

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO

TUESDAY, OCTOBER 25, 2022

At the regular meeting of the Board of County Commissioners for Arapahoe County, Colorado held at the Administration Building, 5334 South Prince Street, Littleton, Colorado on Tuesday, the 25th day of October, 2022, there were present:

Nancy Jackson, Chair	Commissioner District 4	Present
Carrie Warren-Gully, Chair Pro Tem	Commissioner District 5	Present
Bill Holen	Commissioner District 1	Present
Jeff Baker	Commissioner District 3	Present
Nancy Sharpe	Commissioner District 2	Present
John Christofferson	Deputy County Attorney	Present
Joan Lopez	Clerk to the Board	Absent and Excused
Taylor Hendrix	Assistant Clerk to the Board	Present

All draft resolutions hereto presented to the Board, as may have been modified by Board review, are contained herein in final form as approved by the Board.

RESOLUTION NO. 22-278 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to adopt the following Resolution:

WHEREAS, Lew Quigley began his employment with Arapahoe County on March 6, 1995 and has served as both the Human Resources Manager and Retirement Plan Administrator, and will retire on November 1, 2022 after more than 27 years of valuable service; and

WHEREAS, Lew has been a valuable employee and held himself to the highest standard while administering the retirement plan, and he has built a reputation among the Counties in the state of Colorado, peers, and industry professionals as a man of integrity and principle; and

WHEREAS, Lew has assisted and processed over 1,344 retirees of the Arapahoe County Retirement Plan over the course of his career with his friendly demeanor and professional knowledge, and he has earned the utmost respect and admiration of employees and retirees of Arapahoe County who have come to depend on and trust him for guidance; and

WHEREAS, Lew will always be known for his dedication to the professional, but also personal, matters of the County employees and for his compassion, guidance, and philosophical approach to navigating the challenges of retirement; and

WHEREAS, Lew will undoubtedly be remembered for his friendly and patient disposition, his attention to detail, direct and prompt responses, willingness to both mentor and serve as an example; and

WHEREAS, Lew will be deeply missed by everyone who knows and loves him, and we

know that, although he is ready to retire and relax, we are better for having had the opportunity to know this man who has been essential to the many retirement boards that have relied on him; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to officially recognize the contributions that Lew Quigley has made as a valued employee of Arapahoe County, and hereby declares that his future shall prosper as Arapahoe County has prospered under his dedication and service.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-279 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to accept, upon recommendation of the County's Case Engineer and Director of the Public Works and Development Department, the Temporary Drainage Easement Agreement for a Temporary Drainage Easement, dated September 21, 2022, granted by PCY HOLDINGS, LLC, a Colorado limited liability company conveying the following real property interest to the County:

LEGAL DESCRIPTION – TEMPORARY DRAINAGE EASEMENT

A TEMPORARY DRAINAGE EASEMENT BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 3, BEING MONUMENTED BY A FOUND 2-1/2 INCH DIAMETER BRASS CAP STAMPED "T4S R65W C1/4 S3 1989 LS 9652" BEING 6 INCHES ABOVE THE GROUND SURFACE WHENCE THE SOUTH QUARTER CORNER OF SAID SECTION 3, BEING A FOUND 1 INCH REBAR WITH A 2 INCH DIAMETER ALUMINUM CAP STAMPED" CITY OF AURORA T4S S3/S10 R65W PLS 15244 1996", BEING 6 INCHES BELOW THE SURFACE, BEARS SOUTH 00°28'30" EAST, A DISTANCE OF 2646.20 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 33°00'31" WEST, A DISTANCE OF 391.53 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 00°14'54" EAST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 89°45'10" WEST, A DISTANCE OF 700.00 FEET TO A POINT ON THE

EASTERLY RIGHT OF WAY LINE OF N. CARRIE STREET, AS DEDICATED BY THE PLAT OF SKY RANCH ACADEMY SUBDIVISION EXEMPTION PLAT, RECORDED AT RECEPTION NO. E2018387 IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER;

THENCE NORTH 00°14'54" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET;

THENCE NORTH 89°45'10" EAST, A DISTANCE OF 700.00 FEET TO THE **POINT OF BEGINNING**,

SAID TEMPORARY DRAINAGE EASEMENT CONTAINING A CALCULATED AREA OF 14,000 SQUARE FEET OR 0.321 ACRE, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND/OR RIGHTS OF WAY OF WHATSOEVER NATURE.

The Easement shall be used in connection with Arapahoe County Case No. LE22-003, and known as Sky Ranch Subdivision Filing No.5, Tract N – Temporary Fire Station, and are accepted for the easement purposes expressed in the instrument.

Unless expressly stated in the instrument, Arapahoe County does not accept any interest in the property, including any responsibility for maintenance, repair, decontamination, cleanup, or hazardous material response on any portion of the real estate other than the improvements installed by or for Arapahoe County.

Authorization is hereby given to the Director of the Department of Public Works and Development to execute the subject easements on behalf of the Board of County Commissioners.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-280 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to adopt the following Resolution:

WHEREAS, Section 42-4-1210, C.R.S., allows the Board of County Commissioners to designate certain areas on private property for use by authorized vehicles only; and

WHEREAS, on August 25, 1981, the Board of County Commissioners adopted Resolution No. 891-81 which established certain procedures to be utilized to designate such areas for enforcement by the Arapahoe County Sheriff's Office; and

WHEREAS, in relation to this matter, the property owner of **Castle Brae** has submitted a

request to designate certain parking and drive areas within **Castle Brae** for use by authorized vehicles only; and

WHEREAS, a map has been submitted with said request showing said areas to be designated as required by the Board of County Commissioners; and

WHEREAS, the Transportation Division of the Arapahoe County Department of Public Works and Development has referred this matter to the Arapahoe County Attorney, Arapahoe County Sheriff's Office and the **South Metro Fire District** for review and comment as required by the Board of County Commissioners; and

WHEREAS, there has been no objection to said designation by any of the aforementioned agencies; and

WHEREAS, on the basis of the above request and referrals, and the authority of the Board of County Commissioners pursuant to Section 42-4-1210, C.R.S., the Board desires to designate certain areas within **Castle Brae** as Fire Lanes and/or Emergency Parking Only.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

1. The Board hereby designates those areas within **Castle Brae** as shown on the map as submitted, as Fire Lanes and/or Emergency Vehicle Parking Only.
2. The Board hereby directs the Transportation Division of the Department of Public Works and Development to notify the Arapahoe County Sheriff's Office, the **South Metro Fire District**. And designation by the Board.
3. The Board hereby directs that enforcement of said designated areas begin as soon as the Arapahoe County Traffic Engineer approves the signage and markings as being consistent with the Manual on Uniform Traffic Control Devices.
4. In the event that additional or different signage or markings for this site are required by the Arapahoe County Transportation Division, no cost shall be borne by Arapahoe County for installation of said signage or markings.
5. All said signs and markings shall be keyed to the Manual on Uniform Traffic Control Devices for all classes of streets and highways as adopted by the Colorado Department of Transportation and said signs shall be erected in accordance with said Manual at approximately the location(s) designated on the diagram submitted with said request and as approved by the Arapahoe County Transportation Division.
6. Designation of said areas shall continue until the further order of the Board of County Commissioners.
7. Any fines or forfeitures collected by the courts for violations of Section 42-4-1210, C.R.S.,

shall be paid into the treasury of Arapahoe County monthly.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-281 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to adopt the following Resolution:

WHEREAS, on January 8, 2019 by Resolution No. 190075, the Board of County Commissioners of Arapahoe County, Colorado, did impose a lien in the amount of \$840.00 on the real property known as 2453 S. Wabash St., Denver, CO 80231, pursuant to Arapahoe County Ordinance No. 2021-01; and

WHEREAS, the County's Weed Inspector has recommended that above lien be released as the lien has now been paid in full.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado that the Arapahoe County lien recorded at Reception No. D9006287 in the Arapahoe County Clerk and Recorder's Office in the amount of \$840.00 on the real property known as 2453 S. Wabash St., Denver, CO 80231, Arapahoe County Tax Schedule Number 1973-28-4-34-001, is hereby released.

The Clerk to the Board is hereby directed to record a certified copy of this Resolution in the Office of the Clerk and Recorder to make of record the action taken by the Board on this date.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-282 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to adopt the following resolution:

WHEREAS, the Arapahoe County Board of Commissioners is committed to fulfilling its mission of enhancing quality of life through exceptional delivery of services and efficient use of public funds; and

WHEREAS, the Board desires to provide input to federal and state elected officials who represent Arapahoe County constituents pertaining to the development of laws, policies and

regulations that significantly affect the County's ability to provide programs and services consistent with its stated mission, values and statutory requirements; and

WHEREAS, the 2023 Legislative Principles document presented at today's meeting sets forth the Board of County Commissioners' policy position on broad public policy areas of concern to Arapahoe County, and the commissioners will review proposed legislative impacts in concert with this document; and

WHEREAS, Arapahoe County will monitor state and federal legislation throughout the year, advancing specific priorities and bringing issues forward for further consideration and/or action by the entire Board of County Commissioners.

NOW, THEREFORE BE IT RESOLVED that the Arapahoe County Board of Commissioners 2023 Legislative Principles document as provided today and incorporated herein is hereby approved.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-283 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to approve the Intergovernmental Agreement (IGA) with Town of Foxfield to provide for certain road maintenance activities by County forces on the segment of Arapahoe Road that is within the jurisdiction of the Town of Foxfield and to authorize the Director of Public Works and Development to sign the IGA, contained in the packet for this agenda item, on behalf of Arapahoe County.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

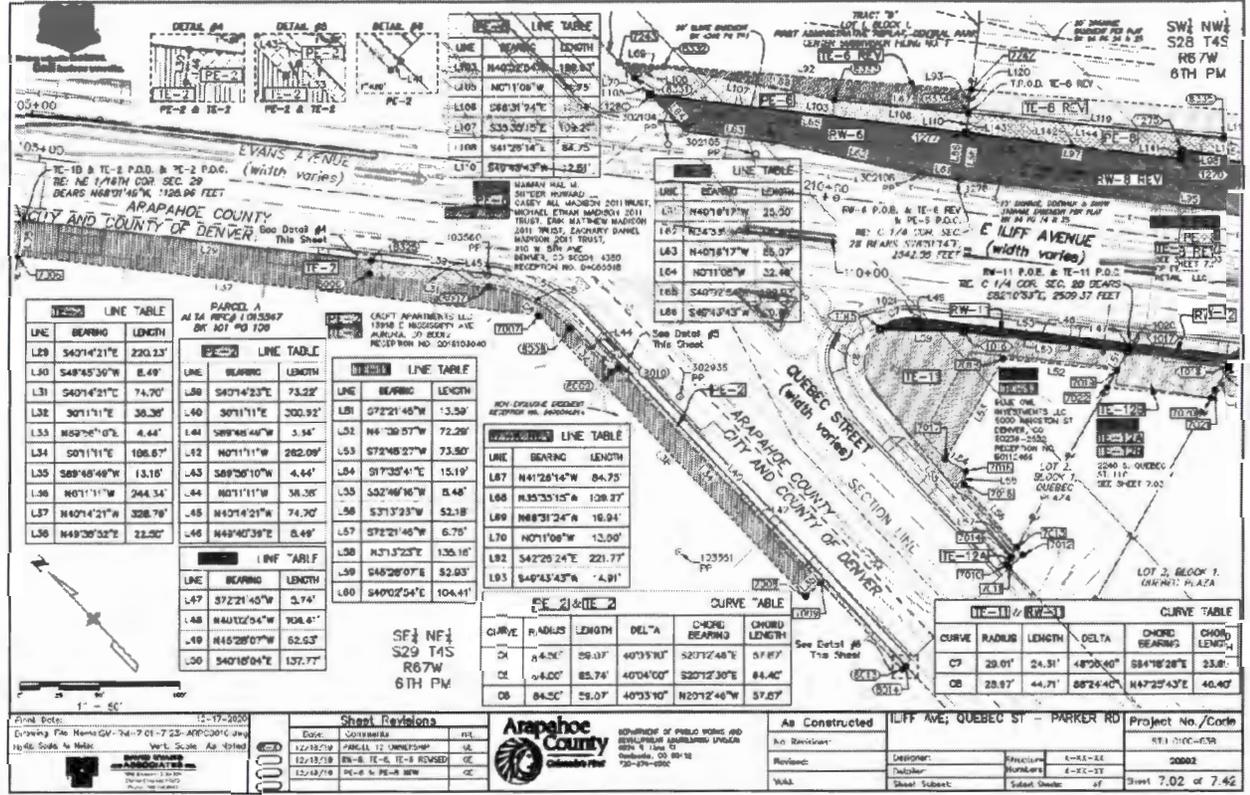
RESOLUTION NO 22-284 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to authorize the County Treasurer to enter into and sign an Agreement for Services with Armored Knights, Inc., including any annual extensions and amendments, to provide armored courier services for the pick-up and deposit of county funds.

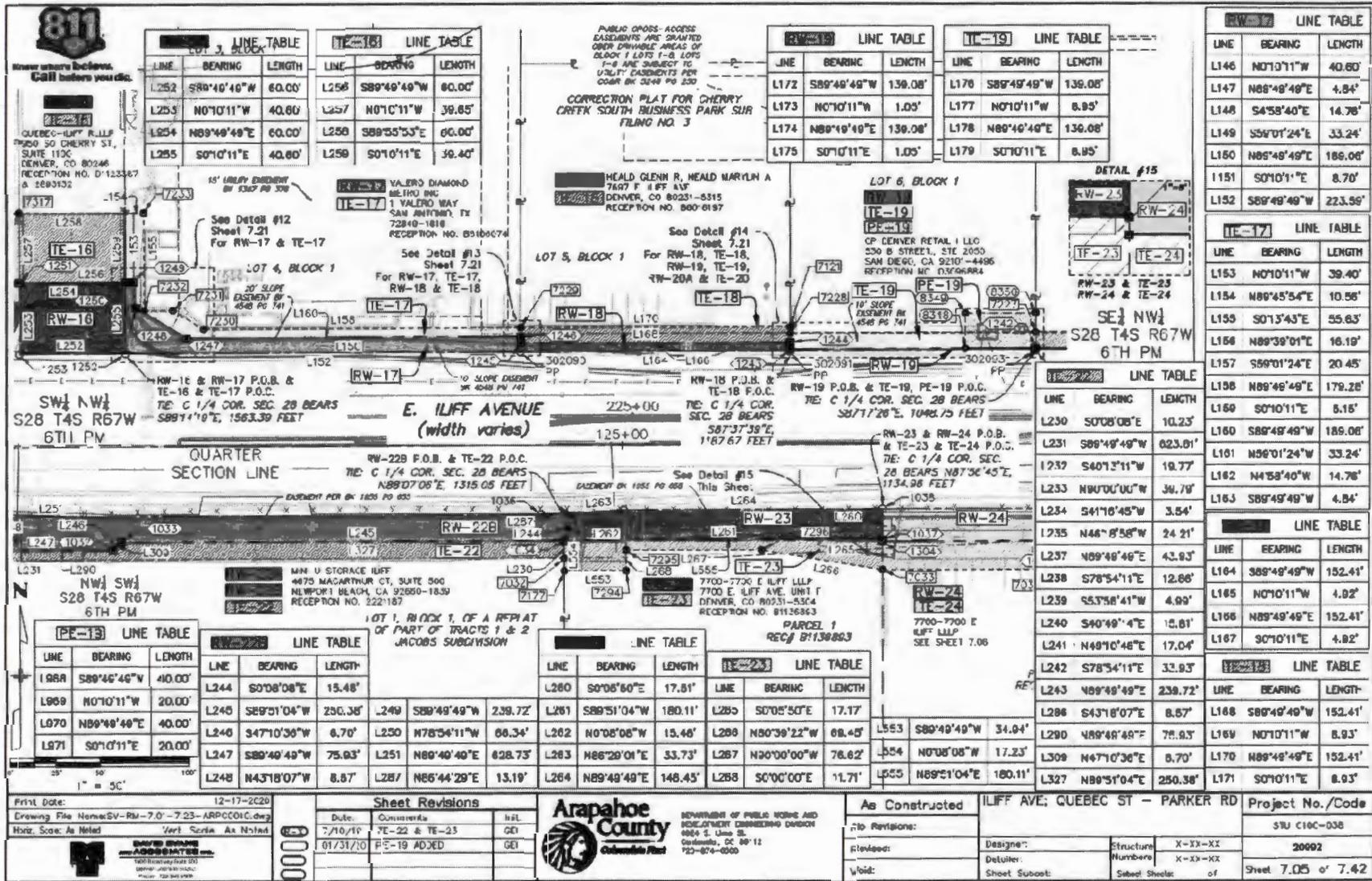
The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-285 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to ratify the signature of or authorize the Director of Public Works and Development to sign the Memorandum of Agreement with Grantor, conveying right of way and easement interests to Arapahoe County, and to approve and accept the conveyance of the right of way and easement parcels for Parcels RW-8 Rev, RW-9, Rev2, RW-10, RW-19, PE-8, PE-9A, PE-9B, PE-9C, PE-10, and PE-19 as described below, upon the recommendation of the County's Project Engineer and the Director of Public Works and Development Department, granting such interests in the such real properties, to wit:







Know what's below
Call before you dig.

SE 1/4 NW 1/4
S28 T4S R67W
6TH PM

LOT 6, BLOCK 1

SEE SHEET 7.06
RW-19
TE-19

See Detail #10
See Sheet 7.21
For RW-19, TE-19,
RW-20A & TE-20

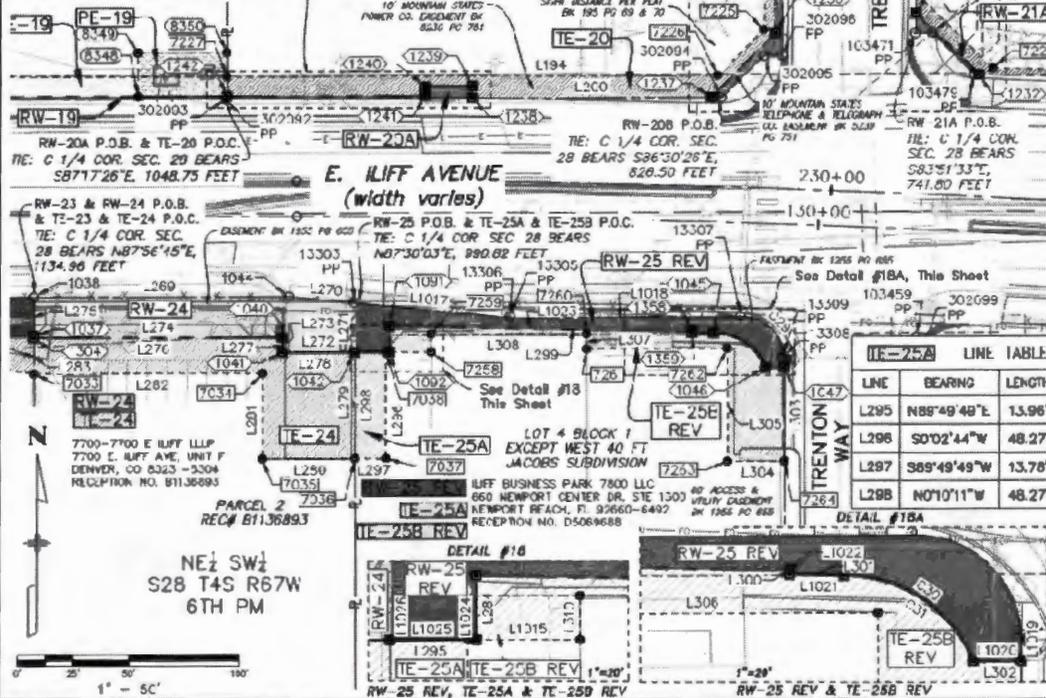
LOT 1, BLOCK 1
CHERRY CREEK SOUTH BUSINESS
PARK SUB DIVISION NO. 4

MOHAMMAD BAYAT REVOCABLE TRUST,
BAYAT & SHABIN BAYAT REVOCABLE TRUST
P.O. BOX 8253
MISSION HILLS, CO 81346
RECEPTION NO. B5164979

PUBLIC CROSS-ACCESS
EASEMENTS ARE GRANTED
OVER DRIVABLE AREAS OF
BLOCK 1 LOTS 1-8. LOTS
1-3 ARE SUBJECT TO
UTILITY EASEMENTS REF
DCRP BK 5246 PG 250

See Detail #17
Sheet 7.22
For RW-20B, TE-20,
RW-21 & TE-21

TRENTON CO
IPARTNERS LLC
SEE SHEET 7.07



LINE	BEARING	LENGTH
L180	N0°10'11"W	1.06'
L181	N89°49'49"E	89.20'
L182	N0°10'11"W	4.32'
L183	N89°49'49"E	21.00'
L184	S0°10'11"E	3.37'
L185	S89°49'49"W	110.20'

LINE	BEARING	LENGTH
L269	N89°49'49"E	114.81'
L270	S84°27'33"E	29.89'
L271	S0°10'11"E	22.30'
L272	S89°49'49"W	32.47'
L273	N0°08'56"W	6.70'
L274	S89°51'04"W	111.01'
L275	N0°08'00"W	16.51'

LINE	BEARING	LENGTH
L186	S89°49'49"W	4.98'
L187	N44°49'49"E	40.97'
L188	N0°10'11"W	52.88'
L189	N89°50'41"E	3.28'
L190	S0°10'11"E	62.85'
L191	S89°49'49"W	8.31'
L192	S44°49'49"W	26.87'

LINE	BEARING	LENGTH
L284	N0°10'11"W	11.88'
L289	S89°03'55"E	135.88'
L300	S0°00'00"W	0.81'
L301	S88°43'18"E	9.81'
L302	N89°49'49"E	8.64'
L303	S0°10'11"E	42.36'
L304	S89°49'49"W	25.75'
L305	N0°10'11"W	61.33'
L306	S89°49'49"W	63.10'
L307	N0°10'11"W	8.73'
L308	S89°49'49"W	70.00'
L310	S0°10'11"E	8.00'
L1015	S89°49'49"W	18.85'

LINE	BEARING	LENGTH
L193	N0°10'11"W	8.95'
L194	N88°48'49"E	220.62'
L195	N45°10'23"E	28.25'
L198	N103°33"E	61.31'
L197	N89°57'45"E	4.09'
L198	S0°10'11"E	52.88'
L199	S44°48'49"W	40.97'
L200	S89°48'49"W	107.45'
L201	N0°10'11"W	5.37'
L202	S89°48'49"W	21.00'
L203	S0°10'11"E	4.32'
L204	S89°48'49"W	80.20'

LINE	BEARING	LENGTH
L205	N0°10'11"W	8.99'
L206	S45°27'59"E	39.87'
L207	N88°43'25"W	2.19'
L208	N44°57'12"W	26.77'
L209	S89°48'49"W	7.29'

LINE	BEARING	LENGTH
L295	N88°49'49"E	13.98'
L296	S0°02'44"W	48.27'
L297	S89°49'49"W	13.78'
L298	N0°10'11"W	48.27'

LINE	BEARING	LENGTH
L276	N89°51'04"E	111.91'
L277	S0°08'56"E	6.70'
L278	N89°49'49"E	32.47'
L279	S0°10'11"E	48.27'
L280	S89°48'49"W	41.88'
L281	N0°10'33"W	38.84'
L282	S89°49'49"W	102.90'
L283	N0°08'39"W	10.17'

LINE	BEARING	LENGTH
L1017	S84°27'33"E	70.80'
L1018	N89°49'49"E	103.59'
L1019	S0°10'11"E	3.99'
L1020	S89°48'49"W	8.64'
L1021	N88°43'18"W	9.81'
L1022	N0°00'00"E	0.81'
L1023	N89°03'55"W	135.88'
L1024	S0°10'11"E	11.88'
L1025	S89°48'49"W	16.50'
L1026	N0°10'11"W	22.30'

LINE	BEARING	LENGTH
L295	N88°49'49"E	13.98'
L296	S0°02'44"W	48.27'
L297	S89°49'49"W	13.78'
L298	N0°10'11"W	48.27'

LINE	BEARING	LENGTH
L276	N89°51'04"E	111.91'
L277	S0°08'56"E	6.70'
L278	N89°49'49"E	32.47'
L279	S0°10'11"E	48.27'
L280	S89°48'49"W	41.88'
L281	N0°10'33"W	38.84'
L282	S89°49'49"W	102.90'
L283	N0°08'39"W	10.17'

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C29	1A.9R'	29.78'	90°00'00"	S45°10'11"E	76.81'
C30	25.00'	29.74'	68°09'32"	N56°05'25"W	28.02'
C31	25.00'	29.74'	68°09'32"	S86°05'25"E	28.02'

Print Date: 12-17-2020
Drawing File Name: SV-RM-7.01-7.23-ARPC0010.dwg
Proj. Scale: As Noted
Wm. Series: As Noted
BRAND ASSOCIATES
189 Exchange Blvd
Denver, Colorado 80202
Phone: 726-0666

Date	Comments	Init
11/18/19	#13303, 13306-13309 NEW	DE
01/31/20	PE-19 ADDED	DE
03/02/20	RW-25, TE-25B REVISED	DE
11-20-20	11-20-20	DE

Arapahoe County
DEPARTMENT OF PUBLIC WORKS AND DEVELOPMENT ENGINEERING DIVISION
3824 G. Line St
Commerce, CO 80118
720-871-2600

As Constructed	ILLIFF AVE; QUEBEC ST - PARKER RD
No Revisions:	
Revised:	Designer: Structure X-XX-XX Detailer: Numbers X-TX-XX
Void:	Sheet Subset: Sheet Sheets: of

Project No./Code
STU C100-038
20962
Sheet 7.06 of 7.42

PROJECT NUMBER: STU C100-038

PARCEL NUMBER: RW-8 REV

PROJECT CODE: 20992

DATE: December 18, 2019

DESCRIPTION

A tract or parcel of land No. RW-8 REV of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 12,412 sq. ft. (0.285 acres), more or less, being a portion of Tract F of Lot 1 of Block 1 of the First Administrative Replat to Central Park Center Subdivision Filing No. 1, recorded January 21, 1987 at Reception Number R2783759 in the office of the Arapahoe County Recorder, located in the Northwest Quarter of Section 28, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the southeast corner of said Tract F, from whence the Center Quarter Corner of said Section 28 (monumented by a 3 1/4 inch brass cap in a range box stamped "DMWW LS7104 1977") bears South 85°57'35" East for a distance of 2183.07 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence northwesterly for a distance of 98.36 feet along the southwest line of said Tract F, along the arc of a curve to the right, having a radius of 629.07 feet, a central angle of 08°57'32", and a long chord of which bears North 51°41'03" West for a distance of 98.26 feet;
2. Thence North 42°47'43" East, along the southwest line of said Tract F, for a distance of 0.50 feet;
3. Thence northwesterly for a distance of 76.06 feet, continuing along said southwest line of Tract F, along the arc of a curve to the right, having a radius of 628.56 feet, a central angle of 06°56'00", and a long chord which bears North 43°44'17" West, for a distance of 76.02 feet;
4. Thence North 40°16'17" West, along the southwest line of said Tract F, for a distance of 290.28 feet to the west corner of said Tract F;
5. Thence North 49°43'43" East along the northwest line of said Tract F, for a distance of 29.64 feet;
6. Thence South 40°02'54" East for a distance of 136.45 feet;
7. Thence North 50°51'55" East for a distance of 5.64 feet;
8. Thence South 38°39'42" East for a distance of 95.42 feet;

9. Thence South $51^{\circ}47'11''$ West for a distance of 5.34 feet;

10. Thence South $40^{\circ}02'54''$ East for a distance of 154.43 feet;

11. Thence southeasterly for a distance of 73.06 feet, along the arc of a curve to the left, having a radius of 594.00 feet, a central angle of $07^{\circ}02'50''$, and the long chord of which bears South $51^{\circ}06'13''$ East, for a distance of 73.01 feet to a point on the southeast line of said Tract F;

12. Thence South $33^{\circ}50'50''$ West, along said southeast line of Tract F, for a distance of 16.96 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 12,412 sq. ft. (0.285 acres), more or less.

PROJECT NUMBER: STU C100-038

PARCEL NUMBER: RW-9 REV2

PROJECT CODE: 20992

DATE: May 08, 2020

DESCRIPTION

A tract or parcel of land No. RW-9 REV2 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 5,153 sq. ft. (0.118 acres), more or less, being a portion of Tract C of Lot 1 of Block 1 of the First Administrative Replat to Central Park Center Subdivision Filing No. 1, recorded January 21, 1987 at Reception Number R2783759 in the office of the Arapahoe County Recorder, located in the Northwest Quarter of Section 28, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the southeast corner of said Tract C, from whence the Center Quarter Corner of said Section 28 (monumented by a 3 ¼ inch brass cap in a range box stamped "DMWW LS7104 1977") bears South 88°28'53" East for a distance of 1886.48 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence northwesterly for a distance of 312.97 feet along southern line of said Tract C, along the arc of a curve to the right, having a radius of 629.07 feet, a central angle of 28°30'20", and a long chord of which bears North 70°24'59" West, for a distance of 309.75 feet to the southwest corner of said Tract C;
2. Thence North 33°50'50" East, along the westerly line of said Tract C, for a distance of 16.96 feet;
3. Thence southeasterly for a distance of 45.12 feet along the arc of a curve to the left, having a radius of 594.00 feet, a central angle of 04°21'07", and a long chord of which bears South 56°48'12" East, for a distance of 45.11 feet;
4. Thence North 29°17'03" East for a distance of 13.21 feet;
5. Thence South 60°42'57" East for a distance of 18.00 feet;
6. Thence South 29°17'03" West for a distance of 9.00 feet;
7. Thence southeasterly for a distance of 48.49 feet along the arc of a curve to the left, having a radius of 640.31 feet, a central angle of 4°20'21", and a long chord of which bears South 63°08'47" East, for a distance of 48.48 feet;
8. Thence North 61°10'52" East for a distance of 2.56' feet

9. Thence southeasterly for a distance of 18.09 feet along the arc of a curve to the left, having a radius of 27.00 feet, a central angle of $38^{\circ}23'43''$, and a long chord of which bears South $48^{\circ}00'59''$ East, for a distance of 17.76 feet;
10. Thence southeasterly for a distance of 100.25 feet along the arc of a curve to the left, having a radius of 592.85 feet, a central angle of $9^{\circ}41'20''$, and a long chord of which bears South $72^{\circ}03'27''$ East, for a distance of 100.13 feet;
11. Thence northeasterly for a distance of 26.50 feet along the arc of a curve to the left, having a radius of 27.00 feet, a central angle of $56^{\circ}14'34''$, and a long chord of which bears North $74^{\circ}58'41''$ East, for a distance of 25.45 feet;
12. Thence South $43^{\circ}08'36''$ East for a distance of 16.62 feet;
13. Thence southeasterly for a distance of 38.69 feet along the arc of a curve to the left, having a radius of 640.31 feet, a central angle of $3^{\circ}27'44''$, and a long chord of which bears South $80^{\circ}51'42''$ East, for a distance of 38.69 feet to a point on the easterly line of said Tract C;
14. Thence South $05^{\circ}20'50''$ West, along said easterly line of Tract C, for a distance of 13.07 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 5,153 sq. ft. (0.118 acres), more or less.

PROJECT NUMBER: STU C100-038

PARCEL NUMBER: RW-10

PROJECT CODE: 20992

DATE: July 10, 2019

DESCRIPTION

A tract or parcel of land No. RW-10 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 3,563 sq. ft. (0.082 acres), more or less, being a portion of Tract D of Lot 1 of Block 1 of the First Administrative Replat to Central Park Center Subdivision Filing No. 1, recorded January 21, 1987 at Reception Number R2783759 in the office of the Arapahoe County Recorder, located in the Northwest Quarter of Section 28, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the southwest corner of said Tract D, from whence the Southeast Corner of the said Northwest Quarter of Section 28 (monumented by a 3 ¼ inch brass cap in a range box near the intersection of Illiff Avenue and Cherry Creek stamped "DMWW LS7104 1977") bears South 88°28'53" East for a distance of 1886.48 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence North 05°20'50" East, along west line of said Tract D, for a distance of 13.07 feet;
2. Thence southeasterly for a distance of 58.32 feet along the arc of a curve to the left, having a radius of 640.31 feet, a central angle of 05°13'06", and a long chord of which bears South 85°12'06" East, for a distance of 58.30 feet;
3. Thence North 89°49'49" East for a distance of 85.83 feet;
4. Thence North 00°10'11" West for a distance of 5.00 feet;
5. Thence North 89°49'49" East for a distance of 36.84 feet;
6. Thence South 00°10'11" East for a distance of 5.00 feet;
7. Thence North 89°49'49" East for a distance of 46.32 feet;
8. Thence North 44°46'13" East for a distance of 42.01 feet;
9. Thence North 89°49'49" East for a distance of 5.15 feet to a point on the east line of said Tract D;
10. Thence South 00°10'11" East, along said east line of Tract D, for a distance of 15.60 feet;
11. Thence southwesterly for a distance of 39.27 feet along the southeasterly line of said Tract D, along the arc of a curve to the right, having a radius of 25.00 feet, a central

angle of $90^{\circ}00'00''$, and a long chord of which bears South $44^{\circ}49'49''$ West for a distance of 35.36 feet;

12. Thence South $89^{\circ}49'49''$ West, along the south line of said Tract D, for a distance of 177.85 feet;

13. Thence westerly for a distance of 60.39 feet along the south line of said Tract D, along the arc of a curve to the right, having a radius of 629.07 feet, a central angle of $05^{\circ}30'02''$ and a long chord which bears North $87^{\circ}25'10''$ West for a distance of 60.37 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 3,563 sq. ft. (0.082 acres), more or less.

PROJECT NUMBER: STU C100-038
PARCEL NUMBER: RW-19
PROJECT CODE: 20992
DATE: July 10, 2019
DESCRIPTION

A tract or parcel of land No. RW-19 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 146 sq. ft. (0.003 acres), more or less, being a portion of Lot 6 of Block 1 of the Correction Plat for Cherry Creek South Business Park Subdivision Filing No. 3, recorded October 27, 1987 in Book 96 at Pages 39 and 40 at Reception Number R2904253 in the office of the Arapahoe County Recorder, located in the Northwest Quarter of Section 28, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the southeast corner of said Lot 6, from whence the Southeast Corner of the said Northwest Quarter of Section 28 (monumented by a 3 ¼ inch brass cap in a range box near the intersection of Iliff Avenue and Cherry Creek stamped "DMWW LS7104 1977") bears South 87°17'26" East for a distance of 1048.75 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence South 89°49'49" West, along the south line of said Lot 6, for a distance of 139.08 feet to the southwest corner of said Lot 6;
2. Thence North 00°10'11" West, along the west line of said Lot 6, for a distance of 1.05 feet;
3. Thence North 89°49'49" East for a distance of 139.08 feet to a point on the east line of said Lot 6;
4. Thence South 00°10'11" East, along said east line of Lot 6, for a distance of 1.05 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 146 sq. ft. (0.003 acres), more or less.

PROJECT NUMBER: STU C100-038
PERMANENT EASEMENT NUMBER: PE-8
PROJECT CODE: 20992
DATE: December 18, 2019
DESCRIPTION

A Permanent Easement No. PE-8 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 5,736 sq. ft. (0.132 acres), more or less, being a portion of Tract F of Lot 1 of Block 1 of the First Administrative Replat to Central Park Center Subdivision Filing No. 1, recorded January 21, 1987 at Reception Number R2783759 in the office of the Arapahoe County Recorder, located in the Northwest Quarter of Section 28, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the southeast corner of said Tract F, from whence the Center Quarter Corner of said Section 28 (monumented by a 3 ¼ inch brass cap in a range box stamped "DMWW LS7104 1977") bears South 85°57'35" East for a distance of 2183.07 feet; Thence North 33°50'50" East, along the southeast line of said Tract F, for a distance of 16.96 feet to the TRUE POINT OF BEGINNING;

1. Thence northwesterly for a distance of 73.06 feet along the arc of a curve to the right, having a radius of 594.00 feet, a central angle of 07°02'50", and the long chord of which bears North 51°06'13" West for a distance of 73.01 feet;
2. Thence North 40°02'54" West for a distance of 154.43 feet;
3. Thence North 51°47'11" East for a distance of 5.34 feet;
4. Thence North 38°39'42" West for a distance of 95.42 feet;
5. Thence South 50°51'55" West for a distance of 5.64 feet;
6. Thence North 40°02'54" West for a distance of 136.45 feet to a point on the northwest line of said Tract F;
7. Thence North 49°43'43" East, along said northwest line of Tract F, for a distance of 12.51 feet;
8. Thence South 41°26'14" East, for a distance of 161.63 feet;
9. Thence South 33°54'36" East, for a distance of 45.78 feet;
10. Thence South 38°04'26" East, for a distance of 77.65 feet;
11. Thence southeasterly for a distance of 170.47 feet along the arc of a curve to the left, having a radius of 578.50 feet, a central angle of 16°53'01", and the long chord of which

bears South 46°08'40" East for a distance of 169.85 feet to a point on the southeast line of said Tract F;

12. Thence South 33°50'50" West, along said southeast line of Tract F, for a distance of 15.51 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 5,736 sq. ft. (0.132 acres), more or less.

PROJECT NUMBER: STU C100-038
PERMANENT EASEMENT NUMBER: PE-9A
PROJECT CODE: 20992
DATE: December 18, 2019
DESCRIPTION

A Permanent Easement No. PE-9A of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 1,073 sq. ft. (0.025 acres), more or less, being a portion of Tract C of Lot 1 of Block 1 of the First Administrative Replat to Central Park Center Subdivision Filing No. 1, recorded January 21, 1987 at Reception Number R2783759 in the office of the Arapahoe County Recorder, located in the Northwest Quarter of Section 28, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the southeast corner of said Tract C, from whence the Center Quarter Corner of said Section 28 (monumented by a 3 ¼ inch brass cap in a range box stamped "DMWW LS7104 1977") bears South 85°57'35" East for a distance of 2183.07 feet, Thence North 33°50'50" East, along the westerly line of said Tract C, for a distance of 16.96 feet to the TRUE POINT OF BEGINNING;

1. Thence North 33°50'50" East, along the westerly line of said Tract C, for a distance of 15.51 feet;
2. Thence southeasterly for a distance of 63.17 feet along the arc of a curve to the left, having a radius of 578.50 feet, a central angle of 6°15'24", and a long chord of which bears South 57°42'53" East, for a distance of 63.14 feet;
3. Thence South 52°44'58" East for a distance of 48.98 feet;
4. Thence South 61°10'52" West for a distance of 2.56 feet;
5. Thence northwesterly for a distance of 48.49 feet along the arc of a curve to the right, having a radius of 640.31 feet, a central angle of 4°20'21", and a long chord of which bears North 63°08'47" West, for a distance of 48.48 feet;
6. Thence North 29°17'03" East for a distance of 9.00 feet;
7. Thence North 60°42'57" West for a distance of 18.00 feet;
8. Thence South 29°17'12" West for a distance of 13.21 feet;
9. Thence northwesterly for a distance of 45.12 feet along the arc of a curve to the right, having a radius of 594.01 feet, a central angle of 4°21'07", and a long chord of which bears North 56°48'12" West, for a distance of 45.11 feet more or less, to the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 1,073 sq. ft. (0.025 acres), more or less.

PROJECT NUMBER: STU C100-038
PERMANENT EASEMENT NUMBER: PE-9B
PROJECT CODE: 20992
DATE: December 18, 2019
DESCRIPTION

A Permanent Easement No. PE-9B of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 506 sq. ft. (0.012 acres), more or less, being a portion of Tract C of Lot 1 of Block 1 of the First Administrative Replat to Central Park Center Subdivision Filing No. 1, recorded January 21, 1987 at Reception Number R2783759 in the office of the Arapahoe County Recorder, located in the Northwest Quarter of Section 28, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the southeast corner of said Tract C, from whence the Center Quarter Corner of said Section 28 (monumented by a 3 ¼ inch brass cap in a range box stamped "DMWW LS7104 1977") bears South 88°28'53" East for a distance of 1886.48 feet, Thence North 05°20'50" East, along the easterly line of said Tract C, for a distance of 13.07 feet to the TRUE POINT OF BEGINNING;

1. Thence northwesterly for a distance of 38.69 feet along the arc of a curve to the right, having a radius of 640.31 feet, a central angle of 3°27'44", and a long chord of which bears North 80°51'42" West, for a distance of 38.69 feet;
2. Thence North 43°08'36" West for a distance of 16.62 feet;
3. Thence South 84°34'22" East for a distance of 10.91 feet;
4. Thence southeasterly for a distance of 40.18 feet along the arc of a curve to the left, having a radius of 580.50 feet, a central angle of 3°57'57", and a long chord of which bears South 82°10'07" East, for a distance of 40.17 feet to a point on the easterly line of said Tract C;
5. Thence South 05°20'50" West, along the easterly line of said Tract C, for a distance of 11.82 feet more or less, to the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 506 sq. ft. (0.012 acres), more or less.

PROJECT NUMBER: STU C100-038
PERMANENT EASEMENT NUMBER: PE-9C
PROJECT CODE: 20992
DATE: May 8, 2020
DESCRIPTION

A Permanent Easement No. PE-9C of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 356 sq. ft. (0.008 acres), more or less, being a portion of Tract C of Lot 1 of Block 1 of the First Administrative Replat to Central Park Center Subdivision Filing No. 1, recorded January 21, 1987 at Reception Number R2783759 in the office of the Arapahoe County Recorder, located in the Northwest Quarter of Section 28, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the southeast corner of said Tract C, from whence the Center Quarter Corner of said Section 28 (monumented by a 3 ¼ inch brass cap in a range box stamped "DMWW LS7104 1977") bears South 88°28'53" East for a distance of 1886.48 feet, Thence North 05°20'50" East, along the easterly line of said Tract C, for a distance of 13.07 feet, Thence northwesterly for a distance of 38.69 feet along the arc of a curve to the right, having a radius of 640.31 feet, a central angle of 3°27'44", and a long chord of which bears North 80°51'42" West, for a distance of 38.69 feet, Thence North 43°08'36" West for a distance of 16.62 feet to the TRUE POINT OF BEGINNING;

1. Thence southwesterly for a distance of 26.50 feet along the arc of a curve to the right, having a radius of 27.00 feet, a central angle of 56°14'34", and a long chord of which bears South 74°58'41" West, for a distance of 25.45 feet;
2. Thence northwesterly for a distance of 100.25 feet along the arc of a curve to the right, having a radius of 593.00 feet, a central angle of 9°41'11", and a long chord of which bears North 72°03'27" West, for a distance of 100.13 feet;
3. Thence northwesterly for a distance of 18.09 feet along the arc of a curve to the right, having a radius of 27.00 feet, a central angle of 38°23'43", and a long chord of which bears North 48°00'59" West, for a distance of 17.76 feet;
4. Thence North 61°10'52" East for a distance of 2.50;
5. Thence southeasterly for a distance of 16.42 feet along the arc of a curve to the left, having a radius of 24.50 feet, a central angle of 38°23'43", and a long chord of which bears South 48°00'59" East, for a distance of 16.11 feet;
6. Thence southeasterly for a distance of 99.83 feet along the arc of a curve to the left, having a radius of 590.50 feet, a central angle of 9°41'11", and a long chord of which bears South 72°03'27" East, for a distance of 99.71 feet;

7. Thence northeasterly for a distance of 24.05 feet along the arc of a curve to the left, having a radius of 24.50 feet, a central angle of $56^{\circ}14'34''$, and a long chord of which bears North $74^{\circ}58'41''$ East, for a distance of 23.10 feet;

8. Thence South $43^{\circ}08'36''$ East for a distance of 2.50 to the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 356 sq. ft. (0.008 acres), more or less.

PROJECT NUMBER: STU C100-038
PERMANENT EASEMENT NUMBER: PE-10

PROJECT CODE: 20992
DATE: December 18, 2019
DESCRIPTION

A Permanent Easement No. PE-10 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 2,929 sq. ft. (0.067 acres), more or less, being a portion of Tract D of Lot 1 of Block 1 of the First Administrative Replat to Central Park Center Subdivision Filing No. 1, recorded January 21, 1987 at Reception Number R2783759 in the office of the Arapahoe County Recorder, located in the Northwest Quarter of Section 28, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the southwest corner of said Tract D, from whence the Center Quarter Corner of said Section 28 (monumented by a 3 ¼ inch brass cap in a range box stamped "DMWW LS7104 1977") bears South 88°28'53" East for a distance of 1886.48 feet; Thence North 05°20'50" East, along the westerly line of said Tract D, for a distance of 13.07 feet to the TRUE POINT OF BEGINNING;

1. Thence North 05°20'50" East, along said westerly line of Tract D, for a distance of 11.82 feet;
2. Thence southeasterly for a distance of 60.59 feet along the arc of a curve to the left, having a radius of 580.50 feet, a central angle of 05°58'49" and a long chord of which bears South 87°08'29" East for a distance of 60.56 feet;
3. Thence North 89°52'06" East for a distance of 178.92 feet;
4. Thence South 44°46'13" West for a distance of 19.06 feet;
5. Thence South 89°49'49" West for a distance of 46.32 feet;
6. Thence North 00°10'11" West for a distance of 5.00 feet;
7. Thence South 89°49'49" West for a distance of 36.84 feet;
8. Thence South 00°10'11" East for a distance of 5.00 feet;
9. Thence South 89°49'49" West for a distance of 85.83 feet;
10. Thence northwesterly for a distance of 58.32 feet along the arc of a curve to the right, having a radius of 640.31 feet, a central angle of 05°13'06" and a long chord of which bears North 85°12'06" West for a distance of 58.30 feet more or less, to the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 2,929 sq. ft. (0.067 acres), more or less.

PROJECT NUMBER: STU C100-038
XCEL ENERGY PERMANENT EASEMENT NUMBER: PE-19
PROJECT CODE: 20992
DATE: January 31, 2020
DESCRIPTION

A Permanent Easement No. PE-19 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 800 sq. ft. (0.018 acres), more or less, being a portion of Lot 6 of Block 1 of the Correction Plat for Cherry Creek South Business Park Subdivision Filing No. 3, recorded October 27, 1987 in Book 96 at Pages 39 and 40 at Reception Number R2904253 in the office of the Arapahoe County Recorder, located in the Northwest Quarter of Section 28, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the southeast corner of said Lot 6, from whence the Southeast Corner of the said Northwest Quarter of Section 28 (monumented by a 3 ¼ inch brass cap in a range box near the intersection of Illiff Avenue and Cherry Creek stamped "DMWW LS7104 1977") bears South 87°17'26" East for a distance of 1048.75 feet; Thence North 00°10'11" West, along the east line of said Lot 6, for a distance of 1.05 feet; to the TRUE POINT OF BEGINNING;

1. Thence South 89°49'49" West for a distance of 40.00 feet;
2. Thence North 00°10'11" West for a distance of 20.00 feet;
3. Thence North 89°49'49" East for a distance of 40.00 feet to a point on said east line of Lot 6;
4. Thence South 00°10'11" East, along said east line of Lot 6, for a distance of 20.00 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 800 sq. ft. (0.018 acres), more or less.

The Properties shall be used by Arapahoe County and is accepted for the right-of-way purposes expressed in the instrument.

Except as expressly stated in the instrument, Arapahoe County does not accept any other interest in the property, including any responsibility for maintenance, repair, decontamination, cleanup, or hazardous material response on any portion of the real estate other than the improvements installed by or for Arapahoe County.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes,.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-286 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to approve the September 2022 Veteran Services Office Monthly Reports.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-287 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to amend Resolution No. 22-242N adopted on September 13, 2022 in order to correct the refund amount. Petitioner, Dean Sheikh Living Trust, parcel number 2077-11-1-02-028 for tax year 2021. The correct refund amount is \$25,396.92.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; and Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-288 It was moved by Commissioner Holen and seconded by Commissioner Warren-Gully to make the following reappointments to the following citizen boards and committees, representing Arapahoe County beginning October 25, 2022, for terms as prescribed below:

1. **Open Space and Trails Advisory Board.** Pursuant to Resolution No. 120421 and the committee's bylaws:

- Appoint Larry Vittum for a three-year term.
- Appoint Joshua Vanderschuere for three-year term.

2. **Planning Commission.** Pursuant to the Committee's bylaws:

- Appoint David Mohrhaus for a three-year term.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes;

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-289 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to authorize the BOCC Chair, to sign the Memorandum of Understanding (MOU) between Arapahoe County and Colorado State Department of Human Services (CDHS) for the term from July 1, 2022, through June 30, 2025, and identifies the County's duties and responsibilities in implementing the Colorado Works Program. The MOU must be reaffirmed annually through an amendment signed by both parties and is pursuant to the terms contained therein.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-290 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to adopt the following Resolution:

WHEREAS, the Board of County Commissioners of Arapahoe County met at a duly and lawfully called meeting held on Tuesday, October 25, 2022; and

WHEREAS, the Board at that time considered the Petition for Abatement or Refund of Taxes as submitted by taxpayer and as contained within an Agenda Memorandum to the Board; and

WHEREAS, applicable procedures, due process, and requirements of notice were followed pursuant to Sections 39-1-113 and 39-10-114, C.R.S.; and

WHEREAS, no Petitioner or representatives of the Arapahoe County Assessor were

present, although both parties were afforded notice; and

WHEREAS, the Board received comments from the County Attorney, received exhibits and reviewed the record as represented by an Agenda Memorandum summarizing the Petition and the Arapahoe County Assessor recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

1. That the Petition listed below, presented this date to the Board and relating to the schedule numbers set forth therein, shall be and are hereby granted, the recommendations of the Assessor are hereby adopted and abatements or refunds in the amounts approved by the Assessor are hereby approved by the Board.

Petitioner	Parcel Number	Year	Refund
7100 E Belleview Property LLC	2075-17-1-01-015	2021	\$68,893.37

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; and Commissioner, Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-291 It was moved by Commissioner Baker and duly seconded by Commissioner Warren-Gully to amend Resolution No. 22-244BB adopted on September 13, 2022 in order to correct the refund amount. Petitioner, CJ CO parcel number 1973-24-1-15-001 for tax year 2021. The correct refund amount is \$12,126.41.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; and Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-292 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to adopt the following Resolution:

WHEREAS, the Board of County Commissioners has passed a resolution to create the Arapahoe County Public Health Department (ACPHD), appointed a Board of Health, and directed staff to make the necessary preparations for the implementation of a single-county public health department by January 1, 2023, including securing of staff; and

WHEREAS, the Board of County Commissioners has previously adopted Financial Policy 3.2 – Staffing Authorization Policy that requires Board of County Commissioner approval for any increase, decrease, or transfer of authorized positions approved in the budget adoption resolutions; and

WHEREAS, the Public Health Director appointed by the Board of Health has made offers of employment to secure the staff necessary to make ACPHD operational on January 1, 2023, and will make more offers in the future; and

WHEREAS, such staff will be part of the County’s personnel and payroll systems; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County hereby authorizes and approves the inclusion of the employees hired by the Public Health Director in the County’s payroll and personnel systems for purposes of implementing ACPHD by year-end 2022.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-293 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to approve the expenditure of \$807,000.00 from the Open Spaces Acquisitions and Development Fund for the acquisition of a 74-acre property in unincorporated Arapahoe County near the Town of Bennett for open space purposes.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-294 It was moved by Commissioner Holen and duly seconded by Chair Pro Tem Warren-Gully to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeal Cases (Docket Numbers), for the tax years listed below:

Docket #	Property Owner	Tax Year
2021BAA2309	DMC CO1 LLC	2021/2022
2021BAA2312	CKT Properties LLC	2021/2022

After review by the County Attorney's Office, in conjunction with the Arapahoe County Assessor's Office and the Petitioners, evidence was submitted which supported the Stipulations and the Petitioners agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulations. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulations.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-295 It was moved by Commissioner Holen and seconded by Commissioner Warren-Gully to approve the submitted warrant disbursement register, dated September 26, October 4, and October 10, 2022, reviewed by the Board of County Commissioners on this date. The Arapahoe County Finance Officer, Chair of the Board of Social Services, and the Chair of the Board of County Commissioners are hereby authorized to sign same. All pre-paid and statutory Social Service warrants are hereby authorized for payment this week, subject to inclusion on the warrant disbursement register next week and ratification by the Board of County Commissioners.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-296 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to approve the expenditure of \$1,510,000.00 from the Open Spaces Acquisitions and Development Fund for the acquisition of a 4.5-acre property in the Four-Square Mile Area of unincorporated Arapahoe County for open space purposes.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-297 It was moved by Commissioner/Director Warren-Gully and duly seconded by Commissioner/Director Sharpe to adopt the following Resolution:

WHEREAS, the Arapahoe County Finance Director, as required, has submitted proposed budgets for calendar/fiscal year 2023, pursuant to Section 29-1-105, C.R.S., for the following:

1. Arapahoe County;
2. The Arapahoe Law Enforcement Authority;
3. The Arapahoe County Recreation District; and
4. The Arapahoe County Water and Wastewater Public Improvement District;

and

WHEREAS, the Board of County Commissioners has caused to be published a notice relating to a public hearing to be held on the proposed 2023 Arapahoe County Budget, pursuant to Section 29-1-106, C.R.S.; and

WHEREAS, the Board of County Commissioners of Arapahoe County, acting as the governing board of the Arapahoe Law Enforcement Authority, has caused to be published a notice relating to a public hearing to be held on the proposed 2023 Budget, pursuant to Section 29-1-106, C.R.S.; and

WHEREAS, the Board of County Commissioners of Arapahoe County, acting as the governing board of the Arapahoe County Recreation District, has caused to be published a notice relating to a public hearing to be held on the proposed 2023 Budget, pursuant to Section 29-1-106, C.R.S.; and

WHEREAS, the Board of County Commissioners of Arapahoe County, acting as the *ex officio* Board of Directors of the Arapahoe County Water and Wastewater Public Improvement District, has caused to be published a notice relating to a public hearing to be held on the proposed 2023 Budget, pursuant to Section 29-1-106, C.R.S.; and

WHEREAS, the Arapahoe County Finance Director has certified to the Board of County Commissioners the sums necessary to maintain and operate the Arapahoe Law Enforcement Authority, the Arapahoe County Recreation District, the Arapahoe County Water and Wastewater Public Improvement District and Arapahoe County for Fiscal Year 2023; and

WHEREAS, pursuant to statute and the aforementioned notice provisions, a public hearing was held on October 25, 2022 before the Board of County Commissioners of Arapahoe County, Colorado (a) acting as the governing board of the Arapahoe Law Enforcement Authority, (b) acting as the governing board of the Arapahoe County Recreation District, (c) acting as the *ex officio* Board of Directors of the Arapahoe County Water and Wastewater Public Improvement District, and (d) acting, pursuant to Section 30-11-107(2), C.R.S., to adopt an annual budget for the operation of County Government, at the Arapahoe County Administration Building, 5334 South Prince Street, Littleton, Colorado; and

WHEREAS, at said public hearing, the Board of County Commissioners received testimony and evidence from the Arapahoe County Finance Director concerning said proposed

budgets and mill levies and the general public was given the opportunity to present evidence and testimony concerning said proposed budgets and mill levies.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado as follows:

1. The Board hereby accepts the proposed 2023 Budget as submitted, as being necessary to maintain and operate Arapahoe County during the ensuing fiscal year, subject to the Board's right of review to revise, alter, increase, or decrease any items as it deems necessary prior to adoption of said budget pursuant to Section 29-1-108, C.R.S.
2. Acting as the Governing Board of the Arapahoe Law Enforcement Authority, the Board hereby accepts the proposed 2023 Budget as submitted, as being necessary to maintain and operate the Arapahoe Law Enforcement Authority during the ensuing fiscal year, subject to the Governing Board's rights of review to revise, alter, increase, or decrease any items as it deems necessary prior to adoption of said budget pursuant to Section 29-1-108, C.R.S.
3. Acting as the Governing Board of the Arapahoe County Recreation District, the Board hereby accepts the proposed 2023 Budget as submitted, as being necessary to maintain and operate the Arapahoe County Recreation District during the ensuing fiscal year, subject to the Governing Board's rights of review to revise, alter, increase, or decrease any items as it deems necessary prior to adoption of said budget pursuant to Section 29-1-108, C.R.S.
4. Acting as the *ex officio* Board of Directors of the Arapahoe County Water and Wastewater Public Improvement District, the Board hereby accepts the proposed 2023 Budget as submitted, as being necessary to maintain and operate the Arapahoe County Water and Wastewater Public Improvement District during the ensuing fiscal year, subject to the *ex officio* Board of Directors' rights of review to revise, alter, increase, or decrease any items as it deems necessary prior to adoption of said budget pursuant to Section 29-1-108, C.R.S.
5. The Board of County Commissioners hereby continues these public hearings on the proposed 2023 Budgets for (a) the Arapahoe Law Enforcement Authority (b) the Arapahoe County Recreation District, (c) the Arapahoe County Water and Wastewater Public Improvement District and (d) Arapahoe County, until December 6, 2022 at 9:30 a.m., at which time the Board of County Commissioners shall adopt these budgets pursuant to Section 29-1-108, C.R.S. and take further action as required by law.

The vote was:

Commissioner/Director Baker, Yes; Commissioner/Director Holen, Yes; Commissioner/Director Jackson, Yes; Commissioner/Director Sharpe, Yes; Commissioner/Director Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-298 It was moved by Commissioner Warren-Gully and duly seconded by Commissioner Jackson to adopt the following Resolution:

WHEREAS, Sections 30-28-113, -116, and -133, Colorado Revised Statutes (C.R.S.), provide that the Board of County Commissioners has the power and authority to adopt and thereafter amend zoning regulations for the County after notice to the County Planning Commission and published notice to the public of the Board's intention to consider code adoptions and amendments, all as set forth in Sections 30-28-113, -116, and -133, C.R.S.; and

WHEREAS, the Arapahoe County Public Works and Development staff have proposed and recommended an amendment to the Arapahoe County Land Development Code to revise Section 5-3.5. B. through D, Use by Special Review – Energy Facilities, Planning Division Case No. LDC22-001; and

WHEREAS, the proposed amendments were presented to the Arapahoe County Planning Commission for review and comment and the Planning Commission held a duly noticed public hearing on September 6, 2022 at which the Planning Commission asked for public comment and received none and then voted to recommend approval of these changes to the Land Development Code, all as shown on the record of the proceedings before said Planning Commission; and

WHEREAS, Following said Planning Commission recommendation, the proposed amendment was scheduled for Public Hearing before the Arapahoe County Board of County Commissioners; and

WHEREAS, a Notice of said Public Hearing before this Board of County Commissioners on the proposed amendment was published in The Centennial Citizen, The Englewood Herald and The Littleton Independent, newspapers of general circulation in the County, on October 6, 2022, and a similar Notice of Public hearing was published in the I-70 Scout, a newspaper of general circulation in the east County on October 6, 2022, all of which publications notified the public of the public hearing on the proposed amendment to the Land Development Code; and

WHEREAS, on October 25, 2022, the Board of County Commissioners held the Public Hearing on the proposed amendment; and

WHEREAS, the Board was presented with evidence that the notice and referral procedures required by law for such proposed amendment were followed in accordance with applicable law; and

WHEREAS, no objections were raised relating to the adequacy of the notice or referral procedures followed; and

WHEREAS, at the Public Hearing, County Planning and Legal staff presented and explained the proposed changes, and were questioned about the particulars of the proposed amendment and the justifications for the proposed amendment by the members of the Board of County Commissioners; and

WHEREAS, following the presentation by County staff, the Chair provided opportunity for public comment to members of the public present at the hearing; and

WHEREAS, in consideration of such staff presentation and public comment made at the Hearing, the Board of County Commissioners makes the following findings:

- A. The Board of County Commissioners finds and determines that all statutory requirements have been met and that the Board has jurisdiction to consider and act upon the proposed amendment to the Land Development Code.
 1. That adequate opportunity for public input and comment on the proposed amendment to the Land Development Code has been provided.
 2. That the Board has jurisdiction to hear, consider and act upon the proposed amendment to the Land Development Code.
 3. That the Board considered and adopts the Findings outlined in the Board Summary Report, dated October 25, 2022, as follows:
 - a. The proposed changes to the Land Development Code are in conformance with the Arapahoe County Comprehensive Plan.
 - b. The Board has the authority to amend provisions of the Land Development Code as proposed.
 - c. The proposed amendment complies with the applicable state law and the Land Development Code policies and procedures for amendments as set forth in the Code, including public notification requirements.
 4. That upon consideration of the Arapahoe County Planning Commission's recommended revisions to the proposed amendment as stated in its recommendation of approval, the Board finds that such recommendations are appropriate.
- B. The Board of County Commissioners hereby concludes that the proposed amendment to the Land Development Code will not adversely affect the community's interest in reasonable stability in the zoning regulations, do not result in an arbitrary or capricious classification of or procedure for land use approval, and that the amendment supports the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado to amend Chapter 5, Section 5-3.5 of the Arapahoe County Land Development Code, Energy Facilities, and to adopt the new Chapter 5, Section 5-3.5, Small Solar System Facilities, to wit:

5-3.5 Administrative Use by Special Review – Small Solar System Facilities

A. INTENT AND APPLICABILITY

1. The intent of this Section 5-3.5 is to describe the process and approval criteria to locate and permit a Small Solar System Facility in unincorporated Arapahoe County and to regulate the development and surface impacts of a Small Solar System Facility's operations for protection of the public health, safety, and welfare and protection of the environment. No Small Solar System shall be located, constructed, or operated within the unincorporated jurisdiction of Arapahoe County except in compliance with the approval and operational requirements set forth in the Arapahoe County Land Development Code.
2. The Administrative Use by Special Review process available as provided under this Section 5-3.5 shall apply only to a "Small Solar System Facility" as defined in Chapter 7 of this Land Development Code.

B. RELATIONSHIP TO STATE OF COLORADO RULES

Prior to conducting any operations within unincorporated Arapahoe County, all Small Solar System facilities shall first obtain all applicable federal, state, and local permits and approvals. To the extent that there are differing standards or any conflict between an Arapahoe County's requirement and any applicable State of Colorado law, regulation or rule, the stricter standard or law, regulation or rule shall apply, unless a stricter County requirement is otherwise preempted by law.

C. RELATIONSHIP TO SECTION 5-3.4 OF THE LAND DEVELOPMENT CODE

1. This Section provides for an Administrative Use by Special Review process for Small Solar System facilities as defined in these Regulations, so that if an applicant meets administrative approval criteria, as set forth in this Section 5-3.5, and obtains approval pursuant to the process set forth herein, then separate approval under Section 5-3.4.B (Use by Special Review) of this Land Development Code is not required.
2. As an alternative to the Administrative Use by Special Review process set forth in this Section for approval to locate a proposed Small Solar System facility in unincorporated Arapahoe County or for any solar facility that exceeds the size of a Small Solar System as defined in these regulation, an applicant may submit an application in compliance with Section 5-3.4 (Use by Special Review) utilizing the same process and regulations for approval of a Major Electric, Natural Gas, and Petroleum Derivative Facility of a Private Company (5-3.4.B.3).

D. ADMINISTRATIVE APPROVAL CRITERIA

In order to obtain Administrative Use by Special Review approval for a Small Solar System Facility, an applicant shall first satisfy the following Administrative Review Criteria:

1. Submittal Requirements: The application and exhibits for the Administrative Use by Special Review must satisfy all applicable submittal requirements in this Section 5-3.5 and in the Development Application Manual, which shall include, but are not limited to, proof of ownership of or of the right to occupy the site location through lawful agreement.
2. Allowed Zone Districts: Small Solar System facilities may only be located in the AE, A-1, I-1 and I-2 zone districts, and where allowed by a PUD.
3. Compliance with Land Development Code Requirements: The proposed Small Solar System Facility must comply with all siting and other requirements and standards specified in this Section 5-3.5

4. Environmental/Public Health and Safety Impacts: The proposed Small Solar System Facility location or locations must meet all siting criteria set forth in these regulations. Approvals may be conditioned in accordance with these regulations to the extent necessary and reasonable to protect the public health, safety or welfare and the environment.
5. Emergency Service Providers: The Small Solar System Facility applicant must provide a commitment to serve ("will serve") letter, or evidence of commitment as is required under the local authority's process, from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or if no authority has jurisdiction, provide proof of a contract for emergency services from an emergency services provider with the ability and legal authority to provide such emergency services.

E. ADMINISTRATIVE PROCESS

1. Application Process

- a. Applications for an Administrative Use by Special Review for proposed Small Solar System Facilities will follow the application process outlined below and in Section 5-2.1.B of the Land Development Code, Common Procedures for an Application. To the extent that the procedures outlined in this Section 5-3.5 may conflict with any of the procedures set forth in Section 5-2.1.B of the Land Development Code, the procedures in this Section shall take precedence.
- b. The applicant will provide a narrative describing the proposed facility including measures planned or completed for notifications, height of equipment, health and safety, decommissioning, setbacks, lightning protection and procedures and vegetation management.
- c. Once a complete application has been submitted, County staff will refer the application for review to the various divisions of the PWD and other Arapahoe County Departments or Offices, as deemed appropriate, including the Sheriff's Office, Office of Emergency Management, and the Board of Health or other applicable local public health agency. An application will also be referred for review to outside agencies such as Colorado Parks and Wildlife (CPW), any fire district having jurisdiction in the area of the proposed facility, any adjacent governing jurisdictions, local public health department, the County Sheriff's Office, the U. S. Army Corps of Engineers, and others as may be deemed appropriate.
- d. The applicant shall provide a written response to all staff and referral agency comments.
- e. Upon completion of the referral process and acceptance of the final copy of the complete application and exhibits by the PWD, the application materials will be forwarded for final review to the PWD Director.
- f. **Adjacent Small Solar Facilities of the Same Operator**: No more than four (4) proposed adjacent Small Solar Systems of the same operator may be processed administratively at the same time, with a separate application and fee for each Small Solar System.

2. Application Notice Requirements

- a. The applicant shall provide written notification by U.S. Mail to all property owners of record, all occupied residences if occupants are different from record owner, all registered homeowners' associations for residential subdivisions where any

portion of the platted subdivision's boundary is within one-quarter (1/4) mile of the boundary of the property on which the proposed Small Solar System Facility is to be located that an application for an Administrative Use by Special Review for a Small Solar System Facility, will be filed with the County. The applicant shall also provide such written notice to all mineral owners or lessees within the property proposed for the development if the mineral owner or lessor is different from the surface owner. The Notice of Application shall meet the format prescribed by the County and shall be mailed at the time of filing the application with the County. The property owners of record shall be those identified in the County Assessor's property records. The Planning Division will provide the applicant with the names and addresses of the homeowners' associations.

- b. For purposes of notice to someone other than the owner of a residence as provided in 2(a) above, the applicant shall send the notice to the residence address and to the address of the record owner of the property if different from the property address.
- c. Within five days of submitting its application, the applicant shall publish notice of the application, including a description of the location, size and generating capacity of the proposed facility in the County's designated newspaper for County notices and in a newspaper with general circulation in the area where the proposed facility is to be located if area not covered by the County's designated newspaper.
- d. Within five (5) days of filing its application with Arapahoe County, the applicant shall also post a sign listing the case number and type of case (Small Solar System Facility), the phone number of the Planning Division, and the distance from the sign to the proposed facility. The sign shall meet the format specified in Section 5-2.2.A.3 of the Land Development Code and it shall be posted for a period of at least fourteen (14) consecutive days. The sign shall be posted adjacent to and off the shoulder of the county road or other public highway, and at or near the intersection of the proposed facility's access road and the public road, outside of the right-of-way or at such other location acceptable to and approved by Planning Division staff.

3. Compliance With County Building and Engineering Standards and Criteria

All Small Solar System facilities shall comply with and be installed and operated in accordance with all applicable provisions of all Arapahoe County building and engineering standards, including but not limited to, the Floodplain Regulations, the Building Code, the Grading, Erosion, and Sediment Control (GESC) Manual, the Stormwater Management Manual, the Stormwater Ordinance, Rural Engineering Standards, and the Infrastructure Design and Construction Standards. Waivers or variances from any of these regulations may only be allowed as provided in such regulations, except for location of a facility or portion of a facility within a floodplain which is prohibited.

4. Setbacks

- a. All Small Solar System Facilities shall meet the following standards:
 - I. The facility must meet minimum front, side, and rear setback distances for the zone district in which the facility proposed to be located.
 - II. A zero-foot setback for panels within the facility may be approved if the facility is proposed to cross parcel boundary lines of adjacent parcels and both affected parcels are under common ownership or a surface use

agreement between the applicant and each of the affected parcel owners allows for crossing the property line without any setback.

- III. 2,000 feet from the property line of a Designated Outside Activity Area as measured from the Small Solar System boundary. The facility boundary is defined as the facility's perimeter fence or outer edge of the landscaping required under Section 5-3.5 E.11.b. of these regulations.
- IV. Outside of a 100-year floodplain and at least 500 feet from the edge of any perennial surface water body, the ordinary high water mark of any perennial or intermittent stream or the edge of any riparian area, whichever is the greater distance, as measured from the pad boundary, unless CPW has waived or modified the setback from the stream, surface water, or the riparian area.

5. Health and Safety Requirements

- a. The Operator shall maintain 24-hour contact information for the Operator and maintain 24-hour contact information for all contractors working at the facility.
- b. The Operator shall provide directional signage in a conspicuous place at or near the intersection of the access road with the public road, from the time of initial operation until completion of decommissioning. The sign will contain the facility address. The Operator shall maintain signs in a good and legible condition and shall replace damaged or vandalized signs within fourteen (14) days. Directional signs shall be placed at locations and shall contain directions sufficient to advise emergency crews of the Facility's location.
- c. A sign with the Operator's 24/7 contact information, shall be placed at the entrance to the Small Solar System Facility. All signage content shall follow County signage content requirements. If the facility is transferred to another owner, the sign content shall be updated and replaced within one month of the transfer.
- d. No signage required under this section shall be placed within any County Road right-of-way unless specifically authorized by the County.

6. Fire Prevention and Safety Procedures

- i. The relevant fire district's adopted solar development standards, based on current fire code, shall apply unless in conflict with any applicable provision of the Arapahoe County Land Development or Building Code.
- ii. A clear, brush-free area of 10 feet shall be maintained around the ground-mounted photovoltaic equipment. Brush is defined generally as "scrub vegetation" containing woody branches and exceeding 3 feet in height. Native growth vegetation is allowed in this area.
- iii. A fire break or other facility perimeter design acceptable to the fire district shall be required to reduce or eliminate the interface risk from wildfire. The vegetation-free perimeter width shall be designated by the relevant fire district and may consist of dirt, gravel, road base, light rock or other materials approved by the relevant fire district. This area is typically aligned along the perimeter fencing.
- iv. Locked pneumatic gates shall be installed every 300 feet on the inside of the perimeter fencing. Egress through these gates shall be from the inside of the facility with a key, issued to anyone working inside the facility.

- v. Applicant shall provide, as an additional submittal requirement, a Vegetation Management Plan. The Plan shall describe the operator's methods to maintain vegetation inside the facility to a minimum level, which may include treatment, mowing, or other methods of fuel reduction. The operator to meet all requirements of the applicable International Fire Code (IFC) throughout the life of the facility. Failure to adhere to the approved vegetation management Plan may result in the issuance of a fire code violation or code summons.

7. Incident Reporting

All emergencies requiring first responders shall be reported to 911 immediately upon discovery, and as soon as reasonably possible to Office of Emergency Management.

8. Lightning, Hail, Other Weather Related or Other Emergency Response

If damage is sustained to any portion of a facility due to a lightning strike, hail, wind, other weather-related event, or other event or incident at the facility that required any response by the fire or emergency service authority for the site, the entire facility shall be shut down immediately and inspected by the Operator prior to restarting operations at the facility.

9. Glare Analysis

Applicant shall submit a glare analysis for each Small Solar System facility, in conformance with the most current U.S. Federal Aviation Administration policy. Planning will forward the analysis to appropriate agencies, which may include the U.S. Department of Defense, the U.S. Space Force and Buckley Air Force Base, and other airports where the facility is proposed for an area within the airport influence area of the airport.

10. Access Road Standards

- a. Prior to commencing construction of the Small Solar System Facility, the Operator shall connect the site via a 20-foot wide access road with six (6) inches of class 6 road base, designed to support an imposed load of 80,000 pounds that will accommodate emergency response vehicles such as, but not limited to, law enforcement, emergency command vehicles (cars/SUVs), ambulances, water tenders, and fire apparatus unless a local fire department or fire district agrees in writing to a different or lesser standard for the access road.
- b. All access roads in excess of 150 feet in length shall be provided with an approved turnaround acceptable to the local authority have jurisdiction for fire and emergency response.
- c. The Operator shall maintain such access roads in good condition and suitable for emergency vehicle use until such time as the Small Solar System Facility has been decommissioned.
- d. The County and/or appropriate emergency response agency may conduct spot inspections of access roads to ensure that emergency access in accordance with this section is maintained.
- e. Applicant shall submit an inclement weather and drive aisle maintenance plan for approval by the authority providing fire and emergency services to the facility site.

11. Visual Mitigation

- a. Small Solar System equipment shall be no higher than fifteen (15) feet at the solar panel mounting point. The height of the interconnection equipment may exceed 15 feet.
- b. Small Solar System Facilities within 500 feet of a property line of a property containing a residential occupied structure or a residential platted lot, shall be

designed with some form of visual mitigation, to include but not be limited to, opaque fencing, berming, or landscaping. The visual mitigation requirement may be waived if existing screening is present between the proposed Small Solar System Facilities and the respective residence owner's property, or upon submittal to Arapahoe County of a waiver or informed consent signed by the residence owner agreeing to waive the visual mitigation requirement. If landscaping is selected as the method of visual mitigation it shall be drought resistant and watered for 5 years. For purposes of this subsection b, the informed consent when presented to the landowner must include a photo-simulation of the facility from the perspective the residence.

- c. Landscaping or fencing around the perimeter of the land occupied by the Facility shall be installed concurrently with the Small Solar System Facility's completion. The screening shall be designed to minimize visual impacts from adjacent properties and the nearest streets.

12. Fencing

- a. If Operator elects or is otherwise required by other codes (e.g. NEC) to install fencing, a fence permit must be obtained from Arapahoe County Zoning and fencing shall:
 - i. Comply with CPW stipulations
 - ii. Meet specific requirements outlined in 12. b.
- b. Locks/Emergency Access Hardware
 - i. The Operator shall provide approved KNOX brand emergency access hardware for any locked facility gates or access points.
 - ii. OEM and the appropriate fire district will approve the hardware.

13. Wildlife, Wetlands, Riparian Areas and Stream Channel Measures

- a. The Operator shall implement the recommendations of Colorado Parks & Wildlife (CPW) that address any site-specific site conditions.
- b. The Applicant shall avoid constructing in CPW-mapped High Priority Habitats (HPH) to the maximum extent possible.
- c. Fencing that bisects streams or other tributaries with an ordinary high water mark is prohibited.
- d. Operator shall inspect the interior of the facility at least once weekly, to potentially free any trapped animals, such as but not limited to deer or antelope.
- e. Operator shall keep record of and shall make a written report to CPW, at least once annually, to document wildlife species that became entrapped within the security fencing or collided with facility equipment, panels, or wires.

14. Floodplains/Floodways Restrictions

- a. Small Solar System facilities shall not be located in a floodplain. Access roads and underground utilities are permitted to cross floodplains provided they are designed to meet Arapahoe County Floodplain Regulations and the Infrastructure Design and Construction Standards or other applicable Engineering Standards and those crossings are in accordance with a floodplain permit issued by the Arapahoe County Floodplain Administrator in accordance with Section 5-4.3 of the Land Development Code.

15. Decommissioning

- a. Within 9 months of ceasing operations, the operator shall complete decommissioning of the Small Solar System which will include removal of all

aboveground and belowground equipment, removal of access roads and reclamation per the GESC Plan.

- b. Any equipment that cannot be recycled shall be properly disposed in accordance with all State and Federal regulations.
- c. The site shall be revegetated in compliance with the property owner's specifications or the GESC Plan.
- d. Prior to putting the facility into operation, the owner/operator shall provide to the County a decommissioning bond in an amount approved by the Building Division and with a form of surety approved by the County. Such bond shall name the County as the beneficiary or obligee on the bond. The owner/operator shall maintain such bond at all times through the operation and closure of the facility and for the nine-month period provided above or until the facility is fully decommissioned and the property fully restored as required herein, whichever is the later date. Upon expiration of the nine-month period, the County may call on the surety to fund the cost of any remaining decommissioning requirements.

16. Insurance

Prior to putting the facility into operation, the owner/operator shall provide proof of general liability insurance with commercially reasonable amounts of coverage for the permitted Small Solar System Facility. Facility owners/operators shall maintain such insurance in place through all times the facility is in operation.

17. Operation in Compliance with Laws and Regulations

The Small Solar System Facility shall be operated in compliance with all applicable federal, state, and local laws and regulations.

F. APPROVAL/DENIAL/CONDITIONS OF APPROVAL OF ADMINISTRATIVE USE BY SPECIAL REVIEW/APPEAL

1. Action to Approve, Conditionally Approve or Deny

The PWD Director may approve, approve with conditions, or deny an Administrative Use by Special Review application for a Small Solar System Facility. Written notice of the decision shall promptly be provided to the applicant, and, if denied, the notice shall include a statement of the reason(s) for denial.

2. PWD Director's Discretion to Refer to the Board

In lieu of the PWD Director making a decision on an application, the Director has the discretion to refer any application for Administrative Use by Special Review or amendment thereto to the Board for its consideration and decision at a public hearing. In such event, the Board shall make its determination based upon the requirements of this Section; however, unless waived by the Board, compliance with the notice requirements set forth in Section 5-3.4.C.2. is required prior to the Board hearing. At such public hearing, the Board may approve, approve with conditions, or deny the application.

3. Permits Required Prior to Commencement of Operations

If applicable under the Land Development Code or other Arapahoe County code or regulation, an Access Permit issued under the Infrastructure Design and Construction Standards and a GESC Permit, shall be required prior to the development of a Small Solar System Facility. A Floodplain Development Permit shall be required prior to any work within a floodplain. A Building Permit will be required prior to construction of structures or the erection of equipment within the Facility in accordance with the Arapahoe County Building Code.

4. **Appeal of Decision on Application for Administrative Use by Special Review**
An applicant may appeal the Public Works and Development Director's denial of an application for an Administrative Use by Special Review for a Small Solar System Facility, or any conditions of approval, to the Board of County Commissioners for a de novo hearing. The Applicant must file the appeal within fourteen (14) calendar days of the date of the PWD Director's decision by submitting a letter of appeal to the Planning Division Manager. Thereafter, the matter will be scheduled on the next available agenda of the Board, following public notice required by Section 5-3.4.C.2. At such hearing, the Board may affirm, reverse, or modify the decision of the PWD Director, based upon the criteria set forth in this Section 5-3.5.

G. ADMINISTRATIVE AMENDMENT

If the Applicant or the Operator proposes changes from the plans approved through the Administrative Use by Special Review, including but not limited to the type, size and layout of equipment on the facility or visual mitigation measures, the Applicant is required to submit an amendment to the approved Administrative Use by Special Review plans showing the proposed changes. The PWD Director may approve, conditionally approve, or deny the proposed amendment in accordance with the provisions of this Section 5-3.5. The proposed amendment will be reviewed by PWD staff and, as needed for the review of the application, PWD Staff may require additional information. The amended application will need to meet all requirements of this Section and be approved in writing. The PWD Director may exercise his or her discretion to elevate any proposed amendment to the BOCC for consideration and decision as provided in Section 5-3.5.F.4 above. Upon recommendation of PWD Staff, the PWD Director may waive the need for amendment of the Administrative Use by Special Review provided that the proposed change is found to be minor, with no material effect to or departure from the original approval, and without the potential for significant surface impacts to public health, safety, welfare, or the environment at the Facility site.

H. TRANSFER/SALE OF FACILITIES TO A NEW OPERATOR

The Operator of a Small Solar Facility must notify the Planning Division in writing within seven days of the closing on any transfer of a Small Solar System Facility or Facilities to a different Operator or other successor owner. The Operator must also provide written notice of the transfer or conveyance identifying the new owner to the fire district having jurisdiction over the facility or other authority providing emergency fire and rescue services for the facility, and to the Arapahoe County Office of Emergency Management. Prior to commencing any operations at the site of the transferred Small Solar System Facility, the new Operator or successor owner must first provide the following to the County, OEM and the applicable fire district:

1. Letter(s) authorizing the transfer of the Small Solar System Facility operation as approved through the original Administrative Use by Special approval for the Facility to the new Applicant and the new Applicant's written acceptance of responsibility for the operations at the Small Solar System Facility and agreement to abide by all terms and conditions of the Administrative Use by Special Review approval.
2. A decommissioning bond and evidence of all insurance as required under these regulations.

Small Solar System Definitions

The Small Solar System definition is proposed to be included in the Definitions Chapter 7 of the Arapahoe County Land Development Code

Small Solar System Facility or Facilities

A definable area where an Applicant has disturbed or intends to disturb the land surface in order to locate a solar power generating facility designed to produce electricity with a maximum capacity of 5 Megawatts (MWac) alternating current, or MW capacity whichever is greater. A small solar system does not include battery storage equipment of facilities.

Small Solar System Facility Boundary

A definable perimeter limit around a small solar system facility at the outer edge of the facility fencing.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that Planning Division staff with the approval of the County Attorney is hereby authorized to correct typographical errors and make such text revisions to this Code amendment as are reasonably necessary to incorporate the amendments approved by this Resolution into the Land Development Code for publication.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado that this amendment to the Land Development Code shall become effective upon adoption, October 25, 2022, and upon such effective date, subject to further action of this Board, if any, such amendments adopted in this Resolution shall replace those sections of the Code amended hereby and such replaced sections shall be repealed.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-299 First Reading on proposed Ordinance No. 2022-01 establishing the operation of limited commercial marijuana stores within unincorporated Arapahoe County was held pursuant to Section 30-15-406, C.R.S. Said Ordinance was read into the record. It was moved by Commissioner Baker and duly seconded by Commissioner Holen to set a public hearing on the proposed Ordinance for November 8, 2022 at 9:30 a.m. The proposed Ordinance was ordered to be published in the Colorado Community Media newspapers at least ten days prior to November 8, 2022. The text of the proposed Ordinance is as follows:

**ARAPAHOE COUNTY, COLORADO
ORDINANCE NO. 2022-01**

**AN ORDINANCE ESTABLISHING THE OPERATION OF LIMITED COMMERCIAL
MARIJUANA STORES WITHIN UNINCORPORATED ARAPAHOE COUNTY**

WHEREAS, pursuant to Colorado Revised Statutes §§ 30-11-101(2) and 30-15-401(1), Arapahoe County has the power to adopt and enforce ordinances regarding health, safety, and welfare issues otherwise prescribed by law; and

WHEREAS, pursuant to C.R.S. § 30-11-103, the Board of County Commissioners has the authority to exercise all powers for the County; and

WHEREAS, C.R.S. §44-10-104(1) authorizes the County to adopt an ordinance licensing, regulating, and prohibiting the sale of medical marijuana; and

WHEREAS, Colorado Constitution Article XVIII, Section 16(5)(f) authorizes the County to enact an ordinance governing the time, place, manner, and number of retail marijuana businesses, which may include a local licensing requirement; and

WHEREAS, similar authorization to govern the time, place, manner, and number of retail marijuana businesses, which may include a local licensing requirement is found in C.R.S. §44-10-104(3); and

WHEREAS, by prior action on August 27, 2013, the Board adopted Resolution No. 130560 enacting Ordinance No. 2013-01 Prohibiting the Establishment, Maintenance, and Operation of Marijuana Establishments Within unincorporated Arapahoe County; and

WHEREAS, by prior action on July 28, 2020, the Board adopted Resolution No. 200505 terminating Ordinance No. 2013-01 and enacting Ordinance No. 2020-02 Establishing Limited Retail Marijuana Stores in Unincorporated Arapahoe County; and

WHEREAS, four (4) licensed commercial marijuana stores existing as of August 1, 2022, and located at 1842 South Parker Road, Unit 18, Denver, Colorado 80231; 2280 South Quebec Street, Unit G, Denver, Colorado 80231; 3431 South Federal Boulevard, Unit G, Englewood, Colorado 80110; and 6200 East Yale Avenue, Unit B, Denver, Colorado 80222 (the "Licensed Stores") have been in operation within unincorporated Arapahoe County for around ten (10) years; and

WHEREAS, the Licensed Stores have operated in compliance with the Arapahoe County Land Development Code non-conforming use regulations and in conformity with the Colorado Constitution and State and County laws, regulations, and policies; and

WHEREAS, it is the decision of the Board of County Commissioners of Arapahoe County to terminate Ordinance No. 2020-02 and allow the Licensed Stores to continue to be used as a medical marijuana store and/or a retail marijuana store, and to allow the Licensed Stores the opportunity to move locations and/or increase in square footage as limited by the restrictions contained in this Ordinance and all applicable State and County laws, regulations, and policies.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

SECTION I. INTENT

The Board of County Commissioners finds, determines, and declares that Ordinance No. 2020-02 is terminated, and the establishment of commercial marijuana stores as described herein are authorized, and no other marijuana businesses are authorized within unincorporated Arapahoe County.

SECTION II. DEFINITIONS

Unless otherwise specified or the context otherwise requires, any terms used in this Ordinance shall have the same meanings as provided in Colorado Constitution Article XVIII, Sections 14 and 16, and the Colorado Marijuana Code. These terms and definitions include, but are not limited to:

- A. **Colorado Marijuana Code**
Shall mean the Colorado Marijuana Code, C.R.S. Section 44-10-101 *et seq.*, as amended.
- B. **Commercial Marijuana Store**
Shall mean a business licensed under State and County laws and regulations to sell marijuana and/or marijuana products as a medical marijuana store, retail marijuana store, or as a combined medical and retail marijuana store. See definitions for medical marijuana store and retail marijuana store.
- C. **Marijuana**
Shall mean all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana shall not mean industrial hemp. Marijuana includes marijuana as defined in Colorado Constitution Article XVIII, Sections 14 and 16, and the Colorado Marijuana Code.
- D. **Medical Marijuana Store**
Shall mean a person or entity licensed pursuant to the Colorado Marijuana Code to operate a business as described in C.R.S. Section 44-10-501, as amended, that sells medical marijuana to registered patients or primary caregivers as defined in Colorado Constitution Article XVIII, Section 14, but is not a primary caregiver.
- E. **Marijuana Business**
Shall mean a medical marijuana business as defined by C.R.S. Section 44-10-103(35) as amended and a retail marijuana business as defined by C.R.S. Section 44-10-103(58) as amended.
- F. **Retail Marijuana Store**
Shall mean an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana products from marijuana product manufacturing facilities and

to sell marijuana and marijuana products to consumers, as defined by Colorado Constitution Article XVIII, Section 16 and the Colorado Marijuana Code.

SECTION III. MARIJUANA ESTABLISHMENTS

Commercial marijuana stores that prior to August 1, 2022, were licensed, operating, and open to the public in compliance with all applicable State and County laws, regulations, and policies may continue in business at their existing locations for medical marijuana stores and/or a retail marijuana stores. Any relocation of a commercial marijuana store from its existing location or increase in square footage shall only be upon such terms and conditions as provided in State and County laws, regulations, and policies including but not limited to the provisions of the Colorado Constitution, the Colorado Marijuana Code, the Arapahoe County Land Development Code Sec. 3-3.5 Marijuana Land Uses, as amended, and the Arapahoe County Marijuana Licensing Policy. No more than four (4) commercial marijuana stores are permitted to operate within unincorporated Arapahoe County. The establishment and operation of all other marijuana businesses within unincorporated Arapahoe County is prohibited.

SECTION IV. APPLICABILITY

This Ordinance shall apply to all portions of unincorporated Arapahoe County, including public lands.

SECTION V. ENFORCEMENT

The Arapahoe County Sheriff shall enforce the provisions of this Ordinance.

SECTION VI. PENALTY FOR VIOLATIONS

The County may seek such criminal and/or civil penalties against any person violating this Ordinance as are provided by law.

SECTION VII. DISPOSITION OF FINES

Any and all penalties, fines, costs, and/or assessments for violations of this Ordinance shall be paid into the General Fund of Arapahoe County.

SECTION VIII. SEVERABILITY

If any one or more of the provisions of this Ordinance is determined by a competent court of law to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION IX. EFFECTIVE DATE

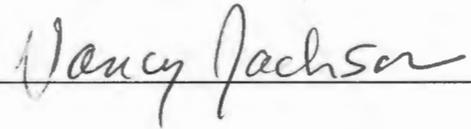
This Ordinance shall take effect upon thirty (30) days after notice of its adoption has been published.

The vote was:

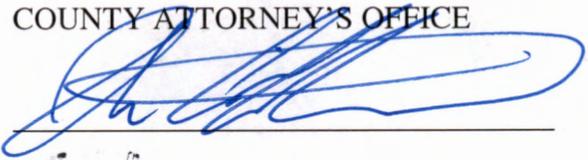
Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes;
Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

BOARD OF COUNTY COMMISSIONERS



COUNTY ATTORNEY'S OFFICE



CLERK TO THE BOARD



