major natural features, etcetera.**
 11. A lot and street layout indicating general sealed dimensions to the nearest foot **with a note specifying the type of roadway surfacing proposed.**
 12. ~~The proposed subdivision boundary shall be located on a copy of a United States Geological Survey Map, at a size large enough to determine topography of the site.~~
 12. ~~The acreage of the entire tract, to the nearest one-half (1/2) acre and percentage of total area to be devoted to streets, lots, parks and to each other type of use.~~ **The total number of lots proposed.**
 13. **The approximate acreage and lineal footage proposed to be devoted to roadways.**
 14. **The approximate acreage proposed to be devoted to parks and / or open space.**
 14. ~~Soil types and their boundaries, as shown on soil survey maps prepared by the United States Department of Agriculture, National Resources Conservation Service, and also a table of interpretations for the soil types shown on the soil survey map.~~
 15. **The number of proposed phases and or filings, the approximate acreage of each phase and or filing, extent and schedule of proposed phasing (if applicable).**
 16. **The type of multiple land uses proposed and the approximate acreage of each proposed land use (if applicable).**
 17. **The drawing shall contain a percentage table showing the percentage of land proposed to be devoted to each use, including roadways.**
- ~~C. F.E.M.A. / F.I.R.M. REQUIREMENTS: A copy of the Federal Emergency Management Agency's Flood Insurance Rate Map for the area shall be provided and shall show the site location.~~

C. REQUIRED REPORTS, STUDIES AND NOTIFICATIONS:

1. Type of water system proposed.

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2. Type of sewage disposal system proposed.
3. **Drainage features**, streams, lakes, topography and vegetation affecting the proposed subdivision or a statement that none exist.
4. Geologic hazards of the area which may affect the land use and evaluating the impact of such on the proposed subdivision or a statement as to why no geologic hazard(s) exist.
5. Evaluate the potential radiation hazard to the proposed future land use, or a statement as to why no radiation hazard(s) exist.
6. Evaluate **Identify** potential wildfire hazard as related to the proposed future land use, or provide a statement as to why no wildfire hazard exist.
7. Evaluate **Identify** potential wildlife impacts as to the proposed future land use.
8. **Soil types and their boundaries, as shown on soil survey maps prepared by the United States Department of Agriculture, National Resources Conservation Service, and also a table of interpretations for the soil types shown on the soil survey map or other more specific soils studies and interpretations for the subject property.**
9. **A copy of the Federal Emergency Management Agency's Flood Insurance Rate Map for the area shall be provided and shall show the site location along with the FEMA interpretation of the flood hazard that may affect the subject property.**
10. **The proposed subdivision boundary shall be located on a copy of a United States Geological Survey Map or other information source acceptable to the Department, at a size large enough to determine topography of the site, if topography is not included on the sketch plan drawing.**
11. **Identify previous surface and underground mining activities for the subject property.**
12. **Identify the potential for mining activities on the subject property.**
13. **Documentation to verify ownership of mineral interest for the subject property as shown by the real estate records of the county, which include the records of the county assessor, and "requests for notification" filed by a mineral estate owner in the records of the county clerk and recorder.**
14. **If the mineral interest for the subject property has been severed from the surface ownership, then not less than thirty (30) days before the date of the**

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scheduled Commission meeting, the applicant shall send notice, by certified mail, return receipt requested or by a nationally recognized overnight courier to the mineral interest owner(s), as shown in the county records identified in subparagraph 13 above.

- D. E. RELATIONSHIP TO DESIGN STANDARDS:** The Design Standards set forth at Appendix 1 of these Subdivision Regulations shall govern review of Sketch Plan applications submitted under these Subdivision Regulations.

XVII. VARIANCES EXEMPTIONS & PLANNED UNIT DEVELOPMENT (PUD):

- A. ~~HARDSHIP:~~ ~~Should the subdivider clearly demonstrate 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 such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by these regulations.~~**
- A. EXEMPTIONS: The Board shall have the power to grant exemptions from the requirements of the Subdivision Regulations provided that the following criteria or factors are found to exist:**
- 1. Such relief may be granted only if there is no substantial detriment to the public good;**
 - 2. Such relief may be granted only if it will not substantially impair the intent and purpose of the regulation;**
 - 3. The property owner shall clearly demonstrate that peculiar, exceptional physical conditions or topography of the property, or the particular physical surroundings make the literal enforcement of one (1) or more of the regulations is impractical, create exceptional, particular and undue hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.**
- B. PLANNED UNIT DEVELOPMENT (PUD):** The Commission and the Board may modify the design standards contained in Appendix 1 of these regulations for application to proposals for Planned Unit Development provided that the overall design is consistent with the purposes of such standards. Please refer to Section XX.