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**PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

Resolution No. 2018-12

**A RESOLUTION RELEASING THE GUARANTY OF FINANCIAL SECURITY
REQUIRED BY PARK COUNTY RESOLUTION NO. 01-54.**

WHEREAS, the Board of County Commissioners of Park County, Colorado (the "Board"), pursuant to C.R.S. § 24-65.1-101 *et seq.*, has designated municipal and industrial water projects, site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems as matters of state interest; and

WHEREAS, by the adoption of Resolution No. 97-104, the Board has adopted regulations for the administration of these designated matters of state interest known as Special Development Permit Regulations (the "1041 Regulations"); and

WHEREAS, on August 2, 2001, the Board adopted Resolution No. 01-54 (the "Resolution"), a copy of which is attached hereto, granting a Special Development Permit for the Cline Ranch Project (the "Project"); and

WHEREAS, the Resolution provided, in pertinent part, that "Applicants shall provide a guarantee of financial security in the amount of \$85,000 prior to commencement of construction" to cover mitigation costs defined in the Vegetation Management Plan, the Aquatic Habitat Improvement Plan, the construction Best Management Practices, as well as potential legal fees associated with enforcement of the Special Development Permit (the "1041 Permit"); and

WHEREAS, Centennial duly provided to the County a guaranty of financial security by depositing funds in the amount of \$85,000 into a mitigation account in the COLOTRUST account number CO-01-0325-7021 ; and

WHEREAS, Subsection 2-303(6) allows the release of a guaranty of financial security when the "project has been satisfactorily completed;" and

WHEREAS, the Board has determined that the Project has been satisfactorily completed, that the purpose of the guarantee of financial security for the Project has been served, and that the remaining funds now at \$60,000 may be released at this time;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF PARK, COLORADO, THAT:**

Pursuant to Subsection 2-303(6) of the Park County 1041 Regulations the guarantee of financial security for the Cline Ranch Project is hereby released.

Moved, seconded, and approved this 5th day of April, 2018.

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Debra A Green
Park County Clerk

PARK COUNTY BOARD OF COUNTY COMMISSIONERS



Mike Brazell, Chairman

ATTEST:



County Clerk



ATTACHMENT #1



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PARK COUNTY, COLORADO
RESOLUTION NO. 01- 54

**A RESOLUTION GRANTING A SPECIAL DEVELOPMENT PERMIT WITH
CONDITIONS FOR THE CLINE RANCH PROJECT IN PARK COUNTY, COLORADO**

WHEREAS, the Park County Board of County Commissioners ("BOCC"), pursuant to C.R.S. § 24-65.1-101 *et seq.*, have designated municipal and industrial water projects, site selection and construction of major new domestic water and sewage treatment systems and major extensions of existing domestic water and sewage treatment systems matters of Statewide Interest; and

WHEREAS, the BOCC has adopted guidelines for the regulation of these designated matters of Statewide Interest known as Special Development Permit Regulations ("Regulations"); and

WHEREAS, Centennial Water and Sanitation District and the Cline Family (the "Applicants") have applied for a Special Development Permit for the Cline Ranch Project (the "Project") which is a municipal water project to supply the Highlands Ranch Community; and

WHEREAS, a public hearing was held on July 12, 2001 in Fairplay, Colorado on the application for the project at which the BOCC considered testimony, received evidence and deliberated; and

WHEREAS, all applicable notice and public hearing requirements have been followed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR PARK COUNTY, COLORADO:

Section 1. Findings. The BOCC finds that the Project, with conditions, will satisfy the Approval Standards and Criteria in Chapter 3, Article 1 of the Park County Regulations for Special Development Projects.

Section 2. Permit Approval. The BOCC hereby approves the permit for the Project subject to the following conditions:

1. The Applicants, within two years of the effective date of this Resolution, shall construct \$10,000 worth of stream enhancements along Tarryall Creek to address potential stream bank erosion and protection of aquatic habitat ("Aquatic Habitat Improvements Plan"). A proposal for the Aquatic Habitat Improvements Plan shall be submitted to Park County for review and approved prior to construction of the Project. The Applicant shall confer with Colorado Department of Wildlife to develop the proposal.
2. Prior to construction of the Project, the Applicants shall submit to the County the sum of \$100,000 to mitigate impacts which sum will be used for the purchase of conservation easements, aquatic habitat improvements or other activities or



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projects designed to mitigate impacts of the Project in furtherance of the goals of the Park County Master Plan.

3. The Vegetation Management Plan submitted by the Applicants as part of the Project (Appendix D, ERO Vegetation and Wetlands Report) shall be revised and approved by Park County prior to September 15th, 2001. The plan shall be revised to include the following elements:
 - a) A wetland monitoring program that documents any changes in the aerial extent of jurisdictional wetlands;
 - b) A vegetation ground cover criterion that reflects 90% of the average vegetative cover for appropriate reference areas jointly agreed to by the Applicants and Park County. The reference areas may include, among other reference areas, former irrigated meadows, which have been successfully colonized by desirable native species;
 - c) Taking into consideration the reference area species composition, a suite of species as a goal for successful transition to native vegetation jointly agreed to by the Applicants and Park County;
 - d) Revisions to the monitoring portion of the Vegetation Management Plan detailing how many transects will be used to evaluate the statistical goal of 90 percent confidence that the sampling is within 20 percent of the mean;
 - e) Approval by Park County of any seed mix to be used to insure that it is appropriate and free from noxious weeds; and
 - f) Modifications to the 15 year monitoring program for evaluating the transition of wetland to native grasses to include intermediate goals to develop contingency plans if the transition is not occurring.
4. The construction Best Management Practices outlined in the Project application will be implemented as described.
5. At any time in the future, if it comes to the attention of Park County that there is an unmitigated impact associated with the Project, the Park County staff shall review the nature and degree of the impact. If the staff determines that the impact is significant, the staff shall recommend to the BOCC that a hearing be held to determine if additional mitigation is necessary to ensure that the Project satisfies the Approval Criteria and Standards in Chapter 3, Article 1 of the Park County Regulations for Special Development Projects, and the Approval Criteria and Standards of the Park County Wildlife Habitat Regulations. The Applicant shall be responsible for implementing and providing a financial guaranty for any additional mitigation identified in the hearing as necessary.



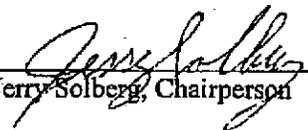
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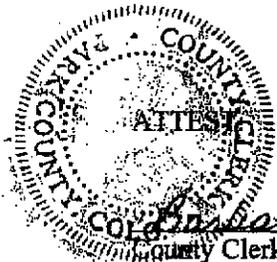
- 6. Any change in the Project from that described in the application and approved hereunder, including but not limited to a change in the operation of the Project or end land use, shall trigger a review by the County to determine if such change will require an amendment to this Permit.
- 7. The County shall submit an invoice to the Applicant documenting all outstanding expenses relating to the permit review process not already covered by the application fee. The Applicant shall pay this invoice prior to commencement of construction.
- 8. The Applicants shall provide a guarantee of financial security in the amount of \$85,000 prior to commencement of construction. The guarantee shall cover mitigation more clearly defined in the Vegetation Management Plan, the Aquatic Habitat Improvement Plan, and the construction Best Management Practices. The guarantee shall also cover potential legal fees associated with enforcement of this Permit. The form of the financial guarantee shall be approved by Park County and shall assure that the Applicants will faithfully perform all requirements herein.
- 9. All conditions in this Resolution are necessary to and shall be incorporated by reference into the Wildlife Habitat Areas Permit for the Project.

Section 3. Violation. Any violation of this Permit shall be subject to the enforcement and penalty provisions of the Regulations.

Signed this 2 day of August, 2001

PARK COUNTY BOARD OF COMMISSIONERS


Jerry Solberg, Chairperson



ATTEST


Barbara J. Pasco
County Clerk or Deputy County Clerk