

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO

TUESDAY, NOVEMBER 22, 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 22nd day of November, 2022, there were present:

Nancy Jackson, Chair	Commissioner District 4	Present
Carrie Warren-Gully, Chair Pro Tem	Commissioner District 5	Absent and Excused
Bill Holen	Commissioner District 1	Absent and Excused
Jeff Baker	Commissioner District 3	Present
Nancy Sharpe	Commissioner District 2	Present
Ron Carl	County Attorney	Present
Joan Lopez	Clerk to the Board	Absent and Excused
Joleen Sanchez	Clerk to the Board	Present
	Administrator	

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. 22-321 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to recommend approval of the Site Application for the Waste Management East Lift Station, Case No LR22-004 and to authorize the Board Chair to sign the Applicant Certification and Review Agencies Recommendation form to forward to the Colorado Department of Public Health and Environment; in making a recommendation of approval for this purpose, the Board does not intend to waive any, and expressly reserves, all County rights and authorities related to future consideration of the proposed rezoning of the site from A-1 Agricultural to I-2 Heavy Industrial or other development application under the Arapahoe County Land Development Code.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-322 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to authorize the Chair of the Board of County Commissioners to sign the Intergovernmental Agreement with the State of Colorado for the Provision of Human Services HP computers.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-323 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to adopt the following Resolution:

WHEREAS, pursuant to Section 30-15-401(1)(a)(I.5)(A), the Board of County Commissioners adopted Arapahoe County Ordinance 2021-1 relating to the accumulation of weeds and brush on residential lots; and

WHEREAS, pursuant to said Ordinance all residential property owners are required to cut the weeds growing on their lots; and

WHEREAS, a complaint was filed with the Zoning Section of the Public Works and Development Department on the property located at 7950 E. Mississippi Ave., Denver, CO 80247; and

WHEREAS, after investigation, the Zoning Administrator determined that weeds existed on said property; and

WHEREAS, the Zoning Administrator notified the property owner of her determination and ordered the weeds to be removed; and

WHEREAS, said notice was provided by posting the property for a period of ten days with the notice as required by said Ordinance; and

WHEREAS, the Zoning Administrator also caused the notice to be sent to the property owner by registered or certified mail return receipt requested at the address as shown on the tax rolls of Arapahoe County; and

WHEREAS, the property owner failed to comply with the notices; and

WHEREAS, the Zoning Administrator caused the weeds to be removed by the hiring of a private contractor; and

WHEREAS, a Statement and Notice of Costs was prepared showing the cost of removal, including an additional ten percent of incidental costs; and

WHEREAS, said Statement and Notice of Costs was served on the property owner by registered or certified mail, return receipt requested, at the address shown on the tax rolls of Arapahoe County; and

WHEREAS, the property owner failed to pay the statement within thirty days as required by the Statement and Notice; and

WHEREAS, the property owner did not appeal or otherwise object to the Statement of Costs as allowed by Arapahoe County Ordinance No. 2021-1; and

WHEREAS, the Zoning Administrator has forwarded the Statement of Costs to the Board of County Commissioners for an assessment against the property in the amount as shown on said Statement.

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

FINDINGS OF FACT

The Board makes the following findings of fact:

1. Notice of the existence of weeds and an order to remove said weeds was properly given to the property owner in accordance with Arapahoe County Ordinance No. 2021-1
2. A Statement and Notice of Costs has been prepared and served upon the property owner in accordance with Arapahoe County Ordinance 2021-1
3. The property owner has failed to pay said statement and has not appealed or otherwise objected to the statement
4. This matter is properly before the Board for a Resolution of Assessment against the property.

DETERMINATION AND DECISION

It is hereby ordered that an assessment in the amount of 675.00 is hereby placed against the following described property:

Address:	7950 E. Mississippi Ave., Denver, CO 80247
Schedule No.:	1973-21-2-04-001
Legal Description:	Lot 1 Blk 1 Parker Point

Said assessment constitutes a lien against the property effective as of the date of this Resolution until paid.

The Clerk to the Board is hereby directed to record a certified copy of this Resolution and to certify this Assessment Resolution to the Arapahoe County Treasurer who shall collect the assessment, together with an additional ten percent penalty for the cost of collection, in the same manner as

other taxes are collected. Once the Arapahoe County Treasurer has collected the assessment, the Treasurer shall remove the lien from the above described property.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-324 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to adopt the following Resolution:

WHEREAS, pursuant to Section 30-15-401(1)(a)(I.5)(A), the Board of County Commissioners adopted Arapahoe County Ordinance 2021-1 relating to the accumulation of weeds and brush on residential lots; and

WHEREAS, pursuant to said Ordinance all residential property owners are required to cut the weeds growing on their lots; and

WHEREAS, a complaint was filed with the Zoning Section of the Public Works and Development Department on the property located at 5785 S. Bahama Cir. E., Aurora, CO 80015; and

WHEREAS, after investigation, the Zoning Administrator determined that weeds existed on said property; and

WHEREAS, the Zoning Administrator notified the property owner of her determination and ordered the weeds to be removed; and

WHEREAS, said notice was provided by posting the property for a period of ten days with the notice as required by said Ordinance; and

WHEREAS, the Zoning Administrator also caused the notice to be sent to the property owner by registered or certified mail return receipt requested at the address as shown on the tax rolls of Arapahoe County; and

WHEREAS, the property owner failed to comply with the notices; and

WHEREAS, the Zoning Administrator caused the weeds to be removed by the hiring of a private contractor; and

WHEREAS, a Statement and Notice of Costs was prepared showing the cost of removal, including an additional ten percent of incidental costs; and

WHEREAS, said Statement and Notice of Costs was served on the property owner by registered or certified mail, return receipt requested, at the address shown on the tax rolls of Arapahoe County; and

WHEREAS, the property owner failed to pay the statement within thirty days as required by the Statement and Notice; and

WHEREAS, the property owner did not appeal or otherwise object to the Statement of Costs as allowed by Arapahoe County Ordinance No. 2021-1; and

WHEREAS, the Zoning Administrator has forwarded the Statement of Costs to the Board of County Commissioners for an assessment against the property in the amount as shown on said Statement.

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

FINDINGS OF FACT

The Board makes the following findings of fact:

5. Notice of the existence of weeds and an order to remove said weeds was properly given to the property owner in accordance with Arapahoe County Ordinance No. 2021-1
6. A Statement and Notice of Costs has been prepared and served upon the property owner in accordance with Arapahoe County Ordinance 2021-1
7. The property owner has failed to pay said statement and has not appealed or otherwise objected to the statement
8. This matter is properly before the Board for a Resolution of Assessment against the property.

DETERMINATION AND DECISION

It is hereby ordered that an assessment in the amount of 590.00 is hereby placed against the following described property:

Address: 5785 S. Bahama Cir. E., Aurora, CO 80015

Schedule No.: 2073-15-3-07-005

Legal Description: Lot 4 Blk 2 Piney Creek East Sub 2nd Flg

Said assessment constitutes a lien against the property effective as of the date of this Resolution until paid.

The Clerk to the Board is hereby directed to record a certified copy of this Resolution and to certify this Assessment Resolution to the Arapahoe County Treasurer who shall collect the assessment, together with an additional ten percent penalty for the cost of collection, in the same manner as other taxes are collected. Once the Arapahoe County Treasurer has collected the assessment, the Treasurer shall remove the lien from the above described property.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-325 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to adopt the following Resolution:

WHEREAS, pursuant to Section 30-15-401(1)(a)(I.5)(A), the Board of County Commissioners adopted Arapahoe County Ordinance 2021-1 relating to the accumulation of weeds and brush on residential lots; and

WHEREAS, pursuant to said Ordinance all residential property owners are required to cut the weeds growing on their lots; and

WHEREAS, a complaint was filed with the Zoning Section of the Public Works and Development Department on the property located at 9382 E. Jewell Cir., Denver, CO 80231; and

WHEREAS, after investigation, the Zoning Administrator determined that weeds existed on said property; and

WHEREAS, the Zoning Administrator notified the property owner of her determination and ordered the weeds to be removed; and

WHEREAS, said notice was provided by posting the property for a period of ten days with the notice as required by said Ordinance; and

WHEREAS, the Zoning Administrator also caused the notice to be sent to the property owner by registered or certified mail return receipt requested at the address as shown on the tax rolls of Arapahoe County; and

WHEREAS, the property owner failed to comply with the notices; and

WHEREAS, the Zoning Administrator caused the weeds to be removed by the hiring of a private contractor; and

WHEREAS, a Statement and Notice of Costs was prepared showing the cost of removal, including an additional ten percent of incidental costs; and

WHEREAS, said Statement and Notice of Costs was served on the property owner by registered or certified mail, return receipt requested, at the address shown on the tax rolls of Arapahoe County; and

WHEREAS, the property owner failed to pay the statement within thirty days as required by the Statement and Notice; and

WHEREAS, the property owner did not appeal or otherwise object to the Statement of Costs as allowed by Arapahoe County Ordinance No. 2021-1; and

WHEREAS, the Zoning Administrator has forwarded the Statement of Costs to the Board of County Commissioners for an assessment against the property in the amount as shown on said Statement.

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

FINDINGS OF FACT

The Board makes the following findings of fact:

9. Notice of the existence of weeds and an order to remove said weeds was properly given to the property owner in accordance with Arapahoe County Ordinance No. 2021-1
10. A Statement and Notice of Costs has been prepared and served upon the property owner in accordance with Arapahoe County Ordinance 2021-1
11. The property owner has failed to pay said statement and has not appealed or otherwise objected to the statement
12. This matter is properly before the Board for a Resolution of Assessment against the property.

DETERMINATION AND DECISION

It is hereby ordered that an assessment in the amount of \$437.00 is hereby placed against the following described property:

Address: 9382 E. Jewell Cir., Denver, CO 80231

Schedule No.: 1973-27-2-03-011

Legal Description: Tract 17 Welch Sub

Said assessment constitutes a lien against the property effective as of the date of this Resolution until paid.

The Clerk to the Board is hereby directed to record a certified copy of this Resolution and to certify this Assessment Resolution to the Arapahoe County Treasurer who shall collect the assessment, together with an additional ten percent penalty for the cost of collection, in the same manner as other taxes are collected. Once the Arapahoe County Treasurer has collected the assessment, the Treasurer shall remove the lien from the above described property.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-326 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to authorize the Chair of the Board of County Commissioners to sign the 2023 Lease Agreement with Independent Financial for office space that serves as the Sheriff's Office Precinct 8 Patrol Substation.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-327 It was moved by Commissioner Sharpe and seconded by Commissioner Baker to make the following reappointments to the following citizen boards and committees, representing Arapahoe County beginning November 22, 2022, for terms as prescribed below:

1. **Cultural Council.** Pursuant to the Council's bylaws:
 - Reappoint Kristina Campbell for a three-year term.
 - Reappoint Carolyn Moershel for three-year term.
2. **Community Corrections.** Pursuant to 17-27-103, C.R.S. to establish a Community Corrections Board and to delegate powers to such board based on Resolution No. 070272 and established bylaws:
 - Reappoint John Maus for a two-year term, expiring in February of 2025

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-328 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to approve the following Resolution.

WHEREAS, On July 31, 2018, by adoption of Resolution No. 180499, the Board of County Commissioners for Arapahoe County (the "Board") adopted a Fee Schedule for Planning Division fees for review of land development applications under the Arapahoe County Land Development Code; and

WHEREAS, Department of Public Works & Development, Planning Division staff conducted a review of said Fee Schedule and recommends certain amendments as reflected in the proposed amended Fee Schedule presented to the Board with this Agenda item and as is printed below in the Resolution; and

WHEREAS, Planning Division staff recommends that the fee for Administrative Oil and Gas Use by Special Review applications be increased to cover the cost of staff time spent reviewing such applications and further to provide clarification language for the fees for applications for permits under the Regulations Governing Areas and Activities of State Interest in Arapahoe County ("1041 Permits"); and

WHEREAS, Planning Division staff also recommends, in order to provide incentives for any affordable or attainable development option that the Board may adopt in a future proposed amendment to the Land Development Code, if any, authorization in the Fee Schedule to reduce the Planning Division application review fee by a percentage amount equal to the percentage of affordable or attainable residential units proposed for the development, but not to exceed fifty (50%) percent; and

WHEREAS, The Board finds that said proposed amended Fee Schedule reasonably reflects the costs to Planning Division in processing and reviewing land development applications under the Land Development Code.

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

1. That the Board of County Commissioners hereby adopts the following Fee Schedule for all Planning Division land use and development applications processed by the Arapahoe County Department of Public Works and Development, Planning Division.

Planning Review Fee Schedule

For Engineering review fees, see the Engineering Review Fee Schedule

Effective Date -January 1, 2003, Revised September 13, 2011, Resolution# 110673, February 25, 2014, Resolution # 140180, July 31, 2018, Resolution #180499; Revised _____ Resolution # _____

Administrative Cases (No Public Hearing Process)			
Planning Fees shall be paid in full upon receipt of invoice. Fees may be paid by check or online via ACH or Credit Card			
Administrative Amendment	Administrative Site Plan or Specific Development Plan <i>During Construction, prior to C.O.</i>	Per Case	3,000.00
Administrative Amendment	Administrative Site Plan or Specific Development Plan <i>Before Construction</i>	Per Case	1,500.00
Administrative Amendment	Use by Special Review, Location & Extent, Final Development Plan, Preliminary Development Plan, Planned Sign Program, Master Development Plan	Per Case	1,500.00
Administrative Amendment	Minor <i>Minor adjustments to a plan.</i>	Per Case	500.00
Administrative Energy Case (Solar – reduced fee mandated by state statute)		Per Case	500.00
Commercial Mobile Radio Service (Wireless Facility)		Per Case	1,500.00
Small Cell Wireless Facility (in Public Right of Way) (1-5 locations = \$1,500.00; 6-10 locations = \$3,000; etc.)		Per Five Locations	1,500.00
Administrative Replat		Per Case	1,500.00
Plat Correction		Per Case	1,500.00
Extension Request Fee (5-2.1.H.2. LDC and 1-.6.B DAM)		Per Extension	100.00

Major Cases (Require One or More Public Hearings)			
Planning Fees shall be paid in full upon receipt of invoice. A \$500.00 setup fee is required per case, except where noted. Fees may be paid by check or online via ACH or Credit Card			
Administrative Site Plan and Administrative Energy Case (Oil & Gas) (No Public Hearings are required-unless case is elevated by request.)		Per Sheet	500.00
Certificate of Designation	Setup fee not required	Per Case	15,000.00
Comp Plan Amendment	Setup fee not required	Per Case	7,500.00
Conventional Rezoning	Sheets 1-10 \$ 2,000.00 ea	Sheets 11-X	500.00 ea
Development Agreement	Setup fee not required	Per Case	7,500.00
Final Development Plan, Specific Development Plan, General Development Plan, Master Development Plan, Preliminary Development Plan, or amendments requiring a public hearing	Sheets 1-10 \$ 2,000.00 ea.	Sheets 11-X	500.00 ea
Final Plat or Replat	Sheets 1-10 \$ 2,000.00 ea	Sheets 11-X	500.00 ea
Land Development Code Rewrite	Setup fee not required	Per Case	10,000.00
Location & Extent	Sheets 1-10 \$ 2,000.00 ea	Sheets 11-X	500.00 ea
Minor Subdivision	Sheets 1-10 \$ 2,000.00 ea	Sheets 11-X	500.00 ea

NOTE, SOME LAND USE CASES WILL BE REFERRED TO OTHER AGENCIES, SUCH AS FIRE DISTRICTS, WATER/SEWER DISTRICTS, AND COLORADO GEOLOGICAL SURVEY FOR REVIEW. YOU MAY BE BILLED SEPARATELY BY THOSE AGENCIES FOR THEIR REVIEW OF YOUR PROJECT. PLEASE PAY THEM DIRECTLY.

Rev _____

Major Cases (Require One or More Public Hearings)					
Planning Fees shall be paid in full upon receipt of invoice. A \$500.00 setup fee is required per case, except where noted. Fees may be paid by check or online via ACH or Credit Card					
Planned Sign Program – 99 acres or less		Setup fee not required	\$ 7,500.00	Per Case	7,500.00
Planned Sign Program – 100 acres or more		Setup fee not required		Per Case	10,500.00
Preliminary Plat		Sheets 1-10			2000.00 ea
Rural Cluster		Sheets 1-10	\$ 2000.00 ea	Sheets 11-X	500.00 ea
		Site Analysis	\$ 750.00 ea	Per Case	
Street Name Change		Conservation Area Management Plan	Setup fee not required	Per Case	750.00
		Setup fee not required		Per Case	750.00
Subdivision Exemption		Setup fee not required		Per Case	1,000.00
1041 Permit Areas & Activities of State Interest with Location and Extent Plan and Use by Special Review for major electrical, natural gas, & petroleum derived facilities		A \$10,000.00 initial deposit is required at the time of application. Then staff hours dedicated to reviewing the case will be tracked and the applicant will be invoiced based on an average, fully loaded hourly rate. If the review exceeds the deposit amount, an additional invoice will be sent to the applicant for immediate payment. Any unused deposit will be returned to the client at case closure.			
Special District Requests (Title 32)		\$10,000.00 or 1/100 of 1% of the debt listed in the Service Plan, whichever is less - Per Case			
Use By Special Review, amendments, or Oil and Gas/Solar cases requiring a public hearing		Sheets 1-10	\$2,000 ea	Sheets 11-X	\$500 ea
Vacation of Easement / Dedication		Setup fee not required		Per Case	750.00
Vacation of Right of Way		Setup fee not required		Per Case	750.00
Vesting (concurrent with site-specific development plan)		Setup fee not required		Per Case	500.00
Vesting (after site-specific development plan approval)		Setup fee not required		Per Case	1500.00
Resubmittal Charges (after three or more reviews) a customer may be assessed excessive review fees at 50% of the original submittal fee.					

NOTE, SOME LAND USE CASES WILL BE REFERRED TO OTHER AGENCIES, SUCH AS FIRE DISTRICTS, WATER/SEWER DISTRICTS, AND COLORADO GEOLOGICAL SURVEY FOR REVIEW. YOU MAY BE BILLED SEPARATELY BY THOSE AGENCIES FOR THEIR REVIEW OF YOUR PROJECT. PLEASE PAY THEM DIRECTLY.

Rev _____

2. That this Resolution and Fee Schedule shall take effect immediately upon adoption and Planning Division staff and Public Works and Development Department are hereby authorized to take such actions as staff determine are reasonably necessary to implement and collect the fees stated in said such Fee Schedule.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-329 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to approve and authorize the Chair of the Board of County Commissioners to sign an Intergovernmental Agreement (IGA) with the City of Centennial for a Centennial Homeless Outreach Liaison position to be funded by the City and supervised by the County.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-330 It was moved by Commissioner Sharpe and seconded by Commissioner Baker to approve the submitted warrant disbursement register, dated October 11, October 18, October 25, and November 1, 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, Absent and Excused; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Absent and Excused

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-331 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to accept the Warranty Deed, dated November 22, 2022, upon the recommendation of Public Works Staff and the Director of the Public Works and Development Department, granted by SOH Residential Investors, Inc., granting an interest in the following real property:

THAT CERTAIN PORTION OF TRACT A, COPPERLEAF FILING NO. 19 IN THE COUNTY OF ARAPAHOE, STATE OF COLORADO, PER PLAT RECORDED MAY 20, 2019 AT RECEPTION NO. D9046743 IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY, SITUATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL

MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE LAND DESCRIBED IN THE WARRANTY DEED TO THE COUNTY OF ARAPAHOE RECORDED MARCH 9, 2016 AT RECEPTION NO. D6024231 IN SAID OFFICE OF THE CLERK AND RECORDER, BEING A POINT ON THE WEST RIGHT-OF-WAY OF COPPERLEAF BOULEVARD AS DEDICATED ON COPPERLEAF FILING NO. 2 RECORDED AT RECEPTION NO. B6106703, IN SAID OFFICIAL RECORDS, WHENCE THE EAST BOUNDARY OF SAID TRACT A, BEARS SOUTH 00°32'49" EAST WITH ALL BEARINGS HEREIN BEING REFERENCED TO SAID EAST BOUNDARY;

THENCE ALONG THE EAST BOUNDARY OF SAID TRACT A, AND SAID WEST RIGHT-OF-WAY, SOUTH 00°32'49" EAST, A DISTANCE OF 63.35 FEET TO THE SOUTHEAST CORNER OF SAID TRACT A;

THENCE ALONG THE SOUTH BOUNDARY OF SAID TRACT A, SOUTH 89°27'11" WEST, A DISTANCE OF 5.69 FEET;

THENCE DEPARTING TO SAID SOUTH BOUNDARY, NORTH 04°34'53" EAST, A DISTANCE OF 63.61 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.004 ACRES, (180 SQUARE FEET), MORE OR LESS.

The Property shall be used in connection with Arapahoe County Project/Case No. PF21-007, 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, Absent and Excused; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully Absent and Excused.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-332 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker 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
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2021BAA2760
2022BAA307

KB Home Colorado, Inc.
JBR Alondra, LLC

2021/2022
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, Absent and Excused; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Absent and Excused.

The Chair declared the motion carried and so ordered

RESOLUTION NO. 22-333 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to approve and authorize the Chair of the Board of County Commissioners to sign the Release of Regulatory Agreement by and between the Centennial East Apartments Limited Partnership, Arapahoe County and the Bank of New York Mellon Trust Company, NA.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-334 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to authorize the Chair of the Board of County Commissioners to execute the Third Amendment to Purchase and Sale Agreement for the property known as the County Line Landfill, by and between the Board of County Commissioners of the County of Arapahoe, Colorado and HRH-470 LLC, as more fully described in, and subject to the terms and conditions of the Agreement presented on this date, subject to any changes to the agreement the County Attorney deems necessary.

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-335 It was moved by Commissioner Baker and duly seconded by

Commissioner Jackson to adopt the following Resolution:

WHEREAS, Section 29-20-101, *et seq.*, Colorado Revised Statutes (C.R.S.), and Sections 30-28-113, -116 and -133, C.R.S., provide broad land use authority within the unincorporated territory of Arapahoe County to the Board of County Commissioners (the Board) and further provide that the Board has the power to adopt and amend the zoning regulations and subdivision regulations after notice to and recommendation from the Planning Commission, all as set forth in such statutes; and

WHEREAS, the Board has adopted the Arapahoe County Land Development Code, which establishes the zoning and subdivision regulations for unincorporated Arapahoe County, and from time to time the Board considers proposed amendments to the Land Development Code and such zoning and subdivision regulations, all in accordance with such statutory authority; and

WHEREAS, the Department of Public Works and Development, Planning Division staff, has made recommendations for certain amendments to the Arapahoe County Land Development Code, Case No. LDC22-003, concerning affordable housing, and forwarded such proposed amendments to the Arapahoe Planning Commission for review and recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a duly noticed public hearing, heard such public comment as was presented, and reviewed and considered the Planning Division staff's proposed recommended amendments to the Land Development Code, and following such public hearing, a majority of the Planning Commission voted to recommend approval of the proposed amendments to Land Development Code; and

WHEREAS, notice of a Public Hearing to be held on November 22, 2022 on the proposed amendments to the Land Development Code was published on October 20, 2022 in the Centennial Citizen, the Englewood Herald, and the Littleton Independent, newspapers of general circulation in the County, and was also published on October 18, 2022 in the I-70 Scout, a newspaper with circulation in the eastern part of Arapahoe County; and

WHEREAS, on November 22, 2022, in accordance with the published notice, the Board held a Public Hearing on the proposed amendments to the Land Development Code; and

WHEREAS, evidence was presented to establish that all notice and other procedural requirements required by law for amending the Land Development Code were followed, and to establish the Board's jurisdiction to hear and decide on the proposed amendments; and

WHEREAS, Planning Division and Legal staff presented and explained the proposed amendments, and responded to Board questions and comments concerning the proposed amendment; and

WHEREAS, following the presentation by County staff, the Chair opened the Hearing for public comment and the Board heard and considered such public comment as was presented on the proposed amendment; and

WHEREAS, the Board hereby makes the following findings:

A. The Board finds and determines:

1. That the statutory jurisdictional requirements have been met.
2. That the Public Hearing was opened and that the public had opportunity for public input and comment on the proposed amendments.
3. That the Board has jurisdiction to hear, consider and act upon the proposed amendments to the Land Development Code.
4. That the proposed amendments to the Land Development Code are consistent with the Arapahoe County Comprehensive Plan.

B. The Board further finds and concludes that the proposed amendments to the Land Development Code are appropriate and lawful land use regulations for the unincorporated territory of Arapahoe County, that the proposed amendments will promote the community's interest in reasonable stability in zoning and subdivision regulations, and that the proposed amendments are in the public interest and for the public good.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado to adopt the following revisions to the Land Development Code:

1-3 GENERAL PURPOSE

This Code is designed, intended and shall be administered to promote the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of Arapahoe County, Colorado, by:

- A. Implementing the Comprehensive Plan and adopted Sub-Area Plans;
- B. Lessening of congestion on the streets and roads by implementing the County's Transportation Plan;
- C. Providing adequate light, air, parks and other spaces for public use;
- D. Classifying land uses and the distribution of land development and utilization;
- E. Protecting the tax base;
- F. Securing economy in governmental expenditures;
- G. Fostering the State's agricultural and other industries;
- H. Promoting planned and orderly development within the County;
- I. Promoting conservation of important natural and man-made resources, such as streams, wetlands and archaeological sites, and minimizing damage due to development;
- J. Preserving the character of established residential areas and residential neighborhoods;
- K. Establishing adequate and accurate records of land subdivision;
- L. Providing for the harmonious development of land in the existing community and facilitating the future development of appropriate adjoining tracts;
- M. Providing for adequate, safe, and efficient public utilities and improvements; and to providing for other general community facilities and public places;

- N. Providing for protection from fire, flood, and other dangers; and providing for proper design of storm water drainage facilities and streets; and
- O. Providing that the cost of improvements that primarily benefit the tract of land being developed be borne by the owners/developers of the tract, and the costs of improvements that primarily benefit the whole community be borne by the whole community.
- P. Promote sustainable, stable, safe and attractive new neighborhoods that contain a mix of land uses and diversified housing options, including housing that is affordable and attainable.
- Q. Ensuring a Diversity of Affordable Housing Types to Accommodate All Age Groups, Incomes, Family Sizes and Residents with Special Needs.

2-3 AGRICULTURAL AND RESIDENTIAL DISTRICTS

This section sets forth the intent and purpose for each agricultural and residential zone district for the unincorporated portions of Arapahoe County as listed in Table 2-2.1 above. Also indicated is the district's role in implementing the Comprehensive Plan's future land use policies and, as applicable, location criteria that the County must consider in mapping such district to specific property. Specific dimensional standards are contained in Table 4-1.1, Agricultural and Residential District Dimensional Standards, in Chapter 4. Development and design standards and requirements applicable to development in all zone districts are also found in Chapter 4, Development Guidelines and Standards.

A range of housing options including but not limited to manufactured, modular, prefabricated, and traditional construction are permitted unless otherwise stated. There is no minimum size requirement for a dwelling unit except that all dwelling units must comply with applicable codes and regulations.

2-6 PUD, PLANNED UNIT DEVELOPMENT

2-6.1. General Purposes

- A. This district replaces those districts designated as R-PSF (Residential PUD-Single Family), R-PM (Residential PUD – Moderate Density), R-PH (Residential PUD – High Density), SH (Senior Housing), MU (Mixed Use), C (Cultural) prior to April 1, 2017. In each case, land included in these previous zone districts is subject to an approved development plan, and all lands will remain subject to the provisions of the adopted development plan for the property until they are amended. Amendments to approved development plans in each of the six previous zone districts will be processed pursuant to Section 5-2.3.
- B. In addition, this district is intended to accommodate future development that cannot be accommodated in any LDC zone district or combination of zone districts and in which any flexibility granted to allow innovative development patterns beyond that permitted by this LDC is accompanied by additional amenities or design quality beyond that required for similar types of development, land use, or buildings under, Chapter 4: Development Guidelines and Standards.
- C. There is no minimum size requirement for a dwelling unit except that all dwelling units must comply with codes and regulations.

3-3 USE-SPECIFIC STANDARDS

3-3.1 Agricultural Uses *(no changes propose to this section)*

3-3.2 Residential Uses

- A. Group Homes *(no changes propose to this section)*
- B. Mixes of Uses and Dwelling Unit Types *(no changes propose to this section)*
- C. Manufactured/Mobile Home Parks or Subdivisions
 - 1. Manufactured/mobile home parks or subdivisions shall abut or have access to streets and highways no less than 60 feet wide.
 - 2. The manufactured home, or mobile home, park or subdivision shall be so arranged that all residences have direct access to an interior roadway.
 - 3. Approved landscaping shall not interfere with the transporting of a mobile home unit.
 - 4. 10 foot setbacks shall be provided along the front, side and rear perimeter of the park to be used for no other purpose than landscaping, and shall be so designated on the Preliminary Development Plan.
 - 5. In each manufactured/mobile home park there shall be provided the following areas:
 - a. Adequate laundry facilities for residents.
 - b. A recreation area for the residents.
 - 6. Garbage and trash containers, rodent and insect control features, and water and sewer provisions must meet with the approval of the Arapahoe County Board of Health and/or the State Health Department.

4-2 GENERAL DEVELOPMENT DESIGN PRINCIPLES

4-2.1. Development Design Standards and Guidelines Established

4-2.2. Development Design Guidelines

- A. Non-Residential *(no changes proposed to this section)*
- B. Mixed Uses *(no changes proposed to this section)*
- C. Residential
 - 1. Cohesive, Well-Planned Development
 - a. Documentation

These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code. Adherence to these guidelines should be demonstrated and documented.
 - b. Diversity and Changing Needs

Arapahoe County promotes diverse types of housing, lot sizes and densities that are appropriate to meet the changing needs of the citizens of the County and assure options for residents of all income levels, including affordable and attainable housing. The County's goal is to promote different sizes of lots as well as single/multi-family housing, and manufactured housing in Growth Areas.

5-3 ZONING PROCEDURES

5-3.3. Planned Unit Development

- A. Purpose (*no changes proposed to this section*)
- B. Applicability (*no changes proposed to this section*)
- C. Land Use and Development Standards (*no changes proposed to this section*)
- D. General Procedures (*no changes proposed to this section*)
- E. Specific Procedures (*no changes proposed to this section*)
- F. Approval Criteria
 - 1. Approval Criteria for all PUD Applications

The PUD process is intended to allow flexibility for innovative combinations of land uses and site designs while mitigating the impacts of those designs on surrounding areas and preventing the creation of a monotonous urban landscape. A PUD rezoning, GDP or SDP may be approved if the proposal meets all of the following criteria and any applicable criteria in Sections 5-3.3.F.2 and 5-3.3.F.3 below:

 - a. It generally conforms to the Arapahoe County Comprehensive Plan; and
 - b. It complies with the standards for conventional rezoning pursuant to Section 5-3.2.A; and
 - c. It represents an improvement in quality over the strict application of the otherwise applicable zone district or development standards in this LDC, including but not limited to open space and access; environmental protection; vegetative preservation; efficiency in transportation systems and connectivity; alternative transportation options; improvements in utilities and services; or innovative housing affordable and attainable housing; or employment centers; and
 - d. It is consistent with the purpose of the Planned Unit Development District as stated in Section 5-3.3.A of this LDC; and
 - e. Any modifications to the standards and requirements of this LDC are warranted by the layout and design of the site, amenities incorporated into the development plan, or by the need to protect or avoid unique site features; and
 - f. The proposed plan meets the applicable standards of this LDC, unless varied by the PUD.
 - 2. Approval Criteria for General Development Plan (GDP)

In addition to meeting the criteria in Section 5-3.3.F.1 above, a GDP must also meet the following criteria:

 - a. The proposed land uses, development densities/intensities, and building heights will not create significant adverse impacts on surrounding properties; and
 - b. It demonstrates an efficient use of land that facilitates a more economic arrangement of buildings, vehicular and pedestrian circulation systems and utilities; and
 - c. It provides efficient street and trail connectivity to existing adjacent development that generally conforms with the Comprehensive Plan; and

- d. It provides or expands access to existing open space, and preserves and protects natural features; and
- e. It includes efficient general layouts for major water, sewer, and storm drainage areas.
- 3. Approval Criteria for Specific Development Plan (SDP)
In addition to meeting the approval criteria in Section 5-3.3.F.1 above, an SDP submitted under the Three-Step review process must also comply with the development standards and requirements of the approved GDP for the site.
- 4. Approval Criteria for Administrative Site Plan (ASP)
An ASP must comply with the development standards and requirements of the approved SDP for the site and applicable standards of this LDC.
- G. Appeals (*no changes proposed to this section*)

7-2: Definitions (*Add the following definitions*)

Affordable Housing

Housing that addresses the housing needs of households that earn less than 80 percent of the Area Median Income (AMI), and where monthly housing costs are not more than 30 percent of the household's monthly income.

Attainable Housing

Housing that addresses the housing needs of households that earn less than 120 percent of the Area Median Income (AMI), and where monthly housing costs are not more than 30 percent of the household's monthly income.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that the provisions of the Land Development Code amended by this Resolution are hereby repealed.

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 approved amendment into the Land Development Code for publication.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that the amendments to the Land Development Code approved by this Resolution shall be effective upon approval by Board of County Commissioners at the November 22, 2022 public hearing, adopted herewith and shall be included in the next printing of the Land Development Code.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-336 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to approve the Minor Subdivision Plat for Bryan Subdivision, Case No. PM21-001. Said approval is subject to applicant agreeing to adhere to any and all Arapahoe County staff recommendations and/or conditions of approval as set forth within the record and/or as determined by the Board on this date, including the following conditions of approval:

1. Prior to signature of the final copy of these plans the applicant must address Public Works and Development Staff comments and concerns.
2. Prior to recording of the approved mylar, the applicant shall pay a total amount of cash-in-lieu of \$2,590.70. The applicant shall pay \$1,850.70 for public schools, \$710.40 for public parks and \$29.60 for other public purposes.

Subject to review and approval of the Final Plat mylar by the Arapahoe County Public Works and Development Department, including the Planning, Support Services and Land Development Services Divisions, and the County Attorney's Office, the Chair of the Board is hereby authorized to sign said mylar pursuant to the terms contained therein.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-337 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to approve and adopt the amended Utility Relocation Policy for County road capital and maintenance projects as presented to the Board on this date.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 22-338 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to approve expending \$4,000,000.00 from the Open Spaces Acquisitions and Development Fund or a blend of available Cash in Lieu and/or Arapahoe County Recreation District Funds for construction of Arcadia Park in the Four-Square Mile community.

The vote was:

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

The Chair declared the motion carried and so ordered.

The foregoing Resolutions from the meeting of November 22, 2022 have been reviewed and approved.

BOARD OF COUNTY COMMISSIONERS

Nancy Jackson

COUNTY ATTORNEY'S OFFICE

[Signature]

CLERK TO THE BOARD

[Signature]

