



TEMPORARY USE PERMIT APPLICATION

1. Project Name: Pop's Christmas Town
2. Applicant: Steven or Paul Smith Address: 1940 13th street
 City: Penrose State: Colorado Zip Code: 81240
 Telephone #: 7194994749 Facsimile # _____
 Email Address: steve.smith.cci@gmail.com

Please read the entire application form prior to completion of this application

Property owners and other potential applicants are encouraged to meet informally or communicate with Planning and Zoning Department staff to gain familiarity with the application process prior to formal submittal of an application and to continue the communications throughout the application process. For more details on application meetings, see Section 8.3 of the Fremont County Zoning Resolution (FCZR).

A special event which is to be conducted in whole or part within Fremont County (*non-incorporated areas*) such as spectator events, athletic events, carnivals, circuses, concerts, fairs, flea markets, public recreational events, tent meetings, or other similar uses with similar impacts which are for public participation, requires a Temporary Use Permit (TUP).

An application fee as adopted by resolution of the Fremont County Board of County Commissioners (Board) shall accompany this application.

The applicant shall provide **one (1) original document and an electronic copy (either CD or flash/thumb drive)** and all of its attachments. After submittal, the Department will review the application and all attachments and prepare a Department Submittal Deficiency and Comment Letter (D & C Letter). The letter will state the submittal deficiencies, Department comments and or questions about the application, which must be addressed by the applicant.

The Fremont County Department of Planning and Zoning (Department) shall be entitled to refuse any application for a temporary use permit which is not made on the form provided by the Department, which is incomplete, or is made later than thirty (30) working days prior to the regularly scheduled Board meeting at which the application is proposed to be heard. The application shall not be considered complete unless all information required in the application is provided at the time it is filed.

Once the Department has determined that the application is complete, the application will be scheduled on an agenda of the Board for their consideration of approval. Prior to issuance of a temporary use permit, the event shall be approved by the Board at a regularly scheduled meeting and all contingencies or requirements shall be met or provided. The Board does have the right to request review and recommendations from the Fremont County Planning Commission (Commission) and/or other pertinent entities, if the Board determines that it is necessary for its review. The Board may require professional review at the applicant's expense if deemed necessary by the Board. The Board may require the applicant to provide various professional studies and/or statements concerning the event in order to fully understand the impact of the proposed event. This could result in a longer review process and require more time to complete.

Under certain circumstances, the Department may have approval authority over an annual event which has been granted TUP approval by the Board consecutively for the three (3) previous years. See Section 8.16.2 of the Fremont County Zoning Resolution for requirements.

Attachments can be made to this application to provide expanded narrative for any application item including supportive documentation or evidence for provided application item answers. Please indicate at the application item that there is an attachment and label it as an exhibit with the application item number, a period and the number of the attachment for that item (i.e. the attached document providing evidence in support of the answer given at application item number 12 would be marked - Exhibit 12.1).

For specific regulatory requirements the applicant should refer to the appropriate sections of the Fremont County Zoning Resolution (FCZR) which can be viewed on the Internet at:

<http://www.fremontco.com/planningandzoning/zoningresolution.pdf>

2. Please provide a general description of the event: Create a Christmas in the country theme, allowing customers to experience a Country Christmas, with the forest lit with Christmas decorations and Christmas scenes while riding on a trailer pulled by a tractor
3. What is the general location and/or street address of the event? 1940 13th street Penrose Co, 81240
4. What are the dates that the proposed event is scheduled to occur? 11/29--12/29
5. What are the hours of the day that the proposed event is scheduled to occur? Friday 3:30-7:30
Sat/sun 12:00 - 7:30
6. Will there be any signs used to advertise the event? Yes If yes, please provide a statement as to the size (type), location, and how many: 2 signs 4'x8' on edge of property
7. Please provide a statement as to how litter will be disposed and include documentation consisting of agreements and/or contracts with companies providing necessary facilities. Republic trash service weekly
8. Address crowd control before, during and after the event. Main parking and over flow parking lots will have a walkway around the Winery building straight to the entree booth to enter the Christmas area where everyone can walk from the kids play area to the Gazebo and where they can load for the tractor hay ride to the forest.
9. What are the anticipated off-site impacts that will be created by the proposed event?
None
10. Please provide a statement as to a drinking water plan which includes documentation consisting of agreements and signed contracts with companies providing necessary facilities. **NOTE: This will require review and approval by the Fremont County Environmental Health Officer.**

11. Please provide a statement as to a sanitation plan which includes documentation of agreements and signed contracts with companies providing necessary facilities. **NOTE: This will require review and approval by the Fremont County Environmental Health Officer.** We have working bathrooms in the Winery

12. Please provide a statement as to a concession plan, if any, which includes a list of vendor names and required permits. If vendors are used, please provide documentation of sales tax license. **NOTE: This will require review and approval by the Fremont County Environmental Health Officer.** None
We will have no vendors. We will have Snacks and frozen pizzas in the Winery available for purchase

13. Please provide an emergency service operation plan addressing what emergency services are proposed for the event. The emergency services shall include any agreements, signed contracts, with appropriate agencies or companies and a specific contact person with contact information. In a Emergency we will call 911 or the Fire Department

14. Will there be any street closures proposed in connection with the special event (*or other provisions deemed appropriate with respect to the provision for safe and adequate vehicular and pedestrian traffic flow and parking associated with the conduct of the special event*)? **Note: If Street closures are proposed, signed approval by the Director of the Fremont County Department of Transportation or Colorado Department of Transportation is required.** No Street Closure

15. Please provide a statement as to how the proposed event parking will be addressed. Such statement will include how many off-street parking spaces will be provided along with the size of spaces and parking area location. **Note: If on-street parking is proposed, signed approval by the Director of the Fremont County Department of Transportation or Colorado Department of Transportation as may be appropriate is required.**
The Parking lot is 120' by 75' there is approximately 26 Parking spaces.

16. Please provide a statement as to how vehicular and pedestrian traffic for the proposed event will be handled: Will be using the existing parking lot from the Winery and will have overflow parking south of the parking lot

17. **The following items shall be attached to this application and marked appropriately as exhibits:**

- a. A drawing of the property on which the event will be held locating items such as natural features (waterways, cliffs, etcetera), existing improvements (structures, driveways, septic systems, etcetera) and components of the special event (stages, parking areas, vendor areas, etcetera).
- b. Documentation as to acceptance of a fire protection plan, signed by the appropriate agency representative along with a copy of said plan.



FREMONT COUNTY FIRE PROTECTION PLAN AND DISTRICT COMMENT FORM

The Fremont County Subdivision Regulations and Fremont County Zoning Resolution require a fire protection plan be submitted with many different types of applications, at the time of application submittal. In order to provide consistency in the information received, it shall be required that these plans be submitted on this form.

The Fremont County Department of Planning and Zoning (Department), Fremont County Planning Commission (Commission) and Fremont County Board of County Commissioners (Board) take into consideration the responses of the Applicant and the District during their respective review process.

Attachments can be made to this form to provide expanded narrative for any application item including supportive documentation or evidence for provided form item answers. Please indicate at the form item that there is an attachment and label it as an exhibit with the application item number, a period and the number of the attachment for that item (*as an example, the first attached document providing evidence in support of the answer given at application item number 4 would be marked - Exhibit 4.1, the fifth attached document supporting the narrative provided for application item 4 would be marked - Exhibit 4.5*). Exhibit numbers should be placed in either the lower right hand area or the upper right hand area of the exhibit.

If the subject property is not in a fire protection district, only applicants' information and map are required. A copy of the Colorado State Forest Service Wildfire Hazard Area Map with the subject property clearly and accurately located, shall be attached and marked as Exhibit A.

APPLICANT INFORMATION

1. Project Name Pop's Christmas Town

2. Type of application:

- | | |
|--|--|
| <input type="checkbox"/> Zone Change #1 | <input type="checkbox"/> Special Review Use Permit |
| <input type="checkbox"/> Zone Change #2 – Use Designation Plan | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Zone Change #2 – Final Development Plan | <input checked="" type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Commercial Development Plan | <input type="checkbox"/> Change of Use of Property |
| <input type="checkbox"/> Commercial Development Modification | <input type="checkbox"/> Subdivision Preliminary Plan |
| <input type="checkbox"/> Expansion of an existing Business or Industrial Use | <input type="checkbox"/> Minor Subdivision |

3. The subject property is located at:

1940 13th Street Penrose 81240

Address and or General Location (*If general location only is used, it will be required that a legal description of the subject property be attached Marked as Exhibit 3.1*) An exhibit is attached.

4. Fire protection will be provided in what manner and with what resources? Fire Extinguishers, Calling Florence Fire Department with Emergency

5. The source of water for fire protection is:

-- Water District – Name of District: Florence Fire Protection District

--- Well – Colorado Division of Water Resources Well Permit Number: N/A
Is the well approved for fire protection? Yes --- No Please explain: _____

---Cistern – What is the cistern capacity? N/A Gallons – What is the water source for filling the cistern? _____

6. What is the distance from the subject property to the nearest fire hydrant? 1/4 mile

7. What public roadways provide access to the subject property? 13th & S street

8. How many accesses to public roadways will the subject property have? Two

9. Are the interior roadways existing and or proposed for the subject property adequate for fire vehicle access? Yes --- No Please explain by providing right-of-way and surface widths, length of roadway, surface types for all interior existing and proposed roadways and turning radii for cul-de-sacs. 13th & T street

10. What are the existing and or proposed interior roadway names? Farm Road

11. Is the subject property located within a fire protection district? Yes --- No
If yes, please provide the district name: _____

If the subject property is not located within a fire protection district please answer the following questions and the form will be considered completed for submittal. If the subject property is located within a fire protection district then answers to the following will not be required, however the remainder of the form shall be addressed by a representative of the fire protection district in which the subject property is located.

a. What is the name of the fire protection district closest to the subject property? FFPD Station 2

b. What is the distance from the subject property to the nearest fire protection district boundary? 7 Miles

c. Is it logical and feasible to annex the subject property to a fire protection district? Yes ----- No Please explain: _____

d. What types of fire protection improvements are proposed for the subject property and or structures to be housed on the property? Please explain: None

By signing this Application, the Applicant, or the agent/representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

Steven Smith
Applicant Printed Name

Steven Smith
Signature

11-23-24
Date

Steven Smith
Owner Printed Name

Steven Smith
Signature

11-23-24
Date

To: Amy Jamison, Fremont County Public Health, Environmental Health Officer

From: Pop's Christmas Town, Representative Steve Smith

Subject: TUP 24-001 Pops Pumpkin Patch

Date: 10/23/2024

Response to question#12

Snacks will consist of the following and will be in concordance with the rules of the Cottage food license Permit rules: Zucchini bread, banana bread, pumpkin bread, cake pops, cupcakes, hand pies (cherry and apple) freeze dried candy, vegetables and S'mores that the customers will roast. Hot cider and cocoa. Frozen pizza will be purchased prepackaged and will be cooked within the health department rules, by the customer. The winery staff would prefer to do the cooking if allowed for safety reasons only.

- c. Documentation that the Sherriff's Office has been notified of the event and any proposed street closures. There are two (2) options for notification. See FCZR Section 8.16.1.19.1 for details.
- d. Documentation that the Colorado State Patrol has been notified of the event and any proposed street closures. There are two (2) options for notification. See FCZR Section 8.16.1.20.1 for details.
- e. Documentation that the Director of the Fremont County Department of Transportation has been notified of the event and any proposed street closures. There are two (2) options for notification. See FCZR Section 8.16.1.21.1 for details.
- f. If the subject property gains direct access from a roadway under the jurisdiction of Colorado Department of Transportation (CDOT) or if deemed necessary by the Department, documentation that CDOT has been notified of the event and any proposed street closures. There are two (2) options for notification. See FCZR Section 8.16.1.22.1 for details.
- g. Documentation from the Environmental Health Officer as to acceptance and approval of application items number 10, 11 and 12, signed by the appropriate agency representative.
- h. Proof of general liability insurance for the event in amounts deemed appropriate by the Board of County Commissioners.
- i. Cash, surety or other bond deemed necessary and appropriate by the Board of County Commissioners to ensure that the property affected by the special event will be cleaned to the reasonable satisfaction of the County and that damage associated with the conduct of the special event may be repaired or remedied without cost to the County. *If a waiver of this item is requested it shall be in writing, with justification, at the time of application.*

18. Additional Requirements:

- a. The Department of Planning and Zoning shall have the right to require publication, notice to property owners and posting in accordance with Section 8.4.2.1 if it is deemed necessary.
- b. The Board of County Commissioners has the right to:
 - 1) Refer any application for Temporary Use Permit to the Planning Commission requesting its review and recommendations at a regular meeting.
 - 2) Refer any application for Temporary Use Permit to any entity the Board deems could have significant input regarding the potential impacts of the proposed Temporary Use Permit.
 - 3) Right to obtain professional review, at the applicant's expense, for any aspect of the proposed event as deemed necessary by the Board.
 - 4) Require the applicant to submit the following information if in their opinion it is necessary, to fully understand the impacts of the proposed Temporary Use Permit:
 - a) An environmental impact study/statement;
 - b) A roadway impact analysis study;
 - c) A drainage study;
 - d) A socioeconomic impact study/statement;
 - e) Studies, comments, referrals to agencies or professionals whose area or jurisdiction of expertise is applicable and germane to the use being proposed.

By signing this Application, the Applicant, or the representative acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of Applicant's knowledge and belief.

Applicant understands that any required private or public improvements imposed as a contingency for approval of the application may be required as a part of the approval process.

Fremont County hereby advises Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of Commissioners may take any and all reasonable and appropriate steps to declare actions of the Board regarding the Application to be null and void.

Signing this Application is a declaration by the Applicant to conform to all plans, drawings, and commitments submitted with or contained within this Application, provided that the same is in conformance with the Fremont County Zoning Resolution.

Steve Smith Steve Smith 10-22-21
Applicant Printed Name Signature Date

THIS LICENSE MUST BE POSTED IN PUBLIC VIEW

DR 8402 (07/01/2012)

**STATE OF COLORADO
DEPARTMENT OF REVENUE**

**LIQUOR ENFORCEMENT DIVISION
1707 Cole Blvd, Suite 00
Lakewood, CO 80401**

**POP'S VINEYARDS LLC
dba POP'S VINEYARD
1940 13TH STREET
Penrose CO 81240**

ALCOHOL BEVERAGE LICENSE

Liquor License Number 03-09494	License Expires at Midnight August 22, 2025
License Type LIMITED WINERY	
Authorized Beverages VINOUS LIQUOR	

This license is issued subject to the laws of the State of Colorado and especially under the provisions of Title 44, Articles 4, 3, CRS 1973, as amended. This license is nontransferable and shall be conspicuously posted in the place above described. This license is only valid through the expiration date shown above. Any questions concerning this license should be addressed to: Colorado Liquor Enforcement Division, 1707 Cole Blvd, Suite 300 Lakewood, CO 80401.

In testimony whereof, I have hereunto set my hand. 6/10/2024 AB

Michelle Stone-Principato

Michelle Stone-Principato, Division Director

Heidi Humphreys

Heidi Humphreys, Executive Director



650 Santa Fe Street
 Colorado Springs CO 80903
 Customer Service (719) 533-8709
 RepublicServices.com/Support

Important Information
 Dear Valued Customer, our remit to address has changed! Please note the updated PO Box address in the "Make Checks Payable To" section and remember to include the bottom portion of the invoice with your payment.

Account Number
 Invoice Number
 Invoice Date
 Previous Balance
 Payments/Adjustments
 Current Invoice Charges

3-0653-2010498
 0653-000442097
 July 31, 2024
 \$38.25
 -\$38.25
 \$43.15

Total Amount Due \$43.15 **Payment Due Date August 20, 2024**

PAYMENTS/ADJUSTMENTS

Description	Reference	Amount
Payment - Thank You 07/08	1	-\$38.25

CURRENT INVOICE CHARGES

Description	Reference	Quantity	Unit Price	Amount
Patricia J & Steve Smith 1940 13th St Penrose, CO 1 Waste Container 2 Cu Yd, 1 Ltr Per Week Pickup Service: 08/01-08/31			\$43.15	\$43.15
CURRENT INVOICE CHARGES				\$43.15

3959
 Conf. 485149895052

Simple account access at your fingertips.
 Download the Republic Services app or visit
 RepublicServices.com today.



650 Santa Fe Street
 Colorado Springs CO 80903

Please Return This
 Portion With Payment

Return Service Requested

Total Enclosed

Total Amount Due \$43.15
Payment Due Date August 20, 2024
Account Number 3-0653-2010498
Invoice Number 0653-000442097

For Billing Address Changes
 Check Box and Complete Reverse

Make Checks Payable To:



98837641
 REP 166
 PATRICIA J & STEVE SMITH
 1940 13TH ST
 PENROSE CO 81240-9609



REPUBLIC SERVICES #653
 PO BOX 877156
 DALLAS TX 75287-7156

30653201049800000004420970000043150000043155

Home



Fremont County
Planning and Zoning Department
615 Macon Avenue, Room 210
Cañon City, CO 81212

LIABILITY INSURANCE:

USG Insurance Services Inc.

Each occurrence: \$1,000,000

Damage: \$100,000

Med: 5,000

General Aggregate: \$2,000,000

Products-COMP/OP AGG: \$2,000,000

CONDITIONS:

None

CONTINGENCIES:

WAIVERS:

Surety Bond Waiver

RECOMMENDATION

Having found the application is in compliance with the requirements of the Fremont County Zoning Resolution, staff recommends **APPROVAL** of the Temporary Use Permit application with the following contingencies/Conditions:

- Approve waiver of surety bond or have applicant submit surety bond.

TOILET PLACEMENT:

Restrooms are in the Winery

EMERGENCY PLAN

Penrose Fire Station #1 will respond with emergencies.

FIRE PROTECTION

The subject property falls within the service area of the Penrose Fire, we have received an approved Fire Protection Plan signed by FFPD Director James Sheridan.

FLOODPLAIN

The course map is outside of the floodplain.

ACCESS:

Will be off 13th Street

PUBLIC COMMENTS/CONCERNS:

None

AGENCY COMMENTS

Staff requested comments from various review agencies including the Fremont County Department of Transportation, Fremont Project Engineering and Department of Environmental Health, as well as the Fire Department, Sheriff's Department, and Emergency Manager. Staff have incorporated comments received to date either in their entirety or in part into this staff report.

FCDOT:

- Debris/trash is to be cleared at the completion of the event from roads/rights-of-way.
- Roadways can not be blocked by the applicant or the other people who attend the event.



- #1 Parkin lot
120' x 75'
26 Parking spots
- #2 Gazebo
- #3 play AREA
- #4 parking overflow
- #5 Road to pumpkin patch
- #6
Pumpkin Patch

[Handwritten signature]

FIRE PROTECTION AUTHORITY INFORMATION

1. The name of the fire protection authority is: Florence Fire Protection District

2. Name of contact person: Bill Ritter
Title: Fire Chief Telephone: 719-784-2350

3. The name and address of the responding fire station is: FFPD Station 2
207 Broadway Penrose, Co. 81240

4. The distance from the subject property, by public roadway, to the responding fire station is: 7 miles

5. The estimated response time to the subject property is: 4 Minutes

6. The location of the closest fire hydrant to the subject property is: 13th and S Street

7. Is the existing hydrant size and location adequate for the existing neighborhood and the proposed development? Yes --- No Please explain: _____

8. Are the existing public roadways accessing the subject property adequate for fire vehicle access? Yes --- No Please explain: _____

9. Are the interior roadways existing and or proposed for the subject property adequate for fire vehicle access? Yes --- No Please explain: _____

10. Are the proposed fire protection measures adequate for any existing or proposed structures to be housed on the subject property? Yes --- No Please explain: _____

11. What are the wildfire hazard classifications for the subject property, as prepared by the Colorado State Forest Service? Contact BLM Office in Canon City

12. Recommendations concerning fire protection in general, fire protection improvements, suggested road names, for this project are as follows: **NOTE:** Be sure to list type, size and location of improvements recommended (*i.e.*; hydrants, water lines, cisterns, dry hydrants, roadway improvements, etc.). Please indicate whether recommendations or requirements are the result of codes or regulations, and provide supporting information which will assist the Planning Commission and the Board of County Commissioners to determine whether to adopt any or all of the recommendations as requirements of the permit.

Bill Ritter

Signature and title of Authorized Fire Protection Representative

9/9/2024

Date

Pop's Pumpkin Patch
1940 13th Street
Penrose, CO 81240

Fremont County Planning & Zoning
615 Macon Ave, Rm 210
Canon City, CO 81212

Sept. 3rd, 2024

This letter is being submitted to the approval authorities for the Pops ^{Christmas Town} Pumpkin Patch
Temporary Use Permit on Sept-Oct.

We are respectfully requesting the Surety Bond requirement be Waived for the Pumpkin
Patch. Thanks, and God Bless.

Sincerely



Steven Smith

[Home](#)

- c. Documentation that the Sherriff's Office has been notified of the event and any proposed street closures. There are two (2) options for notification. See FCZR Section 8.16.1.19.1 for details.
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 - b) A roadway impact analysis study;
 - c) A drainage study;
 - d) A socioeconomic impact study/statement;
 - e) Studies, comments, referrals to agencies or professionals whose area or jurisdiction of expertise is applicable and germane to the use being proposed.

5. The source of water for fire protection is:
 --- Water District – Name of District: Penrose Water District
 --- Well – Colorado Division of Water Resources Well Permit Number: _____
 Is the well approved for fire protection? Yes --- No Please explain: _____
 --- Cistern – What is the cistern capacity? _____ Gallons – What is the water source for filling the cistern? _____
6. What is the distance from the subject property to the nearest fire hydrant? 400 yds
7. What public roadways provide access to the subject property? 13th and T street
8. How many accesses to public roadways will the subject property have? 2
9. Are the interior roadways existing and or proposed for the subject property adequate for fire vehicle access? Yes --- No Please explain by providing right-of-way and surface widths, length of roadway, surface types for all interior existing and proposed roadways and turning radii for cul-de-sacs. Roads around the property for access to Fields and Livestock.
10. What are the existing and or proposed interior roadway names? No Names for roads.
Just for interior farm roads for access to fields and property.
11. Is the subject property located within a fire protection district? Yes --- No
 If yes, please provide the district name: Florence Fire Department Station 2
If the subject property is not located within a fire protection district please answer the following questions and the form will be considered completed for submittal. If the subject property is located within a fire protection district then answers to the following will not be required, however the remainder of the form shall be addressed by a representative of the fire protection district in which the subject property is located.
- a. What is the name of the fire protection district closest to the subject property? Florence Fire
- b. What is the distance from the subject property to the nearest fire protection district boundary?
3.56 Miles
- c. Is it logical and feasible to annex the subject property to a fire protection district?
 Yes ----- No Please explain: N/A