

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO

TUESDAY, APRIL 13, 2021

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 13th day of April, 2021, there were present:

Nancy Jackson, Chair	Commissioner District 4	Present
Carrie Warren-Gully, Chair	Commissioner District 1	Present
Pro Tem		
Bill Holen	Commissioner District 5	Present
Jeff Baker	Commissioner District 3	Present
Nancy Sharpe	Commissioner District 2	Absent and Excused
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. 21-128 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to adopt the following Resolution:

Whereas, Arapahoe County recognizes the threat that natural hazards pose to people and property within our community; and

Whereas, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

Whereas, an adopted Multi-Jurisdictional Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

Whereas, Arapahoe County resides within the Planning Area, and fully participated in the mitigation planning process to prepare this Hazard Mitigation Plan; and

Whereas, the Colorado Department of Homeland Security and Emergency Management and Federal Emergency Management Agency, Region VIII officials have reviewed the Arapahoe County Hazard Mitigation Plan and approved it contingent upon this official adoption of the participating governing body.

Now, therefore, be it resolved, that the Board of County Commissioners of the County of Arapahoe, State of Colorado hereby adopts the Arapahoe County Hazard Mitigation Plan, as an official plan; and

Be it further resolved, Arapahoe County Emergency Management will submit this Adoption Resolution to the Colorado Department of Homeland Security and Emergency Management and Federal Emergency Management Agency, Region VIII officials to enable the Plan's final approval.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-129 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, April 13, 2021; 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
------------	---------------	------	--------

Columbine Country Club	2077-20-3-02-001	2020	\$31,829.91
-------------------------------	------------------	------	-------------

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-130 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, April 13, 2021; 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
Woodspring Suites Aurora LLC	1975-07-2-11-001	2019	\$66,282.06

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-131 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 Appeals Case (Docket Number), for the tax years listed below:

Docket #	Property Owner	Tax Year
80090	Southglenn Property Holdings, LLC	2020
80101	Southglenn Property Holdings, LLC	2020
2020BAA185	Southglenn Property Holdings, LLC	2019
2020BAA186	Southglenn Property Holdings, LLC	2019

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 Stipulation and the Petitioners agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulation. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulation.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-132 It was moved by Commissioner Holen and seconded by Commissioner Warren-Gully to make the following appointments and reappointments to the following citizen boards and committees, representing Arapahoe County beginning April 13, 2021, for terms as prescribed below:

1. **Arapahoe County Justice Coordinating Committee.** Pursuant to the Committee's bylaws, the following is appointed as a nonvoting member to serve a three-year term:
 - Sterling Harris, to represent the victim rights communities.
2. **Fair Planning Committee.** Pursuant to Resolution No. 87-78 and the Committee's Bylaws, appoint the following individual:
 - James Woodley, for a one-year term.
3. **Arapahoe County Public Airport Authority.** Reappoint the following individuals:
 - Thad Bagnato, for a four-year term
 - Robert J. Doubek, for a four-year term

4. **Community Corrections Board.** 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:

- James Karbach or designee, representing the Public Defender's Office
- Bill Henricks or designee, representing AllHealth Network

5. **Arapahoe/Douglas Workforce Development Board.** Pursuant to the Workforce Innovations and Opportunity Act Public Law 113-128, the following individuals are appointed or reappointed for a one-year term, with * denoting business (private/public nonprofit) members:

- Andrea Amonick, City of Aurora
- Veronica Arnold, Employers Council*
- Andrew Bercich, IBM*
- Delta Donahue, Focus Points
- Randy Berner, Adolfson & Peterson Construction
- William Dowling, Colorado Department of Labor & Employment
- Judith Emery, Colorado Urban Workforce Alliance
- Mame Fuhrman, Tri-County Health Department
- William Gillmore, Littleton Public Schools
- Lacey Golonka, Xcel Energy*
- Joy Griffin, Douglas County School District
- Peter Hancock, Professional Employment Group* (Chair)
- Kevin Hougen, Aurora Chamber of Commerce * (Past Chair)
- Deborah Kerrigan, Manufacturer's Edge*
- Andrea LaRew, Northwest Douglas County Chamber & EDC*
- Commissioner Abe Laydon – Douglas County
- Kelsi Little, US Bank* • John Paul McConnell, 24-7 Intouch*
- Heidi McDonald, LeaderQuest*
- Sarah Mesmer, American Federation of Teachers
- Lynn Myers, Lynn Myers Real Estate* (Vice Chair)
- Betsy Oudenhoven, Community College of Aurora
- Michael Rosas, Asian Pacific Development Center
- Tracy Rushing, Colorado Division of Vocational Rehabilitation
- Christine Shapard, Denver South Economic Development Partnership*
- Archi Shinde, Bright Beginnings ELC*
- Katherine Smith – Arapahoe County Community Resources Department
- Fannie Stokes, Atrium Hospitality *
- Cheryl Ternes, Arapahoe County Human Services Department
- Scott Van Ramshorst, American Family Communities, LLC*
- Sandra Wagner, AARP Foundation/Worksearch
- Che Yi, American Fidelity Administrative Services*

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-133 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to authorize the Chair of the Board of County Commissioners to sign an intergovernmental agreement between the cities of Sheridan, Englewood, Littleton, and Arapahoe County that memorializes the cost-sharing agreement between parties for the development of a Tri-Cities Homelessness Plan of Action as presented at today's meeting.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-134 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to adopt the cancellation of real property taxes for the nine parcels identified in the attached exhibit with a total tax amount of \$7,738.05.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-135 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 Sky Mark Apartments has submitted a request to designate certain parking and drive areas within Sky Mark Apartments 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 Cunningham Fire Protection 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 Sky Mark Apartments 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 Sky Mark Apartments 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 Cunningham Fire Protection 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, Absent and Excused; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-136A It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to adopt the following Resolution:

WHEREAS, the Board of County Commissioners adopted the 2021 Annual Budget pursuant to State Statute; and

WHEREAS, the Board may authorize a department or elected office to use an unspent portion of the prior year's appropriation during the subsequent year for the originally intended purpose, and the most common circumstances include funds that were encumbered but not yet spent, the remaining funds for ongoing projects, and the year-end fund balances of certain funds; and

WHEREAS, the requests to use unspent funds from the prior fiscal year during the current fiscal year have been reviewed by the Finance Department; and

WHEREAS, since appropriation authority expires at the end of each fiscal year, the Board-approved funds must be appropriated again for the subsequent fiscal year so they may be expended; and

WHEREAS, it is the request of the Finance Department, in conjunction with the individual operating departments and elected offices, to reappropriate the funds in accordance with the Arapahoe County Financial Policy 3.4, which also specifies that this reappropriation process be completed each year; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law; and

WHEREAS, on March 23, 2021, a public hearing to consider reappropriation of the 2020 budget and supplemental appropriation of the 2021 Budget took place; and

WHEREAS, an incorrect motion was read into the record for the adoption of the resolution; and

WHEREAS, this Resolution will supersede Resolution No. 21-126 and supersede the action taken on March 23, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to amend the adopted 2021 Annual Budget and to transfer a total of \$86,554,523 from the unappropriated balance of the following funds:

1. General Fund - \$2,497,244 as follows:

- a. Administrative Services.....\$291,195
 - b. Clerk & Recorder's Office.....71,127
 - c. Communications & Administrative Services54,000
 - d. Facilities and Fleet Management..... 36,505
 - e. Finance.....77,100
 - f. Human Resources.....33,905
 - g. Information Technology7,060
 - h. Public Works and Development720,992
 - i. Sheriff's Office..... 1,205,360
2. Social Services..... \$213,005
3. Electronic Filing Technology Fund606,233
4. Cash in Lieu Fund.....1,424,536
5. Conservation Trust Fund1,594,649
6. Communication Network Replacement Fund162,870
7. Sheriff's Commissary Fund.....1,146,234
8. Forfeited Property Fund.....100,928
9. Open Space Sales and Use Tax Fund 42,726,843
10. Building Maintenance Fund267,607
11. Arapahoe County Fair Fund50,591
12. Capital Expenditure Fund 5,681,512
13. Infrastructure Fund 24,969,918
14. Central Services Fund..... 4,894,209
15. Self-Insurance Liability Fund.....200,000
16. Self-Insurance Dental Fund.....18,144

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County to amend the adopted 2021 Annual Budget as follows:

17. The Public Works & Development Department is requesting to recognize \$19,104,563 and appropriate \$17,859,857 in the Infrastructure Fund for project reimbursements from various sources during 2021 to include funding for the Iliff Avenue Corridor and Quincy/Gun Club interchange projects; and

18. The Human Services Department is requesting to recognize \$833,827 and appropriate \$1,042,284 in the Social Services Fund and increase the headcount by 22.00 FTE for the Child and Adult Protection Division for additional caseworkers.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-136B It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to adopt the following Resolution:

WHEREAS, Arapahoe County Financial Policy 2.1, approved on October 25, 2016, specifies that the Board of County Commissioners will annually designate from the specific fund's unappropriated fund balance a working capital reserve equal to one-sixth of the current year's initial adopted operating budget for the Road and Bridge Fund and the Arapahoe Law Enforcement Authority Fund, and an amount equal to one-sixth of the County's contribution to the Social Services Fund; and

WHEREAS, the Board of County Commissioners has determined that the General Fund working capital reserve shall be eleven percent (11.0 percent) of the operating expenses within the current year's initial adopted budget; and

WHEREAS, these fund balance reserves will be adequate to fund necessary expenditures, including accrued vacation and sick leave; and

WHEREAS, these reserves will be adequate to comply with, and shall include, the fund balance reserve amounts required by Article X, Section 20, of the State Constitution; and

WHEREAS, on March 23, 2021, a public hearing to consider reappropriation of the 2020 budget and supplemental appropriation of the 2021 Budget took place; and

WHEREAS, an incorrect motion was read into the record for the adoption of the resolution; and

WHEREAS, this Resolution will supersede Resolution No. 21-126 and supersede the action taken on March 23, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to designate the following fund balance reserve amounts for 2021:

- | | | |
|----|---|--------------|
| 1. | General Fund
Working Capital Reserve | \$22,428,687 |
| 2. | Road and Bridge Fund
Working Capital Reserve | \$2,692,446 |

- | | | |
|----|--|-------------|
| 3. | Social Services Fund
Working Capital Reserve | \$2,302,481 |
| 4. | Arapahoe Law Enforcement Authority Fund
Working Capital Reserve | \$1,539,092 |

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-137 It was moved by Commissioner Holen and seconded by Commissioner Warren-Gully to increase the allowable number of members to the Arapahoe County Water and Wastewater Authority Board of Directors from seven (7) members to up to nine (9) members appointed by the Arapahoe County Board of Commissioners. Further, the Board of County Commissioners reappoints the following individuals for a final term beginning April 13, 2021:

- Geri Santos-Rach for a term expiring Jan. 1, 2025
- Tom Wood for a term expiring Jan. 1, 2025

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-138 It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to approve the submitted warrant disbursement register, dated March 15, 2021, 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 Arapahoe County Attorney 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, Absent and Excused; Commissioner Warren-Gully, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-139

It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to approve the submitted warrant disbursement register, dated March 22, 2021, 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, Absent and Excused; Commissioner Warren-Gully, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-140

It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to approve the submitted warrant disbursement register, dated March 29, 2021, 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, Absent and Excused; Commissioner Warren-Gully, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-141

It was moved by Commissioner Holen and duly seconded by Commissioner Warren-Gully to approve the submitted warrant disbursement register, dated April 5, 2021, 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, Absent and Excused; Commissioner Warren-Gully, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-142 It was moved by Commissioner Warren-Gully and duly seconded by Commissioner Holen at the conclusion of the April 13, 2021 Public Hearing and after opportunity to comment, to approve the CDBG and HOME funding allocations and to authorize submittal of the 2021 Annual Action Plan to the U.S. Department of Housing and Urban Development.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-143 It was moved by Commissioner Baker and duly seconded by Commissioner Warren-Gully to adopt the following Resolution:

WHEREAS, application has been made by New Horizon Academy on behalf of the property owner, Staak Development, LLC, for a Use by Special Review, USR20-002, New Horizon at Copperleaf, for certain property hereinafter described, to-wit:

COPPERLEAF FILING NO. 25, LOT 5, BLOCK 1

and

WHEREAS, Public notice of hearing before the Board of County Commissioners for Arapahoe County, Colorado was made for a hearing on such proposed Use by Special Review by publication on March 25, 2021 in The Villager, a newspaper of general circulation within the Arapahoe County, by posting of said property, and by mail notification of adjacent property owners in accordance with the Arapahoe County Land Development Code; and

WHEREAS, pursuant to applicable law and the Arapahoe County Land Development Code, a public hearing was held before the Board of County Commissioners at the Arapahoe County Administration Building, 5334 South Prince Street, Littleton, Colorado, on the 13th day of April, 2021 at 9:30 o'clock A.M., at which time evidence and testimony were presented to the Board concerning said Use by Special Review request; and

WHEREAS, pursuant to the authority vested unto the Board of County Commissioners by Article 28 of Title 30 and Article 20 of Title 29, C.R.S. as amended, the Board has concluded that the public health, safety, convenience and general welfare, as well as good zoning practice, justifies

granting the Use by Special Review of the hereinafter described property subject to the conditions precedent and/or stipulations as hereinafter delineated.

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

1. The Board of County Commissioners for Arapahoe County hereby grants and approves the application for Use by Special Review Use by Special Review, USR20-002, New Horizon at Copperleaf, for the property described in this Resolution, subject to the stipulations and/or conditions precedent as hereinafter delineated.
2. Approval of this Use by Special Review is based upon the following understandings, agreements and/or representations:
 - a.- The applicant's assent and/or agreement to make all modifications to the final version of the documents that are necessary to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature.
 - b. The representations, statements and positions contained in the record that were made by or attributed to the applicant and its representatives, including all such statements contained in materials submitted to the Board by the applicant and County staff.
3. Approval of this Use by Special Review shall be and is subject to the following stipulations and/or conditions precedent, which the applicant has accepted and which the applicant is also deemed to accept by preparing a mylar for signature by the Chairman of the Board of County Commissioners within sixty (60) days of this date and by continuing with the development of the property:
 - a. The applicant's compliance with the stipulations of the Arapahoe County Planning Commission as set forth in the record of its proceedings, except as modified in this Resolution.
 - b. The applicant's compliance with all conditions of approval recommended by the staff case managers in the written staff reports presented to the Board, and any conditions stated by staff on the record.
 - c. The applicant's compliance with all additional conditions of approval stated by the Board, including three conditions of approval stated below:
 - 1) Prior to signature of the final copy of these plans, the applicant must address all of Public Works and Development staff comments and concerns.
 - 2) The applicant will meet all of South Metro Fire District requirements.
 - 3) The applicant will meet all of Tri-County Health Department requirements.

- d. The applicant's performance of all commitments and promises made by the applicant or its representatives and stated to the Board on the record, or contained within the materials submitted to the Board.
4. Upon the applicant's completion of any and all changes to the revised Use by Special Review mylar as may be required by this Resolution, the Chairman of the Board of County Commissioners is hereby authorized to sign same.
5. That the Zoning Map of Arapahoe County shall be and the same is hereby amended to conform to and reflect said change.
6. County planning, engineering and legal staff are authorized to make any changes to the mylar form of the approved document as may be needed to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature, and to make such other changes that are expressly stated by staff before the Board, or are recommended by staff in the written staff reports, or are referred to by the movant Commissioner. No other deviation or variance from the form and content of the documents submitted for the Board's consideration are approved except to the extent stated in this resolution.
7. The County Attorney, with the concurrence of the planning and/or engineering case managers, is authorized to make appropriate modifications to the resolution and plan documents as needed to accurately reflect the matters presented to the Board and to record and clarify, as necessary, other aspects and ramifications of the Board's action.

The vote was:

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

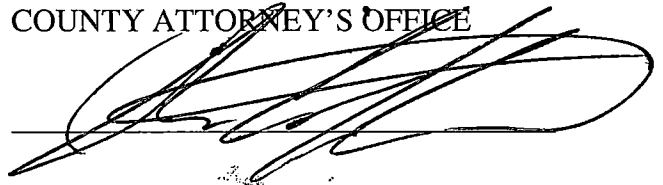
The Chair declared the motion carried and so ordered.

The foregoing Resolutions from the meeting of April 13, 2021 have been reviewed and approved.

BOARD OF COUNTY COMMISSIONERS



COUNTY ATTORNEY'S OFFICE



CLERK TO THE BOARD



