

**CROWLEY COUNTY BOARD OF COUNTY COMMISSIONERS
RECORD OF PROCEEDINGS**

APRIL 24, 2023

CALL TO ORDER

Board of County Commissioners met in regular session on April 24, 2023. The meeting was called to order by Chairman Blaine Arbuthnot at 9:00 a.m. The following were present:

Blaine Arbuthnot-----Chairman
Roy Elliott-----Vice Chairman
Terry McMillian-----Member
LaShelle Benbow-----Deputy Clerk to the Board

RESOLUTION NO. 2023-8590

APPROVE THE PUBLICATION OF A NOTICE OF SUPPLEMENTAL BUDGET

Motion by Elliott, seconded by McMillian to approve the publication of the following Notice of Supplemental Budget:

NOTICE OF SUPPLEMENTAL BUDGET
(Pursuant to 29-1-106, C.R.S.)

NOTICE is hereby given that a proposed supplemental budget has been submitted to the Crowley County Board of County Commissioners for the current fiscal year of 2023; a copy of such proposed supplemental budget has been filed in the office of the Crowley County Board of County Commissioners, where the same is open for public inspection; such proposed supplemental budget will be considered at a regular meeting of the Crowley County Board of County Commissioners to be held at the Courthouse Annex, Commissioners Meeting Room, on May 10, 2023 at 8:30 a.m.

Any interested elector of Crowley County may inspect the proposed supplemental budget and file or register any objections thereto at any time prior to the final adoption of the supplemental budget, May 10, 2023, at 8:30 a.m.

Summary of Supplemental Budget:

RESOLUTION FOR SUPPLEMENTAL BUDGET AND APPROPRIATION
(Pursuant to Section 29-1-109, C.R.S.)

A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE COUNTY OF CROWLEY, COLORADO.

WHEREAS, in 2022, Crowley County was awarded \$7,000,000 in grant proceeds under Section 219 (f)(111) of the Water Resources Development Act of 1992, Public Law 102-580; and

WHEREAS, the County was working with the US Army Corps of Engineers to construct one 300,000 gallon and one 200,000-gallon water storage tank in Crowley County, Colorado; and

WHEREAS, the initial estimate of the 25% cash match requirement for the project was \$500,000. The actual cost of the project was not assured at the time of the adoption of the budget; and

WHEREAS, in March 2023, the estimated project cost was determined to be \$3,000,000 and the County's 25% cash match requirement is \$750,000.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CROWLEY COUNTY, COLORADO;

Section 1. That the 2023 appropriation for the Water Fund, Capital Outlay, line number 40.640.52000 Capital Outlay expenditure is hereby increased from \$500,0000 to \$750,000 for the following purpose: to provide the 25% cash match requirement to construct two water storage tanks in Crowley County.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

RESOLUTION NO. 2023-8591

INTRODUCTION, FIRST READING AND ORDERED PUBLISHED - PROPOSED ORDINANCE 2023-01, AN ORDINANCE TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE

Motion by McMillian, seconded by Elliott to approve the introduction, first reading and order published the following proposed ordinance:

NOTICE OF PUBLIC HEARING

ORDINANCE 2023-01 - AN ORDINANCE TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE

NOTICE IS HEREBY GIVEN that the proposed Ordinance listed below was introduced and read before the Board of County Commissioners of the County of Crowley, State of Colorado, at a regular meeting held on April 24, 2023, and ordered by said Board to be published in the Ordway New Era. A PUBLIC HEARING is declared for the 15th day of May 2023 at 10:00 a.m., in the Commissioners Meeting Room at 603 Main Street, Ordway, Colorado, to consider adoption of this Ordinance. Interested parties within Crowley County may register any objection/comments hereto, in writing, at any time, to: Crowley County, Attn: Deputy Clerk to the Board, 603 Main Street Suite 2, Ordway, CO 81063.

ORDINANCE 2023-01

AN ORDINANCE TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE

WHEREAS, C.R.S. §30-28-211, authorizes the Board of County Commissioners to adopt an energy conservation code for the County; and

WHEREAS, the Board of County Commissioners now finds it is in the best interests of public health, safety, and welfare to adopt the 2018 edition of the International Energy Conservation Code; and

WHEREAS, copies of the code are available for public inspection and review in the Crowley County Building Department and the Clerk and Recorder of Crowley County, Colorado; and

WHEREAS, notice of the public hearing before the Board and the adoption of the code was published once in a newspaper of general circulation in Crowley County on May 2, 2023, as provided by law; and

WHEREAS, on May 15, 2023, the Board conducted a public hearing on the adoption of the Code; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CROWLEY COUNTY, that the 2018 edition of the International Energy Conservation Code is hereby adopted for the entire unincorporated area of Crowley County, Colorado.

BE IT FURTHER ORDAINED, to preserve the immediate health and safety of Crowley County and its residents, this Ordinance shall take effect immediately upon its publication as provided in Section 30-15-405, C.R.S. The effective date of the Ordinance is June 6, 2023.

Published in the Ordway New Era on May 2, 2023.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

RESOLUTION NO. 2023-8592

INTRODUCTION, FIRST READING AND ORDERED PUBLISHED - PROPOSED ORDINANCE 2023-02, AN ORDINANCE IMPLEMENTING A PERMIT SYSTEM FOR OPEN BURNING; REPEALING ORDINANCE NO. 2020-01 AND ALL OTHER PREVIOUSLY ADOPTED ORDINANCES THAT IMPLEMENT A PERMIT SYSTEM FOR OPEN

Motion by Elliott, seconded by McMillian to approve the introduction, first reading and order published the following proposed ordinance:

NOTICE OF PUBLIC HEARING

ORDINANCE NO. 2023-02: AN ORDINANCE IMPLEMENTING A PERMIT SYSTEM FOR OPEN BURNING; REPEALING ORDINANCE NO. 2020-01 AND ALL OTHER PREVIOUSLY ADOPTED ORDINANCES THAT IMPLEMENT A PERMIT SYSTEM FOR OPEN BURNING

NOTICE IS HEREBY GIVEN that the proposed Ordinance listed below was introduced and read before the Board of County Commissioners of the County of Crowley, State of Colorado, at a regular meeting held on April 24, 2023, and ordered by said Board to be published in the Ordway New Era. A PUBLIC HEARING is declared for the 15th day of May 2023 at 10:00 a.m., in the Commissioners Meeting Room at 603 Main Street, Ordway, Colorado, to consider adoption of this Ordinance. Interested parties within Crowley County may register any objection/comments hereto, in writing, at any time, to: Crowley County, Attn: Deputy Clerk to the Board, 603 Main Street Suite 2, Ordway, CO 81063.

ORDINANCE NO.: 2023-02

AN ORDINANCE IMPLEMENTING A PERMIT SYSTEM FOR OPEN BURNING; REPEALING ORDINANCE NO. 2020-01 AND ALL OTHER PREVIOUSLY ADOPTED ORDINANCES THAT IMPLEMENT A PERMIT SYSTEM FOR OPEN BURNING

WHEREAS, section 30-15-401(l)(n.5), C.R.S., authorizes the Board of County Commissioners ("Board") to adopt an ordinance banning open fires to a degree and in a manner that the Board deems necessary to reduce the danger of wildfires within those portions of the unincorporated areas of the county where the danger of forest or grass fires is found to be high; and

WHEREAS, the Board of County Commissioners of Crowley County, Colorado, now finds it is in the best interests of public health, safety, and welfare to adopt a permit system for open burning, and for the Crowley County Fire Departments to be notified of open burning and approve open burning prior to the starting of such fires.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CROWLEY COUNTY, COLORADO, as follows:

1. Application. That open, controlled fires utilized for specific purposes and confined to enclosed buildings, pens, or containers, such as, but not limited to, cooking, recreational, warming, or branding purposes, are hereby permitted, and shall not require any sort of permit or permission prior to starting the same.
2. Permission to Burn Required. That any person desiring to conduct any other sort of burn, other than as above mentioned, such as, but not limited to, agriculture burning in the nature of field and ditch burning, or other large burns, shall contact the Crowley County Dispatch Center, by telephone, at (719) 267-5235, to secure permission and approval of such open burn prior to conducting any such burn to secure consent for said burn. Verbal, telephone permission to conduct any such burn shall be expressly allowed. The Dispatch Center must also be notified when the burn is completed.

3. Time and Atmospheric Restrictions. Open burning shall only be performed when time and atmospheric conditions comply with the limits set forth in the open-burning permit. Limits include:
 - No burning permitted when the winds are 15 mph or greater.
 - No burning on Red-Flag days.
 - No burning after dark.
 - Only four (4) permits will be issued at one time, within one of the three fire districts, with agricultural burns taking precedence.
4. Location. Open burning shall not be conducted within 25 feet of any structure. Conditions which could cause the fire to spread to within 25 feet of a structure shall be eliminated prior to ignition. Exception, the 25 feet limit does not apply to residential lawn burning.
5. Fire-extinguishing Equipment. A garden hose connected to a water supply or other approved fire-extinguishing equipment, including but not limited to fire extinguishers, rakes, shovels, and farm machinery, shall be readily available for use at open-burning sites. If water is not available, then proper firebreaks must be achieved prior to burning.
6. Attendance. Burning material shall be constantly attended to by a person knowledgeable in the use of the fire-extinguishing equipment required herein and familiar with the permit limitations which restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.
7. Discontinuance. The Crowley County Fire Chief, or his designee, is authorized to require that open burning be immediately discontinued if the Chief determines that smoke emissions are offensive to occupants of surrounding property or if the Chief determines the open burning to constitute a hazardous condition.
8. Administration and Enforcement. The Crowley County Fire Chief, with the assistance of the Crowley County Sheriff shall be responsible for the administration and enforcement of this ordinance. All inquiries regarding the status of fire restrictions in Crowley County should be directed to the Sheriff's Office or Fire Chief's Office.
9. Penalty for Violations. Any person who violates this ordinance commits a class 2 petty offense under section 30-15-402(1), C.R.S. and, upon conviction thereof, shall be punished by a fine of not more than \$1,000 for each separate violation, plus a surcharge of \$10 under section 30-15-402(2), C.R.S.
10. Penalty Assessment Procedure. The penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by the arresting officer for any such violation of this ordinance. Pursuant to the penalty assessment procedure, the violator may pay a fine in the amount of \$100, plus a \$10 surcharge. If the penalty assessment procedure is not used, and the alleged offender is found guilty, court costs may be assessed in addition to the fine.
11. Disposition of Fines and Forfeitures. All fines and forfeitures for the violation of this ordinance shall be paid to the Treasurer of Crowley County.
12. Additional Remedies. The remedies provided in this ordinance shall be cumulative and in addition to any other federal, state, or local remedy, criminal or civil, which may be available.
13. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance is adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair, or invalidate any other provisions of this ordinance which can be given effect without such invalid provision.
14. Emergency. The Board hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety, and welfare of the citizens of Crowley County, Colorado.

15. Effective Date. This ordinance shall take effect immediately upon its publication as provided in Section 30-15-405, C.R.S. The effective date of the Ordinance is June 6, 2023. All prior resolutions or ordinances adopting a permit system for open burning, and amendments thereto, are hereby repealed effective immediately following the adoption of Ordinance 2023-02. The Board, by resolution, may temporarily suspend, in whole or in part, this ordinance from time to time should the fire danger in Crowley County decrease. Likewise, the Board may reinstate this ordinance, by resolution, after it has been temporarily suspended.

Published in the Ordway New Era on May 2, 2023.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

MONTHLY PRISON MEETING

The board conducted the monthly prison meeting with representatives of Crowley County Correctional Facility. No representatives attended from Arkansas Valley Correctional Facility. Those in attendance were:

Commissioners: Arbuthnot, Elliott and McMillian.

Deputy Clerk to the Board: LaShelle Benbow

CCCF: Assistant Warden Steve Brown

Other Attendees: Mario Rodriguez and Terry Reeves

CCCF: Steve Brown mentioned that they wanted to discuss the requirements for landing a medical helicopter at their facility in the event of an accident not at the facility. Mario Rodriguez and Terry Reeves were part of the discussion. It was agreed that the northwest corner of the prison parking lot would be a great alternate landing area. 100 x 100 feet are needed for the landing zone, and Terry Reeves mentioned that it should be a painted or marked off area. Steve Brown said he would look into it, and see if they can designate this area as an alternate landing zone.

CoreCivic's Vice President and Managing Director visited the facility. They will be having the bi-annual State Health Inspection tomorrow. Bed count is currently 1,483. They have several graduating classes occurring over the next few weeks. They are at 35-36 vacancy, but by the end of May they should be down to 30-31 vacancies. This vacancy rate will be at pre-Covid levels. Next week, they will be hosting events for the employees as it is Employee Appreciation week.

RESOLUTION NO. 2023-8593

APPROVE A RESOLUTION APPROVING PUBLIC SERVICE COMPANY OF COLORADO'S USE BY REVIEW FOR COLORADO'S POWER PATHWAY

Motion by Elliott, seconded by McMillian to approve the following resolution:

A RESOLUTION APPROVING PUBLIC SERVICE COMPANY OF COLORADO'S USE BY REVIEW FOR COLORADO'S POWER PATHWAY

WHEREAS, The County of Crowley, Colorado has adopted a Planning and Zoning Manual; and

WHEREAS, Public Service Company of Colorado, a Colorado Corporation conducting business as Xcel Energy (PSCo), 1800 Larimer Street, Suite 400, Denver, CO 80202 submitted a Use By Review application (Application) to construct, maintain, and operate a portion of Colorado's Power Pathway, to include approximately 41 miles of double-circuit 345-kilovolt transmission line within Colorado's Power Pathway Segment 4 in Crowley County (Project) in compliance with the requirements of the Crowley County Planning and Zoning Manual; and

WHEREAS, the Crowley County Planning Commission held a public hearing on March 27, 2023, in a public session to discuss and review the Use By Review Application; and

WHEREAS, the Crowley County Planning Commission determined the Application meets all the qualifications and requirements as required by the Planning and Zoning Manual and submitted a recommendation to the Board of County Commissioners to adopt the Planning Commission's findings and conclusions; and

WHEREAS, the Board of County Commissioners held a public hearing on March 31, 2023, in a public session to discuss and review the Use By Review Application; and

WHEREAS, the Board of Commissioners of the County of Crowley believe the Project will be economically advantageous to the County of Crowley and that they agree with the totality of the Planning Commission's findings and conclusions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Crowley Colorado, that:

1. APPROVAL

The Board of County Commissioners has approved PSCo's Application. This resolution constitutes the Use By Review permit (Permit).

2. CRITERIA

The following criteria are those considered by the Board of County Commissioners in approving this Permit:

- a. The requested use is a use listed as a Use By Review and/or the requested change in Zoning and/or Variance will permit only those uses listed as a use permitted in the particular Zoning District.
- b. The granting of a Use By Review, Variance and/or Zoning Change will not substantially modify the intent, purpose, and spirit of this regulation.
- c. The requested Use By Review, Variance and/or Zoning Change incorporates a reasonable means to create an environment harmonious with that of the surrounding properties.
- d. The requested Use By Review, Variance and/or Zoning Change will not adversely affect the public health, safety, or welfare.

3. FINDINGS OF FACT

The following findings are made in accordance with the Crowley County Planning and Zoning Manual. Based on the information provided in the Application and the testimony provided at the public hearings in front of the Planning Commission and Board of County Commissioners, the Board of County Commissioners makes the following findings of fact:

- a. The Project does not modify the intent, purpose, and spirit of the Crowley County Planning and Zoning Manual and further does not result in adverse impacts of a magnitude severe enough to undermine an environment harmonious with that of the surrounding properties; therefore, the Project does not adversely affect the public health, safety, or welfare.
- b. The Project complies with the approval criteria for a Use By Review permit as set forth in the Crowley County Planning and Zoning Manual.
- c. The Project use, a double-circuit 345-kilovolt transmission line, is a use listed as a permitted use in the Zoning Districts where the Project will be located in Crowley County.
- d. The double-circuit 345-kilovolt Project transmission line will be designed, constructed, and operated by a regulated public utility company to meet or exceed federal and state electric transmission standards including the National Electric Safety Code.
- e. The Project will be economically beneficial to the County of Crowley, Colorado. Among other economic benefits, and in accordance with the applicable authority, (i) a use tax will be assessed on all Project construction materials purchased or used within Crowley County; (ii) Crowley County will receive real estate taxes for the transmission right of way within Crowley County from the state unit assessment; and (iii) the Project may encourage developers of renewable energy generation projects to interconnect energy resources located in Crowley County, which is underserved by backbone transmission facilities, and allow Xcel Energy to deliver energy produced from Crowley County to electric customers where needed.
- f. Upon completion of Project construction, PSCo shall reclaim all disturbed ground, as best as possible, to as near a condition as existed prior to construction as required in the Construction Stormwater Discharge Permit for the Project issued by the Colorado Department of Public Health and Environment (CDPHE Permit) and obligations PSCo may have in the individual easements with landowners.

- g. PSCo must comply with the revegetation and reclamation requirements imposed by the CDPHE Permit including proper topsoil handling, trenching, and stockpiling, site stabilization and erosion control, and revegetation soil preparation.
- h. CDPHE Permit compliance requires PSCo to engage in the following: (i) PSCo conducts a pre-construction photographic inventory to document the preexisting conditions of the parcels to be disturbed by Project construction activities; (ii) PSCo will hire and use qualified inspectors to monitor compliance with the terms of the CDPHE Permit; (iii) PSCo will use qualified personnel to install and maintain physical control measures to prevent erosion and potential breaches of the controls during Project construction; and (iv) PSCo will use qualified personnel to complete restoration activities following completion of Project construction activities on all land disturbed by Project construction.
- i. PSCo's due diligence to assess the presence of groundwater relative to the Project includes reviewing available well data and mapping, engaging with landowners to confirm well locations and gathering site-specific data on groundwater, and conducting soil sampling to evaluate sub-surface conditions and groundwater tables at each proposed transmission pole location.
- j. The Board of County Commissioners further find that in other jurisdictions with Colorado's Power Pathway Project, PSCo has to date been able to acquire land rights for the electric transmission line without obtaining a judgment from the district court and encourages direct negotiation between PSCo and landowners as the most effective means of addressing landowner concerns regarding the use of their private property.
- k. To protect the public health, safety, and welfare of Crowley County's residents, the maximum height requirements in the Crowley County Planning and Zoning Manual as applied to the Project are interpreted to mean a maximum height of the transmission line based on maintenance of all clearances required by the National Electric Safety Code and design standards that include adequate clearance to preserve access to productive agricultural lands in Crowley County, which may cause the transmission poles or conductor wire to exceed the maximum height limits prescribed in the Crowley County Planning and Zoning Manual.

4. CONDITIONS

The Board of County Commissioner's approval of the Use By Review Permit for the Project is conditioned upon the following:

- a. **Property Rights.** Prior to commencement of construction on each parcel of the Project in Crowley County, PSCo shall provide proof to the County Land Use Administrator that PSCo has obtained the property right for each parcel necessary to construct on such parcel as part of the entire portion of the Project located in Crowley County.
- b. **Reclamation.** PSCo shall reclaim all areas disturbed by Project construction outside of permanent Project facilities in accordance with the standards and terms of the CDPHE Permit for the Project as monitored by the qualified inspector or as specified in individual landowner easement agreements, including the handling of spoils (a/k/a soil displaced by Project construction).
- c. **Sediment Controls.** Prior to Project construction, PSCo shall cause sediment and erosion controls to be installed in accordance with the CDPHE Permit.
- d. **Fire Mitigation.** During construction of the Project, PSCo shall, and shall require its contractors to, comply with utility industry standards, including modification of activities under red flag warnings, to mitigate fire hazards arising from construction activities.
- e. **Groundwater.** PSCo shall undertake to assess the presence of groundwater relative to the Project. PSCo shall evaluate options to avoid or mitigate any adverse material impacts if there is potential to affect groundwater with Project construction identified during PSCo's due diligence conducted during the planning and design phase. Upon completion of soils sampling for Project facilities, the boring holes will be properly closed.
- f. **Geotechnical Reports.** Geotechnical reports that are created for a parcel within Crowley County for the Project will be provided by PSCo to the owner of that parcel, upon that landowner's written request to PSCo.
- g. **Waste Materials.** Waste materials generated by Project construction will be handled, stored, and disposed of in a manner that controls fugitive dust, blowing debris, and other potential nuisance conditions such as attracting rodents.

- h. Notice of Project Construction. PSCo shall provide notice to the owner of the parcel prior to Project construction commencing on that parcel.
- i. Transmission Pole Height. No Project transmission line pole may exceed a height of 190 feet.
- j. Project Setbacks. PSCo will use its best efforts to site the Project transmission poles to avoid any encroachment into a 100-foot setback from all public roads and for all habitable structures. The Board of County Commissioners empowers the Land Use Administrator to authorize setback variances.
- k. Annual Review. Within thirty (30) days prior to each annual anniversary date of the issuance of this Permit, PSCo shall submit a report summarizing Project construction activities conducted by PSCo and compliance with the Permit conditions occurring over the prior twelve-month period. Annual reviews pursuant to this condition shall conclude when construction of the Project is complete.
- l. Inspections. The County Land Use Administrator may request to conduct a site inspection of the Project at any reasonable time after providing PSCo with a minimum of 48 hours advanced notice so that PSCo can coordinate such access in order to ensure the activities carried out on the property comply with necessary land rights and safety requirements.
- m. Project Decommissioning. At such time as PSCo determines the Project transmission facilities are no longer required by PSCo for the transmission of electricity, and are at the end of their useful life and will not be replaced, the Project facilities and poles will be decommissioned and the site restored per the decommissioning plan as approved by the Colorado Public Utilities Commission, and in compliance with the terms of the private easements.

5. GENERAL PROVISIONS

- a. This Permit authorizes PSCo to construct a double-circuit 345-kilovolt electric transmission line in Crowley County, Colorado on the real properties described in the Application, subject to the additional conditions set forth above.
- b. This Permit will be in force indefinitely, so long as the terms and conditions of this Permit are fully complied with, and shall be considered a Site-Specific Development Plan for the double-circuit 345-kilovolt electric transmission line use on the real properties described in the Application, pursuant to the Crowley County Planning and Zoning Manual and C.R.S. Section 24-68-101 et seq.
- c. The development authorized by this Permit shall be at all times in accordance with the plans and/or specifications approved by the Board of County Commissioners as well as the regulations of the County of Crowley, Colorado in place as of the date of this Permit.
- d. The development authorized by this Permit shall be in conformity with all applicable federal and state statutes, regulations, and rules, as well as all applicable land use controls including, but not limited to, applicable comprehensive or master plans, subdivision regulations, and zoning in place as of the date of this Permit.
- e. If a landowner appeals this Permit to the district court in Crowley County in accordance with Rule 106 of the Colorado Rules of Civil Procedure, PSCo will take all reasonable actions requested by the Board of County Commissioners by and through the County Attorney to assist Crowley County in defending this Permit on appeal to minimize the county's reasonable attorney's fees and costs.
- f. In the event that PSCo fails to take substantial steps to initiate the above development or activity, which activity includes the acquisition of private property rights, within thirty-six (36) months from the date of this Permit, or if such steps are taken, in the event PSCo fails to complete the development or activity with reasonable diligence, this Permit may be revoked by the Board of County Commissioners, after a public hearing.
- g. The terms and conditions set forth herein shall be binding upon and run with the land, which is the subject of this Permit, and shall be enforceable against the successors and assigns of the County of Crowley, Colorado.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

No further business appearing the meeting was recessed.

ATTEST:

Melinda Carter, County Clerk

Blaine Arbuthnot, Chairman