



Administration Building
West Hearing Room
5334 S. Prince St.
Littleton, CO 80120
303-795-4630
303-738-7915 TTY
303-795-4630 Audio Agenda Line

Nancy A. Doty, Chair, District 1
Nancy Sharpe, District 2
Rod Bockenfeld, District 3
Nancy Jackson, Chair Pro-Tem, District 4
Bill Holen, District 5

Study Session

April 11, 2016

The Arapahoe County Board of County Commissioners typically holds weekly Study Sessions on Monday and Tuesday. Study Sessions (except for Executive Sessions) are open to the public and items for discussion are included on this agenda. Agendas (except for Executive Sessions agendas) are available through the Commissioners' Office or through the County's web site at www.arapahoegov.com. Please note that the Board may discuss any topic relevant to County business, whether or not the topic has been specifically noticed on this agenda. In particular, the Board typically schedules time each Monday under "Committee Updates" to discuss a wide range of topics. In addition, the Board may alter the times of the meetings throughout the day, or cancel or reschedule noticed meetings. Questions about this agenda? Contact the Commissioners' Office at 303-795-4630 or by e-mail at commissioners@arapahoegov.com

Study Session Topics

11:30 A.M. * Lobbyist Lunch (WHR)

*BoCC
Ron Carl, County Attorney
Greg Romberg, Lobbyist*

1:00 P.M. *Drop In (WHR)

Board of County Commissioners

1. Select Source Bid Waiver For CenturyLink MOE Network Circuits
Discussion of a request for a waiver of the Arapahoe County Purchasing Policy for a Select Source agreement with CenturyLink to be the County's Metro Optical Ethernet (MOE) network service provider when the current one expires on June 30, 2016

Request: Information/Direction

*Brian Gilpatrick, Division Manager Infrastructure, Information Technology
David Bessen, Director, Information Technology
Keith Ashby, Purchasing Manager, Finance
Todd Weaver, Budget Manager, Finance
Tiffanie Bleau, Senior Assistant County Attorney*

Documents: [160411 - BOARD SUMMARY REPORT - CENTURYLINK MOE CONTRACT SELECT SOURCE BID WAIVER.PDF](#), [160411 - SELECT SOURCE BID WAIVER FOR CENTURYLINK MOE SERVICES.PDF](#)

2. Select Source Purchasing Waiver For Colorado Natural Heritage Program Biological Survey

Discussion of a request for a waiver of the Arapahoe County Purchasing Policies for a select source agreement with Colorado Natural Heritage Program for biological survey/inventory services that are necessary for developing management plans and future public access on five different Open Spaces properties

Request: Information/Direction

*Josh Tenneson, Grants and Acquisitions Manager, Open Spaces
Shannon Carter, Director, Open Spaces and Intergovernmental Relations
Todd Weaver, Budget Manager, Finance
Tiffanie Bleau, Senior Assistant County Attorney*

Documents: [BSR_DI_CNHP SELECT SOURCE_032916.DOC](#)

3. ZTU-2016-00007

Discussion of a request for a Temporary Use Permit, ZTU-2016-00007, from Colorado Motor Sports Park located at 2050 South County Road 201, Byers Colorado

Request: Information/Direction

*Tammy King, Zoning Administrator, Public Works and Development
Dave Schmitt, Director, Public Works and Development
Keith Ashby, Purchasing Manager, Finance
Robert Hill, Senior Assistant County Attorney*

Documents: [BOARD OF COUNTY COMMISSIONER REFERRAL - ZTU-2016-00007.PDF](#)

1:15 P.M. Calendar And BoCC Updates (WHR)

*Diana Maes
BoCC Administration Manager
Board of County Commissioners*

2:00 P.M. * Executive Session (WHR)

Executive Study Session and County Attorney Administrative Meeting [Section 24-6-402 (4)(b)C.R.S.](As required by law, specific agenda topics will be announced in open meeting prior to the commencement of the closed and confidential portion of this session) (WHR)

Ron Carl, County Attorney

*** To Be Recorded As Required By Law**

WHR - West Hearing Room

Arapahoe County is committed to making its public meetings accessible to persons with disabilities. Assisted listening devices are available. Ask any staff member and we will provide one for you. If you need special accommodations, contact the Commissioners' Office at 303-795-4630 or 303-738-7915 TTY.

Please contact our office at least 3 days in advance to make arrangements.



Board Summary Report

Date: March xx, 2016

To: Board of County Commissioners

Through: David Bessen, Information Technology Director

From: Brian Gilpatrick, Division Manager Infrastructure

Subject: Metro Optical Ethernet Vendor Select Source Bid Waiver

Request and Recommendation

The purpose of this report is to request that CenturyLink be retained as the County's Metro Optical Ethernet (MOE) network service provider and that a Select Source Bid Waiver be approved to obtain a new contract with CenturyLink when the current one expires on June 30, 2016.

A Select Source Bid Waiver is being sought on grounds of this being in the best interest of the County and due to the impracticality of obtaining competitive bids for a complicated and critical infrastructure service. Specifically, the technical complexity of the County's current MOE network design, high costs associated with overlapping services and maintaining duplicate infrastructures if switching to another provider, and the risks and inefficiencies associated with potentially having multiple MOE service providers and their requisite technology platforms for County buildings in different geographical parts of our jurisdiction when we currently have only one provider are the key considerations for this request.

Background

The CenturyLink MOE network is a critical technology used by the County to provide a secure, reliable, high-bandwidth backbone for voice, data, and traffic network communications. The County currently has 10 MOE network circuits connecting 10 different locations to all IT services that are used at those sites. The existing County contract with CenturyLink was executed via a "piggy back" procurement vehicle using the State of Colorado's contract with CenturyLink for its statewide network.

Background information that supports this Select Source Bid Waiver request is as follows.

The geographical coverage area encompassing these 10 County locations is an important technological factor with respect to networking in that longer distances introduce signal latency whereby network traffic takes more time to traverse from one point to another. This latency has the potential to impact the quality of voice, video, and other applications that are timing sensitive. The number of connection points in a network where equipment called routers make decisions regarding the best network path to take is to be considered for a network design. Every time traffic is routed between different network segments, this is called a "hop" and the more hops that occur, there is an increase in latency as well.

Network service providers that do not have a well-established service “footprint” or in-ground infrastructure in our region may cause data to traverse longer distances and incur more hops.

CenturyLink is the incumbent local exchange carrier (ILEC) in our geographical region of the country meaning that they are the regional telephone company that provided services prior to the Telecommunications Act of 1996 when competitive local exchange carriers (CLECs) were introduced. CLECs are companies that build, operate and maintain network and telephone services within an existing ILEC territory. This is important to note from a competitive bid solicitation standpoint because while other service providers (CLECs) can bid for the County’s MOE services, it would have be determined if they are leasing capacity or infrastructure from CenturyLink and bundling it in their bid pricing or if they have their own network infrastructure, capacity, and facilities. A CLEC that is using CenturyLink’s services would introduce additional complexity in troubleshooting problems when they occur and potentially add latency as described previously.

Further complicating the process of conducting a competitive solicitation process is the issue of having to pay for overlapping/duplicate services if another network service provider is selected in order to allow for the orderly transfer of the County’s communications from the existing provider. This overlapping, duplicate service period is difficult to estimate due to factors related to whether the newly selected service provider needs to perform construction in order to deliver services into our facilities. The duplicate billing service period is at least one month but often can be two months or more for each location based on service availability and construction timelines. The construction and associated costs not only apply to the service provider delivering its service to the nearest handoff location (usually a service access box or pedestal located at the nearest street location), but also the County’s construction costs to connect and bring the new service into our building if existing conduit or other access does not exist or is at capacity.

There are also soft costs associated with the time and effort needed to manage this project, review proposals from a technical and engineering standpoint, update network documentation, technical support and escalation procedures, obtain staff training if the new network service provider’s technology differs substantially from what is currently in place, and perform mitigation/remediation for unanticipated technical issues during a potential conversion to a new network service provider.

In summary, network latency, network hops, service provider coverage and capacity within a geographical region, and duplicate service overlap costs all add complexity that makes it difficult to analyze and compare competitive solicitations from a network engineering, technical, and operational support standpoint. As such, our incumbent network service provider, CenturyLink, provides a distinct advantage to the County with respect to this criteria and from a business operations, communications, and public safety standpoint.

Because there are other network service providers than can offer MOE-equivalent services but due to the rationale provided above, we are requesting a Select Source Bid Waiver to initiate a new contract with CenturyLink when the current contract expires.

Discussion

We are requesting that the Board of County Commissioners approve the request for a Select Source Bid Waiver for CenturyLink enabling the County to obtain a new contract when the current one expires on June 30, 2016. It is our recommendation that this request is in the best interest of the County by

avoiding the effort, impracticality, and all associated costs with respect to conducting a competitive bid selection process for the County’s MOE network services.

This recommendation is based on the background information and analysis presented in this report and the estimated avoided cost savings listed below in the event that the County changes its current MOE network service provider.

Overlap/duplicate service costs - (estimated at 2.75 months of our current monthly MOE cost)	\$54,832
Construction costs where the County is responsible - (based on previous budgetary quotes)	\$76,955
Estimated project internal costs - (based on 7 people x .25 FTE effort x 7 months x avg hourly rate)	\$90,000
Total	\$221,787

The County currently pays approximately \$218,000/year for its MOE services with CenturyLink so, based on the cost assumption above, in the event that a new service provider could beat our current costs by 25% per year (which would be highly unlikely given that our pricing is based on the collective buying power of the State of Colorado contract), it would take 4.07 years to achieve a 100% recovery of our conversion costs. (e.g. \$218,000 x 0.25 = \$54,500 savings/yr; \$221,787 ÷ \$54,500 = 4.07 years)

Alternatives

The alternative to a Select Source Bid Waiver approval would be to conduct a competitive bid solicitation process and hope that billing service overlap and construction costs could be avoided in the event that our current network service provider, CenturyLink, wins the bid solicitation. There is also the likelihood that the number of MOE network connections that the County needs to use in the future will be reduced by leveraging cooperative ventures with other jurisdictions to implement private fiber network connections. However, we are still 3 to 5 years from realizing the potential of this strategy thereby necessitating the need to continue using MOE network services during this time period.

Reviewed by

This recommendation was presented to the Finance department and received their approval.

Attorney Comments

If appropriate, include this section.

David Bessen
Information Technology Director

Finance Department

County Attorney (required)



ARAPAHOE COUNTY
COLORADO'S FIRST

WAIVER OF PURCHASING POLICIES

WAIVER OF SOLICITATION <input type="checkbox"/>	WAIVER OF QUOTE <input type="checkbox"/>
PROPRIETARY <input type="checkbox"/>	SELECT SOURCE <input checked="" type="checkbox"/>
	FOR INFORMATION ONLY <input type="checkbox"/>

DESCRIPTION OF PROJECT: Metro Optical Ethernet Communications Network Standardization

PRICE: \$240,000/year ANNUAL MAINTENANCE: \$ 0

FIXED ASSET Yes No FIXED ASSET #

COST CENTER # 106525500 G/L # 54444 IO #

JUSTIFICATION (Provide Vendor name, How were they selected, Why requesting to waive purchasing policy process): It is requested that CenturyLink be retained as the County's Metro Optical Ethernet (MOE) network service provider and that a Select Source Bid Waiver be approved to obtain a new contract when the current contract expires June 30, 2016. The CenturyLink MOE network is a critical technology used by the County to provide a secure, reliable, high-bandwidth backbone network for voice and data communications. A Select Source Bid Waiver is being sought on grounds of this being in the best interest of the County and due to the impracticality of obtaining competitive bids for a complicated and critical infrastructure service. Specifically, the high costs associated with overlapping services and maintaining duplicate infrastructures if switching to another provider, and the risks and complexities associated with potentially having multiple MOE service providers and their requisite technology platforms for County buildings in different geographical parts of our jurisdiction when we currently have only one provider are the key considerations for this request.

David Bessen _____
Requestor Name, Signature & Telephone Number

Date

Elected Official/Department Head

Date

Purchasing Manager

Date

Comments: _____

Waiver approved, BoCC Reso #140221. Requestor to proceed with PO	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Requestor to schedule BoCC Drop In & Create Board Summary Report	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Janet Kennedy, Director of Finance (not to exceed \$100,000)

Date

BOCC, Chair

Date

Requestor to schedule BoCC Consent Agenda & Board Summary Report

Yes No

Resolution # _____

Per BoCC Resolution #140221 of 4/8/14, Purchasing Manager has authorization for sole approval up to \$25,000 plus exemptions to Policy



Board Summary Report

Date: March 29, 2016

To: Board of County Commissioners

Through: Shannon Carter, Open Spaces Department Director

From: Josh Tenneson, Grants and Acquisitions Manager

Subject: Select Source Purchasing Waiver Approval for Colorado Natural Heritage Program Biological Survey

Direction/Information: To provide information and seek direction on a select source purchasing waiver approval for biological survey/inventory services that are necessary for developing management plans and future public access on five different Open Spaces properties.

Request and Recommendation:

The recommendation from Open Spaces staff to the Board of County Commissioners is to approve the expenditure of up to \$50,000 in Open Space Acquisition and Development funds for the project.

Background:

The Open Spaces Department requests a bid waiver for the Colorado Natural Heritage Program (CNHP), a Colorado State University sponsored program, to conduct a biological survey/inventory of five large open space properties owned by Arapahoe County. The CNHP will provide a final report and maps summarizing the location of any rare/sensitive species, as well as the dominant plant communities on each property. The CNHP will also provide management recommendations for each property and prioritize areas for restoration. The recommendations will help us: 1) create management plans for each of our rural properties (this is one of our department's 2016/2017 strategic plan goals) and 2) prepare for how we potentially develop public access to each of the properties.

The Colorado Natural Heritage Program (CNHP) tracks and ranks Colorado's rare and imperiled species and habitats on a statewide scale, and provides information and expertise on these topics to promote the conservation of Colorado's valuable biological resources. Data maintained in the Colorado Natural Heritage Program database are an integral part of ongoing research at CSU.

Links to Align Arapahoe:

- Increase Intergovernmental Cooperation
- Increase Community and Regional Partnerships
- Improve Park, Trail and Open Space Opportunities
- Improve Customer Experience
- Optimize Use of Resources
- Enhance Quality of Life

Discussion:

Open Spaces requests to waive the purchasing policy process because CNHP:

- 1) is recognized as the leader in providing biological assessments across the state and has experience working with numerous city and county governments (CNHP has conducted similar work within over 50% of Colorado's counties);
- 2) has both zoologists and botanists on staff, which will create efficiencies and reduce costs (we might otherwise have to contract separately for animal surveys and plant surveys);
- 3) uses students and interns to support field work activities, which will promote educational opportunities and reduce costs; and
- 4) collects data in a consistent format so that it can be aligned with other jurisdictions and partners' data (CNHP has completed similar inventories for Denver, Aurora, Jefferson County, Douglas County, and Buckley Air Force Base).

We are looking for a consistent conservation partner with an established track record of *working with other Colorado county and municipal open space programs* to increase our capacity for planning, managing, and restoring our properties. All work will be conducted under Open Space staff direction.

Alternatives:

Delay, modify or deny approval.

Fiscal Impact:

The Open Space Resolution authorizes the County to contribute funds from the Open Space Sales and Use Tax for eligible joint projects between the County and municipalities or other governmental entities in the County. County support for this project in the amount of up to \$50,000 will come from the Open Space Acquisition and Trails fund. The fund balance exceeds this amount.

Concurrence:

None

Attorney Comments:

None

Reviewed By:

Josh Tenneson
Grants and Acquisitions Manager

Shannon Carter, Director
Intergovernmental Relations and Open Spaces

Tiffanie Bleau
Assistant County Attorney

Keith Ashby, Manager
Purchasing

Janet Kennedy, Director
Finance

BOARD OF COUNTY COMMISSIONER REFERRAL

Temporary Use Case Number: ZTU-2016-00007

Address: 2050 S Peoria Crossing – Colorado Motorsports Park

Case Manager: Tammy King, Zoning Administrator

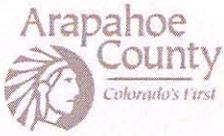
Commissioner Nancy Jackson

Commissioner Nancy Doty

Commissioner Nancy N. Sharpe

Commissioner Bill L. Holen

Commissioner Rod Bockenfeld



**Public Works and
Development/Zoning Division**
6924 S. Lima Street
Centennial, Colorado 80112
Phone: 720-874-6650 FAX 720-874-6611
www.arapahocgov.com

TEMPORARY USE PERMIT

ZTY-2016-00007

APPLICANT/REPRESENTATIVE: Colorado Motor Sports Park, LLC	ADDRESS: 2050 S CR 201 - Byers, CO 80103 PHONE: 303 981 8031 FAX: EMAIL: coloradomotorsportsparkllc@gmail.com	SIGNATURE: NAME: Don Hulse TITLE: Managing Member
OWNER(S) OF RECORD: Equity Holdings Group, Inc.	ADDRESS: 1315 Monroe Street - Strasburg, CO 80136 PHONE: 303 622 6780 FAX: EMAIL: alphahomes467@tds.net	SIGNATURE: NAME: Don Hulse TITLE: CEO
Parcel ID Number:	1987-00-0-00-109 109 239	
Address or Intersection:	2050 S CR 201	
Brief Legal Description:		
Subdivision Name & Filing No.:		
EXISTING		PROPOSED TEMPORARY USE
Zoning:	Mixed use PUD	Motor Sports
Land Use:		
Total Acres:	70	
Related Cases:	Z14-003	
CASE TYPE		
<input type="checkbox"/> Attorney	<input type="checkbox"/> Engineering	<input type="checkbox"/> Sheriff
<input type="checkbox"/> Building	<input type="checkbox"/> Fire District	<input type="checkbox"/> Tri-County Health
<input type="checkbox"/> Board of County Commissioners	<input type="checkbox"/> Oil & Gas Specialist	<input type="checkbox"/> Other:
<input type="checkbox"/> CDOT	<input type="checkbox"/> Planning	<input type="checkbox"/> Other:
<input type="checkbox"/> East End Advisory		
THIS SECTION FOR OFFICE USE ONLY		
Case No:		Zoning Case Manager:
Fees paid:	<input type="checkbox"/> Y <input type="checkbox"/> N	Dates to be returned:
Dates to be referred out:		Approval signature:
<p>This development application shall be accompanied with the applicable fee and shall not be considered valid until the <u>total application fee is received</u>. Submittal of this application does not mean you will receive automatic approval, nor does it establish a vested property right in accordance with C.R.S. 24-68-105(1). Further processing and review of this application may require additional information, and/or meetings, as outlined in the Arapahoe County Development Code.</p>		

Submit via Email

COLORADO MOTOR SPORTS PARK

2016 RACE SCHEDULE

SAT	April 2	10AM	Registration/Test & Tune
SAT	April 9	10AM	Registration/Test & Tune
SAT	April 23	6PM	OPENING NIGHT – Colorado Late Model Dirt Series, Colorado Sprint Cars Series, Modifieds, Sport Mods, Stocks, Xtreme Trucks
SAT	May 7	7PM	Out Front Promotions Flat Track Motorcycles and Motor Cross
SAT	May 14	7PM	Colorado Late Model Dirt Series, Modifieds, Sport Mods, Stocks, Hornets
SAT	May 21	7PM	Colorado Late Model Dirt Series, Colorado 1200 Outlaws, Dwarf Car's
SAT	May 28	7PM	Colorado Sprint Car Series, Modifieds, Sport Mods, Stocks, Econo's
SAT	June 11	7PM	Colorado Late Model Dirt Series, Colorado Micro Sprint Series, Sport Mods, Stocks, Xtreme Trucks
SAT	June 18	7PM	Out Front Promotions Flat Track Motorcycles and Motor Cross
SAT	June 25	7PM	Colorado Sprint Cars Series, Colorado 1200 Outlaws Series, Modifieds, Sport Mods, Econo's
FRI	July 1	7PM	Colorado Late Model Dirt Series, Modifieds, Sport Mods, Stocks
SAT	July 2	7PM	FIRST ANNUAL THUNDER ON THE PLAINS 100: COLORADO LATE MODEL DIRT SERIES
SAT	July 9	7PM	Colorado 1200 Outlaws, Colorado Micro Sprint Series, Modifieds, Sport Mods, Hornets
SAT	July 16	7PM	Out Front Promotions Flat Track Motorcycles and Motor Cross
SAT	July 23	7PM	Colorado Late Model Dirt Series, Dwarf Cars, Modifieds, Stocks, Xtreme Trucks
SAT	July 30	7PM	FIRST ANNUAL ERNIE DICROCE MEMORIAL Featuring UNITED REBEL SPRINT SERIES/IMCA RACE SAVER NATIONALS, Colorado 1200 Outlaws, Sport Mods
SAT	August 13	7PM	Colorado Late Model Dirt Series, Colorado Micro Sprint Series, Sport Mods, Stocks, Econo's
SAT	August 20	7PM	Colorado Late Model Dirt Series, Colorado 1200 Outlaws, 4 Cyl Trucks, Xtreme Trucks
NASCAR WEEKEND FEATURING KEN SCHRADER			
FRI	August 26	7PM	Colorado Late Model Dirt Series, Modifieds, Sport Mods, Stocks, Dwarf Cars
SAT	August 27	7PM	Colorado Sprint Cars Series, , Modifieds, Sport Mods, Stocks, Dwarf Cars
SUN	August 28	5PM	Rain Out Day for August 26 th or August 27 th (if needed)
CHAMPIONSHIP MONTH			
SAT	September 3	7PM	Out Front Promotions Flat Track Motorcycles and Motor Cross
SAT	September 10	7PM	CHAMPIONSHIP NIGHT, Colorado Late Model Dirt Series, Colorado Micro Sprint Series, Modifieds, Econo's, Xtreme Trucks
SAT	September 17	7PM	OPEN WHEEL NIGHT: Colorado Sprint Cars Series, Colorado 1200 Outlaw Series, Colorado Micro Sprint Series
SAT	September 24	7PM	CHAMPIONSHIP NIGHT, Colorado Sprint Cars Series, Colorado 1200 Outlaws, Sport Mods, Stocks, Econo's
SAT	October 1	7PM	Out Front Promotions Flat Track Motorcycles and Motor Cross
FAN APPRECIATION WEEKEND			
FRI	October 7	7PM	DWARF CAR STATE CHAMPIONSHIP, Colorado Sprint Cars Series, Colorado Micro Sprint Series, Modifieds, Sport Mods, Stocks
SAT	October 8	5PM	Colorado Late Model Dirt Series, Modifieds, Sport Mods, Stocks, Xtreme Trucks



2050 S CR 201 – Byers, CO www.coloradomotorsportsparkllc.com 303 981 8031 720 951 7162

COLORADO MOTOR SPORTS PARK, LLC

2050 SCR 201 - BYERS, CO 80103

303-981-8031

720 951 7162

www.coloradomotorsportsparkllc.com

Subject: Letter of intent

CMSP will be hosting weekly races on a 3/8 mile dirt track. Races will be held every Saturday of the month with a few exceptions to special events (see attached schedule). The races will start at 7PM and will last approximately 3 hours.

Black Kettles Tavern leases area from CMSP to operate a beer garden for the facility and holds the license to operate the beer garden.

There will be food vendors contracted for each event per Tri-County health permits.

CMSP will be seating all fans outside until the grandstand buildings renovations have been completed. Once the grandstands are completed and all permits are in place with Colorado Department of Health for the existing waste water system, we will be seating inside as well as out and using the existing bathrooms instead of porto-lets that will be on site for the start of the season.

Thank you,

Don Hulse Owner/Promoter

Colorado Motor Sports Park, LLC

SITE PERSPECTIVE



COLORADO MOTOR SPORTS PARK - BYERS, CO

O - Track lighting
 X - Parking lights Existing

SITE STATISTICS:
 59 ACRES
 189 ACRES ADDITIONAL EXPANSION
 1,700 ENCLOSED GRANDSTAND SEATS
 6,000 TOTAL SEATING (INDOOR + OUTDOOR)
 100+ PIT SPACES
 32 SHOP SPACES

EXISTING BUILDING COMPLEX
 ENVELOPE UPGRADES
 SOLAR THERMAL UPGRADES
 "SKYBOX" UPGRADES

2397 BLAKE STREET, SUITE 100, DRIVER CO 80225 ©: 303.641.4400 F: 303.641.4444 WWW.BYGROUP.COM

BUCHANAN YONUSHENSKI GROUP, LLC

.COM





October 29, 2015

Sherman Feher
Public Works and Development
6924 S Lima St
Centennial, CO 80112

RE: Colorado Motor Sports Park
Water and Wastewater Service Plan
Z14-003, Preliminary Development Plan
TCHD Case #3396

Dear Mr. Feher:

As of the date of this letter, Tri-County Health Department (TCHD) has not received the Water and Wastewater Service Plan (Plan) that we requested as a condition of approval for the Preliminary Development Plan (PDP) for the subject facility, by Arapahoe County Planning. The plan was required in our letter to Arapahoe County Planning, dated February 5, 2015. The specific elements of the plan were outlined in our March 26, 2015 letter to Don Hulse, with Colorado Motor Sports (CMS).

Mr. Hulse has retained the services of a Professional Engineer to assist CMS with compliance with the Colorado Department of Public Health and Environment's (CDPHE) requirements for the CMS Wastewater Treatment Facility (WWTF) and the Water Treatment Plant (WTP). TCHD contacted the applicant's engineer, Nick Marcotte, P.E, with RG & Associates, LLC (RG) on October 14, 2015 to discuss the status of the WWTF and the WTP. Mr. Marcotte confirmed that he is working for CMS to comply with the CDPHE requirements for the WWTF. In addition, RG has prepared a Water Treatment Plant Process Design Report (WTPPDR), dated August 2015, to address upgrades to the WTP, in order to bring it into conformance with the CDPHE requirements.

CDPHE issued a Discharge Permit (Permit) for the WWTF on April 23, 2015. The Permit from CDPHE includes a Compliance Schedule with Specific Tasks and Milestones. The WTPPDR from RG was submitted to CDPHE for their review. TCHD has also received a copy of the WTPPDR.

Based on our review of the Compliance Schedule Requirements within the Discharge Permit and the WTPPDR, TCHD has determined that the key elements of the Water and Wastewater Service Plan requested by TCHD are addressed. Furthermore, it is TCHD's understanding that CDPHE's regulatory authority will ensure enforcement action against CMS, in the event of non-compliance.

**Preliminary Development Plan
Colorado Motor Sports Park,
Z14-003
October 29, 2015**

Page 2 of 2

On this basis, it is TCHD's position that the elements of the Water and Wastewater Plan will be adequately addressed through the CDPHE process. TCHD plans to monitor the CDPHE process and keep Arapahoe County Planning informed about CMS's compliance with the CDPHE requirements.

Sincerely,

A handwritten signature in cursive script, appearing to read "Warren S. Brown".

Warren S. Brown, P.E.
Public Health Engineer

CC: Sheila Lynch, Brian Hlavacek, Michael Weakley, TCHD
Randy Ogg, P.E, Bret Icenogle, P.E., CDPHE
Don Hulse, CMS